



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

PHYSIOTHERAPY ACT AUTHORIZATION REGULATIONS

PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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PHYSIOTHERAPY ACT
Chapter P-7

AUTHORIZATION REGULATIONS

Pursuant to section 4 of the *Physiotherapy Act* R.S.P.E.I. 1988, Cap. P-7, Council approved the following regulations made by the Council of the Prince Edward Island College of Physiotherapists, after consultation with the general membership of the College:

1. Definitions

In these regulations

- (a) “**Act**” means the *Physiotherapy Act* R.S.P.E.I. 1988, Cap. P-7;
- (b) “**acupuncture**” means the stimulation of certain points on the body by the insertion of needles for the purposes of evaluating, treating, managing, alleviating or preventing pain, pain-related conditions or movement dysfunction;
- (c) “**Alliance**” means the Canadian Alliance of Physiotherapy Regulators;
- (d) “**NAFTA jurisdiction**” means a country that is a signatory to the North American Free Trade Agreement;
- (e) “**PCE**” means the Physiotherapy Competency Examination for entry-level physiotherapists as conducted nationally by the Alliance;
- (f) “**permit holder**” means the operator of a clinic who holds a permit under subsection 11(3);
- (g) “**Registrar**” means the Registrar appointed under subsection 2(8) of the Act. (EC574/03)

LICENSES

2. Application for license

- (1) An applicant for a license to practise physiotherapy shall submit to the Council an application, in writing and in a form approved by the Council, together with
 - (a) documentation showing compliance by the applicant of the requirements of the Act and these regulations;
 - (b) documentation of, and a description of, any subsequent educational qualifications and assessments of skills and competency achieved after completing the basic professional education referred to in clause 5(a) of the Act;

- (c) documentation of current registration and good standing in another jurisdiction, if applicable;
- (d) an outline of the type, duration and dates of active professional practice; and
- (e) such other information as the Council or the Registrar may require.

Registrar assesses applications

- (2) The Registrar, at the direction of the Council,
 - (a) shall assess applications for a license and determine whether the requirements of the Act and these regulations are met; and
 - (b) may investigate and confirm the veracity of information provided by the applicant.

Deemed to be that of Council

- (3) For greater certainty, an assessment and investigation by the Registrar is deemed to be an assessment and investigation by the Council. *(EC574/03)*

3. Other training programs

- (1) The Council may accept, for the purpose of clause 5(a) of the Act, proof of successful completion of a course of study assessed by the Alliance as being essentially equivalent to a degree program in physiotherapy in scope, content and quality if
 - (a) the applicant provides a copy of the assessment; and
 - (b) the applicant has successfully completed such further practical training, if any, as the assessment indicates is necessary.

Professional competency requirements

- (2) The requirements prescribed in respect of an applicant's professional competency for the purpose of clause 5(c) of the Act are
 - (a) the successful completion of the PCE;
 - (b) the holding of a valid license to practise physiotherapy in another Canadian jurisdiction on December 31, 1993; or
 - (c) the holding of an unrestricted practice certificate in another province or in a territory and the practise of physiotherapy,
 - (i) in a province other than Quebec or in a territory, for at least 3,200 hours within a period, immediately preceding the date of application, of not less than two years and not more than three years, or
 - (ii) in Quebec, within the two years preceding the date of application and the successful completion of a physiotherapy degree program from a university in Quebec.

Currency of knowledge and skills

- (3) The requirements prescribed in respect of an applicant's currency of professional knowledge and skills for the purpose of clause 5(d) of the Act are
 - (a) meeting the professional currency requirements of section 7;
 - (b) the successful completion of the PCE within the five years preceding the date of application; or
 - (c) the practise of physiotherapy for at least 1,200 hours within the five years preceding the date of application. *(EC574/03)*



4. Persons not in good standing

For the purposes of assessing an application for a license, the Council may not regard an applicant as being in good standing under an existing license or comparable authorization as referred to in clause 5(e) of the Act, if the applicant

- (a) has been or is being investigated or disciplined for professional misconduct, negligence or incompetence by a regulatory authority or professional organization that has not yet declared the applicant to be in good standing; or
- (b) has been convicted of an offence of such nature and direct relevance to professional practice that, in the opinion of the Council, the applicant would pose a risk to clients.
(EC574/03)

5. Specialist endorsement re: acupuncture

(1) The Council may, under section 7 of the Act, grant a specialist endorsement of a license to render acupuncture to an applicant who

- (a) holds a valid license issued pursuant to these regulations;
- (b) has, in respect of physiotherapy services, successfully completed
 - (i) the relevant training and clinical experience required by the Acupuncture Foundation of Canada Institute, or
 - (ii) such equivalent training as the Council may approve; and
- (c) pays the fee established by the bylaws.

Scope of acupuncture practice

(2) An acupuncture endorsement issued under subsection (1) shall specify the level or scope of acupuncture techniques for which the person is trained and entitled to practise.

Amendment of endorsement

(3) The Council, after consultation with the physiotherapist, may amend an acupuncture endorsement granted under subsection (1).

Acupuncture procedures

(4) A physiotherapist who holds an acupuncture endorsement shall

- (a) use only those procedures encompassed within the scope of practice in the endorsement;
- (b) have reasonably immediate access to expert advice from a person certified by the Acupuncture Foundation of Canada Institute or an approved equivalent; and
- (c) use a needle-invasive procedure only if
 - (i) the patient has given explicit consent to the procedure after receiving oral and written explanation of the proposed procedure and of the qualifications of the physiotherapist with respect to acupuncture, and
 - (ii) the patient has ready access to medical care. (EC574/03; 349/09)

6. Special authorization

(1) The Council may issue a special authorization under section 9 of the Act, for the following purposes:

- (a) to allow practice by an applicant who has not yet successfully completed the PCE if the applicant
 - (i) is qualified in all other respects,

- (ii) is registered to take the next PCE or is awaiting notice of the results of writing the PCE,
- (iii) practises only under the supervision of a specified licensed physiotherapist who is physically present at the site of practice, and
- (iv) uses the title “physiotherapy resident” and not “physiotherapist”;
- (b) to allow a visit to the province by a practitioner licensed in another jurisdiction;
- (c) to allow practise by a person who is upgrading professional skills for the purpose of qualifying for a license;
- (d) to allow physiotherapy functions performed by a person engaged in a practical clinical component of a recognized training program;
- (e) to allow the operation of a temporary or intermittent clinic for a limited purpose;
- (f) for such purposes as the Council considers appropriate.

Expiry

- (2) A special authorization issued to an applicant pursuant to subsection (1) expires
 - (a) 15 days after the PCE results become available to the applicant;
 - (b) 15 days after the next scheduled PCE, if the applicant does not write the PCE; or
 - (c) on the date specified on the special authorization,whichever is earlier. (EC574/03)

7. Professional currency requirements

- (1) A physiotherapist shall
 - (a) satisfy the professional currency requirements of this section on an application for renewal of an authorization under subsection 10(2) of the Act; and
 - (b) provide the Registrar with such information as the Registrar or the Council may require.

Professional currency activities

- (2) The following continuing professional currency activities are considered to be directly related to the practice of physiotherapy and may be counted, on an hour-for-hour basis unless otherwise indicated, for credit hours under this section:
 - (a) a course, lecture, workshop, seminar or similar activity given, sponsored or approved by the Canadian Physiotherapy Association or a provincial physiotherapists’ association or licensing body, or by an equivalent national association or state body of another NAFTA jurisdiction;
 - (b) a course, lecture, workshop, seminar or similar activity given or sponsored by the Acupuncture Foundation of Canada Institute or such comparable institute;
 - (c) a course, lecture, workshop, seminar or similar activity given or sponsored by a school of physiotherapy or rehabilitation or similar post-secondary education program that is recognized by the Canadian Physiotherapy Association;
 - (d) a course, lecture, workshop, seminar or similar activity given or sponsored by the professional association, or regulatory or certification body in a NAFTA jurisdiction, of a health profession other than physiotherapy;
 - (e) a course, lecture, workshop, seminar or similar activity that may be expressly approved by the Council;



- (f) preparation and delivery of a course, lecture, workshop, seminar or similar activity, provided it has been approved in advance by the Council, to be counted as two credit hours, to a maximum accumulation of six credit hours in any three-year period;
- (g) preparation and publication of an article in a recognized professional journal, to be counted as 10 credit hours, to a maximum accumulation of 20 credit hours in any three-year-period;
- (h) preparation and publication of a case report or book review in a recognized journal, to be counted as one credit hour, to a maximum accumulation of three credit hours in any three-year-period;
- (i) use of a professional-education program given in a professional journal or by audio or video cassette or some other electronic means, provided that the program incorporates some form of evaluative testing and is approved by the Council, to be counted as two credit hours, to a maximum accumulation of six credit hours in any three-year-period;
- (j) working for at least one day in an arrangement approved by the Council, with or under the consultancy of a colleague or other related professional in order to acquire knowledge and skills which have lapsed or were not previously possessed, to be counted as two credit hours, to a maximum accumulation of six credit hours in any three-year-period.

Renewal

- (3) An applicant for renewal of a license shall meet the following requirements for professional currency:
 - (a) 10 credit hours in the previous year; or
 - (b) 30 credit hours in the three years preceding the application for renewal. (EC574/03)

8. Late fee applies

Where an applicant for the renewal of a license applies

- (a) less than 45 days before expiry of the license; or
- (b) after expiry of the license,

the applicant shall submit with the application the late renewal penalty established by the bylaws. (EC574/03; 349/09)

9. Notice

- (1) Where the Council proposes to refuse to issue or renew a license, or to suspend or cancel a license, the Council shall serve notice on the applicant or physiotherapist by personal service or certified mail at the address shown in the records maintained by the Registrar
 - (a) stating the reasons for the proposed refusal, suspension or cancellation;
 - (b) stating the effective date of the suspension or cancellation, which date shall be not less than 21 days from the date of the notice; and
 - (c) informing the applicant or physiotherapist that a response in writing may be made to the Council before the effective date giving reasons why the Council should not act in the manner proposed.

Powers of Council

- (2) Where the applicant or physiotherapist writes a response pursuant to subsection (1), the Council may, after considering that response,

- (a) withdraw the notice and issue the license; or
- (b) refuse to issue or renew, or may suspend or cancel, the license. (EC574/03)

10. Lapse

- (1) Where a license has lapsed under subsection 11(1) of the Act, the Registrar shall make reasonable efforts to notify the person of the lapse.

Information

- (2) An applicant for the renewal of a license shall provide the Registrar with such information as the Registrar or the Council may require. (EC574/03)

PERMITS

11. Application for permit

- (1) An applicant for a permit to operate a clinic shall submit a written application including the following:
- (a) the name, address and telephone number of the clinic operator and the names and addresses of the person's partners or directors, where applicable;
 - (b) the name of the clinic;
 - (c) the location, address and telephone number of the clinic;
 - (d) a description of the clinic including the physical layout and equipment, with a sketch plan;
 - (e) a description of the general nature of the clientele to be served and of the services to be offered;
 - (f) a description of the usual staffing arrangements;
 - (g) the name, address and telephone number of the person designated as physiotherapist in charge of the clinic;
 - (h) the name of other physiotherapists working regularly at the clinic;
 - (i) proof, as requested by the Council or the Registrar, of compliance with fire and electrical codes, public health and safety laws other applicable laws;
 - (j) such other information or documentation as the Council may request.

Registrar assesses applications

- (2) The Registrar, at the direction of the Council,
- (a) shall assess applications for a permit to operate a clinic and determine whether the requirements of the Act and these regulations are met; and
 - (b) may investigate, inspect and confirm the veracity of information provided by the applicant.

Permit to operate a clinic

- (3) Subject to section 13, the Council may issue a permit to operate a clinic to an applicant, subject to such terms and conditions as the Council may consider appropriate, including compliance with fire and electrical codes, public health and safety laws and other applicable laws. (EC574/03)



12. Refusal to issue or renew permit

- (1) The Council may refuse to issue or renew a permit or may suspend or cancel a permit if the applicant or permit holder
 - (a) has failed to comply with the conditions of a permit or a provisional permit;
 - (b) employs a physiotherapist who is not licensed under these regulations; or
 - (c) does not otherwise comply with the Act or these regulations.

Notice

- (2) Where the Council proposes to refuse to issue or renew a permit, or to suspend or cancel a permit, the Council shall serve notice on the applicant or permit holder by personal service or certified mail at the address shown in the records maintained by the Registrar
 - (a) stating the reasons for the proposed refusal, suspension or cancellation;
 - (b) stating the effective date of the suspension or cancellation, which date shall not be less than 21 days from the date of the notice; and
 - (c) informing the applicant or permit holder that a response in writing may be made to the Council before the effective date giving reasons why the Council should not act in the manner proposed.

Powers of Council

- (3) Where the applicant or permit holder writes a response pursuant to subsection (2), the Council may, after considering the response,
 - (a) withdraw the notice and issue the permit; or
 - (b) refuse to issue or renew, or may suspend or cancel, the permit.

Other cancellations

- (4) Notwithstanding subsection (2), the Council may, without prior notice,
 - (a) approve the withdrawal of an application for a permit;
 - (b) at the request of a permit holder, cancel the permit respecting a clinic;
 - (c) cancel a permit respecting a clinic that has ceased to operate for 90 days or more;
 - (d) cancel or suspend a permit on the recommendation of health, fire or safety officials; or
 - (e) cancel a permit respecting a clinic that has become bankrupt. *(EC574/03)*

13. Information to Registrar

- (1) An applicant for renewal of an authorization pursuant to section 11 of the Act shall provide such information to the Council as the Council may require.

Clinic permit expired

- (2) The Council may renew a permit that has expired, if the application for renewal is made not more than 60 days after the expiry and the applicant complies with the Act and these regulations. *(EC574/03)*

14. Changes affecting license

- (1) A license holder shall notify the Registrar without delay of changes in the information provided in the most recent application, including those that may affect the license holder's ability to practise and changes in address or contact information.

Changes affecting clinic

- (2) A permit holder shall inform the Registrar of any change of address or contact information, and if
- (a) the clinic will be closed or its physiotherapy services will be significantly changed or discontinued for a period exceeding 60 days;
 - (b) the facility is significantly renovated or rearranged; or
 - (c) the scale or manner of operation of the clinic is significantly altered.

Review status of permit

- (3) Where subsection (1) or (2) applies, the Council may review the status of the license or permit and, if it considers that applicable requirements are not fully met, it may impose or remove conditions on the license or permit, or suspend or revoke it, or require that the person reapply for a license or permit. *(EC574/03)*

15. Information gathered by the Registrar

- (1) Files and other information compiled by the Registrar or Council
- (a) are the property of the Council; and
 - (b) shall contain copies of documents submitted on applications under the Act and these regulations, and other information gathered in the administration of the Act and these regulations.

Disclosure

- (2) The Registrar or the Council may disclose
- (a) information about a person's application, authorization status or standing to another regulatory authority or professional organization; or
 - (b) the existence of a permit or license to an organization, employer or client or to the general public. *(EC574/03)*

16. Fees

Revoked by EC349/09. *(EC574/03; 349/09)*

