



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **REGULATED HEALTH PROFESSIONS ACT**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to December 20, 2017. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

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If you find any errors or omissions in this consolidation, please contact:

*Legislative Counsel Office*  
*Tel: (902) 368-4292*  
*Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)*



## REGULATED HEALTH PROFESSIONS ACT

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## REGULATED HEALTH PROFESSIONS ACT

### CHAPTER R-10.1

#### PART I - INTERPRETATION

##### 1. Definitions

In this Act,

- (a) “**Advisory Council**” means the Health Professions Advisory Council established under section 63;
- (b) “**Canadian jurisdiction**” means a Canadian jurisdiction as defined in the *Labour Mobility Act* R.S.P.E.I. 1988, Cap. L-1.1;
- (c) “**college**” means a college established or continued under clause 2(1)(b) for a regulated health profession;
- (d) “**council**” means the council of a college;
- (e) “**deputy registrar**” means the deputy registrar appointed under subsection 10(5);
- (f) “**extra-provincial certification**”, in relation to an individual, means a certificate, license, registration or other form of official recognition issued by a professional regulatory body regulating the individual’s health profession in a Canadian jurisdiction, other than Prince Edward Island, that attests that the individual is qualified and authorized to engage in the practice of the health profession and to use a title relating to the practice of the health profession;
- (g) “**health care**” means any care, service or procedure, including the sale or dispensing of a drug, device, equipment or another item pursuant to a prescription,
  - (i) to diagnose, treat or maintain an individual’s health,
  - (ii) to prevent disease or injury or promote health, or
  - (iii) that affects the structure or function of a body;
- (h) “**health profession**” means a profession in which a person exercises skill or judgment in providing health care;
  - (i) “**health profession corporation**” means a corporation that holds a valid permit;
- (j) “**member**”, except where the context requires otherwise, means an individual who is registered in a register of a regulated health profession;
- (k) “**Minister**” means the Minister of Health and Wellness;
- (l) “**multi-disciplinary college**” means a college established under subclause 2(1)(b)(iii) or (iv);
- (m) “**permit**” means a permit issued pursuant to section 15 authorizing a health profession corporation to carry on the business of providing the professional services of a member;

- (n) “**public representative**” means an individual appointed as a public representative to a council under clause 7(4)(b);
- (o) “**register**” means the register of a regulated health profession kept by a registrar;
- (p) “**registrar**” means the registrar of a college appointed under subsection 10(2);
- (q) “**regulated health profession**” means a health profession designated by regulation as a regulated health profession pursuant to clause 2(1)(a);
- (r) “**reserved activity**” means a reserved activity referred to in subsection 86(1).  
*2013,c.48,s.1; 2017,c.72,s.1.*

## PART II – GOVERNANCE

### Designation

#### 2. Designation of a health profession

- (1) The Lieutenant Governor in Council may, by regulation,
  - (a) designate a health profession as a regulated health profession for the purposes of this Act;
  - (b) in respect of a regulated health profession, do one of the following:
    - (i) continue an existing association or body corporate as the college for that profession,
    - (ii) establish the college for that profession,
    - (iii) establish the college for that profession and any other health profession,
    - (iv) establish that an existing college, which regulates another health profession, is also the college for that profession;
  - (c) prescribe the name of the college for a regulated health profession;
  - (d) prescribe the scope of practice of a regulated health profession;
  - (d.1) prescribe a regulated health profession in respect of which subsection (3) does not apply, as provided in subsection (4);
  - (e) provide for any other matter the Lieutenant Governor in Council considers necessary or advisable for the establishment or continuance of a college.

#### Two or more health professions

- (2) Regulations made in respect of a multi-disciplinary college under subclause (1)(b)(iii) or (iv) may apply to
  - (a) each regulated health profession separately; or
  - (b) two or more of the regulated health professions jointly.

#### Prohibition

- (3) Where a health profession has been designated as a regulated health profession under this section, no person shall practise the regulated health profession except as a member of the college for the regulated health profession.

#### Title protection only

- (4) Subsection (3) does not apply in respect of a prescribed regulated health profession that does not have a distinct and identifiable scope of practice. *2013,c.48,s.2; 2017,c.72,s.2.*





**3. Body corporate**

A college continued or established pursuant to clause 2(1)(b) is a body corporate. *2013,c.48,s.3.*

**4. Objects**

- (1) A college shall carry out its objects and govern its members in a manner that serves and protects the public interest.

***Idem***

- (2) A college has the following objects:
- (a) to regulate the practice of its regulated health profession and govern its members in accordance with this Act, the regulations and bylaws;
  - (b) to develop, establish, maintain, monitor compliance with and enforce standards of academic or technical achievement and qualification for registration as a member of the regulated health profession;
  - (c) to develop, establish, maintain, monitor and enforce standards of practice to enhance the quality of practice by its members;
  - (d) to develop, establish, maintain, monitor compliance with and enforce standards respecting continuing education for its members, and develop rules respecting exemptions from the continuing education requirements in circumstances the college considers appropriate;
  - (e) to provide information for the public about the regulated health profession and assist persons in exercising their rights under this Act and the regulations and bylaws;
  - (f) to develop, establish and maintain programs to promote the ability of its members to respond to changes in practice environments, advances in technology and other emerging issues;
  - (g) to promote and enhance relations between the college and its members, other colleges, key stakeholders and the public;
  - (h) to promote inter-professional collaboration with other colleges; and
  - (i) to administer the college's affairs and perform its duties and carry out its powers in accordance with this Act, the regulations and the bylaws.

**Prohibitions re fees**

- (3) A college shall not set professional fees, provide guidelines for professional fees or negotiate professional fees on behalf of some or all of its members.

**Practice directives**

- (4) A college may issue practice directives to its members for the purposes of subsection (2). *2013,c.48,s.4; 2015,c.13,s.1.*

**5. Powers**

In addition to any power conferred by this or any other Act, a college may do such things as it considers appropriate to advance the purposes of the college and, without limiting the generality of the foregoing, may

- (a) purchase, take in, lease, exchange, hire, construct and otherwise acquire and hold, sell, mortgage, hypothecate, lease out or otherwise deal with any real or personal property;

- (b) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, warrants and other negotiable and transferable instruments;
- (c) expend the moneys of the college in the advancement of its objects and the interests of the regulated health professions in the manner it considers expedient;
- (d) establish and maintain the offices and agencies that it considers expedient;
- (e) invest and deal with any moneys and funds of the college that are not immediately required, in the manner that it considers expedient;
- (f) improve, manage, develop, exchange, dispose of or otherwise deal with the real or personal property of the college;
- (g) borrow money for the use of the college on its credit, limit or increase the amount to be borrowed, issue bonds, debentures, debenture stock and other securities on the credit of the college and pledge or sell such securities for the sums or at prices that it considers expedient; and
- (h) do such things as are incidental or necessary to the exercise of the powers referred to in clauses (a) to (g). *2013,c.48,s.5.*

**6. Members**

The membership of a college comprises those individuals whose names appear on the register of the college and who have paid the fees provided for in the bylaws. *2013,c.48,s.6.*

**7. Council established**

- (1) For each college established or continued pursuant to clause 2(1)(b) there is hereby established a governing body called the council.

**Duties of council**

- (2) The council of a college shall
- (a) manage and conduct the business and affairs of the college; and
  - (b) exercise the college's rights, powers and privileges in the college's name and on the college's behalf.

**Initial members of council**

- (3) Notwithstanding subsection (5), the Minister may, by order, appoint persons to the first council for a college established under subclause 2(1)(b)(ii) or (iii), to hold office for a term specified by the Minister.

**Members**

- (4) Subject to subsection (5), a council shall consist of at least 6 persons who are either
- (a) members of the college, nominated in accordance with the college's bylaws and appointed by the Minister; or
  - (b) public representatives appointed by the Lieutenant Governor in Council.

**Public representative**

- (5) At least 1/3 of the members of a council appointed under subsection (4) shall be public representatives.



**Delayed application**

- (5.1) Subsections (4) and (5) do not apply to the council of a college continued under subclause 2(1)(b)(i) for a period of 2 years from the date on which the college is continued under that clause.

**Council of multi-disciplinary college**

- (6) For the purposes of a multi-disciplinary college established pursuant to subclause 2(1)(b)(iii) or (iv), the council shall consist of
- (a) in respect of the members to be appointed under clause (4)(a), at least one member from each regulated health profession that is governed by the college, nominated by the persons carrying on that regulated health profession and appointed by the Minister; and
  - (b) the public representatives appointed by the Lieutenant Governor in Council in accordance with clause (4)(b).

**Prohibition**

- (7) A person shall not serve as a public representative on more than one council or committee of a college at any one time.

**Term**

- (8) The term of office of a member of a council shall not exceed three years.

**Limitation on length of service**

- (9) A member of a council may serve more than one term of office but shall not serve for more than six consecutive years.

**Continuation of service**

- (10) Notwithstanding subsection (8), a member of a council continues to hold office after the expiry of the member's term until
- (a) the member is *re*-elected, reappointed or resigns, or a successor is elected or appointed; or
  - (b) the expiry of three months,
- whichever occurs first.

**“Consecutive” defined**

- (11) For the purposes of subsection (9), “consecutive” means that the member has held office without a break or interruption lasting more than four months. *2013,c.48,s.7; 2015,c.13,s.2.*

**8. Effect of vacancy**

- (1) A council may act despite a vacancy in its membership as long as a quorum is maintained.

**Quorum**

- (2) Subject to subsection (2.1), a majority of the members of a council, at least one of whom must be a public representative, constitutes a quorum.

**Delayed application**

- (2.1) Subsection (2) does not apply to the council of a college continued under subclause 2(1)(b)(i) for a period of 2 years from the date on which the college is continued under that clause.

**Remuneration, etc.**

- (3) The members of a council shall be paid remuneration and expenses in accordance with the bylaws of the council.

**Election of officers**

- (4) The members of a council shall elect from among their number the officers of the college that are specified in the bylaws, in the manner and for the terms specified in the bylaws.  
*2013, c.48, s.8; 2015, c.13, s.3.*

**9. Revocation**

- (1) The appointment of a public representative appointed under clause 7(4)(b)
- (a) may be revoked by the Lieutenant Governor in Council
    - (i) at any time, or
    - (ii) pursuant to a request made by the council under subsection (2); and
  - (b) is revoked at the time
    - (i) the member resigns from the council by notice in writing delivered to the council, or
    - (ii) the member ceases to reside in the province.

**Request to revoke appointment**

- (2) A council may request that the Minister revoke the appointment of a member appointed under clause 7(4)(a), or that the Lieutenant Governor in Council revoke the appointment of a member appointed under clause 7(4)(b), where the member
- (a) fails to attend three consecutive meetings of the council without, in the opinion of the council, reasonable excuse;
  - (b) is convicted of an offence that, in the opinion of the council, renders the member unsuitable to continue to hold office as a member;
  - (c) commits an act, other than one referred to in clause (b), that, in the unanimous opinion of the other members of the council, undermines the ability of the member to act credibly as a member; or
  - (d) is, in the opinion of the council, unlikely to be able to fulfil the member's duties on the council due to physical or mental incapacity.

**Replacement**

- (3) Where a council member who was appointed under clause 7(4)(a) ceases to hold office before the member's term expires, the Minister may appoint a new member to hold office for the unexpired portion of the term. *2013, c.48, s.9.*

**10. Bylaws**

- (1) A council may make bylaws not inconsistent with this Act or the regulations relating to the management and operation of the college, including bylaws
- (a) respecting the governance procedures of the college;
  - (b) respecting the election or appointment of officers and the appointment of agents and employees of the college;
  - (c) respecting the nomination and removal of members of the council;
  - (d) respecting the qualifications, terms of office, powers, duties, remuneration and removal of the officers, agents and employees of the college;



- (e) providing for the holding of meetings of the college and the council, quorum requirements and the conduct of meetings, including
  - (i) fixing the time and place for regular meetings,
  - (ii) determining by whom meetings may be called,
  - (iii) regulating the conduct of meetings, including voting procedures,
  - (iv) providing for emergency meetings, and
  - (v) regulating the notice required in respect of meetings;
- (f) respecting the establishment and operation of committees of the college, including
  - (i) determining the composition, powers and duties of the committees, and
  - (ii) providing for the holding of meetings of committees, quorum requirements and the conduct of meetings of committees;
- (g) respecting relationships with external agencies, including authorizing the college to enter into agreements with external agencies;
- (h) repealed by 2014, c.46, s.2(a);
- (h.1) establishing the business year of the college;
- (i) establishing fees and any other assessments of members;
- (j) establishing the duties, remuneration and allowances of members of the council and committees, and providing for the payment of necessary expenses of the council and committees;
- (k) establishing the seal of the college;
- (l) providing for the execution of documents by the college; and
- (m) establishing procedures for the making, amendment and revocation of the bylaws of the council.

**Registrar**

- (2) A council
  - (a) shall appoint a registrar for the purposes of this Act and the regulations; and
  - (b) may remunerate the registrar for performing the registrar's duties under this Act.

**Non-voting membership**

- (3) The registrar is a non-voting member of a council.

**Duties of registrar**

- (4) A registrar shall
  - (a) keep and maintain registers and records as directed by the council;
  - (b) perform the duties of the registrar in respect of discipline matters under Part VI; and
  - (c) perform other functions and duties assigned to the registrar by the council.

**Other officers**

- (5) The council may appoint a deputy registrar and such other officers, agents or employees as it considers necessary to assist it in carrying out its duties under this Act and the regulations.

**Registrar absent or unable to act**

- (5.1) Where a registrar is absent or unable to act, a deputy registrar has the powers and duties of a registrar under this Act and the regulations.

### Delegation

- (5.2) A registrar may delegate in writing any of the registrar's powers and duties under this Act and the regulations to a deputy registrar, and may impose terms or conditions the registrar considers appropriate on the delegation. *2013,c.48,s.10; 2014,c.46,s.2; 2015,c.13,s.4; 2017;c.14,s.1.*

## PART III – REGISTRATION

### Register of Regulated Health Profession

#### 11. Registers

A registrar shall keep a register for each regulated health profession of a college and a record of health profession corporations, which shall be open to inspection during regular office hours free of charge. *2013,c.48,s.11.*

#### 12. Application

- (1) A person may apply to the registrar, in the form approved by the council, to be
- (a) registered in the register of a regulated health profession; and
  - (b) issued a certificate of registration.

#### Eligibility criteria

- (2) Subject to section 25, an applicant is eligible to be registered in the register of a regulated health profession and to be issued a certificate of registration if the applicant
- (a) is entitled to work in Canada;
  - (b) has reasonable proficiency in written and spoken English, in accordance with the regulations;
  - (c) meets any applicable requirements with respect to education set out in the regulations;
  - (d) meets any applicable requirements with respect to examinations set out in the regulations;
  - (e) meets any applicable requirements with respect to internship training, supervised practice or a practicum set out in the regulations;
  - (f) meets any applicable requirements with respect to currency of professional knowledge and skills set out in the regulations;
  - (g) where applicable, is in good standing with the professional regulatory body regulating the practice of a health profession or the use of titles relating to the practice of a health profession, in each jurisdiction in which the applicant was previously authorized to practise the health profession or use a title relating to the practice of the health profession;
  - (h) has not been found guilty of an offence that, in the council's opinion, renders the applicant unsuitable to practise the regulated health profession;
  - (i) has not been disciplined by a professional regulatory body for misconduct, incompetence or incapacity that, in the council's opinion, renders the applicant unsuitable to practise the regulated health profession;
  - (j) holds or is covered by professional liability insurance or protection as required by the regulations;



- (k) meets any other requirements set out in the regulations; and
- (l) has paid the fee established by the bylaws.

**Review by registrar**

- (3) On receipt of an application made in accordance with subsection (1), the registrar shall review the application and, subject to subsection (5), may register the applicant in the register and issue a certificate of registration to the applicant if the registrar is satisfied that the applicant meets the requirements for registration set out in subsection (2).

**Extra-provincial certification**

- (4) An applicant who holds extra-provincial certification in the regulated health profession that is, in the opinion of the registrar, substantially equivalent to the registration being applied for is deemed to have met the requirements of clauses (2)(a) to (f), except any requirements with respect to an examination of local practice knowledge.

**Referral to council**

- (5) The registrar shall refer an application to the council where the registrar
  - (a) is not satisfied that the applicant meets the requirements as set out in subsection (2) or (4); or
  - (b) has reason to believe that the applicant
    - (i) has an outstanding charge for, or has been found guilty of, an offence, or
    - (ii) is under investigation, or has been disciplined, by a professional regulatory body for misconduct, incompetence or incapacity.

**Review by council**

- (6) Subject to section 25, on receipt of an application referred by the registrar under subsection (5), the council shall review the application and, subject to the regulations, may
  - (a) direct the registrar to register the applicant in the register of the regulated health profession and issue a certificate of registration to the applicant; and
  - (b) impose any terms or conditions the council considers appropriate on the registration of the applicant.

**Direction**

- (7) On receipt of a direction from the council under subsection (6), the registrar shall
  - (a) register the applicant in the register of the regulated health profession; and
  - (b) issue a certificate of registration to the applicant. *2013,c.48,s.12; 2014,c.46,s.1; 2015,c.13,s.5; 2017,c.72,s.3; 2017;c.14,s.2.*

## Special Registration

**13. Special registration**

- (1) Notwithstanding section 12, a person who is authorized by a professional regulatory body in another jurisdiction recognized by a council to
  - (a) practise a regulated health profession; or
  - (b) use a title relating to the practice of the regulated health profession,

may apply to the council, in a form approved by the council, to be registered in the register of the regulated health profession for a limited time or for a special purpose.

**Application and fees**

- (2) An applicant shall provide the following with an application made under subsection (1):
- (a) proof satisfactory to the council that the applicant meets the qualifications and requirements set out in clause (3)(b);
  - (b) payment of the fees established by the bylaws.

**Eligibility for registration**

- (3) Subject to section 25, the council may direct the registrar to register an applicant in a register and issue a certificate of registration to the applicant where
- (a) the council approves the registration of the applicant for the time period or the special purpose proposed by the applicant; and
  - (b) the council is satisfied that the applicant
    - (i) has submitted an application in accordance with subsections (1) and (2),
    - (ii) is authorized to practise a regulated health profession, or to use a title relating to the practice of the regulated health profession, by a professional regulatory body in another jurisdiction recognized by the council, in a professional category considered by the council to be equivalent or comparable to registration in that register,
      - (ii.1) meets the requirements in clauses 12(2)(g) to (j), as required by the council,
    - (iii) has paid the fees established by the bylaws, and
    - (iv) meets any other requirements set out in the regulations.

**Registration**

- (4) On receipt of a direction from the council under subsection (3), the registrar shall
- (a) register the applicant in the register as directed by the council; and
  - (b) issue a certificate of registration to the applicant. *2013,c.48,s.13; 2017,c.14,s.3.*

## HONOURARY MEMBERSHIP

**14. Honourary membership**

- (1) A college may, in accordance with its bylaws, confer an honorary membership in the college on any individual.

**No entitlement to practice**

- (2) An honorary membership does not entitle its holder to practise the regulated health profession of the college or to have the holder's name entered in the register. *2013,c.48,s.14.*

## Health Profession Corporations

**15. Application for permit**

- (1) A corporation may apply to the registrar, in the form approved by the council, for a permit to operate as a health profession corporation.





**Eligibility criteria**

- (2) Subject to section 25, an applicant is eligible for a permit to operate as a health profession corporation if
- (a) the corporation has submitted an application in accordance with subsection (1);
  - (b) the corporation is in good standing in accordance with the legislation under which it was incorporated;
  - (c) the letters patent or articles of incorporation of the corporation permit the corporation to carry on the practice of a regulated health profession;
  - (d) the name of the corporation meets the requirements set out in the regulations;
  - (e) each issued voting share of the corporation is legally and beneficially owned by
    - (i) a member,
    - (ii) a trust in which all of the trustees and all of the beneficiaries are members,
    - (ii.1) repealed by 2017,c.72,s.4,
    - (iii) a health profession corporation, or
    - (iv) a corporation
      - (A) of which each issued voting share is legally and beneficially owned by one or more of the persons described in subclause (i) or (ii), and
      - (B) that meets the requirements of clauses (f) and (g);
  - (f) each issued non-voting share of the corporation is legally and beneficially owned by
    - (i) a member,
    - (ii) a health profession corporation that is a voting shareholder in the corporation,
    - (iii) a spouse, child, grandchild, sibling or parent of a member who
      - (A) is a voting shareholder in the corporation, or
      - (B) is a voting shareholder in a health profession corporation that is a voting shareholder in the corporation,
    - (iii.1) repealed by 2017,c.72,s.4,
    - (iv) a trust in which all of the trustees and all of the beneficiaries are persons described in subclause (i), (ii) or (iii), or
    - (v) a corporation of which
      - (A) each issued share is legally and beneficially owned by one or more of the persons described in subclause (i), (ii), (iii) or (iv), and
      - (B) each of the officers and directors are persons described in subclause (i), (ii) or (iii);
  - (g) all of the officers and directors of the corporation are members;
  - (h) the persons who practise a regulated health profession on behalf of the corporation are members who hold valid certificates of registration;
  - (h.1) the corporation holds or is covered by professional liability insurance or protection as required by the regulations;
  - (i) the corporation has paid the fee established by the bylaws; and
  - (j) the corporation meets any other requirements set out in the regulations.

**Review by registrar**

- (3) On receipt of an application made in accordance with subsection (1), the registrar shall review the application and, subject to subsection (4), may add the name of the applicant to the

record of health profession corporations and issue a permit to the applicant if the registrar is satisfied that the applicant meets the requirements set out in subsection (2).

**Referral to council**

- (4) The registrar shall refer an application by a corporation to the council where the registrar is not satisfied that the applicant meets the requirements set out in subsection (2).

**Review by council**

- (5) Subject to section 25, on receipt of an application referred by the registrar under subsection (4), the council shall review the application and, subject to the regulations, may
- (a) direct the registrar to record the applicant's name in the record of health profession corporations and issue a permit to the applicant; and
  - (b) impose any terms or conditions the council considers appropriate on the permit of the applicant.

**Registration**

- (6) On receipt of a direction from the council under subsection (5), the registrar shall
- (a) add the name of the applicant to the record of health profession corporations maintained by the registrar; and
  - (b) issue a permit to the applicant.

**Requirement to notify council**

- (7) A health profession corporation that ceases to meet any eligibility requirement for its permit under this Act or the regulations shall notify the council for that regulated health profession without delay.

**Prohibition**

- (8) A corporation, including a health profession corporation, shall not be registered as a member of a college. *2013,c.48,s.15; 2013,c.21,s.1; 2014,c.46,s.1; 2015,c.13,s.6; 2017,c.72,s.4; 2017;c.14,s.4.*

## TERMS AND CONDITIONS

**16. Notice of terms or conditions**

- (1) Where a council imposes terms and conditions on a registration or a permit, the council shall give notice of the terms and conditions to the affected member or health profession corporation, as the case may be, in accordance with section 85.

**No contravention of the *Labour Mobility Act***

- (2) A council shall not impose a term or condition on a registration or a permit that contravenes the *Labour Mobility Act*. *2013,c.48,s.16.*

## Information in Registers and Records

**17. Information to be entered in registers**

- (1) A registrar shall enter in the register, in respect of each member who is registered in that register,
- (a) the name and business address of the member and, if applicable, the name of each health profession corporation of which the member is a shareholder or a director;



- (b) the qualifications of the member;
- (c) whether the member is not authorized to provide a reserved activity that is normally provided by members of the member's college;
- (d) any terms or conditions imposed by the council on the member's registration;
- (d.1) the date and circumstances of the surrender of the registration of a member;
- (e) the date and circumstances of any suspension, cancellation or reinstatement of the registration of the member or other result of a disciplinary proceeding involving the member; and
- (f) any other information required to be entered in the register by the regulations.

**Notification of change in information**

- (2) A member who is registered in a register shall notify the registrar without delay of any change in the information or qualifications to be registered referred to in clauses (1)(a) to (c) in respect of the member.

**Information to be entered in record**

- (3) A registrar shall enter in the record for each health profession corporation that holds a permit issued under section 15 in respect of the regulated health profession of the college
- (a) the name and business address of the health profession corporation and every director of the health profession corporation;
  - (b) any terms or conditions imposed by the council on the health profession corporation's permit;
  - (c) the date and circumstances of any suspension or cancellation of the health profession corporation's permit or other result of a disciplinary proceeding involving the health profession corporation; and
  - (d) any other information required to be entered in the register by the regulations.  
*2013,c.48,s.17; 2017,c.72,s.5; 2017;c.14,s.5.*

**18. Disclosure of information**

Upon request, a registrar shall disclose

- (a) to any person,
  - (i) the name, business address, qualifications, registration status and registration history of a member or former member,
  - (ii) the nature and disposition of any complaint, investigation or hearing respecting a member or former member
    - (A) that was resolved by agreement or by an order made with the consent of the member or former member, or
    - (B) where a hearing committee determined that the conduct of the member or former member constituted professional misconduct or incompetence,
  - (iii) aggregate, non-identifiable demographic information from a register, and
  - (iv) any other information required by the regulations to be disclosed; and
- (b) to a professional regulatory body, in addition to the information described in clause (a),
  - (i) the nature of any ongoing complaint, investigation or hearing respecting a member or former member, and

- (ii) any other information required by the regulations to be disclosed.  
*2013,c.48,s.18; 2017,c.72,s.6.*

## Certificates and Permits

### 19. Certificate of registration, permit

- (1) A registrar shall include the following information on a certificate of registration or a permit:
- (a) the name of the member or health profession corporation, as the case may be;
  - (b) the register in which the member is registered;
  - (c) the expiry date of the certificate of registration or permit;
  - (d) any terms and conditions imposed on the registration of the member or the permit of the health profession corporation;
  - (e) any other information required to be included on a certificate of registration or a permit by the regulations.

#### Amendment

- (2) If any of the information referred to in subsection (1) changes, the registrar shall amend the registration of the member or the record in respect of a health profession corporation and issue a replacement certificate of registration or permit, as the case may be.

#### Expiry

- (3) Repealed by *2015,c.13,s.7.*

#### Renewal

- (4) Upon renewal of a registration or a permit, the registrar shall issue a replacement certificate of registration or permit.

#### Suspension or cancellation

- (5) Where the registration of a member or the permit of a health profession corporation is suspended or cancelled under this Act or the regulations,
- (a) the certificate of registration of the member or the permit of the health profession corporation is invalid; and
  - (b) the member or health profession corporation shall, without delay after being served with notice of the suspension or cancellation, return the certificate of registration of the member or permit of the health profession corporation to the council.

#### Expiry of suspension

- (6) Upon the expiry of the suspension of the registration of a member or the permit of a health profession corporation, the registrar shall, if the member or health profession corporation continues to meet the requirements of section 12 and section 15, respectively, issue a replacement certificate of registration or permit, as the case may be.

#### Production or display of certificate

- (7) A member shall
- (a) on request by any person, produce his or her certificate of registration for inspection; and
  - (b) if required to do so by the regulations, display the certificate of registration in a conspicuous place where the member practises. *2013,c.48,s.19; 2015,c.13,s.7; 2017,c.72,s.7.*



**20. Certificate of registration**

- (1) - (7) repealed by 2017, c.72, s.8. 2013, c.48, s.20; 2015, c.13, s.8; 2017, c.72, s.8.

**Requirement to Notify Council****21. Notification of council - member**

A member who or health profession corporation that

- (a) is found guilty of an offence;
- (b) is disciplined by a professional regulatory body in another jurisdiction; or
- (c) ceases to hold professional liability insurance or protection as required by the regulations,

shall notify the council for that regulated health profession without delay. 2013, c.48, s.21.

**Renewal of Registration or Permit****22. Renewal of certificate of registration**

- (1) Subject to the regulations, a member or a health profession corporation may, at least 30 days before the certificate of registration of the member or the permit of the health profession corporation expires, apply to the registrar for that regulated health profession, in a form approved by the council, for renewal of the registration or permit, as the case may be.

**Eligibility for renewal**

- (2) The registrar shall review the application made under subsection (1) and may renew
- (a) the registration of an applicant who is a member if the registrar is satisfied that the applicant
    - (i) has fulfilled any applicable continuing education and competency requirements as set out in the regulations,
    - (ii) has fulfilled any applicable requirements for currency of professional knowledge and skills as set out in the regulations,
    - (iii) has not been found guilty of an offence that, in the council's opinion, renders the applicant unsuitable to practise the regulated health profession,
    - (iv) has not been disciplined by a professional regulatory body for conduct that, in the council's opinion, renders the applicant unsuitable to practise the regulated health profession,
    - (v) holds or is covered by professional liability insurance or protection as required by the regulations,
    - (v.1) meets any other requirements set out in the regulations, and
    - (vi) has paid the fee established by the bylaws; and
  - (b) the permit of a health profession corporation if the registrar is satisfied that the health profession corporation continues to meet the requirements of clauses 15(2)(b) to (h.1) and has paid the fee established by the bylaws.

**Referral to council**

- (3) The registrar shall refer an application by a member or a health profession corporation to the council where

- (a) the registrar is not satisfied that the applicant meets the requirements set out in subsection (2); or
- (b) the member or the health profession corporation is currently subject to an interim suspension.

**Review by council**

- (4) Subject to section 25, on receipt of an application referred by the registrar under subsection (3), the council shall review the application and, subject to the regulations, may
  - (a) direct the registrar to renew the registration of the member or the permit of the health profession corporation, as the case may be; and
  - (b) impose any terms or conditions the council considers appropriate on the registration of the member or the permit of the health profession corporation, as the case may be.*2013,c.48,s.22; 2014,c.46,s.1; 2015,c.13,s.9;2017,c.72,s.9; 2017;c.14,s.6.*

**Cancellation of Registration or Permit**

**23. Expiry of registration, permit**

- (1) Subject to subsection (2), the registration of a member or the permit of a health profession corporation expires on the expiry date indicated on the certificate of registration or the permit, as the case may be.

**Extension**

- (2) Notwithstanding subsection 22(1), on the written request of a member or health profession corporation, the council may, in writing,
  - (a) extend the time for making an application for renewal of a registration or permit; or
  - (b) extend the registration or permit beyond the expiry date specified on the certificate or permit for a period not exceeding 30 days.

**Surrender of certificate of registration**

- (3) A member or health profession corporation may
  - (a) surrender the certificate of registration held by the member or the permit held by the health profession corporation to the registrar; and
  - (b) request, in writing, that the registrar cancel the registration of the member or the permit of the health profession corporation.

**Cancellation of registration**

- (4) On receipt of a request by a member or health profession corporation under clause (3)(b), the registrar shall cancel the registration of the member or the permit of the health profession corporation. *2013,c.48,s.23; 2017,c.72,s.10.*

**Reinstatement of Registration**

**24. Application for reinstatement**

- (1) Subject to the regulations, where the registration of a former member expired or was cancelled under section 23 a prescribed minimum waiting period has passed but not more than a maximum prescribed period of time has passed since the expiry or cancellation, the former member may apply to the council for that regulated health profession, in a form approved by the council, for reinstatement of his or her registration.



**Waiver of waiting period**

- (1.1) A council may in its discretion waive the waiting period imposed under subsection (1).

**Idem**

- (2) Repealed by 2017,c.72,s.12.

**Application and fees**

- (3) An applicant shall provide the following with an application made under subsection (1):
- (a) proof satisfactory to the council that the applicant meets the qualifications and requirements as set out in subsection (4);
  - (b) payment of the fees established by the bylaws.

**Eligibility for reinstatement - member**

- (4) Subject to section 25, the council shall direct the registrar to reinstate the registration of an applicant who is a former member and issue a certificate of registration to the applicant if the council is satisfied that the applicant
- (a) has submitted an application in accordance with subsections (1) and (3);
  - (b) where applicable, is in good standing with the professional regulatory body regulating the practice of a health profession or the use of titles relating to the practice of a health profession, in each jurisdiction in which the applicant was previously authorized to practise the health profession or use a title relating to the practice of the health profession;
  - (c) meets any applicable requirements for currency of professional knowledge and skills as set out in the regulations;
  - (d) has not been found guilty of an offence that, in the council's opinion, renders the applicant unsuitable to practise a regulated health profession;
  - (e) has not been disciplined by a professional regulatory body for conduct that, in the council's opinion, renders the applicant unsuitable to practise a regulated health profession;
  - (f) holds or is covered by professional liability insurance or protection as required by the regulations; and
  - (g) meets any other requirements respecting registration set out in the regulations.

**Terms and conditions**

- (4.1) The council may impose any terms or conditions the council considers appropriate on the registration of an applicant reinstated pursuant to this section.

**Eligibility for reinstatement – health profession corporation**

- (5) Repealed by 2017,c.72,s.12.

**Reinstatement of registration**

- (6) On receipt of a direction from the council under subsection (4), the registrar shall reinstate the registration of the applicant and issue a certificate of registration to the applicant.  
*2013,c.48,s.24; 2015,c.13,s.10; 2017,c.72,s.12; 2017,c.14,s.7.*

## Refusal, Suspension or Cancellation of Registration or Permit

### 25. Refusal of application

- (1) A council may refuse to register an applicant, renew or reinstate an applicant's registration, issue a permit to an applicant or renew an applicant's permit, if the council determines that the applicant does not meet the eligibility requirements under this Act or the regulations for registration, renewal or reinstatement of a registration, a permit or renewal of a permit, as the case may be.

#### Refusal to renew

- (1.1) A council may refuse to renew an applicant's registration or permit where the registration or permit is suspended.

#### Refusal to consider application

- (2) A council may refuse to consider an application for registration or a permit, for renewal of registration or a permit, or for reinstatement of registration, by an applicant who
- (a) has an outstanding charge for an offence; or
  - (b) is under investigation by a professional regulatory body,
- until the matter has been resolved.

#### Suspension or cancellation of registration

- (3) A council may suspend or cancel the registration of a member who
- (a) is found guilty of an offence that, in the council's opinion, renders the member unsuitable to practise the regulated health profession;
  - (b) is disciplined by a professional regulatory body for conduct that, in the council's opinion, renders the member unsuitable to practise the regulated health profession; or
  - (c) ceases to hold or be covered by professional liability insurance or protection as required by the regulations.

#### *Idem*

- (4) A council may suspend or cancel the permit of a health profession corporation that fails to meet any eligibility requirement applicable to it under this Act or the regulations.

#### Exception

- (5) A council shall not suspend or cancel the permit of a health profession corporation under subsection (4) for a period of 90 days from the date of the failure to meet the eligibility requirement referred to in that subsection where the reason for the failure is that a shareholder of the health profession corporation has died or has otherwise ceased to be registered.

#### Extension of time

- (6) In the event of the death of a member who is a shareholder of a health profession corporation, a council may, in writing, extend the 90-day period provided for in subsection (5) for the further period that it considers reasonable. *2013,c.48,s.25; 2017,c.72,s.13; 2017;c.14,s.8.*

### 26. Notice of refusal, suspension or cancellation

- (1) On refusing to register or issue a permit to an applicant, refusing to consider an application or suspending or cancelling a registration or permit under section 25, a council shall serve on the affected person
- (a) written notice of and reasons for the refusal, suspension or cancellation; and





- (b) written notice of the person's right to appeal under section 27.

**Suspension or cancellation not effective until served**

- (2) A suspension or cancellation of a registration or permit under section 25 is not effective until notice of the suspension or cancellation is served on the person affected by it. *2013,c.48,s.26.*

## Appeal

**27. Appeal of terms and conditions on registration**

- (1) A person who is aggrieved by the imposition of terms and conditions on the person's registration or permit under this Part by a council may appeal the imposition of the terms and conditions to the Supreme Court within 30 days after being served with notice of the imposition.

**Appeal of refusal, suspension or cancellation**

- (2) A person who is aggrieved by a refusal of a council or a suspension or cancellation of a registration or permit by a council under section 25 may appeal the refusal, suspension or cancellation to the Supreme Court within 30 days after being served with notice of the refusal, suspension or cancellation.

**Decision of court**

- (3) On hearing an appeal, the court may
- (a) confirm, revoke or vary the terms and conditions imposed by the council or the refusal, suspension or cancellation appealed from;
  - (b) refer the matter, or any issue, back to the council for further consideration; or
  - (c) provide any direction that it considers appropriate.

**Costs of appeal**

- (4) The court may make any order as to the costs of an appeal that it considers appropriate. *2013,c.48,s.27; 2017;c.14,s.9.*

## PART IV – BUSINESS ARRANGEMENTS

### Health Profession Corporations

**28. Name**

- (1) A health profession corporation may operate
- (a) under its own name; or
  - (b) as a member of a general partnership of
    - (i) health profession corporations, or
    - (ii) one or more health profession corporations and one or more members, under a name that meets the requirements set out in the regulations.

**Relationship to health profession corporation does not affect duties**

- (2) The relationship of a member to a health profession corporation as a shareholder, director, officer or employee does not affect, modify or diminish

- (a) the application of this Act or the regulations to;
  - (b) the fiduciary, ethical and legal duties of; or
  - (c) the liability of,
- the member.

**Joint and several liability**

- (3) A health profession corporation is jointly and severally liable with a member who practises a regulated health profession on behalf of the health profession corporation for any fines, costs and expenses that the member is ordered to pay under this Act.

**Duty where conflict**

- (4) In the event of a conflict between the member's duty to a client, the council or the public and the member's duty to a health profession corporation, the duty to the client, the council or the public, as the case may be, prevails. *2013,c.48,s.28; 2017,c.72,s.14.*

**29. Member to client relationship**

- (1) Nothing contained in this Act shall affect, modify or limit any law applicable to the confidential or ethical relationships between a member and a person receiving the professional services of the member.

**Idem**

- (2) The relationship between a health profession corporation and a person receiving the professional services of the corporation is subject to all applicable laws relating to the confidential and ethical relationship between a member and a person receiving the professional services of the member.

**Confidentiality of information**

- (3) All rights and obligations pertaining to communications made to, or information received by, members, apply to the shareholders, directors, officers and employees of a health profession corporation. *2013,c.48,s.29.*

**30. Voting of shares restrictions**

- (1) No shareholder of a health profession corporation shall enter into a voting trust agreement, proxy or any other type of agreement vesting in another person who is not a member the authority to exercise the voting rights attached to any or all of the shareholder's shares.

**Change in shareholders or directors**

- (2) A health profession corporation shall notify the registrar within 30 days of any change in the status of shareholders or directors of the health profession corporation. *2013,c.48,s.30.*

**Practise in Association**

**31. Definition**

- (1) In this section, "practise in association" means the conducting of a practice by a member in co-operation with another member where one or more of the following occur:
  - (a) joint advertising;
  - (b) a shared office telephone number;



- (c) combined client billing for services provided by more than one person;
- (d) a shared office reception area;
- (e) shared office or clinic expenses;
- (f) shared administrative functions or expenses;
- (g) shared ownership or use of premises, equipment, furnishings or other property;
- (h) shared employees;
- (i) other circumstances set out in the regulations as constituting practising in association.

**Practise in association**

- (2) Unless restricted by the regulations, a member may
  - (a) practise in association with another member who is a member of the member's college or with a member of any other college; and
  - (b) refer patients to and receive referrals from another member of any college or any other person.

**Ethical and confidential obligations to patients**

- (3) The ethical and confidential obligations of a member to a person receiving health care from the member
  - (a) are not diminished by the fact that the member is practising in association; and
  - (b) apply equally to all members practising in association. *2013,c.48,s.31; 2017,c.72,s.16.*

**PART V – STANDARDS OF PRACTICE AND CODE OF ETHICS**

**32. Standards of practice**

- (1) A council shall, by resolution, establish appropriate standards of practice to enhance the quality of practice of members of the council's regulated health profession.

**Incorporation by reference**

- (2) A resolution referred to in subsection (1) may incorporate by reference, in whole or in part, any code, standard or guideline relating to standards of practice of the regulated health profession, and may incorporate it as amended from time to time and with any necessary changes.

**Third party external document**

- (3) A document incorporated by reference under subsection (2) shall be a document created by a recognized authority in the area of practice of the regulated health profession and shall not be a document created by the council.

**Copies to be made available**

- (4) A council shall make a copy of every code, standard or guideline adopted under subsection (2) available for public inspection
  - (a) during normal business hours in the council's office if the council has an office; or
  - (b) as set out in the regulations made under subsection 96(2). *2013,c.48,s.32; 2015,c.13,s.11; 2015,c.36,s.44.*

**33. Code of ethics**

- (1) A council shall, by resolution, adopt a code of ethics governing the professional conduct of members.

**Incorporation by reference**

- (2) A code of ethics referred to in subsection (1) may incorporate by reference, in whole or in part, any code, standard or other document, and may incorporate it as amended from time to time and with any necessary changes.

**Copies to be made available**

- (3) A council shall make a copy of the code of ethics available for public inspection
- (a) during normal business hours in the council's office; or
  - (b) as set out in the regulations made under subsection 96(2). *2013,c.48,s.33.*

**34. Member must comply with Act, standards of practice, code of ethics, etc.**

A member or health profession corporation shall comply with this Act, the regulations, the bylaws, standards of practice, code of ethics, and practice directions respecting the regulated health profession. *2013,c.48,s.34.*

## PART VI – DISCIPLINE

### Interpretation

**35. Interpretation**

In this Part,

- (a) “complainant” means
  - (i) a person who makes a complaint to the registrar under subsection 36(1) or is the complainant in a matter referred to a hearing committee under subsection 99(2) or (3),
  - (ii) the registrar, in respect of a complaint initiated by the registrar under subsection 36(4), or
  - (iii) the council, in respect of a complaint referred to an investigation committee under clause 53(2)(c);
- (b) “complaint” means a complaint
  - (i) made or initiated under section 36,
  - (ii) referred to an investigation committee under clause 53(2)(c), or
  - (iii) referred to a hearing committee under subsection 99(2) or (3);
- (c) “conduct” includes an act and an omission;
- (d) “hearing committee” means a hearing committee appointed under section 54;
- (e) “investigation committee” means an investigation committee appointed under section 42;
- (f) “investigator” means an investigator appointed under section 42;
- (g) “respondent” means a member or former member who is the subject of a complaint. *2013,c.48,s.35; 2017,c.72,s.17.*



## Complaint

### 36. Complaint of professional misconduct or incompetence

- (1) Any person, other than the registrar, may make a complaint to the registrar alleging that
  - (a) the conduct of a member; or
  - (b) the conduct of a former member that occurred while the person was a member,constitutes professional misconduct or incompetence as set out in section 57.

#### Form of complaint

- (2) A person who wishes to make a complaint under subsection (1) shall
  - (a) state the complaint and the grounds for the complaint in writing; and
  - (b) sign the complaint.

#### Continuing jurisdiction

- (3) A former member continues to be subject to the jurisdiction of the council, the investigation committee, an investigator and the hearing committee with respect to any conduct that occurred while the former member was a member that may constitute professional misconduct or incompetence.

#### Registrar may initiate complaint

- (4) In the absence of a complaint made to the registrar under subsection (1), the registrar may initiate a complaint in writing if the registrar has reasonable grounds to believe that
  - (a) the conduct of a member; or
  - (b) the conduct of a former member that occurred while the person was a member,constitutes professional misconduct or incompetence. *2013,c.48,s.36.*

### 37. Referral of complaint

- (1) Where
  - (a) a registrar
    - (i) has a conflict of interest regarding a complaint made under subsection 36(1), or
    - (ii) initiates a complaint under subsection 36(4); and
  - (b) if a deputy registrar has not been appointed under subsection 10(5),the council shall immediately appoint a deputy registrar, and the registrar shall refer the complaint to the deputy registrar.

#### Registrar shall refrain from participating

- (2) Where a registrar refers a complaint to a deputy registrar under subsection (1),
  - (a) the registrar shall refrain from participating in any investigation, proceeding or decision in respect of the complaint;
  - (b) the deputy registrar may exercise the powers and shall perform the duties of the registrar under this Act and the regulations in respect of the complaint; and
  - (c) a reference in this Act or the regulations to the registrar in respect of the complaint shall be read as a reference to the deputy registrar. *2013,c.48,s.37.*

**38. Service of copy of complaint**

- (1) Within 30 days after the receipt of a complaint under subsection 36(1) or the initiation of a complaint under subsection 36(4), the registrar shall
  - (a) serve on the respondent
    - (i) a copy of the complaint, and
    - (ii) written notice of the respondent's right to submit a response to the complaint under subsection (2); and
  - (b) notify the council of the complaint.

**Written response to complaint**

- (2) A respondent may submit a written response to a complaint to the registrar within 30 days after being served with a copy of the complaint under clause (1)(a).

**Service of response**

- (3) The registrar shall, immediately after the expiry of the period referred to in subsection (2), serve a copy of any response submitted under subsection (2) on the complainant. *2013, c.48, s.38.*

**39. Referral of complaint to investigation committee where conflict**

Notwithstanding section 40, where

- (a) a registrar
  - (i) has a conflict of interest in respect of a complaint made under subsection 36(1), or
  - (ii) initiates a complaint under subsection 36(4); and
- (b) a deputy registrar has not been appointed pursuant to subsection 37(1),  
the registrar shall comply with the requirements of subsection 38(1) and, immediately after the expiry of the period referred to in subsection 38(2) and the service of a copy of any response under subsection 38(3), the registrar shall
  - (c) request that the council appoint an investigation committee;
  - (d) refer the complaint, and any response to the complaint submitted under subsection 38(2), to the investigation committee; and
  - (e) refrain from participating in any investigation, proceeding or decision in respect of the complaint. *2013, c.48, s.39; 2017, c.72, s.18.*

**40. Registrar to inquire**

- (1) A registrar, in respect of a complaint made or initiated under section 36,
  - (a) shall inquire into a complaint to the extent that the registrar determines is warranted;
  - (b) may attempt to resolve the complaint informally if the registrar considers informal resolution to be appropriate and not contrary to the public interest; and
  - (c) shall report to the council, within 60 days of receiving or initiating the complaint, respecting status of the complaint and, if the complaint is not resolved at that time, provide further reports as directed by the council.

**Dismissal of complaint**

- (2) A registrar shall dismiss a complaint made or initiated under section 36 if the registrar finds
  - (a) that the complaint is frivolous, vexatious or without merit; or
  - (b) that



- (i) the complaint has been resolved or the complainant wishes no further action to be taken, and
- (ii) dismissal is not contrary to the public interest.

**Notice of dismissal**

- (3) On dismissing a complaint, a registrar shall
  - (a) serve on the complainant and the respondent
    - (i) written notice of and reasons for the dismissal, and
    - (ii) written notice of the complainant's right to request a review of the dismissal under subsection 41(1); and
  - (b) notify the council of the dismissal.

**Referral to investigation committee**

- (4) Where a registrar does not dismiss a complaint under subsection (3), the registrar shall
  - (a) request that the council appoint an investigation committee; and
  - (b) refer the complaint, and any response to the complaint submitted under subsection 38(2), to the investigation committee. *2013, c.48, s.40; 2017, c.72, s.19.*

**41. Request for review of dismissal**

- (1) The complainant may, within 30 days after being served with the notice of the dismissal of a complaint by a registrar under subsection 40(3), submit a request for a review of the dismissal to the council.

**Referral of request**

- (2) The council shall refer a request for a review of the dismissal of a complaint made under subsection (1) to the investigation committee appointed under section 42.

**Review based on record**

- (3) Unless the investigation committee otherwise determines, a review of the dismissal of a complaint by the investigation committee shall be based on the record prepared by the registrar and the registrar's reasons for dismissal.

**Decision**

- (4) Within 60 days after receipt of a request for review under subsection (2), the investigation committee shall review the dismissal and
  - (a) confirm the dismissal; or
  - (b) where the investigation committee finds that the dismissal of the complaint was in error, overturn the dismissal.

**Written notice and reasons for decision**

- (5) On confirming or overturning a dismissal under subsection (4), the investigation committee shall serve, on the complainant and the respondent, written notice of and reasons for its decision.

**Investigation**

- (6) Where the investigation committee overturns the dismissal of a complaint, the investigation committee shall
  - (a) investigate the complaint in accordance with section 47; or

- (b) refer the complaint to an investigator for an investigation in accordance with section 47. *2013,c.48,s.41.*

### Investigation Committee

#### 42. Appointment by council

- (1) Subject to subsection (2), on receiving a request under clause 39(c) or 40(4)(a) or subsection 41(1), a council shall appoint an investigation committee composed of three persons, including at least one member of the college of the respondent and at least one public representative.

#### Appointment by Minister

- (1.1) Subject to subsection (2), for the purpose of clause 53(2)(c), the Minister shall appoint an investigation committee composed of three persons, including at least one member of the college of the respondent and at least one public representative.

#### Multidisciplinary college

- (2) Where the respondent is a member of a multidisciplinary college, one of the persons appointed to the investigation committee shall be a member of the same regulated health profession as the respondent.

#### Chair

- (3) The council or the Minister, as the case may be, shall appoint a member of the investigation committee who is also a member of the college of the respondent as the chair of the investigation committee.

#### Quorum

- (4) Two members of the investigation committee, one of whom shall be a public representative, constitute a quorum.

#### Conflict of interest of member of investigation committee

- (5) A member of the investigation committee who has a conflict of interest in respect of a matter that is before the investigation committee shall
- (a) immediately disclose the nature of the conflict of interest to the investigation committee; and
  - (b) refrain from attempting to influence the disposition of the matter or participating in consideration of the matter.

#### Investigators

- (6) The council or the Minister, as the case may be, may appoint one or more persons as investigators. *2013,c.48,s.42; 2017,c.72,s.20.*

### Consideration of Complaint

#### 43. Powers of investigation committee

Within 30 days after the referral of a complaint to an investigation committee under clause 39(c), subsection 40(4)(b) or 53(2)(c), the investigation committee shall consider the complaint and any response to the complaint that was submitted by the respondent under subsection 38(2), and





- (a) dismiss the complaint, if in the opinion of the investigation committee, the complaint is frivolous and vexatious or without merit;
- (b) refer the complaint to a mediator for mediation, if
  - (i) the investigation committee is satisfied that the referral is appropriate in the circumstances and not contrary to the public interest, and
  - (ii) the complainant and the respondent agree to participate in mediation;
- (c) make any order that the hearing committee is authorized to make under subsection 58(2), if the respondent consents to the order; or
- (d) investigate the complaint or refer the complaint to an investigator for investigation in accordance with section 47. *2013,c.48,s.43; 2015,c.13,s.12; 2017,c.72,s.21.*

## Mediation

### 44. Procedures for mediation

- (1) An investigation committee may establish procedures to be followed with respect to mediation, including procedures pertaining to the selection of a mediator.

#### Agreement

- (2) Where an investigation committee refers a complaint to a mediator for mediation under clause 43(b) and the complainant and the respondent agree to a proposed resolution of the complaint, the mediator shall
  - (a) ensure that the proposed resolution is recorded in a written agreement that
    - (i) includes all of the terms and conditions agreed to by the complainant and the respondent, and
    - (ii) is signed by the complainant, the respondent and the mediator; and
  - (b) submit the agreement referred to in clause (a) to the investigation committee.

#### Approval or rejection

- (3) On receipt of an agreement submitted to the investigation committee under clause (2)(b), the investigation committee shall
  - (a) approve or reject the proposed resolution; and
  - (b) serve on the complainant and the respondent
    - (i) written notice of the approval, or
    - (ii) written notice of the rejection and reasons for the rejection.

#### Implementation of resolution

- (4) Where an investigation committee approves the proposed resolution of a complaint under clause (3)(a), the investigation committee shall
  - (a) make any order or take any action required for the implementation of the resolution; and
  - (b) notify the council of the resolution of the complaint and the terms of the resolution.

#### Investigation

- (5) Where an investigation committee refers a complaint to mediation under clause 43(b) and
  - (a) the investigation committee concludes that mediation is not likely to be successful;
  - (b) the complaint is not resolved within 60 days of the referral; or

- (c) the investigation committee rejects the proposed resolution of the complaint under clause (3)(a),

the investigation committee shall investigate the complaint or refer the complaint to an investigator for investigation in accordance with section 47. *2013, c.48, s.44.*

**45. “legal proceeding” defined**

- (1) In this section, “**legal proceeding**” means

- (a) a proceeding in any court, including a civil proceeding or a proceeding for the imposition of punishment by fine, penalty or imprisonment to enforce an Act or a regulation made under an Act; and
- (b) an investigation or a hearing under this Act.

**Inadmissibility of evidence**

- (2) No evidence of or relating to a statement made by a mediator or a participant to mediation in the course of and for the purposes of the mediation is admissible in a legal proceeding without the consent of the mediator and the participant.

**Idem**

- (3) A mediator of a complaint is not a competent or compellable witness in a legal proceeding in respect of information obtained by the mediator in the course of or in relation to the mediation. *2013, c.48, s.45.*

**46. Notice and copy of complaint**

Where an investigation committee refers a complaint to an investigator under clause 41(6)(b) or 43(d) or subsection 44(5), the investigation committee shall

- (a) serve written notice of the referral on the complainant and the respondent; and
- (b) provide the investigator with a copy of the complaint and any response to the complaint submitted under subsection 38(2). *2013, c.48, s.46.*

## Investigation

**47. Powers of investigation committee or investigator**

- (1) An investigation committee or an investigator
- (a) may do all things necessary to provide a full and proper investigation of a complaint;
- (b) may deal with multiple complaints concerning a respondent severally or in combination;
- (c) shall consider the allegations and the evidence and ascertain the facts of each complaint in the manner that the investigation committee or investigator considers fit;
- (d) may make oral or written inquiries of any person who may have information relevant to the investigation;
- (e) may require the respondent or another member to be interviewed for the purpose of the investigation;
- (f) may require the respondent to produce for examination any documents, records and other materials that are in the respondent’s possession or under the respondent’s control that may be relevant to the investigation;



- (g) may copy and keep copies of any documents, records and other materials produced under clause (f); and
- (h) may investigate any matter in addition to the complaint that arises in the course of the investigation and that may constitute professional misconduct or incompetence.

**Requirement for examinations**

- (2) Where an investigation committee or an investigator investigates a complaint that the conduct of the respondent constitutes incompetence, the investigation committee or the investigator may
  - (a) require the respondent to take an examination of knowledge or skills related to the practice of the respondent's regulated health profession to determine whether or not the respondent is competent to practise the regulated health profession;
  - (b) engage a person with expertise or specialized knowledge to audit the respondent's practice and provide an opinion as to whether or not the respondent is competent to practise the regulated health profession;
  - (c) where the investigation committee or the investigator has reasonable grounds to believe that the respondent's capacity to practise a regulated health profession in accordance with accepted professional standards is impaired by a disability or a condition, including an addiction or an illness, require the respondent to submit to physical or psychological examinations by the qualified persons that the investigation committee or the investigator designates.

**Failure or refusal to respond or comply**

- (3) Where an investigator investigates a complaint and a regulated member fails or refuses, without reasonable cause, to
  - (a) respond to an inquiry or comply with a requirement under subsection (1); or
  - (b) comply with a requirement under subsection (2),the investigator shall report the failure or refusal to the investigation committee in writing.

**Suspension or imposition of terms and conditions on registration**

- (4) Where a regulated member fails or refuses, without reasonable cause, to
  - (a) respond to an inquiry or comply with a requirement under subsection (1); or
  - (b) comply with a requirement under subsection (2),the investigation committee may suspend or impose terms and conditions on the registration of the regulated member until he or she complies. *2013,c.48,s.47; 2017,c.72,s.22.*

**48. Report respecting investigation**

An investigation committee shall report to the council respecting the status of an investigation within 60 days of the commencement of the investigation and thereafter as directed by the council. *2013,c.48,s.48.*

**49. Appointment of practice auditor**

- (1) ~~-(3) Repealed by 2017,c.72,s.23. 2013,c.48,s.49, 2017,c.72,s.23.~~

**50. Information sharing**

Repealed by *2017,c.72,s.23. 2013,c.48,s.50; 2017,c.72,s.23.*

**51. Investigation report**

- (1) After completing an investigation, the investigation committee or the investigator shall, within 60 days, prepare a written investigation report of the findings of the investigation committee or the investigator.

**Report to investigation committee**

- (2) An investigator shall provide the investigation report prepared under subsection (1) to the investigation committee.

**Service of investigation report**

- (3) The investigation committee shall serve a copy of the investigation report prepared under subsection (1) on the complainant and the respondent. *2013, c.48, s.51.*

**52. Powers of investigation committee**

- (1) An investigation committee shall, after consideration of an investigation report prepared under subsection 51(1),

- (a) dismiss the complaint, if in the opinion of the investigation committee
- (i) the allegations are frivolous, vexatious or without merit, or
  - (ii) there is insufficient evidence to support the allegations;
- (b) make any order that the hearing committee is authorized to make under subsection 58(2), if the respondent consents to the order; or
- (c) request that the person or persons who appointed the investigation committee appoint a hearing committee and refer the complaint to the hearing committee for a hearing.

**Dismissal of complaint**

- (2) Where an investigation committee dismisses a complaint under clause 43(a) or (1)(a), the investigation committee shall serve on

- (a) the complainant and the respondent,
- (i) written notice of and reasons for the dismissal,
  - (ii) written notice of the complainant's right to appeal the dismissal under subsection 59(1); and
- (b) the council, written notice of and reasons for the dismissal.

**Service of copy of order**

- (3) Where an investigation committee makes an order under clause 43(c) or clause (1)(b), the investigation committee shall serve a copy of the order on the complainant, the respondent and the council.

**Referral of complaint**

- (3.1) Where an investigation committee makes an order under clause (1)(b) and the respondent does not consent to the order, the investigation committee shall refer the complaint to the hearing committee in accordance with clause (1)(c) within 30 days.

**Referral to hearing committee**

- (4) Where an investigation committee refers a complaint to the hearing committee under clause (1)(c), the investigation committee
- (a) shall serve written notice of the referral on the complainant, the respondent and the council;



- (b) shall provide the hearing committee with a copy of the complaint and any response to the complaint submitted under subsection 38(2); and
- (c) may appoint legal counsel to adduce evidence at the hearing. *2013,c.48,s.52; 2015,c.13,s.13; 2017,c.72,s.24.*

### Interim Order

#### 53. Interim order

- (1) Notwithstanding any other provision of this Act, where a council has reasonable grounds to believe that the conduct of a member poses a demonstrable risk of serious and imminent harm to the member's clients or to the general public and that intervention is required, the council may make an order
  - (a) imposing terms and conditions on the member's registration; or
  - (b) suspending the member's registration.

#### Service of order and referral

- (2) Where a council makes an order under subsection (1), the council shall
  - (a) serve on the member who is the subject of the order
    - (i) a copy of the order,
    - (ii) written reasons for the order, and
    - (iii) written notice of the right to appeal under subsection 59(2);
  - (b) serve a copy of the order on the registrar; and
  - (c) where a complaint has not been made or initiated in respect of the matter, request that the Minister appoint an investigation committee and refer the matter as a complaint to the investigation committee.

#### Order in effect when served

- (3) An order of a council made under subsection (1)
  - (a) is in effect when it is served on the member who is the subject of the order; and
  - (b) is valid for the period, not exceeding 90 days, that is specified in the order.

#### No contravention of the *Labour Mobility Act*

- (4) Repealed by *2017,c.72,s.25. 2013,c.48,s.53; 2017,c.72,s.25.*

### Hearing Committee

#### 54. Hearing committee

- (1) On the request of an investigation committee under clause 52(1)(c), the person or persons who appointed the investigation committee shall appoint a hearing committee composed of three persons who are not investigators or members of the investigation committee, including at least one member of the college of the respondent and at least one public representative.

#### Chair

- (2) The person or persons who appointed the hearing committee under subsection (1) shall appoint a member of the hearing committee who is a member of the college of the respondent as the chair of the hearing committee.

**Quorum**

- (3) Two members of the hearing committee, one of whom shall be a public representative, constitute a quorum.

**Conflict of interest of member of hearing committee**

- (4) A member of the hearing committee who has a conflict of interest in respect of a matter that is before the hearing committee shall
- (a) immediately disclose the nature of the conflict of interest to the hearing committee; and
  - (b) refrain from attempting to influence the disposition of the matter or participating in consideration of the matter.

**Powers, privileges and immunities**

- (5) In the discharge of the functions of the hearing committee, the hearing committee and each member of the hearing committee have all of the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act* R.S.P.E.I. 1988, Cap. P-31. 2013,c.48,s.54; 2017,c.72,s.26.

## Hearing

**55. Hearing**

- (1) A hearing committee shall,
- (a) unless otherwise directed by the person or persons who appointed the hearing committee, hold a hearing into a complaint referred to it within 45 days of the referral; and
  - (b) conduct its proceedings in accordance with the rules of natural justice.

**Notice of hearing**

- (2) A hearing committee shall, not less than 30 days before the date set for the hearing, serve written notice of the date, time, place and subject matter of the hearing on
- (a) the complainant;
  - (b) the respondent; and
  - (c) any legal counsel appointed under clause 52(4)(c).

**Retaining assistance**

- (3) A hearing committee may retain any legal or other assistance that it considers necessary for the purposes of conducting a hearing.

**Right to appear**

- (4) The respondent has the right to appear, to be represented by legal counsel, and to examine, cross-examine and *re-examine* witnesses at a hearing.

**Hearing in absence of respondent**

- (5) Where the respondent fails to appear at a hearing after being served with notice in accordance with subsection (2), the hearing committee may proceed with the hearing in the absence of the respondent and make any decision, determination or order as if the respondent were in attendance. 2013,c.48,s.55; 2017,c.72,s.27.



**56. Powers of hearing committee**

- (1) A hearing committee
  - (a) may do all things necessary to provide a full and proper hearing in respect of a complaint;
  - (b) may deal with multiple complaints concerning a respondent severally or in combination; and
  - (c) may hear any matter in addition to the complaint before the hearing committee that arises in the course of its proceedings and that may demonstrate, in respect of the respondent, professional misconduct or incompetence.

**Opportunity to respond**

- (2) Where a hearing committee hears an additional matter referred to in clause (1)(c), the hearing committee shall give the respondent a reasonable opportunity to respond to the matter.

**Hearing open to public**

- (3) A hearing shall be open to the public unless the hearing committee is of the opinion that
  - (a) the interests of a person other than the respondent may be detrimentally affected if the hearing, or part of the hearing, is not held in private; and
  - (b) the desirability of avoiding public disclosure of financial, personal or other matters in the interest of a person affected or in the public interest outweighs the desirability of adhering to the principle that inquiries be open to the public.

**Protection of witness identity**

- (4) A hearing committee may, on the request of a witness whose testimony is of a confidential or personal and sensitive nature, order that no person publish the identity of the witness or any information that could disclose the identity of the witness.

**Failure of regulated member to comply**

- (5) Where a member fails to comply with a subpoena issued by a hearing committee or a member of the hearing committee, or refuses to answer any question under oath directed to be answered by a hearing committee or a member of the hearing committee, the failure or refusal may be held by the hearing committee to be professional misconduct.

**Rules of evidence**

- (6) A hearing committee is not bound by strict rules of evidence or the provisions of the *Evidence Act* R.S.P.E.I. 1988, Cap. E-11. 2013,c.48,s.56.

**57. Professional misconduct**

- (1) The conduct of a respondent may be found to constitute professional misconduct if
  - (a) the respondent contravenes this Act, the regulations, the bylaws, standards of practice, code of ethics or practice directions in a manner that, in the opinion of the investigation committee or the hearing committee, relates to the respondent's suitability to practise a regulated health profession;
  - (b) the respondent has been found guilty of an offence that, in the opinion of the investigation committee or the hearing committee, relates to the respondent's suitability to practise a regulated health profession;
  - (c) the respondent refuses or fails to cooperate fully in respect of the investigation or hearing of a complaint;
  - (d) the respondent contravenes an order made under this Act; or

- (e) the conduct of the respondent constitutes professional misconduct as set out in the regulations.

**Incompetence**

- (2) The conduct of a respondent may be found to constitute incompetence where
  - (a) an act or omission of the respondent
    - (i) demonstrates a lack of knowledge, skill or judgment,
    - (ii) demonstrates disregard for the safety or welfare of a client, or
    - (iii) constitutes incompetence as set out in the regulations; or
  - (b) the respondent is unable to practise a regulated health profession in accordance with accepted professional standards for any reason, including that the respondent is impaired by illness, addiction or other incapacity. *2013,c.48,s.57.*

**Determination and Order**

**58. Determination of hearing committee**

- (1) On concluding a hearing, a hearing committee shall determine whether or not the conduct of the respondent constitutes professional misconduct or constitutes incompetence.

**Order**

- (2) Where a hearing committee determines that conduct of the respondent constitutes professional misconduct or incompetence, the hearing committee may make one or more of the following orders:
  - (a) an order directing the respondent to undergo additional education or training;
  - (b) an order directing the respondent to participate in counselling or a rehabilitative treatment program;
  - (c) an order reprimanding the respondent;
  - (d) an order imposing terms and conditions on the registration of the respondent;
  - (e) an order suspending the registration of the respondent for a specified period of time or until the occurrence of a specified future event;
  - (f) an order cancelling the registration of the respondent;
  - (g) an order requiring the respondent to pay all or part of the costs incurred by the hearing committee to conduct the hearing;
  - (h) an order imposing a fine on the respondent in an amount that the hearing committee considers appropriate, up to a maximum of \$50,000;
  - (i) an order imposing any other sanction that the hearing committee considers to be appropriate.

**Factors to determine fine**

- (2.1) The hearing committee shall consider the following factors in determining the amount of a fine imposed under clause (2)(h):
  - (a) the extent of the member's awareness of the fault;
  - (b) the degree of risk or harm to the client;
  - (c) the potential further risk to the public;
  - (d) the potential effect on the member's profession;
  - (e) the potential effect upon the member's ability to earn a livelihood;





- (f) any restriction or remediation voluntarily undertaken by the member;
- (g) any other prescribed factor.

**No contravention of the *Labour Mobility Act***

- (3) Repealed by 2017,c.72,s.28.

**Service of notice of determination and order**

- (4) Within 30 days after the completion of a hearing, a hearing committee shall serve
- (a) written notice of and reasons for the determination made under subsection (1), and a copy of any order made under subsection (2), on
    - (i) the respondent,
    - (ii) the complainant,
    - (iii) the registrar, and
    - (iv) the Council; and
  - (b) written notice of the right to appeal the determination made under subsection (1), and any order made under subsection (2), on the respondent.

**Order in effect when served**

- (5) An order of a hearing committee is in effect when it is served on the respondent and remains in effect pending an appeal unless the Supreme Court, on application, stays the order pending the outcome of the appeal.

**Publication of determination of order**

- (6) Repealed by 2017,c.72,s.28.

**Failure to comply with order**

- (7) Where a council is satisfied that a respondent has failed to comply with an order of an investigation committee or a hearing committee, the council may, without a further hearing, make an order suspending the respondent's registration subject to any terms and conditions that the council considers appropriate.

**Service of order**

- (8) Where a council makes an order under subsection (7), the council shall serve a copy of the order and reasons for the order on the respondent.

**Order in effect when served**

- (9) An order made by the council under subsection (7) is in effect when it is served on the respondent. 2013,c.48,s.58; 2017,c.72,s.28; 2017;c.14,s.10.

## Appeal

**59. Appeal to Supreme Court**

- (1) A complainant may appeal the dismissal of a complaint by the investigation committee under clause 43(a) or 52(1)(a) to the Supreme Court within 30 days after being served with notice of the dismissal.

***Idem***

- (2) A respondent may appeal

- (a) an order of a council made under subsection 53(1);
- (b) a determination of a hearing committee made under subsection 58(1); or
- (c) an order of a hearing committee made under subsection 58(2),

to the Supreme Court within 30 days after being served with notice of the determination or a copy of the order.

**Notice of appeal**

- (3) Notice of an appeal under subsection (1) or (2) shall be served on every person who was served with notice under subsection (1) or (2), as the case may be, and on the registrar of the college for the respondent's regulated health profession.

**Decision of Court of Appeal**

- (4) On hearing an appeal, the court may
  - (a) confirm, revoke or vary the dismissal, determination or order appealed from;
  - (b) refer the matter, or any issue, back to the investigation committee or the hearing committee for further consideration; or
  - (c) provide any direction that it considers appropriate.

**Costs of appeal**

- (5) The court may make any order that it considers appropriate as to the costs of an appeal. *2013, c.48, s.59.*

## PART VII – OTHER COUNCIL DUTIES AND RESPONSIBILITIES

### Continuing Education and Competency

**60. Council's duty *re* continuing education**

- (1) A council shall establish and maintain standards and requirements respecting the continuing education and competency of its members in the practice of their regulated health profession.

**Continuing education requirements**

- (2) The requirements respecting continuing education and competency may include
  - (a) providing continuing education programs or materials related to the practice of the regulated health profession and requiring their use by members;
  - (b) requiring members to accumulate a specified number of hours of continuing education in various areas of competency in the regulated health profession as a condition of renewal of registration;
  - (c) specifying the means by which members may satisfy the requirements referred to in clause (b);
  - (d) other requirements respecting continuing education and competency as set out in the regulations. *2013, c.48, s.60.*

**60.1 Assessment of competency**

A council may establish methods or programs to assess the competency of its members in the practise of their regulated health profession, including self-assessment, peer assessment or



practice audits, and require members to participate in accordance with the regulations. 2017, c.72, s.29.

### Consultation with Minister

#### 61. Consultation with Minister on program of study

A college shall consult with the Minister before the college approves or removes a program of study in respect of the practice of the regulated health profession. 2013, c.48, s.61.

### Duty of Member to Report

#### 62. Duty to report incompetence

- (1) A member who has knowledge or reasonable grounds to believe that
- (a) the conduct of another member constitutes incompetence, as set out in subsection 57(2); or
  - (b) the conduct of a person who is authorized under another enactment to practise a health profession or use a title relating to the practice of a health profession constitutes incompetence under that enactment,

shall report the circumstances and provide such additional information as is known or available to the member to the registrar of the other member's or former member's college or the regulatory body governing the health profession, as the case may be.

#### Duty to report sexual abuse

- (2) Subject to subsections (3) and (4), a member who has knowledge or reasonable grounds to believe that
- (a) another member or former member has, while a member, committed sexual abuse involving a client or patient; or
  - (b) a person has, while authorized to practise a health profession or use a title relating to the practice of a health profession under another enactment, committed sexual abuse involving a client or a patient,

shall report the circumstances and provide such additional information as is known or available to the member to the registrar of the other member's or former member's college or the regulatory body governing the health profession, as the case may be.

#### Obligations when making report

- (3) Before making a report under subsection (2), a member shall, if possible
- (a) inform the client or patient of the member's statutory obligation to report; and
  - (b) encourage the client or patient to make a complaint and provide information, if requested, to the registrar of the other member's or former member's college or the regulatory body governing the health profession, as the case may be.

#### Disclosure of identity

- (4) In providing information to a registrar or regulatory body under subsection (2), a member shall not identify the client or patient unless the client or patient, or a representative of the client or patient, consents to the identification.

**Exemption from liability for report**

- (5) A member who makes a report to a registrar or regulatory body under subsection (1) or (2) is not subject to liability as a result of making the report, unless it is established that the report was made maliciously.

**Registrar may initiate complaint**

- (6) Upon receiving a report under this section, a registrar may initiate a complaint under subsection 36(4).

**Complaint satisfies duty to report**

- (7) A member who makes a complaint to a registrar under subsection 36(1) or in accordance with the enactment governing the respondent, as the case may be, respecting a matter described in subsection (1) or (2) satisfies the duty to report the matter. *2013,c.48,s.62; 2017,c.72,s.30.*

## PART VIII – HEALTH PROFESSIONS ADVISORY COUNCIL

**63. Advisory Council established**

- (1) The Health Professions Advisory Council is hereby established.

**Appointment of members**

- (2) The Advisory Council shall consist of at least three but not more than seven persons appointed by the Lieutenant Governor in Council.

**Designation of chair**

- (3) The Lieutenant Governor in Council shall designate one member of the Advisory Council to be the chairperson. *2013,c.48,s.63.*

**64. Persons ineligible for membership**

A person shall not be appointed as a member of the Advisory Council if the person is

- (a) employed in the public service of the province or by a reporting entity as defined in the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9;
- (b) a member; or
- (c) a practising member of a health profession other than a regulated health profession. *2013,c.48,s.64.*

**65. Term**

- (1) The term of office of a member of the Advisory Council is three years.

**Expiry of term**

- (2) A member whose term of office expires continues to hold office until
- (a) the member resigns or is *re*-appointed, or a successor is appointed; or
  - (b) the expiry of three months,
- whichever occurs first.



**Reappointment**

- (3) On the expiry of the term of a member appointed under subsection (1), the member may be *re*-appointed for one further term of three years.

**Vacancy**

- (4) The Advisory Council may act despite a vacancy in its membership. *2013,c.48,s.65.*

**66. Advice to Minister**

- (1) In addition to its duties under Part IX, the Advisory Council shall, on the Minister's request, inquire into matters and provide the Minister with advice related to matters under this Act, including advice respecting
- (a) whether revisions should be made to the list of reserved activities and, if so, recommendations as to the nature of those revisions;
  - (b) who may or may not perform a reserved activity;
  - (c) whether revisions should be made to the scope of practice of a regulated health profession and, if so, recommendations as to the nature of those revisions;
  - (d) the use of professional or occupational titles and other work-related descriptive terms by members of a regulated health profession or other persons;
  - (e) the education, training, technical achievement, competencies, credentials and other substantive or procedural entry-to-practice requirements for health professions;
  - (f) continuing education requirements and programs;
  - (g) health human resource planning and management;
  - (h) labour mobility of health professionals within the province or between the province and other provinces or foreign jurisdictions; and
  - (i) any other matter related to this Act.

**Terms of reference**

- (2) The Minister may establish terms of reference for the Advisory Council to follow in making inquiries, providing advice to the Minister or conducting an investigation.

***Idem***

- (3) The Advisory Council shall have regard to the terms of reference established under subsection (2). *2013,c.48,s.66.*

**67. Advisory function only**

- (1) The function of the Advisory Council is advisory only.

**Restrictions**

- (2) The Advisory Council shall not consider or otherwise become involved in any matter respecting
- (a) a specific person who is applying for registration or reinstatement of registration; or
  - (b) a specific member or former member. *2013,c.48,s.67.*

**68. Advisory council may seek information**

In carrying out its duties under this Part and Part IX, the Advisory Council may

- (a) consult, as it considers necessary or appropriate, with any person who, in the Advisory Council's opinion, has expertise or information relevant to the work of the Advisory Council;
- (b) receive submissions;
- (c) hold public meetings;
- (d) conduct or participate in research, studies or activities;
- (e) engage, on a temporary basis or for a specific purpose, any person with technical or specialized knowledge of a matter relating to the work of the Advisory Council that the Advisory Council considers necessary or appropriate. *2013,c.48,s.68; 2013,c.21,s.2.*

**69. Chair to call meeting**

The Advisory Council shall meet at the call of the chairperson. *2013,c.48,s.69.*

**70. Practice and procedure**

Subject to Part IX and the terms of reference established under subsection 66(2), the Advisory Council may determine its own practice and procedure. *2013,c.48,s.70.*

**71. Remuneration**

The Minister may approve the payment of remuneration and reasonable expenses to the Advisory Council members out of money appropriated under an Act of the Legislature for the purposes of this Act. *2013,c.48,s.71.*

**72. Report to Minister**

The Advisory Council shall report annually to the Minister, in the form and within the time period specified by the Minister, respecting its activities in the immediately preceding year. *2013,c.48,s.72.*

## PART IX – NEW REGULATED HEALTH PROFESSIONS

### Application

**73. Application for designation as regulated health profession**

- (1) A group of persons representing a majority of persons carrying on a health profession may apply to the Minister to have the health profession designated as a regulated health profession under clause 2(1)(a).

**Form of application**

- (2) The application shall be in the form and contain the information required by the Minister, and shall be accompanied by the prescribed application fee.

**Receipt of application by Minister**

- (3) Upon receiving an application, the Minister may
  - (a) direct the Advisory Council to investigate whether the health profession should be regulated under this Act;
  - (b) refuse the application without investigation; or



- (c) approve the application following an investigation or, where in the Minister's opinion it is in the public interest to do so, without investigation.

**Factors**

- (4) In making a decision under clauses (3)(a) to (c), the Minister may take into consideration any or all of the factors set out in clauses 75(a) to (j). *2013,c.48,s.73; 2015,c.13,s.14.*

**Investigation**

**74. Investigation of health profession**

In the absence of an application under section 73, the Minister may

- (a) investigate; or
- (b) direct the Advisory Council to investigate

whether a health profession should be regulated under this Act. *2013,c.48,s.74.*

**75. Conduct of investigation**

In conducting an investigation, the Advisory Council may investigate as it considers necessary and may do one or more of the following:

- (a) determine the proportion of the practitioners of the health profession that are engaged in activities that are under the Minister's jurisdiction;
- (b) evaluate whether the primary objective of the health care provided by the health profession is the prevention of disease or injury and the promotion and restoration of health;
- (c) evaluate the degree, if any, of the risk of harm to the health and safety of the public from incompetent, unethical or impaired practice of the health profession, having regard to
  - (i) the health care provided by the practitioners,
  - (ii) the technology, including instruments and materials, used by the practitioners,
  - (iii) the invasiveness of the procedure or mode of treatment used by the practitioners;
- (d) evaluate the degree of supervision
  - (i) that is necessary, and
  - (ii) that a practitioner receives or is likely to receive with respect to the practice of the health profession;
- (e) consider whether there are more appropriate means to regulate the members of the health profession other than under this Act;
- (e.1) consider whether the health profession has sufficient members under the Minister's jurisdiction to regulate itself in accordance with the requirements of this Act;
- (f) consider whether the health profession is a distinct and identifiable profession with a distinct and identifiable body of knowledge that is used by members of the profession to provide health care;
- (g) ascertain what the qualifications and minimum standards of competence for persons applying to the practice of the health profession are, and how the continuing education and competence of practitioners is to be maintained;

- (h) ascertain what education programs are available with respect to the practice of the health profession and evaluate those programs;
- (i) ascertain the ability of the proposed college of the health profession to exercise the powers and carry out the duties of a college under this Act or consider whether this could be accomplished by an existing college;
- (j) consider the potential economic impact of regulating the health profession, including the expected effect on practitioner availability, education and training programs, access to service and the quality, cost and efficiency of that service;
- (k) consider other prescribed criteria, if any;
- (l) consider any other matter, at the Minister's request. *2013, c.48, s.75; 2015, c.13, s.15.*

**76. Minister may charge costs of investigation**

In accordance with the regulations, the Minister may charge to the organization that made the application under section 73 the costs, including the administrative costs, incurred to conduct the investigation. *2013, c.48, s.76.*

### Recommendations

**77. Recommendation of Advisory Council**

- (1) Upon completing an investigation, the Advisory Council shall recommend to the Minister, with reasons, whether or not, in the opinion of the Advisory Council, it would be in the public interest that the health profession be regulated under this Act.

**Further recommendations**

- (2) If the recommendation is that the health profession be regulated under this Act, the Advisory Council may also make recommendations respecting
  - (a) the college for the proposed regulated health profession, including whether an existing college may regulate the health profession;
  - (b) a proposed scope of practice for the proposed regulated health profession;
  - (c) a proposed listing of the reserved activities that members of the proposed regulated health profession may perform and any conditions respecting the performance of those activities;
  - (d) a name and title and initials for the proposed regulated health profession and its regulated members; and
  - (e) any other matter that is compatible with its recommendation that the health profession be regulated under this Act. *2013, c.48, s.77.*

**78. Minister's recommendation**

If the Minister determines, on the recommendation of the Advisory Council under section 77 or on the Minister's own initiative pursuant to clause 74(a), that it would be in the public interest that a health profession be regulated under this Act, the Minister shall recommend to the Lieutenant Governor in Council that the health profession be designated as a regulated health profession pursuant to clause 2(1)(a). *2013, c.48, s.78.*





**PART X – MINISTERIAL POWERS****Inquiry****79. Appointment of person to inquire and make recommendations**

- (1) Where the Minister determines that it is in the public interest to do so, the Minister may appoint a person to inquire into and make recommendations about
- (a) any aspect of the administration or operation of a college; or
  - (b) the general state of practice of a regulated health profession.

**Idem**

- (2) An inquiry under clause (1)(a) may include an inquiry into an exercise of a power or a performance of a duty, or the failure to exercise a power or perform a duty, under this Act, the regulations or the bylaws.

**Powers of person making inquiry**

- (3) A person appointed under subsection (1) has the powers and protections of a commissioner under the *Public Inquiries Act* R.S.P.E.I. 1988, Cap. P-31, when conducting an inquiry under this Act.

**Terms of reference**

- (4) A person appointed under subsection (1) shall comply with any terms of reference the Minister may establish concerning the conduct of an inquiry.

**Expenses related to inquiry**

- (5) The expenses incurred by the government under this section in respect of a college are a debt due by the college to the government and are recoverable in a court of competent jurisdiction.  
*2013, c.48, s.79.*

**Directives****80. Ministerial directive**

- (1) Upon completion of an inquiry under section 79, the Minister may, if in the Minister's opinion it is in the public interest to do so, issue a directive to a college respecting the results of the inquiry, including directives respecting matters related to health, safety or adherence to standards in the practice of a regulated health profession.

**Effect of directive**

- (2) A directive under subsection (1) may
- (a) require a college to exercise the powers or perform its duties under this Act, the regulations or the bylaws to address the issues that were the subject of the inquiry, including the making, amending or revoking of regulations or bylaws;
  - (b) provide for the procedure to be followed by the college in developing, proposing, consulting on and reviewing a regulation or bylaw; and
  - (c) include a requirement that the college submit a written report to the Minister, within the specified time, detailing the measures the college has taken to implement that directive.

**Restriction on directive**

- (3) Notwithstanding clause (2)(a), a directive shall not require a college to
- (a) adopt a standard, limit or condition on the practice of the regulated health profession; or
  - (b) do anything with respect to the registration or discipline of a specific member.

**Council or College to comply with directive**

- (4) A college shall comply with a directive issued to it under this section. *2013,c.48,s.80.*

**Administrator**

**81. Order respecting administrator**

- (1) The Minister may, by order, do one or more of the following in respect of a college:
- (a) provide for the appointment of one or more persons as administrators of the college for a prescribed term;
  - (b) authorize the payment of remuneration or expenses out of the college's funds to any person appointed as an administrator;
  - (c) authorize a person appointed as an administrator to exercise any of the powers and carry out any of the duties of a college, the council, its officers or committees under this Act, the regulations and the bylaws as specified in the order.

**When order may be made**

- (2) The Minister may exercise the power described in subsection (1) only if
- (a) the college requests that the Minister exercise the power; or
  - (b) the Minister is of the opinion that it is in the public interest to provide support to the college for the pursuit of its objects and the carrying out of its duties under Part II.

**Suspension of powers of college and council**

- (3) If the Minister appoints an administrator under subsection (1), the Minister may, by order, suspend the powers granted to a college and its council under this Act for the term of the administrator's appointment.

**Administrator carrying out power or duty**

- (4) The exercise of a power or the carrying out of a duty by a person appointed as an administrator under subsection (1) is deemed to be exercise of a power or the carrying out a duty by the college, the council, or their officers or committees.

**Termination of appointment of administrator**

- (5) If, in the Minister's opinion, an administrator appointed under subsection (1) is no longer required, the Minister may terminate the administrator's appointment on such terms and conditions as the Minister considers appropriate. *2013,c.48,s.81.*



## PART XI – GENERAL

### Publication

#### 82. Publication of determination, order

- (1) Subject to any publication ban ordered by a hearing committee under subsection 56(4), a council shall publish the following by any means it considers appropriate:
  - (a) an order of an investigation committee;
  - (b) a determination and order, if any, of a hearing committee.

#### Publication of notice

- (2) Where a respondent's registration is suspended or cancelled, or terms and conditions are imposed on a respondent's registration by an investigation committee or a hearing committee, a council shall publish a notice of the suspension, cancellation or terms and conditions in the manner that it considers appropriate to inform the public. *2013, c.48, s.82; 2017, c.72, s.31.*

### Evidence

#### 83. Certificate admissible in evidence

- (1) A certificate respecting a matter dealt with by this Act that purports to be issued by a registrar is admissible in evidence as proof of its contents without proof of the office or signature of the registrar.

#### Certified copies

- (2) A copy of a certificate respecting a matter dealt with by this Act that purports to be certified by a registrar is admissible in evidence as proof of the original document without proof of the office or signature of the registrar. *2013, c.48, s.83.*

### Limitation of Liability

#### 84. Limitation of liability

No action or proceeding lies or shall be instituted for anything done or omitted to be done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act, the regulations or the bylaws made by a council against the following:

- (a) the Minister;
- (b) a college;
- (c) a council;
- (d) registrar;
- (e) an investigator;
- (f) an investigation committee;
- (g) a hearing committee;
- (h) a member of an investigation committee or a hearing committee;
- (i) a member, officer or employee of a council or a college;

- (j) persons acting on behalf of a council or a college under the authority of this Act.  
*2013, c.48, s.84.*

### Service of Documents

#### 85. Manner of service

- (1) Any notice, order or other document required to be served on a person under this Act, the regulations or the bylaws made by a council is deemed to be sufficiently served
  - (a) upon a copy being personally served on the person to whom it is directed;
  - (b) upon a copy being sent by facsimile or other electronic means to the person to whom it is directed and an acknowledgement of receipt being received;
  - (c) five days after a copy is sent by registered mail addressed to the person to whom it is directed at the last known address for that person; or
  - (d) in the case of a member, five days after a copy is sent by registered mail addressed to the member at the business address shown in the records of the registrar for the member's regulated health profession.

#### Service on corporation

- (2) Where the person to be served is a corporation, service on a director, officer or recognized agent of the corporation in accordance with subsection (1) is deemed to be service on the corporation for the purposes of this Act.

#### Service on Council

- (3) Service of any document on a council may be made by service on the registrar.

#### Substituted service

- (4) Where it is impractical for any reason to serve an order in a manner referred to in subsection (1), an ex parte application may be made to a judge of the Supreme Court who may make an order for substituted service providing for the steps to be taken to bring the matter to the attention of the person to be served. *2013, c.48, s.85.*

## PART XII – PROHIBITIONS

### Reserved Activities

#### 86. Reserved activities list

- (1) A reserved activity is any one of the following done with respect to a person:
  - (a) communicating to the person or the person's personal representative a diagnosis identifying a disease or disorder as the cause of symptoms of the person in circumstances in which it is reasonably foreseeable that the person or the person's personal representative will rely on the diagnosis;
  - (b) performing a procedure on tissue below the dermis, below the surface of a mucous membrane, in or below the surface of the cornea, or in or below the surfaces of the teeth, including the scaling of teeth;
  - (c) setting or casting a fracture of a bone or a dislocation of a joint;



- (d) moving the joints of the spine beyond the individual’s usual physiological range of motion using a fast, low amplitude thrust;
- (e) administering a substance by injection, inhalation, mechanical ventilation or irrigation;
- (f) putting an instrument, hand or finger,
  - (i) beyond the external ear canal,
  - (ii) beyond the point in the nasal passages where they normally narrow,
  - (iii) beyond the larynx,
  - (iv) beyond the opening of the urethra,
  - (v) beyond the labia majora,
  - (vi) beyond the anal verge, or
  - (vii) into an artificial opening into the body;
- (g) applying or ordering the application of a form of energy prescribed by the regulations under this Act;
- (h) prescribing, dispensing, selling or compounding a drug as defined in the *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6.1, or supervising the part of a pharmacy where such drugs are kept;
- (i) prescribing or dispensing, for vision or eye problems, subnormal vision devices, corrective or non-corrective contact lenses or eye glasses other than simple magnifiers;
- (j) repealed by 2017, c.72, s.32;
- (k) fitting or dispensing a dental prosthesis, orthodontic or periodontal appliance or a device used inside the mouth to protect teeth from abnormal functioning;
- (l) managing labour or conducting the delivery of a baby;
- (m) allergy challenge testing of a kind in which a positive result of the test is a significant allergic response;
- (n) a reserved activity designated in the regulations.

**“Compounding” defined**

- (1.1) For the purposes of clause (1)(h), “**compounding**” means the combining or mixing together of two or more ingredients, of which at least one is a drug or a pharmacologically active component, to create a non-hazardous or hazardous sterile product in an appropriate form for dosing, but does not include the mixing of a drug with one or more ingredients solely for the purpose of reconstituting or otherwise preparing the drug for use in accordance with the manufacturer’s directions.

**Restrictions on performing reserved activities**

- (2) No person shall perform a reserved activity in the course of providing health care services to an individual unless
- (a) the person is a member of a regulated health profession, and is authorized by regulation to perform the reserved activity;
  - (b) repealed by 2015, c.13, s.16; or
  - (c) the person is authorized to perform the reserved activity by another Act.

**Person or class of persons may be exempted**

- (3) Subsection (2) does not apply if
- (a) the person is exempted by regulation; or

- (b) the person is a member of a class of persons exempted by regulation.

**Activities may be exempted**

- (4) Subsection (2) does not apply if the person performs the reserved activity in the course of
- (a) an activity or class of activities exempted by regulation;
  - (b) rendering first aid or temporary assistance in an emergency;
  - (c) fulfilling the requirements to become a member of a regulated health profession where the reserved activity is within the scope of practice of the health profession and performed under the supervision or direction of a member of the health profession;
  - (d) treating a person by prayer or other spiritual means in accordance with the tenets of the religion of the person giving the treatment;
  - (e) treating an aboriginal person or member of an aboriginal community in accordance with traditional healing services that are provided by an aboriginal healer;
  - (f) treating a member of the person’s own household, where the reserved activity is one set out in clause (1)(a), (e) or (f);
  - (g) assisting a person with the person’s routine acts of living, where the reserved activity is one set out in clause (1)(e) or (f). *2013,c.48,s.86; 2014,c.39,s.69; 2015,c.13,s.16; 2017,c.72,s.32.*

**87. Supervision**

No person shall supervise or control another person in the performance of a reserved activity unless the supervisor is authorized to perform the reserved activity. *2013,c.48,s.87.*

**88. Requiring another person to perform reserved act**

No person shall require another person to perform a reserved activity if that other person is not authorized to perform it. *2013,c.48,s.88.*

**Use of Title**

**89. Use of title, etc.**

- (1) No person, other than a member, shall use the designation of a member of a regulated health profession as set out in the regulations, or any other title, name, description, abbreviation or derivative implying that a person is a member of a regulated health profession.

**Use of “regulated”, etc.**

- (1.1) For greater certainty, and except as permitted by subsection (2) or an enactment, no person shall use the terms “regulated”, “registered”, “certified” or “licensed”
- (a) in the name of a health profession that is not a regulated health profession; or
  - (b) as part of a professional title of a person who is not a member of a college established by or continued under this Act for a regulated health profession.

**Exception**

- (2) This section does not apply to



- (a) a professor in the field of a regulated health profession while carrying out teaching and research duties, who uses a title or description that clearly indicates professorial status; or
- (b) a person
  - (i) who is authorized to practise a regulated health profession by a professional regulatory body in another jurisdiction recognized by a council, and
  - (ii) whose practice of the regulated health profession in the province consists only of the provision of educational workshops or courses and does not exceed one week in a calendar year. *2013,c.48,s.89; 2015,c.13,s.17.*

## General

### 90. Prohibition, corporation

- (1) No corporation other than a health profession corporation shall carry on the business of providing the professional services of a member.

#### Prohibition, health profession corporation

- (2) No health profession corporation shall
  - (a) contravene any terms or conditions on its permit; or
  - (b) carry on the business of providing the professional services of a member while the corporation's permit is suspended.

#### Prohibition, member

- (3) No member shall
  - (a) contravene any terms or conditions on his or her registration; or
  - (b) practise a regulated health profession
    - (i) while his or her registration is suspended, or
    - (ii) through a health profession corporation while its permit is suspended. *2013,c.48,s.90; 2017,c.72,s.33.*

### 90.1 Employment or engagement as member

- (1) A person who employs or engages another person to provide health care as a member of a regulated health profession shall ensure that the other person is registered and holds a valid certificate of registration during the period of employment or engagement.

#### Report of suspension, etc.

- (2) A person who employs or engages a member to provide health care on a full-time or part-time basis in any capacity, including as an employee, contractor or consultant, shall
  - (a) promptly report the suspension or termination of the employment or engagement of the member for misconduct, incompetence or incapacity to the council of the member's college; and
  - (b) give the member a copy of the report.

#### Duty of employer

- (3) No person who employs or engages a member shall knowingly permit the member to
  - (a) contravene a provision of this Act or the regulations; or

- (b) fail to comply with a condition of the member's certificate of registration.  
*2015, c.13, s.18.*

**91. False representation**

No person shall knowingly furnish false information in any application under this Act, or in any statement or return required to be furnished under this Act, the regulations or the bylaws made by a college. *2013, c.48, s.91.*

**92. Advertising**

No member or health profession corporation shall engage in advertising that is untruthful, inaccurate or otherwise capable of misleading or misinforming the public. *2013, c.48, s.92.*

### Offences and Penalties

**93. Offences and penalties**

- (1) Every person who contravenes
- (a) this Act or the regulations; or
  - (b) an order made by an investigation committee, a hearing committee or a council under this Act or the regulations,

is guilty of an offence and is liable, on summary conviction, to a fine not exceeding \$50,000.

**Penalties**

- (2) Every officer, director or agent of a corporation who directs, authorizes, assents to, acquiesces in, or participates in, the commission of an offence by that corporation is also guilty of the offence and is liable, on summary conviction, to a fine not exceeding \$50,000, or to imprisonment for a term not exceeding six months, or both.

***Idem***

- (3) Subsection (2) applies whether or not the corporation has been prosecuted for or convicted of the offence. *2013, c.48, s.93.*

**94. Prosecution, limitation period**

No prosecution for an offence under this Act or the regulations shall be commenced after two years from the date when the offence is alleged to have been committed. *2013, c.48, s.94.*

### Injunctions

**95. Injunction**

Where a person does, or threatens or attempts to do, anything that contravenes this Act or the regulations, the Supreme Court may, on the application of a council, grant an injunction restraining the person from committing or continuing the contravention. *2013, c.48, s.95.*





**PART XIII – REGULATIONS****Regulations****96. Regulations**

- (1) The Lieutenant Governor in Council may make regulations
- (a) respecting the types of designations, titles, names, descriptions, abbreviations or derivatives that members or health profession corporations may use;
  - (a.1) establishing different categories or classes of members of a regulated health profession;
  - (b) prescribing additional objects for a college;
  - (c) respecting changes to the name of a college;
  - (d) prescribing criteria to be considered in determining whether it would be in the public interest that a health profession become a regulated health profession;
  - (d.1) respecting the assessment of reasonable proficiency in written and spoken English and setting out circumstances in which this requirement is considered to have been met;
  - (e) respecting the effect of extra-provincial certification or accreditation in a health profession or a specialized area of practise of a health profession with respect to registration in a college;
  - (f) respecting revisions to the scope of practice of a regulated health profession;
  - (g) prescribing fees, or the manner of determining fees, to be submitted with an application under subsection 73(2);
  - (h) prescribing costs, or the manner of determining costs, for the purposes of section 76;
  - (i) specifying the reserved activity or activities that a member of a regulated health profession is authorized to perform;
  - (i.1) prescribing requirements a member shall meet to be authorized to perform a reserved activity;
  - (j) governing the application of a form of energy under clause 86(1)(g);
  - (j.1) establishing a committee to formulate and maintain a list of, and provide direction to a college on, the types or classes of drugs that a member may be competent to prescribe, dispense, sell, compound or administer;
  - (j.2) respecting the membership of a committee established pursuant to clause (j.1), the terms of office of the members and any other administrative matters related to such a committee;
  - (k) governing the performance of reserved activities by a person or class of persons exempted under subsection 86(3), and specifying the purposes for which, or the circumstances in which, the reserved activities may be performed;
  - (l) exempting a person or class of persons for the purpose of clause 86(1)(g);
  - (m) for the purpose of subsection 86(4), exempting an activity or class of activities;
  - (n) governing or prohibiting the application of ultrasound, including any application of ultrasound to a fetus, for non-diagnostic imaging purposes;
  - (o) respecting the designation of additional activities as reserved activities for the purposes of subsection 86(1);

- (o.1) requiring a member of a regulated health profession to have special authorization, in the form of an endorsement on a registration or a certificate or other instrument, to perform a prescribed activity;
- (o.2) prescribing an activity for which a member of a regulated health profession requires special authorization to perform;
- (o.3) governing the performance of a reserved activity, an activity for which special authorization is required or any other activity within the scope of practice of a member of a regulated health profession, including the purposes for which, or the circumstances in which, the activity may be performed.
- (p) defining any word or phrase used but not defined in this Act;
- (q) respecting any other matter necessary or advisable to carry out the intent and purpose of this Act.

**Regulations – council**

- (2) The Lieutenant Governor in Council, in consultation with a council, may make regulations relating to matters associated with the regulation of entitlement to practice, standards of practice and discipline for a regulated health profession and for any purpose authorized by this Act and, in particular,
  - (a) respecting the information required to be entered in a register or record of the college and requiring a member or health profession corporation to notify the registrar without delay of any change in the information entered in the register or record in respect of the member or health profession corporation;
  - (b) respecting the information entered in a register that is required to be disclosed to any person or to another professional regulatory body;
  - (b.1) dividing a register into sub-registers and parts;
  - (c) respecting the procedures and requirements for applications for registration and reinstatement of registration in a register and for renewal of registration or permits, and the information, evidence and supporting material that must be provided with applications;
  - (d) requiring a member or health profession corporation to notify the registrar without delay of any change in the information provided with an application;
  - (e) respecting the practicum training, internship and supervised practice requirements for applicants for registration and reinstatement of registration and for renewal of registration, including setting out the circumstances in which any requirements are deemed to have been met;
  - (e.1) respecting the requirements for the engagement or assignment of a supervisor or preceptor and the duties of a supervisor or preceptor;
  - (f) repealed by 2017, c.72, s.34;
  - (g) repealed by 2014, c.46, s.3;
  - (h) respecting the assessment of the educational qualifications of applicants for registration, including providing for a transitional period for the assessment of educational qualifications obtained within one year after the coming into force of this Act and setting out the circumstances in which any requirements are deemed to have been met;
  - (i) respecting the examinations required to have been successfully completed by applicants for registration;
  - (j) respecting the approval of educational institutions and the designation of accreditation bodies for the purposes of Part III;



- (k) respecting requirements for currency of professional knowledge and skills for applicants for registration, reinstatement of registration and renewal of registration;
- (l) respecting requirements for continuing education and competency for members and establishing a program of continuing education;
- (l.1) establishing methods or programs to assess the competency of members, such as peer review, self-assessment or practice audits, and requiring members to participate;
- (m) respecting the type and amount of professional liability insurance or protection that members and health profession corporations are required to hold or be covered by;
- (n) respecting additional requirements for registration in each register, renewal of a certificate of registration and reinstatement of registration;
- (o) respecting the terms and conditions that may be imposed on the registration of a member or the permit of a health profession corporation;
- (p) respecting additional circumstances in which the registration of a member or the permit of a health profession corporation may be suspended or cancelled;
- (p.1) providing for a member to obtain special authorization, in the form of an endorsement on a registration or a certificate or other instrument, to perform a prescribed activity;
- (p.2) respecting the procedures and requirements for applications for special authorization to perform a prescribed activity or for the renewal or reinstatement of such special authorization, and the information, evidence and supporting material that shall be provided with those applications;
- (p.3) prescribing the requirements a member shall meet for special authorization to perform a prescribed activity;
- (p.4) imposing terms and conditions with respect to special authorization to perform a prescribed activity;
- (p.5) respecting the refusal to grant special authorization to perform a prescribed activity or the suspension or cancellation of special authorization to perform a prescribed activity;
- (p.6) providing for an appeal related to matters referred to in clauses (p.4) and (p.5);
- (p.7) requiring a member to pay fees, established by the bylaws, for special authorization to perform a prescribed activity;
- (q) respecting the types of names by which
  - (i) a health profession corporation,
  - (ii) a partnership of health profession corporations, or
  - (iii) a partnership of one or more health profession corporations and one or more members, or both, may be known;
- (r) restricting the persons or classes of persons with whom a member or class of members may practice in association;
- (s) respecting the records and accounts to be kept by members and health profession corporations with respect to their practice and providing for the production, inspection and examination of those records and accounts;
- (s.1) regulating, controlling or restricting advertising by members and health profession corporations;
- (t) repealed by 2015, c.13, s.19;
- (u) respecting methods for determining incompetence and the types of conduct that may be found to constitute incompetence;
- (v) respecting types of conduct that may be found to constitute professional misconduct;

- (w) respecting the procedure to be followed at a hearing by a hearing committee;
- (x) respecting the criteria to be considered by a hearing committee in imposing a fine under clause 58(2)(h);
- (y) providing that the contravention of specified provisions of the regulations constitutes an offence.

**Authority of Minister**

- (2.1) Repealed by 2017;c.14,s.12(2).

**Council shall comply**

- (2.2) Repealed by 2017;c.14,s.12(2).

**Failure to comply**

- (2.3) Repealed by 2017;c.14,s.12(2).

**Limitation of authority**

- (2.4) Repealed by 2017;c.14,s.12(2).

**Approval**

- (3) Repealed by 2017;c.14,s.12(2).

**Public access**

- (4) Repealed by 2017;c.14,s.12(2). *2013,c.48,s.96; 2013,c.21,s.3; 2014,c.46,s.3; 2015,c.13,s.19; 2015,c.40,s.1; 2017,c.72,s.34; 2017;c.14,s.11,12.*

## **PART XIV – TRANSITIONAL AND COMMENCEMENT**

**97. Bylaws continued in force under this Act**

- (1) The bylaws of a college that are in effect immediately before the day the college is continued under subclause 2(1)(b)(i) and (iv) continue in force under this Act, to the extent that they are not inconsistent with this Act, until they are repealed or amended or cease to have effect under this Act.

**Members of Board deemed to be elected under bylaws made under this Act**

- (2) The persons who were elected as members of a council and who hold office immediately before the day the college is continued under this Act are deemed to have been elected under bylaws made by the council under section 10 until such time as their terms would otherwise have expired if the college had not been continued under this Act, unless they sooner cease to hold office under this Act.

**Officers of College deemed to be elected under bylaws made under this Act**

- (3) The persons who were elected as officers of a college and who hold office immediately before the day the college is continued under this Act, are deemed to have been elected under bylaws made by the council under section 10 of this Act as officers of the college until such time as their terms would otherwise have expired if the college had not been continued under this Act, unless they sooner cease to hold office under this Act.



**Officers of College deemed to be appointed under bylaws made under this Act**

- (4) The persons who have appointments under bylaws of a council that are in effect immediately before the day the college is continued under this Act are deemed to have been appointed as officers of the college under bylaws made by the council under section 10 of this Act until such time as their appointments would otherwise have expired if that Act had not been repealed, unless they sooner cease to hold office under this Act.

**Membership of college**

- (5) A college is composed of those persons who, immediately before the college is continued under subclause 2(b)(i) or (iv), are members of the college, and such other persons who are granted membership in accordance with the bylaws of the college. *2013, c.48, s.97.*

**98. Member deemed to be registered under this Act**

- (1) Where a person, immediately before the person's health profession is designated as a regulated health profession under clause 2(1)(a), is a member of the health profession under another Act and holds a certificate of registration, or a document equivalent to a certificate of registration, issued under that Act,
- (a) the person is deemed to be registered in the register for that regulated health profession; and
  - (b) the certificate of registration or equivalent document of the person is deemed to have been issued under section 12 of this Act.

**Certificate of registration or equivalent**

- (2) Repealed by *2017, c.72, s.35.*

**Conditions continue**

- (3) Where a person is deemed under subsection (1) to be registered in a register, the registration of the person is subject to any conditions or restrictions to which the certificate of registration of the person was subject under the other Act or the regulations made under that Act.

**Expiry date continues**

- (4) Where a certificate of registration of a person is deemed under subsection (1) to have been issued under this Act, the certificate of registration is subject to the expiry date to which the certificate of registration of the person was subject under the other Act.

***Idem***

- (5) Repealed by *2017, c.72, s.35. 2013, c.48, s.98; 2015, c.13, s.20; 2017, c.72, s.35.*

**99. Matter pending before College under another Act**

- (1) Where, under another Act, a matter was pending before a college immediately before the day the college was continued under this Act, and was set for a hearing to commence within 60 days of
- (a) the coming into force of this Act; or
  - (b) the designation of the college's health profession as a regulated health profession under clause 2(1)(a),

whichever is the later, the matter shall be concluded under the other Act as though this Act had not come into force.

**Referral to hearing committee under this Act**

- (2) Notwithstanding subsection (1), the college and the member whose conduct is under investigation or is the subject matter of a hearing under another Act may agree that the matter shall be referred as a complaint to a hearing committee appointed under subsection 51(1) of this Act, and in that case the matter shall be concluded under this Act.

***Idem***

- (3) Where, under another Act, a matter was pending before a college immediately before the day the college was continued under this Act, and was not set for a hearing to commence within 60 days of
- (a) the coming into force of this Act; or
  - (b) the designation of the college's health profession as a regulated health profession under clause 2(1)(a),

whichever is the later, the matter shall be referred as a complaint to a hearing committee appointed under subsection 51(1) of this Act, and the matter shall be concluded under this Act.

**Complaint made after this Act applies to a regulated health profession**

- (4) A complaint made after a health profession is designated as a regulated health profession under clause 2(1)(a) that relates to conduct that occurred in whole or in part before the health profession was designated as a regulated health profession shall be dealt with under this Act.

**Decisions, actions and orders continue in effect**

- (5) A direction, decision, action, determination, finding, recommendation or order made or carried out under another Act that is in effect immediately before a college is continued under subclause 2(1)(b)(i) or (iv) continues in effect until it ceases to have effect according to its terms, or is varied or terminated under this Act. *2013, c.48, s.99.*

