



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

PHYSIOTHERAPY ACT

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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.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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PHYSIOTHERAPY ACT

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PHYSIOTHERAPY ACT

CHAPTER P-7

1. Interpretation

In this Act

- (a) “**authorization**” means a license or a permit, as the case may be;
- (b) “**clinic**” means a facility or premises for the purpose of or carrying out the practice of physiotherapy, but does not include a hospital or other institution that is operated under other statutory regulation or by a government agency nor such other establishment as may be exempted by the Council;
- (c) “**College**” means the Prince Edward Island College of Physiotherapists established by section 2;
- (d) “**Council**” means the Council of the Prince Edward Island College of Physiotherapists established by section 2;
- (e) “**license**” means an authorization issued by the Council entitling the holder to practise physiotherapy, and includes a specialist certification or endorsement granted under section 7 or a special authorization granted under section 9;
- (f) “**Minister**” means the Minister of Health and Wellness;
- (g) “**permit**” means an authorization issued by the Council entitling the holder to operate a clinic, and includes a special permit granted under section 9;
- (h) “**physiotherapist**” means a person holding a license to practise physiotherapy;
- (i) “**physiotherapy**” means physical therapy practised in a continuing way to remove, alleviate or prevent movement dysfunction or pain, in a manner that requires the practitioner’s independent exercise of professional knowledge, skill, judgment, and ethical conduct, and includes diagnostic assessment, design and conduct of treatment involving exercise, massage, hydrotherapy, heat, sonic, laser and electrical techniques, evaluation of progress, patient instruction, research and educational or preventative measures;
- (j) “**regulations**” means regulations made under section 4. 1988, c.50, s.1; 2005, c.40, s.26; 2010, c.31, s.3.

COLLEGE AND COUNCIL

2. College

- (1) The Prince Edward Island Association of Physiotherapy established by *An Act Respecting the Practice of Physiotherapy* R.S.P.E.I. 1974, Cap. P-16 is continued as a corporate body under the new name of the Prince Edward Island College of Physiotherapists, composed of those persons who hold a license under this Act and such other persons as may be granted special membership in accordance with the regulations.

Council

- (2) There shall be a Council of the College which shall carry out the functions of the College and govern and administer its affairs.

Composition

- (3) The Council shall be composed of five persons, nominated by the general membership of the College and appointed by the Minister, of whom at least three shall be physiotherapists and one shall be a lay person representing the interests of the general public.

Term

- (4) Appointments shall be for a maximum of two years.

Idem

- (5) Members may be reappointed but shall not serve more than three consecutive terms.

Idem

- (6) A member ceases to hold office if he resigns, ceases to reside in the province, fails to attend three consecutive meetings without reasonable excuse, becomes incapable of acting, or is convicted of an indictable offence.

Officers

- (7) The Council shall elect or appoint one of its physiotherapist members as chairperson and such other officers as are considered appropriate.

Registrar

- (8) The Council shall appoint a Registrar, who may or may not be a member of the Council.

Bylaws

- (9) The Council may make bylaws and policies, not inconsistent with this Act, for its internal organization and the regulation of its operations, including
- (a) the election or appointment, terms of office, duties and remuneration of the officers of the Council;
 - (b) the calling and conduct of meetings of the Council;
 - (c) the establishment and operation of committees of the Council;
 - (d) the making, amendment and revocation of bylaws of the Council; and
 - (e) establishing the fees that are payable by an applicant
 - (i) to file an application for a license under section 6,
 - (ii) for a license issued under section 6,
 - (iii) for a specialist certification or endorsement granted under section 7,
 - (iv) for a permit issued under subsection 8(2),
 - (v) for a special authorization granted under section 9,
 - (vi) for the renewal of a license or permit under subsection 10(2), and
 - (vii) for the *re*-issuance of a license, including any penalty for late renewal, under subsection 11(2).

Inform Minister upon request

- (10) The Council shall inform the Minister, upon request, concerning its general operation and performance of its functions. *1988, c.50, s.2; 2008, c.56, s.1.*



3. Purpose

- (1) The purpose of the Council is to regulate the practice of physiotherapy in the province so as to promote a high standard of practice and safeguard the welfare of the public with regard to physiotherapy services.

Functions

- (2) The functions of the Council are to
- (a) prescribe initial and continuing educational, proficiency and other qualifications or requirements for authorizations;
 - (b) examine applicants and determine entitlement to authorizations;
 - (c) grant authorizations and keep the official register of them;
 - (d) prescribe and assure adherence to professional ethical guidelines and standards of quality to govern physiotherapy services;
 - (e) monitor adherence to established standards and guidelines, investigate complaints, and exercise discipline or professional remediation, by revocation, restriction or suspension of an authorization, by reprimand, retraining requirement, fine or other means. *1988, c.50, s.3; 2008, c.56, s.2.*

4. Regulations

The Council, after consultation with the general membership of the College and subject to approval by the Lieutenant Governor in Council, may make regulations. *1988, c.50, s.4.*

AUTHORIZATIONS

5. License qualifications

A person seeking an initial license to practise as a physiotherapist shall apply to the Council and shall provide proof of

- (a) successful completion of basic professional education, that is a degree program in physiotherapy at a university approved by the Council, or an equivalent course of study acceptable to the Council;
- (b) successful completion of such practical training as may be prescribed;
- (c) professional competency, as demonstrated by such examination as may be prescribed;
- (d) currency of professional knowledge and skills, as indicated by such requirements as may be prescribed regarding recentness of professional education, examination, active practice or refresher program; and
- (e) good standing under an existing license or comparable authorization, if applicable. *1988, c.50, s.5.*

6. Issue

The Council shall issue a license to an applicant who has to its satisfaction met the requirements of section 5 and paid the fee established by the bylaws. *1988, c.50, s.6; 2008, c.56, s.3.*

7. Specialist certification

The Council may, in accordance with qualifications, standards and conditions prescribed by regulation and upon payment of the fee established by the bylaws, grant a specialist certification or endorsement of an applicant's license to signify that person's entitlement to render acupuncture or other amplified or specialized physiotherapy services. *1988, c.50, s.8; 2008, c.56, s.4.*

8. Permit for clinic

- (1) A person seeking a permit to operate a physiotherapy clinic shall apply to the Council, furnishing such information as the Council may require.

Investigation, issue

- (2) The Council shall carry out such investigation as it considers necessary and shall, if it is satisfied that all the prescribed requirements are met, issue a permit to the applicant upon payment of the fee established by the bylaws.

Terms of permit

- (3) A permit may be issued subject to such terms and conditions as the Council may determine.

Classes of permit

- (4) The Council may by regulation establish classes of permit for different types of clinic. *1988, c.50, s.9; 2008, c.56, s.5.*

9. Special authorization

The Council may grant a special authorization, upon payment of the fee established by the bylaws, with certain privileges or restrictions concerning such aspects as duration or scope of function permitted, for unusual circumstances, notwithstanding that the eligibility requirements may not be entirely met. *1988, c.50, s.10; 2008, c.56, s.6.*

10. Expiry

- (1) All authorizations, unless a shorter term has been imposed by the Council, expire one year from the date on which the authorization is expressed to come into effect.

Renewal

- (2) A person who holds an authorization shall annually, prior to its expiry, apply to the Registrar for a renewal thereof for the ensuing year, and if the Council has no reason to believe that the person is in violation of this Act, the regulations or the terms of his authorization, or does not satisfy such requirements for professional currency as may be prescribed, the Council shall renew the authorization upon payment of the fee established by the bylaws.

Permit not transferable

- (3) Notwithstanding subsections (1) and (2), a permit to operate a clinic ceases to have effect when the clinic is sold or the responsibility for its overall management is changed to a person other than the holder of the permit. *1988, c.50, s.11; 2008, c.56, s.7.*

11. Failure to renew

- (1) A person holding an authorization who fails to have it renewed on or before the date of expiry, or to make a special arrangement for extension or deferred renewal that is acceptable



to the Council, ceases upon the expiry of the authorization to be entitled to practise as a physiotherapist or to operate a clinic, as the case may be.

Reissue

- (2) Subject to the conditions of subsection 10(2), a person whose license lapses under subsection (1),
- (a) if within two years thereafter he applies and pays the fee established by the bylaws, shall be entitled to have his license reissued; or
 - (b) if he applies more than two years thereafter, may be relicensed upon complying with such terms as the Council may direct. *1988, c.50, s.12; 2008, c.56, s.8.*

DISCIPLINE**12. Appraisal of clinic**

- (1) The Council may carry out or cause to be carried out such investigation or appraisal as it considers necessary into any aspect of the operation of a clinic for the purpose of determining compliance with prescribed standards and with the terms of its permit.

Idem

- (2) Any holder of an authorization shall co-operate with such investigation or appraisal, and shall make any records available as may be necessary. *1988, c.50, s.13.*

13. Cancellation etc., of permit

Where the Council has determined, after due investigation, that a clinic is not operating in accordance with the prescribed standards or the terms of its permit, and after giving the permit holder and physiotherapist in charge the opportunity to be heard, with legal counsel if desired, the Council may revoke, suspend, impose conditions on, or refuse to renew the permit, or apply such financial or other penalty as it may consider appropriate. *1988, c.50, s.14.*

14. Investigation

- (1) Where the Council has cause to believe that a physiotherapist is in violation of the Act or regulations, or is unfit to practise or guilty of conduct contrary to the public interest by reason of negligence, improper professional conduct, mental or professional incompetence or other comparable failing which may be seriously detrimental to the performance of service to a client, the Council shall make due investigation, and shall give the affected person the opportunity to be heard, with legal counsel if desired.

Discipline

- (2) Where the Council determines that a physiotherapist is in violation, unfit to practise or guilty of misconduct, the Council, following guidelines established by regulation or written policy, may disqualify, discipline or seek to remedy the professional performance of the person by revoking, suspending or imposing a condition on the person's authorization, by reprimand, financial penalty, retraining requirement or other such means as it may consider appropriate. *1988, c.50, s.15.*

15. Appeal

- (1) A person whose authorization has been suspended or revoked by the Council under section 13 or 14 may appeal that decision to the Supreme Court by filing a notice of appeal with the court and so informing the Council within fifteen days of receiving notification of the Council's decision.

Effective date

- (2) A decision by the Council to suspend or revoke an authorization shall take effect only after the expiry of fifteen days from the date on which the Council made its decision known to the person affected or, where an appeal is made, after it has been dismissed by the Supreme Court.

Reinstatement

- (3) The Council may, upon application, subsequently reinstate a suspended or revoked authorization. *1988, c.50, s.16.*

OFFENCE, LIABILITY

16. Permit required

No person shall operate a clinic without a valid permit. *1988, c.50, s.17.*

17. Physiotherapist in charge

A clinic shall be managed, in its professional physiotherapy aspects, by a physiotherapist, and the physiotherapist in charge of the management bears responsibility jointly with the holder of the permit, if other than himself, for ensuring that the clinic complies with the terms of its permit, this Act and prescribed standards. *1988, c.50, s.18.*

18. License required

No person shall practise physiotherapy or attempt to act as, assume the title or designation of or otherwise purport to be or perform the professional functions of a physiotherapist unless he holds a valid license. *1988, c.50, s.19.*

19. Exemption

Notwithstanding section 18, certain functions that are deemed by the Council to be non-professional aspects of physiotherapy may be performed by an aide or technician, as may be acceptable to the Council, under the superintendence of a physiotherapist and subject to such regulations as may be made regarding such assistants and their work. *1988, c.50, s.20.*

20. Idem

Nothing in this Act applies to or prevents the practice of any profession or occupation that includes functions similar or complimentary to physiotherapy by

- (a) a qualified practitioner licensed or registered under any statute governing that profession or occupation; or
- (b) such other persons, including athletic trainers, as the Council recognizes,

if such person in no way purports to be qualified as a physiotherapist. *1988, c.50, s.21.*



21. Penalty

A person who violates section 16 or 18 is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000. *1988, c.50, s.22.*

22. Limitation period

No action shall be brought against a licensed physiotherapist for negligence or malpractice in the provision of professional services except within two years of the termination of the services during the course of which the negligence or malpractice is alleged to have occurred. *1988, c.50, s.23.*

23. Liability unaffected by corporation

The relationship of a physiotherapist to a professional corporation, whether as shareholder, director, officer or employee, does not affect, modify or diminish his liability as a practitioner, nor the application to him of the provisions of this Act, the regulations and any other law applicable to the relationship between practitioner and patient. *1988, c.50, s.24.*

24. Liability of Council

No action lies against the Council, its members or officers for any thing done in good faith with respect to its functions under this Act. *1988, c.50, s.25.*