

REGISTERED HEALTH PROFESSIONS ACT

CONSULTATION PAPER

**DEPARTMENT OF HEALTH AND WELLNESS,
GOVERNMENT OF PRINCE EDWARD ISLAND**

March 3, 2017

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Letter from the Minister of Health and Wellness

The Department of Health and Wellness is pleased to release this Consultation Paper, which proposes new umbrella health professions legislation, the *Registered Health Professions Act*, the “RegHPA”, for those health professions who are unable to self-regulate due to insufficient membership or other mitigating factors.

We invite your comments on the RegHPA. This Consultation Paper will be the focus of consultations with stakeholders before the RegHPA is introduced in the Legislative Assembly in the spring of 2017. In order to enable the consultations to be completed in a timely manner, we ask that your written comments, if any, be submitted not later than March 31, 2017 to:

Department of Health and Wellness
Attn: Nichola M. Hewitt, Solicitor/Legislative Specialist
P.O. Box 2000
Charlottetown, PE C1A 7N8
nmhewitt@gov.pe.ca

We look forward to receiving your comments on this important legislative initiative.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Henderson", with a long horizontal flourish extending to the right.

Robert Henderson
Minister of Health and Wellness

I. Introduction

Current PEI Health Professions Legislative Structure

Most regulated health professions on Prince Edward Island are governed by profession specific acts and regulations. There are currently 15 health professions regulated under 13 profession specific acts, with membership in the various health professions ranging from a few members to 600+ members.

In addition to the profession specific legislation, two professions, pharmacists and pharmacy technicians, are now regulated under the *Regulated Health Professions Act*, R.S.P.E.I. 1988, Cap. R-10.1, the “RHPA”, which came into force in 2013. The RHPA is umbrella legislation, similar to that in several jurisdictions, including, but not limited to, British Columbia, Alberta, Manitoba, and Ontario, in which a number of health professions self-regulate under a single act with profession specific regulations. As of March 1, 2017, there are more than 10 health professions seeking regulation under the RHPA.

Regulatory Challenges for Health Professions on PEI

The current governance models for the regulation of health professions on Prince Edward Island are not universally appropriate as some health professions do not have sufficient human or financial resources to carry out the regulatory function for a health profession. This problem is not unique to Prince Edward Island---the three territories and Newfoundland and Labrador experience similar challenges due to their relatively small populations.

Proposed Legislation

The Department of Health and Wellness has attempted to address the challenge in regulating health professions with small memberships that are currently unregulated by drafting legislation entitled the *Registered Health Professions Act*, the “RegHPA”.

The RegHPA:

- allows health professions with small membership numbers to apply for regulation and sets out the application process;
- offers effective protection for the public by regulating who may perform certain reserved activities that may present a risk of harm if performed by a person who is not adequately trained or competent;
- provides for the governance, registration, complaints, discipline, and appeals for registered health professions;
- provides for profession specific regulations for each registered health profession to address scope of practice, standards of practice, code of ethics, qualification and competence requirements, use of title, permissible reserved activities, and other profession specific matters.

Overview of Key Provisions

Governance Model

The RegHPA is not a self-regulation model---it is regulation by government of those health professions that are too small in membership to self-regulate under the RHPA. Wherever possible, provisions in the RegHPA are similar to those in the RHPA.

The RegHPA requires the Minister to appoint a Registrar who is responsible for the oversight of the act and the regulations. The duties of the Registrar include, but are not limited to, the following:

- investigating and recommending to the Minister whether or not a health profession should be designated under the RegHPA;
- receiving, assessing and determining applications for registration by individual applicants;
- keeping and maintaining registers and records for each registered health profession;
- keeping and maintaining records in respect of health profession corporations;
- performing the duties of the Registrar set out in the RegHPA with respect to discipline matters

New Regulated Health Professions

The RegHPA sets out how unregulated health care professions may apply to become regulated. Upon receiving an application from an organization that represents the majority of the members of a health profession in the province, the Minister may investigate and determine whether it is in the public interest to regulate the profession, and, if so, forward that recommendation to Cabinet for a final determination.

Registration

Once a health profession is designated under the RegHPA, individual applicants may apply for registration. The RegHPA establishes a consistent registration and renewal process for individual applicants which is similar to the registration and renewal processes present in more recent profession specific legislation and the RHPA, and includes appeal provisions for those applicants who are refused registration or are approved for registration with terms or conditions attached.

Business Arrangements

The RegHPA authorizes registered health professionals to practice in association with professionals from other regulated health professions. Additionally, the RegHPA allows registrants to incorporate their professional practice within a health profession corporation. These business arrangement provisions are similar to those provisions that currently exist for health professions regulated under profession specific legislation and the RHPA.

Discipline

The RegHPA establishes a consistent complaints and discipline process for all registered health professions. The process is similar to the complaints and discipline processes present in recent

profession specific legislation and the RHPA, and includes appeal provisions to ensure that principles of fairness and due process are accorded to complainants and respondents alike.

Standards of Practice, Code of Ethics and Other Duties

Regulations for each registered profession will establish or adopt Standards of Practice and a Code of Ethics. In addition, the regulations will provide standards for the continuing competency of health professionals and allow for practice audits to ensure that health professionals maintain the required skills and experience necessary to ensure the protection of the public.

Both the RHPA and the RegHPA impose upon registrants a duty to report the suspected incompetence of or the sexual abuse by another health professional. The legislation provides an exemption from liability for registrants as a result of reporting the suspected incompetence or sexual abuse.

Reserved Activities

The RegHPA allows registrants to perform reserved activities if authorized by profession specific regulations. Reserved activities are those that pose a risk of harm to the patient if not performed by qualified and competent health care professionals. For consistency, the RegHPA incorporates the definition of reserved activities as that found in the RHPA. Health professionals who are not authorized to perform a reserved activity under the RegHPA will still be able to provide services that are not reserved activities.

Regulations

As indicated above, the regulations will be profession specific and drafted in consultation with the health profession and other identified stakeholder groups. Whenever drafting regulations, the Department always performs jurisdictional scans to ascertain the practice across the country.

Part II. Questions for Feedback

The Department of Health and Wellness is seeking feedback on the RegHPA. We ask that you provide your response to the questions outlined below. We also invite you to forward any comments or suggestions that you may have in addition to your responses to our questions.

1. Do you have any concerns respecting the governance structure as proposed in the RegHPA?
2. Do you believe that the proposed governance structure in the RegHPA will resolve some of the challenges that exist for establishing and maintaining health professions with few members?
3. Do you believe that the proposed process for applications to regulate health professions will resolve some of the challenges that exist for initiating regulation of health professions?

Please note that the focus of these consultations is on seeking feedback on the RegHPA, not on assessing whether a specific profession or professions should be regulated.

Please forward your feedback not later than March 31, 2017 to:

Department of Health and Wellness
Attn: Nichola M. Hewitt, Solicitor/Legislative Specialist
P.O. Box 2000
Charlottetown, PE C1A 7N8
nmhewitt@gov.pe.ca

Part III – Proposed Legislation

CONSULTATION DRAFT

Registered Health Professions Act

PART I – INTERPRETATION AND ADMINISTRATION

- 1.** In this Act,
- (a) “Canadian jurisdiction” means a Canadian jurisdiction as defined in the *Labour Mobility Act* R.S.P.E.I. 1988, Cap. L-1.1; Definitions
Canadian jurisdiction
- (b) “Deputy Registrar” means the Deputy Registrar appointed pursuant to subsection 3(4); Deputy Registrar
- (c) “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 or to use a title relating to the practice of the health profession; extra-provincial certification
- (d) “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; health care
- (e) “health profession” means a profession in which a person exercises skill or judgment in providing health care; health profession
- (f) “health profession corporation” means a corporation that holds a valid permit; health profession corporation
- (g) “Minister” means the Minister of Health and Wellness; Minister
- (h) “permit” means a permit issued pursuant to subsection 51(3) authorizing a health profession corporation to carry on the business of providing the professional services of a registrant; permit
- (i) “register” means the register of a registered health profession kept by the Registrar; register
- (j) “registered health profession” means a health profession designated by regulation as a registered health profession; registered health profession
- (k) “registrant” means an individual who is registered or deemed to be registered in a register; registrant
- (l) “Registrar” means the Registrar appointed pursuant to subsection 3(1); Registrar
- (m) “reserved activity” means a reserved activity as defined in the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1. reserved activity
- 2.** The purpose of this Act is to provide for the regulation of certain health professions where it is in the public interest and self-regulation of the health profession under the *Regulated Health Professions Act* is not appropriate due to the small number of practitioners of the health profession or other factors. Purpose
- 3.** (1) The Minister shall appoint a Registrar for the purposes of this Act and the regulations. Registrar
- (2) The Registrar shall Duties of Registrar
- (a) as directed by the Minister under Part II, investigate and provide a recommendation as to whether it is within the purpose of this Act to designate a health profession as a registered health profession;
- (b) receive, assess and determine applications in respect of registration and permits;
- (c) keep and maintain registers and records for each registered health profession;
- (d) keep and maintain records in respect of health profession corporations;

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- (e) perform the duties of the Registrar in respect of discipline matters under Part IV;
 - (f) perform other functions and duties assigned to the Registrar by the Minister.

Idem

- (3) In carrying out his or her duties, the Registrar may, subject to the approval of the Minister with respect to any associated expenses,
- (a) consult with any person who has expertise or information relevant to the duties of the Registrar; and
 - (b) engage, on a temporary basis or for a specific purpose, any person with technical or specialized knowledge of a matter relating to the duties of the Registrar.

Deputy Registrar

- (4) The Minister shall appoint a Deputy Registrar to assist the Registrar in carrying out his or her duties under this Act and to act in place of the Registrar when the Registrar is absent or unable to act.

PART II – DESIGNATION OF REGISTERED HEALTH PROFESSIONS

Application

Application for designation as registered health profession
Form of application

4. (1) A group of persons representing a majority of persons carrying on a health profession in the province may apply to the Minister to have the health profession designated as a registered health profession.

- (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) investigate or direct the Registrar to investigate whether it would be within the purpose of this Act to designate the health profession as a registered health profession;
 - (b) refuse the application, with or without investigation; or
 - (c) approve the application, with or without investigation.

Investigation initiated by Minister

- (4) In the absence of an application, the Minister may investigate or direct the Registrar to investigate whether it would be within the purpose of this Act to designate the health profession as a registered health profession.

Investigation

Conduct of investigation

5. In conducting an investigation under this part, the Minister or Registrar may investigate as he or she 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, and
 - (iii) the invasiveness of the procedures or mode of treatment used by the practitioners;
- (d) evaluate the degree of supervision that is necessary and 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 practitioners of the health profession other than under 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 practitioners of the profession to provide health care;
- (g) ascertain what the qualifications and minimum standards of competence for persons entering 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) consider the potential economic impact of regulating the health profession, including the expected effect on practitioner availability, education and training programs, access to services and the quality, cost and efficiency of those services;

(j) consider other prescribed criteria, if any.

6. In accordance with the regulations, the Minister may charge to persons who make an application under section 3 the costs, including the administrative costs, incurred to conduct an investigation under this part respecting the application. Minister may charge costs of investigation

Recommendations

7. (1) Upon completing an investigation under this part, the Registrar shall recommend to the Minister, with reasons, whether or not, in the opinion of the Registrar, it would be within the purpose of this Act to designate the health profession as a registered health profession. Recommendation of Registrar

(2) If the Registrar recommends that the health profession be designated as a registered health profession, the Registrar may also make recommendations respecting Further recommendations

- (a) a proposed scope of practice for the proposed registered health profession;
- (b) a proposed listing of the reserved activities that registrants of the proposed registered health profession may perform and any conditions respecting the performance of those activities;
- (c) a name for the proposed registered health profession and a designation or title for its registrants; and
- (d) any other matter that is compatible with the recommendation that the health profession be regulated under this Act.

8. (1) In determining whether it would be within the purpose of this Act to designate a health profession as a registered health profession, the Minister Determination of Minister

- (a) may take into consideration
 - (i) any or all of the factors set out in clauses 5(a) to (j),
 - (ii) the recommendations of the Registrar under section 7, if applicable; and
- (b) shall take into consideration whether the health profession may be regulated through self-regulation under the *Regulated Health Professions Act*.

(2) Where the Minister determines that it would be within the purpose of this Act to designate a health profession as a registered health profession, the Minister shall make that recommendation to the Lieutenant Governor in Council. Recommendation of Minister

Designation as a Registered Health Profession

9. The Lieutenant Governor in Council may, by regulation made pursuant to section 73, designate a health profession as a registered health profession for the purpose of this Act. Designation of a health profession

PART III – REGISTRATION AND PRACTICE OF A REGISTERED HEALTH PROFESSION

Prohibitions

10. (1) No person shall practise a registered health profession unless he or she is a registrant of that registered health profession. Prohibition, practise by non-registrant

(2) Subsection (1) does not apply to or prevent the practice of a health profession that includes functions the same or similar to the practice of a registered health profession by a person authorized to perform those functions under another enactment. Does not apply to other regulated practitioners

(3) Subsection (1) does not apply to a person in the course of fulfilling the requirements to become a registrant of the registered health profession, provided that the person is acting under the supervision or direction of a registrant of the registered health profession. Does not apply to student under supervision

(4) No person, other than a registrant of the registered health profession, shall use the designation of a registrant of the registered health profession as set out in the regulations, or any other title, name, description, abbreviation or derivative implying that a person is a registrant of the registered health profession. Prohibition, use of title

(5) Subsections (1) and (4) do not apply to Exception, educational activities

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- (a) a professor in the field of a registered 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 registered health profession by a professional regulatory body in another jurisdiction recognized by the Registrar, and
 - (ii) whose practice of the registered 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.

Application for Registration

- Application** 11. (1) A person may apply to the Registrar, in the form required by the Registrar accompanied by the prescribed application fee, to be registered in the register of a registered health profession.
- Eligibility criteria** (2) An applicant is eligible to be registered in the register of a registered health profession if the applicant
- (a) is entitled to work in Canada;
 - (b) in the opinion of the Registrar, has reasonable proficiency in written and spoken English;
 - (c) has successfully completed the prescribed educational requirements for the registered health profession at an educational institution that is approved by the Registrar or accredited by an accreditation body designated in the regulations;
 - (d) has successfully completed any examinations required by the regulations;
 - (e) has successfully completed any requirements for a graduate practicum, internship training or post-graduate supervised practice set out in the regulations;
 - (f) meets any requirements for currency of professional knowledge and skills set out in the regulations;
 - (g) where applicable, is in good standing with the professional regulatory bodies regulating the practice of the registered health profession, or the use of titles relating to the practice of the profession, in any jurisdictions in which the applicant was previously authorized to practise the profession or to use a title relating to the practice of the profession;
 - (h) has not been found guilty of an offence that, in the Registrar's opinion, renders the applicant unsuitable to practise the registered health profession;
 - (i) has not been disciplined by a professional regulatory body for misconduct, incompetence or incapacity that, in the Registrar's opinion, renders the applicant unsuitable to practise the registered 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 for registration under this section; and
 - (l) has paid the prescribed registration fee.
- Extra-provincial certification** (3) An applicant who holds extra-provincial certification 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).
- Review by Registrar** (4) Subject to section 20, on receipt of an application made in accordance with subsection (1), the Registrar shall review the application and, where the Registrar is satisfied that the applicant meets the requirements for registration set out in subsection (2), register the applicant in the appropriate register and issue a certificate of registration to the applicant.
- Duty to notify** (5) A registrant shall notify the Registrar without delay if the registrant
- (a) is found guilty of an offence;
 - (b) is disciplined by a professional regulatory body; or
 - (c) ceases to hold or be covered by professional liability insurance or protection as required by the regulations.

Special Registration

- Special registration** 12. (1) A person who is authorized by a professional regulatory body in another jurisdiction recognized by the Registrar to practise a registered health profession or use a title relating to the practice of a registered health profession, may apply to the Registrar, in a form approved by the Registrar accompanied by the prescribed application fee, to be registered in the register of the registered health profession for a limited time or for a special purpose.
- Eligibility for registration** (2) An applicant is eligible to be registered in the register of a registered health profession for a limited time or for a special purpose, if the applicant

- (a) is authorized to practise the registered health profession, or to use a title relating to the practice of the registered health profession, by a professional regulatory body in another jurisdiction recognized by the Registrar, in a professional category considered by the Registrar to be equivalent or comparable to registration in that register;
- (b) meets any other requirements set out in the regulations for registration under this section; and
- (c) has paid the prescribed registration fee.

(3) Subject to section 20, on receipt of an application made in accordance with subsection (1), the Registrar shall review the application and, where the Registrar approves of the registration of the applicant for the time period or special purpose proposed by the applicant and is satisfied that the applicant meets the requirements for registration set out in subsection (2), register the applicant in the register and issue a certificate of registration to the applicant.

Review by Registrar

Terms or Conditions

13. (1) Subject to subsection (2), the Registrar may impose terms or conditions on a registration.

Terms or conditions

(2) The Registrar shall not impose terms or conditions that contravene the *Labour Mobility Act* on a registration.

No contravention of the *Labour Mobility Act*

(3) The imposition of terms or conditions on a registration under subsection (1) is not effective until notice of the imposition is served on the registrant affected by it.

Effective on notice

Register

14. (1) The Registrar shall enter in a register, in respect of each registrant in that register,

Information to be entered in registers

- (a) the name and business address of the registrant and, if applicable, the name of each health profession corporation of which the registrant is a shareholder or a director;
- (b) the qualifications of the registrant;
- (c) any terms or conditions imposed by the Registrar on the registrant's registration;
- (d) the date and circumstances of any suspension, cancellation or reinstatement of the registration of the registrant under this part;
- (e) the results of any disciplinary proceeding involving the registrant; and
- (f) any other information required to be entered in the register by the regulations.

(2) A registrant shall notify the Registrar without delay of any change in the information referred to in clause (1)(a).

Notification of change in information

(3) Upon request, the Registrar shall disclose

Disclosure of information

- (a) to any person,
 - (i) the name, business address, qualifications, registration status and registration history of a registrant or former registrant,
 - (ii) the nature and disposition of any complaint, investigation or hearing respecting a registrant or former registrant
 - (A) that was resolved by agreement or by an order made with the consent of the registrant or former registrant, or
 - (B) where a hearing committee determined that the conduct of the registrant or former registrant 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 registrant or former registrant, and
 - (ii) any other information required by the regulations to be disclosed.

Certificate of Registration

15. (1) The Registrar shall include the following information on a certificate of registration:

Certificate of registration

- (a) the name of the registrant;
- (b) the register in which the registrant is registered;

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- (c) the expiry date of the registration;
 - (d) any terms or conditions on the registration of the registrant;
 - (e) any other information required by the regulations to be included on a certificate of registration.

Amendment (2) If any of the information referred to in subsection (1) changes, the Registrar shall amend the registration of the registrant and issue a replacement certificate of registration.

Suspension or cancellation (3) Where a registrant's registration is suspended or cancelled under this Act or the regulations,

- (a) the certificate of registration evidencing the registration becomes invalid; and
- (b) the person holding the certificate of registration shall, without delay after being served with notice of the suspension or cancellation, return the certificate of registration to the Registrar.

Production or display of certificate (4) A registrant 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 registrant practises.

Renewal of Registration

Renewal of certificate of registration **16.** (1) A registrant may, at least 30 days before his or her registration expires, apply to the Registrar in the form required by the Registrar accompanied by the prescribed application fee, to renew the registration.

Eligibility for renewal of registration (2) A registrant is eligible to renew his or her registration if the registrant

- (a) has fulfilled any continuing education and competency requirements set out in the regulations;
- (b) has fulfilled any requirements for currency of professional knowledge and skills set out in the regulations;
- (c) has not been found guilty of an offence that, in the Registrar's opinion, renders the applicant unsuitable to practise the registered health profession;
- (d) has not been disciplined by a professional regulatory body for conduct that, in the Registrar's opinion, renders the applicant unsuitable to practise the registered health profession;
- (e) holds or is covered by professional liability insurance or protection as required by the regulations;
- (f) meets any other requirements set out in the regulations for the renewal of registration; and
- (g) has paid the prescribed registration fee.

Review by Registrar (3) Subject to section 20, on receipt of an application made in accordance with subsection (1), the Registrar shall review the application and, where the Registrar is satisfied that the applicant meets the requirements set out in subsection (2), issue a certificate of registration to the applicant.

Extension **17.** On the written request of a registrant, the Registrar may, in writing, extend a registration past its expiry date for a period not exceeding 30 days to allow the registrant to make an application for renewal of the registration under subsection 16(1).

Request for Cancellation of Registration

Request for cancellation **18.** (1) A registrant may

- (a) request, in writing, that the Registrar cancel the registration of the registrant; and
- (b) surrender the certificate of registration held by the registrant to the Registrar.

Cancellation of registration (2) On receipt of a request in writing by a registrant and the surrender of the registrant's certificate of registration in accordance with subsection (1), the Registrar shall cancel the registration of the registrant.

Reinstatement of Registration

Application for reinstatement of registration **19.** (1) Where the registration of a former registrant expired or was cancelled pursuant to section 18 and less than a prescribed period of time has elapsed since the expiry or cancellation, the former registrant may apply to the Registrar, in the form required by the Registrar accompanied by the prescribed application fee, for reinstatement of the registration.

Eligibility for reinstatement of registration (2) An applicant who is a former registrant referred to in subsection (1) is eligible to have his or her registration reinstated, if the applicant

- (a) where applicable, is in good standing with the professional regulatory bodies regulating the practice of the registered health profession, or the use of titles relating to the practice of the profession, in any jurisdictions in which the applicant was authorized to practise the profession or to use a title relating to the practice of the profession since the expiry or cancellation of the applicant's registration;
- (b) meets any requirements for currency of professional knowledge and skills set out in the regulations;
- (c) has not been found guilty of an offence that, in the Registrar's opinion, renders the applicant unsuitable to practise the registered health profession;
- (d) has not been disciplined by a professional regulatory body for conduct that, in the Registrar's opinion, renders the applicant unsuitable to practise the registered health profession;
- (e) holds or is covered by professional liability insurance or protection as required by the regulations;
- (f) meets any other requirements in respect of reinstatement of registration set out in the regulations; and
- (g) has paid the prescribed registration fee.

(3) Subject to section 20, on receipt of an application made in accordance with subsection (1), the Registrar shall review the application and, where the Registrar is satisfied that the applicant meets the requirements set out in subsection (2), register the applicant in the appropriate register and issue a certificate of registration to the applicant. Review by Registrar

Refusal, Suspension or Cancellation of Registration

20. (1) The Registrar may refuse to consider an application for registration or the renewal or reinstatement of a registration where the applicant has an outstanding charge for an offence or is under investigation by a professional regulatory body, until the matter has been resolved. Refusal to consider application

(2) The Registrar may refuse to register an applicant or renew or reinstate a registration where the Registrar determines that the applicant does not meet the eligibility requirements for registration, renewal or reinstatement, as the case may be, under this Act or the regulations. Refusal of application

(3) The Registrar may suspend or cancel the registration of a registrant who Suspension or cancellation of registration

- (a) is found guilty of an offence that, in the Registrar's opinion, renders the registrant unsuitable to practise the registered health profession;
- (b) is disciplined by a professional regulatory body for conduct that, in the Registrar's opinion, renders the registrant unsuitable to practise the registered health profession; or
- (c) ceases to hold or be covered by professional liability insurance or protection as required by the regulations.

21. (1) On refusing to consider an application, register an applicant or renew or reinstate a registration, or on suspending or cancelling a registration, pursuant to section 20, the Registrar shall serve on the affected person Notice of refusal, suspension or cancellation

- (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 22.

(2) A suspension or cancellation of a registration pursuant to section 20 is not effective until notice of the suspension or cancellation is served on the person affected by it. Suspension or cancellation not effective until served

Appeal

22. (1) A person who is aggrieved by the imposition of terms or conditions on the person's registration under section 13 by the Registrar may appeal the imposition of the terms or conditions to the Supreme Court within 30 days after being served with notice of the imposition. Appeal of terms or conditions on registration

(2) A person who is aggrieved by a refusal of the Registrar to consider an application, register an applicant or renew or reinstate a registration, or by a suspension or cancellation of a registration by the Registrar, pursuant to section 20 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. Appeal of refusal, suspension or cancellation

(3) On hearing an appeal, the court may Decision of court

- (a) confirm, revoke or vary the terms or conditions imposed by the Registrar or the refusal, suspension or cancellation appealed from;
- (b) refer the matter, or any issue, back to the Registrar for further consideration; or
- (c) provide any direction that it considers appropriate.

(4) The court may make any order as to the costs of an appeal that it considers appropriate.

Reserved Activities

23. (1) Subject to any terms or conditions on a registrant's registration or requirements in the regulations, a registrant may perform a reserved activity if registrants of the registered health profession that the registrant practises, or registrants of the category or class of registrants to which the registrant belongs, are authorized by regulation to perform the reserved activity.

(2) A person may perform a reserved activity in the course of fulfilling the requirements to become a registrant of a registered health profession, or a registrant of a category or class of registrants that may perform the reserved activity, provided that

- (a) registrants of the registered health profession, or registrants of a category or class of registrants of the registered health profession, as the case may be, are authorized by regulation to perform the reserved activity; and
- (b) the person performs the reserved activity under the supervision or direction of a registrant of the registered health profession who is authorized to perform the reserved activity.

Practice Relationships and Liability

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

(2) The relationship of a registrant 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 the registrant;
- (b) the fiduciary, ethical and legal duties of the registrant; or
- (c) the liability of the registrant.

(3) In the event of a conflict between a registrant's duty to a client, the Registrar or the public and the registrant's duty to a health profession corporation, the duty to the client, the Registrar or the public, as the case may be, prevails.

25. (1) In this section, "practice in association" means practice by a registrant in co-operation with another registrant, 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 practice in association.

(2) Unless restricted by the regulations, a registrant may

- (a) practise in association with another registrant; and
- (b) refer patients to and receive referrals from another registrant or any other person.

(3) The ethical and confidential obligations of a registrant to a person receiving health care from the registrant

- (a) are not diminished by the fact that the registrant is practising in association; and
- (b) apply equally to all registrants practising in association.

PART IV – DISCIPLINE

Interpretation

26. In this Part,

-
- (a) “complainant” means
 - (i) a person who makes a complaint to the Registrar under subsection 28(1), or complainant
 - (ii) the Registrar, in respect of a complaint initiated by the Registrar under subsection 28(4);
 - (b) “complaint” means a complaint made or initiated under section 28 or referred to the investigation committee under clause 42(2)(b); complaint
 - (c) “conduct” includes an act and an omission; conduct
 - (d) “hearing committee” means a hearing committee appointed by the Minister under subsection 43(1); hearing committee
 - (e) “investigation committee” means an investigation committee appointed by the Minister under subsection 33(1); investigation committee
 - (f) “investigator” means an investigator appointed by the Minister under subsection 33(5); investigator
 - (g) “respondent” means a registrant or former registrant who is the subject of a complaint. respondent

Duty to Report

- 27. (1) A registrant who has knowledge or reasonable grounds to believe that
 - (a) the conduct of another registrant constitutes incompetence, as set out in subsection 46(2); or
 - (b) the conduct of a health professional who is authorized under another enactment to practice 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 registrant to the Registrar or the regulatory body governing the health profession, as the case may be. Duty of registrant to report incompetence
- (2) Subject to subsections (3) and (4), a registrant who has knowledge or reasonable grounds to believe that
 - (a) another registrant or former registrant has, while a registrant, committed sexual abuse involving a client or patient; or
 - (b) a health professional or former health professional has, while authorized to practice a health profession or use a title relating to the practice of a health profession under an 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 registrant to the Registrar or the regulatory body governing the health profession, as the case may be. Duty to report sexual abuse
- (3) Before making a report under subsection (2), a registrant shall, if possible
 - (a) inform the client or patient of the registrant’s statutory obligation to report; and
 - (b) encourage the client or patient to make a complaint and provide information, if requested, to the Registrar or the regulatory body governing the health profession, as the case may be.Obligations when making report
- (4) In providing information to the Registrar or a regulatory body under subsection (2), a registrant shall not identify the client or patient unless the client or patient, or a representative of the client or patient, consents to the identification. Disclosure of identity
- (5) A registrant who makes a report to the Registrar or a 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. Exemption from liability for report
- (6) Upon receiving a report under this section, the Registrar may initiate a complaint under subsection 28(4). Registrar may initiate complaint
- (7) A registrant who makes a complaint to the Registrar under subsection 28(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. Complaint satisfies duty to report

Complaint

- 28. (1) Any person, other than the Registrar, may make a complaint to the Registrar alleging that the conduct of a registrant, or the conduct of a former registrant that occurred while the person was a registrant, constitutes professional misconduct or incompetence as set out in section 46. Complaint of professional misconduct or incompetence

(2) A person shall make a complaint by stating the complaint and the grounds for the complaint in writing and signing the complaint.

Form of complaint

(3) A former registrant continues to be subject to the jurisdiction of the Registrar and an investigator, investigation committee or hearing committee appointed or constituted in relation to a complaint about any conduct of the former registrant that occurred while the former registrant was a registrant that may constitute professional misconduct or incompetence.

Continuing jurisdiction

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 the conduct of a registrant, or the conduct of a former registrant that occurred while the person was a registrant, constitutes professional misconduct or incompetence as set out in section 46.

Referral of complaint

29. (1) The Registrar shall refer a complaint to the Deputy Registrar, where the Registrar

- (a) has a conflict of interest regarding a complaint made under subsection 28(1), or
- (b) initiates a complaint under subsection 28(4).

Registrar shall refrain from participating

(2) Where the Registrar refers a complaint to the 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.

Service of copy of complaint

30. (1) Within 30 days after the receipt of a complaint under subsection 28(1) or the initiation of a complaint under subsection 28(4), the Registrar shall serve on the respondent

- (a) a copy of the complaint; and
- (b) written notice of the respondent's right to submit a response to the complaint under subsection (2).

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 and the notice under subsection (1).

Service of response

(3) The Registrar shall promptly serve a copy of any response submitted under subsection (2) on the complainant.

Registrar to inquire

31. (1) The Registrar

- (a) shall inquire into a complaint to the extent that the Registrar determines is warranted; and
- (b) may attempt to resolve a complaint informally, if the Registrar considers informal resolution to be appropriate and not contrary to the public interest.

Dismissal of complaint

(2) The Registrar shall dismiss a complaint 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, the Registrar shall serve on the complainant and the respondent

- (a) written notice of and reasons for the dismissal; and
- (b) written notice of the complainant's right to request a review of the dismissal under subsection 32(1).

Referral of complaint

(4) Where the Registrar does not dismiss a complaint under subsection (3), the Registrar shall

- (a) request that the Minister appoint an investigation committee pursuant to section 33; and
- (b) refer the complaint to the investigation committee.

Request for review of dismissal

32. (1) A complainant may, within 30 days after being served with the notice of the dismissal of the complaint by a Registrar under subsection 31(3), submit a request for a review of the dismissal to the Minister.

Referral of request

(2) The Minister shall appoint an investigation committee pursuant to section 33 and refer a request for a review of the dismissal of a complaint made under subsection (1) to the investigation committee.

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- (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. Review based on record
- (4) Within 60 days after receipt of a request for review under subsection (2), the investigation committee shall review the dismissal and Decision
- (a) confirm the dismissal; or
 - (b) where the investigation committee finds that the dismissal of the complaint was in error, overturn the dismissal.
- (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. Written notice and reasons for decision
- (6) Where an investigation committee overturns the dismissal of a complaint, the investigation committee shall investigate the complaint or refer the complaint to an investigator for investigation in accordance with section 38. Investigation

Investigation Committee

- 33.** (1) For the purpose of subsection 31(4) or 32(2) or clause 42(2)(b), the Minister shall appoint an investigation committee composed of three persons, including Investigation committee
- (a) at least one person who is authorized by the laws of a province to practice the registered health profession of the respondent, if possible, or another health profession; and
 - (b) at least one public representative.
- (2) The Minister shall appoint one member of the investigation committee, who is authorized by the laws of a province to practise the registered health profession of the respondent or another health profession, as the chair of the investigation committee. Chair
- (3) Two members of an investigation committee, one of whom shall be a public representative, constitute a quorum. Quorum
- (4) A member of an investigation committee who has a conflict of interest in respect of a matter that is before the investigation committee shall Conflict of interest of registrant of investigation committee
- (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.
- (5) The Minister may appoint one or more persons as investigators. Investigators

Consideration of Complaint

- 34.** Within 30 days after the referral of a complaint to an investigation committee under subsection 31(4) or clause 42(2)(b), the investigation committee shall consider the complaint and any response to the complaint that was submitted by the respondent under subsection 30(2), and Powers of investigation committee
- (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 a hearing committee is authorized to make under subsection 47(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 38.

Mediation

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

(2) Where an investigation committee refers a complaint to a mediator for mediation under clause 34(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 or 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.

(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.

(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 Registrar of the resolution of the complaint and the terms of the resolution.

(5) Where an investigation committee refers a complaint to mediation under clause 34(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 38.

36. (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.

(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.

(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.

37. Where an investigation committee refers a complaint to an investigator under subsection 32(6) or 35(5) or clause 34(d), 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 by the respondent under subsection 30(2).

Investigation

38. (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 registrant 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.

<p>(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 do any of the following:</p> <ul style="list-style-type: none"> (a) require the respondent to take an examination of knowledge or skills related to the practice of the respondent's registered health profession to determine whether or not the respondent is competent to practise the registered 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 registered health profession; (c) where the investigation committee or the investigator has reasonable grounds to believe that the respondent's capacity to practise a registered 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. 	<p>Requirement for examinations</p>
<p>(3) Where an investigator investigates a complaint and a registrant fails or refuses, without reasonable cause, to</p> <ul style="list-style-type: none"> (a) respond to an inquiry or comply with a requirement under subsection (1); or (b) comply with a requirement under subsection (2), <p>the investigator shall report the failure or refusal to the investigation committee in writing.</p>	<p>Failure or refusal to respond or comply</p>
<p>(4) Where a registrant fails or refuses, without reasonable cause, to</p> <ul style="list-style-type: none"> (a) respond to an inquiry or comply with a requirement under subsection (1); or (b) comply with a requirement under subsection (2), <p>the investigation committee may suspend or impose terms or conditions on the registration of the registrant until he or she complies.</p>	<p>Suspension or imposition of terms or conditions on registration</p>
<p>39. An investigation committee shall report to the Registrar respecting the status of an investigation within 60 days of the commencement of the investigation and thereafter as directed by the Registrar.</p>	<p>Report respecting investigation</p>
<p>40. (1) An investigation committee or investigator shall, within 60 days after completing an investigation, prepare a written investigation report of the findings of the investigation committee or investigator, as the case may be.</p> <p>(2) An investigator shall provide the investigation report prepared under subsection (1) to the investigation committee.</p>	<p>Investigation report</p> <p>Report to investigation committee</p>
<p>(3) An investigation committee shall serve a copy of the investigation report prepared under subsection (1) on the complainant and the respondent.</p>	<p>Service of investigation report</p>
<p>41. (1) An investigation committee shall, after consideration of an investigation report prepared under subsection 40(1),</p> <ul style="list-style-type: none"> (a) dismiss the complaint, if in the opinion of the investigation committee <ul style="list-style-type: none"> (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 47(2), if the respondent consents to the order; or (c) refer the complaint to a hearing committee for a hearing. 	<p>Powers of investigation committee</p>
<p>(2) Where an investigation committee dismisses a complaint under clause 34(a) or (1)(a), the investigation committee shall serve on</p> <ul style="list-style-type: none"> (a) the complainant and the respondent, <ul style="list-style-type: none"> (i) written notice of and reasons for the dismissal, and (ii) written notice of the complainant's right to appeal the dismissal under subsection 49(1); and (b) the Registrar, written notice of and reasons for the dismissal. 	<p>Dismissal of complaint</p>
<p>(3) Where an investigation committee makes an order under clause 34(c) or clause (1)(b), the investigation committee shall serve a copy of the order on the complainant, the respondent and the Registrar.</p>	<p>Service of copy of order</p>
<p>(4) Where an investigation committee decides to refer a complaint to a hearing committee under clause (1)(c), the investigation committee shall</p> <ul style="list-style-type: none"> (a) request the Minister to appoint a hearing committee in accordance with section 43; 	<p>Referral to hearing committee</p>

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- (b) provide the hearing committee with a copy of the complaint and any response to the complaint submitted under subsection 30(2);
 - (c) serve written notice of the referral on the complainant the respondent and the Registrar.

(5) An investigation committee may appoint legal counsel to adduce evidence at the hearing of a complaint.

Interim Order

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

(2) Where the Registrar makes an order under subsection (1), the Registrar shall

- (a) serve on the registrant 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 49(2); and
- (b) where a complaint has not been made or initiated in respect of the matter,
 - (i) request the Minister to appoint an investigation committee pursuant to section 33, and
 - (ii) refer the matter as a complaint to the investigation committee.

(3) An order of the Registrar made under subsection (1)

- (a) is in effect when it is served on the registrant who is the subject of the order; and
- (b) is valid for the period, not exceeding 90 days, that is specified in the order.

Hearing Committee

43. (1) For the purpose of subsection 41(5) or 75(2) or (3), the Minister shall appoint a hearing committee, composed of three persons who are not members of an investigation committee appointed in relation to the complaint and did not investigate the complaint, including

- (a) at least one person who is authorized by the laws of a province to practice the registered health profession of the respondent, if possible, or another health profession; and
- (b) at least one public representative.

(2) The Minister shall appoint one member of the hearing committee, who is authorized by the laws of a province to practise the registered health profession of the respondent or another health profession, as the chair of the hearing committee.

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

(4) A member of a 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.

(5) In the discharge of the functions of a 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.

Hearing

44. (1) A hearing committee shall,

- (a) unless otherwise directed by the Minister, 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.

<p>(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</p> <ul style="list-style-type: none"> (a) the complainant; (b) the respondent; and (c) any legal counsel appointed under subsection 41(6). 	
<p>(3) A hearing committee may retain any legal or other assistance that it considers necessary for the purposes of conducting a hearing.</p>	Retaining assistance
<p>(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.</p>	Right to appear
<p>(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.</p>	Hearing in absence of respondent
<p>45. (1) A hearing committee</p> <ul style="list-style-type: none"> (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. 	Powers of hearing committee
<p>(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.</p>	Opportunity to respond
<p>(3) A hearing shall be open to the public unless the hearing committee is of the opinion that</p> <ul style="list-style-type: none"> (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. 	Hearing open to public
<p>(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.</p>	Protection of witness identity
<p>(5) Where a registrant fails to comply with a subpoena issued by a hearing committee or a member of a 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.</p>	Failure of regulated registrant to comply
<p>(6) A hearing committee is not bound by strict rules of evidence or the provisions of the <i>Evidence Act</i> R.S.P.E.I. 1988, Cap. E-11.</p>	Rules of evidence
<p>46. (1) The conduct of a respondent may be found to constitute professional misconduct if</p> <ul style="list-style-type: none"> (a) the respondent contravenes this Act or the regulations in a manner that, in the opinion of an investigation committee or hearing committee, relates to the respondent's suitability to practise a registered health profession; (b) the respondent has been found guilty of an offence that, in the opinion of an investigation committee or hearing committee, relates to the respondent's suitability to practise a registered health profession; (c) the respondent refuses or fails to cooperate fully in respect of an 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. 	Professional misconduct
<p>(2) The conduct of a respondent may be found to constitute incompetence where</p> <ul style="list-style-type: none"> (a) an act or omission of the respondent <ul style="list-style-type: none"> (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 	Incompetence

(b) the respondent is unable to practise a registered health profession in accordance with accepted professional standards for any reason, including that the respondent is impaired by illness, addiction or other incapacity.

Determination and Order

Determination of hearing committee

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

Service of notice of determination and order

(3) 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, and
 - (iii) the Registrar; 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

(4) 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

(5) The Registrar may advise the public of an order of an investigation committee or a determination or order of a hearing committee upon the terms that the Registrar considers to be necessary in the public interest.

Failure to comply with order

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

Publication

Publication of decision or summary

48. (1) Subject to any publication ban ordered by a hearing committee under subsection 45(4), the Registrar may publish the hearing committee's decision or a summary of the decision by any means the Registrar considers appropriate.

Publication of notice

(2) Where a respondent's registration is suspended or cancelled, or terms or conditions are imposed on a respondent's registration by an investigation committee or a hearing committee, the Registrar may publish a notice of the suspension, cancellation or terms or conditions in the manner that the Registrar considers appropriate to inform the public.

Appeal

Appeal to Supreme Court

49. (1) A complainant may appeal the dismissal of a complaint by the investigation committee under clause 34(a) or 41(1)(a) to the Supreme Court within 30 days after being served with notice of the dismissal.

Idem

(2) A respondent may appeal any of the following to the Supreme Court within 30 days after being served with notice of it:

- (a) an order of the Registrar made under subsection 42(1);
- (b) a determination of a hearing committee made under subsection 47(1); or
- (c) an order of a hearing committee made under subsection 47(2).

(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. Notice of appeal

- (4) On hearing an appeal, the court may Decision of Court of Appeal
- (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.

(5) The court may make any order that it considers appropriate as to the costs of an appeal. Costs of appeal

PART V – HEALTH PROFESSION CORPORATIONS

Prohibition

50. No corporation, other than a health profession corporation, may carry on the business of providing the professional services of a registrant. Provide professional services of registrant

Application for a Permit

51. (1) A corporation may apply to the Registrar, in the form approved by the Registrar accompanied by the prescribed application fee, for a permit to operate as a health profession corporation. Application for permit

- (2) An applicant is eligible for a permit to operate as a health profession corporation if Eligibility criteria
- (a) the corporation is in good standing in accordance with the legislation under which it was incorporated;
 - (b) the letters patent or articles of incorporation of the corporation permit the corporation to carry on the business of providing the professional services of a registrant;
 - (c) the name of the corporation meets the requirements set out in the regulations;
 - (d) each issued voting share of the corporation is legally and beneficially owned by
 - (i) a registrant,
 - (ii) a trust in which all of the trustees and all of the beneficiaries are registrants,
 - (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);
 - (e) each issued non-voting share of the corporation is legally and beneficially owned by
 - (i) a registrant,
 - (ii) a health profession corporation that is a voting shareholder in the corporation,
 - (iii) a spouse, child, grandchild, sibling or parent of a registrant 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,
 - (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);
 - (f) all of the officers and directors of the corporation are registrants;

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- (g) the persons who practise a registered health profession through the corporation are registrants whose registration has not been suspended;
 - (h) the corporation holds or is covered by professional liability insurance or protection as required by the regulations;
 - (i) the corporation meets any other requirements for a permit set out in the regulations; and
 - (j) the corporation has paid the prescribed permit fee.

Review by Registrar

(3) Subject to section 57, on receipt of an application made in accordance with subsection (1), the Registrar shall review the application and, where the Registrar is satisfied that the applicant meets the requirements set out in subsection (2), issue a permit to the applicant.

Duty to notify

- (4) A health profession corporation shall notify the Registrar without delay if the health profession corporation
- (a) is found guilty of an offence;
 - (b) is disciplined by a professional regulatory body;
 - (c) ceases to hold or be covered by professional liability insurance or protection as required by the regulations; or
 - (d) ceases to meet an eligibility requirement in subsection (2).

Terms or Conditions

Terms or conditions

52. (1) The Registrar may impose terms or conditions on a permit.

Effective on notice

(2) The imposition of terms or conditions on a permit under subsection (1) is not effective until notice of the imposition is served on the permit holder.

Records

Records, health profession corporation

53. (1) The Registrar shall keep a record of the following information in respect of each health profession corporation:

- (a) the name and business address of the health profession corporation and every director and shareholder of the health profession corporation;
- (b) any terms or conditions imposed by the Registrar on the health profession corporation's permit;
- (c) the date and circumstances of any suspension or cancellation of the health profession corporation's permit;
- (d) any other prescribed information.

Requirement to notify Registrar

(2) A health profession corporation shall notify the Registrar without delay of any change in the information referred to in clause (1)(a).

Disclosure of information

- (3) Upon request, the Registrar shall disclose to any person
- (a) the name, business address, permit status and history of a health profession corporation or former health profession corporation;
 - (b) the name and business address of every director of a health profession corporation or former health profession corporation; and
 - (c) any other information required by the regulations to be disclosed.

Permit

Contents of permit

- 54.** (1) The Registrar shall include the following information on a permit:
- (a) the name of the permit holder;
 - (b) the expiry date of the permit;
 - (c) any terms or conditions on the permit;
 - (d) any other information required by the regulations to be included on a permit.

Amendment

(2) If any of the information referred to in subsection (1) changes, the Registrar shall issue a replacement permit containing the updated information.

Suspension or cancellation

- (3) Where a permit is suspended or cancelled under this Act or the regulations,
- (a) the permit becomes invalid; and

(b) the permit holder shall, without delay after being served with notice of the suspension or cancellation, return the permit to the Registrar.

(4) A health profession corporation shall

(a) on request by any person, produce its permit for inspection; and

(b) if required to do so by the regulations, display the permit in a conspicuous place where the health profession corporation carries on the business of providing the professional services of a registrant.

Production or display of permit

Renewal of Permit

55. (1) A health profession corporation may, at least 30 days before its permit expires, apply to the Registrar, in the form required by the Registrar accompanied by the prescribed application fee, to renew the permit.

Renewal of permit

(2) A health profession corporation is eligible to renew its permit if the health profession corporation continues to meet the requirements of clauses 51(2)(a) to (i) and has paid the prescribed permit fee.

Eligibility for renewal of permit

(3) Subject to section 57, on receipt of an application made in accordance with subsection (1), the Registrar shall review the application and, where the Registrar is satisfied that the applicant meets the requirements set out in subsection (2), issue a permit to the applicant.

Review by Registrar

56. On the written request of a health profession corporation, the Registrar may, in writing, extend a permit past its expiry date for a period not exceeding 30 days to allow the health profession corporation to make an application for renewal of the permit under subsection 55(1).

Extension

Refusal, Suspension or Cancellation of Permit

57. (1) The Registrar may refuse to consider an application for a permit or to renew a permit where the applicant has an outstanding charge for an offence or is under investigation by a professional regulatory body, until the matter has been resolved.

Refusal to consider application

(2) The Registrar may refuse to issue or renew a permit where the Registrar determines that the applicant does not meet the eligibility requirements for a permit under this Act or the regulations.

Refusal of application

(3) Subject to subsection (4), the Registrar may suspend or cancel the permit of a health profession corporation that ceases to meet any eligibility requirement applicable to it under this Act or the regulations.

Suspension or cancellation of permit

(4) The Registrar shall not suspend or cancel the permit of a health profession corporation under subsection (3) for a period of 90 days from the date the corporation ceases to meet an eligibility requirement because a shareholder of the health profession corporation has died or has otherwise ceased to be registered.

Exception

(5) In the event of the death of a registrant who is a shareholder of a health profession corporation, the Registrar may, in writing, extend the 90-day period provided for in subsection (4) for the further period that the Registrar considers reasonable.

Extension of time

58. (1) On refusing to consider an application or issue or renew a permit, or on suspending or cancelling a permit, pursuant to section 57, the Registrar shall serve on the affected person

Notice of refusal, suspension or cancellation

(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 59.

(2) A suspension or cancellation of a permit pursuant to section 57 is not effective until notice of the suspension or cancellation is served on the person affected by it.

Suspension or cancellation not effective until served

Appeal

59. (1) A health profession corporation that is aggrieved by the imposition of terms or conditions on its permit under section 52 by the Registrar may appeal the imposition of the terms or conditions to the Supreme Court within 30 days after being served with notice of the imposition.

Appeal of terms or conditions on registration

(2) A person who is aggrieved by a refusal of the Registrar to consider an application for a permit or issue or renew a permit, or by a suspension or cancellation of a permit by the Registrar, pursuant to section 57 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.

Appeal of refusal, suspension or cancellation

(3) On hearing an appeal, the court may

- (a) confirm, revoke or vary the terms or conditions imposed by the Registrar or the refusal, suspension or cancellation appealed from;
- (b) refer the matter, or any issue, back to the Registrar for further consideration; or
- (c) provide any direction that it considers appropriate.

Decision of court

(4) The court may make any order as to the costs of an appeal that it considers appropriate.

Costs of appeal

Practice Relationships and Liability

60. (1) A health profession corporation may carry on business

- (a) under its own name; or
- (b) as part of a general partnership of health profession corporations or one or more health profession corporations and one or more registrants, under a name that meets the requirements set out in the regulations.

Name

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

Relationship with clients

(3) All rights and obligations pertaining to communications made to, or information received by, registrants apply to the shareholders, directors, officers and employees of a health profession corporation.

Confidentiality of information

(4) A health profession corporation is jointly and severally liable with a registrant who practises a registered health profession through the health profession corporation for any fines, costs and expenses that the registrant is ordered to pay under this Act.

Joint and several liability

61. (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 registrant the authority to exercise the voting rights attached to any or all of the shareholder's shares.

Voting of shares restrictions

(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.

Change in shareholders or directors

PART VI – GENERAL

Evidence

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

Certificate admissible in evidence

(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.

Certified copies

Limitation of Liability

63. 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 or the regulations, against the following:

Limitation of liability

- (a) the Minister;
- (b) the Registrar or Deputy Registrar;
- (c) an investigator;
- (d) an investigation committee;
- (e) a hearing committee;
- (f) a member of an investigation committee or a hearing committee;

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- (g) persons acting on behalf of the Registrar or the Minister under this Act.

Service of Documents

- 64.** (1) Any notice, order or other document required to be served on a person under this Act or the regulations 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 registrant or a health profession corporation, five days after a copy is sent by registered mail addressed to the registrant or corporation at the business address shown in the records of the Registrar.
- (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.
- (3) 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.

Prohibitions

- 65.** No registrant shall practise a registered health profession
- (a) in violation of any terms or conditions imposed on the registration of the registrant; or
 - (b) while the registration of the registrant is suspended.
- 66.** No health profession corporation shall carry on the business of providing the professional services of a registrant
- (a) in violation of any terms or conditions imposed on the permit of the health profession corporation; or
 - (b) while the permit of the health profession corporation is suspended.
- 67.** (1) A person who employs or engages an individual to provide the professional services of a registrant shall ensure that individual is registered and the registration has not been suspended during the period of employment or engagement.
- (2) A person who employs or engages a registrant to provide the professional services of a registrant on a full-time or part-time basis in any capacity, including as an employee, contractor or consultant, shall
- (a) promptly report, in writing, the suspension or termination of the employment or engagement of the registrant for misconduct, incompetence or incapacity to the Registrar; and
 - (b) give the registrant a copy of the report.
- (3) No person who employs or engages a registrant shall knowingly permit the registrant to
- (a) contravene a provision of this Act or the regulations; or
 - (b) fail to comply with a term or condition of the registrant's registration.
- 68.** 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 or the regulations.
- 69.** No registrant or health profession corporation shall engage in advertising that is untruthful, inaccurate or otherwise capable of misleading or misinforming the public.

Offences and Penalties

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

Prosecution,
limitation period

71. 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.

Injunctions

Injunction

72. 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 the Registrar, grant an injunction restraining the person from committing or continuing the contravention.

Regulations

Regulations

73. (1) The Lieutenant Governor in Council may make regulations

- (a) prescribing criteria to be considered in determining whether it would be within the purpose of the Act to designate a health profession as a registered health profession;
- (b) respecting charging an applicant the costs incurred in conducting an investigation as to whether it would be within the purpose of the Act to designate a health profession as a registered health profession;
- (c) designating a health profession as a registered health profession;
- (d) respecting the types of designations, titles, names, descriptions, abbreviations or derivatives that registrants of a registered health profession are authorized to use;
- (e) establishing different categories or classes of registrants of a registered health profession;
- (f) respecting the scope of practice of a registrant of a registered health profession;
- (g) establishing or adopting standards of practice and a code of ethics for a registered health profession;
- (h) respecting the procedures and requirements for applications for registration in a register or the renewal or reinstatement of a registration, including the information, evidence and supporting material required with applications;
- (i) requiring an applicant for registration to notify the Registrar without delay of any change in the information provided with an application;
- (j) respecting determining whether an applicant for registration has reasonable proficiency in written and spoken English;
- (k) prescribing the educational requirements for a registered health profession;
- (l) respecting the approval of educational institutions and designating accreditation bodies for the purposes of clause 11(2)(c);
- (m) 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;
- (n) prescribing any examinations an applicant is required to have successfully completed for registration;
- (o) prescribing any practicum training, internship or supervised practice requirements for registration;
- (p) respecting any requirements for currency of professional knowledge and skills for applicants for registration or the renewal or reinstatement of a registration;
- (q) respecting the type and amount of professional liability insurance or protection that registrants are required to hold or be covered by;
- (r) prescribing additional requirements for registration in a register or for the renewal or reinstatement of registration in a register;
- (s) deeming a person who holds extra-provincial certification to have met an additional requirement for registration set out in the regulations;
- (t) respecting the terms or conditions that may be imposed on the registration of a registrant;

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- (u) prescribing other information required to be entered in a register;
 - (v) prescribing information entered in a register that is required to be disclosed to any person or to another professional regulatory body;
 - (w) prescribing other information required to be included on a certificate of registration;
 - (x) requiring a registrant to display his or her certificate of registration;
 - (y) prescribing requirements for continuing education and competency for registrants and establishing a program of continuing education for registrants;
 - (z) prescribing the maximum period of time that may elapse since the expiry or cancellation of a registration for the purposes of an application for reinstatement under subsection 19(1);
 - (aa) specifying the reserved activity or activities that registrants of a registered health profession are authorized to perform;
 - (bb) requiring a registrant of a registered health profession to have special authorization, in the form of an endorsement on a registration or a certificate or other instrument, to perform a reserved activity or a prescribed activity;
 - (cc) prescribing an activity for which a registrant of a registered health profession requires special authorization to perform;
 - (dd) 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;
 - (ee) prescribing the requirements a registrant shall meet for special authorization to perform a reserved activity or a prescribed activity;
 - (ff) imposing terms or conditions with respect to special authorization to perform a reserved activity or a prescribed activity;
 - (gg) respecting the refusal to grant special authorization to perform a reserved activity or a prescribed activity or the suspension or cancellation of such special authorization;
 - (hh) providing for an appeal related to matters referred to in clauses (ff) and (gg);
 - (ii) requiring a registrant to pay fees for special authorization to perform a reserved activity or a prescribed activity and prescribing the fees;
 - (jj) 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 registrant of a registered health profession, including the purposes for which, or the circumstances in which, the activity may be performed;
 - (kk) restricting the persons or classes of persons with whom a registrant or class of registrants may practice in association;
 - (ll) prescribing other circumstances that constitute practice in association;
 - (mm) respecting methods for determining incompetence and the types of conduct that may be found to constitute incompetence;
 - (nn) respecting types of conduct that may be found to constitute professional misconduct;
 - (oo) respecting the procedure to be followed at a hearing by a hearing committee;
 - (pp) respecting the criteria to be considered by a hearing committee in imposing a fine under clause 47(2)(h);
 - (qq) respecting the procedures and requirements for applications for a permit or to renew a permit including the information, evidence and supporting material required with applications;
 - (rr) requiring an applicant for a permit to notify the Registrar without delay of any change in the information provided with an application;
 - (ss) respecting the name of a health profession corporation;
 - (tt) respecting the type and amount of professional liability insurance or protection that health profession corporations are required to hold or be covered by;
 - (uu) prescribing additional requirements for a permit or to renew a permit;
 - (vv) respecting the terms or conditions that may be imposed on a permit;
 - (ww) prescribing other information in respect of a health profession corporation that the Registrar shall keep a record of;
 - (xx) prescribing information in respect of a health profession corporation that is required to be disclosed to any person;
 - (yy) prescribing other information required to be included on a permit;
 - (zz) requiring a health profession corporation to display its permit;
 - (aaa) prescribing requirements in respect of the name under which the following may carry on business:

- (i) a partnership of health profession corporations,
- (ii) a partnership of one or more health profession corporations and one or more registrants, or both;
- (bbb) requiring registrants and health profession corporations to keep specified records or accounts with respect to their practice or operations, as the case may be;
- (ccc) providing that the contravention of specified provisions of the regulations constitutes an offence;
- (ddd) prescribing fees required to be paid under this Act or the regulations;
- (eee) defining any word or phrase used but not defined in this Act;
- (fff) respecting any other matter necessary or advisable to carry out the intent and purpose of this Act.

Incorporation by reference (2) A regulation referred to in clause (1)(g) may incorporate by reference, in whole or in part, any code, standard or guideline relating to standards of practice and ethics of the registered 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 registered health profession and shall not be a document created by the Registrar.

Copies to be made available (4) The Registrar 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 Registrar’s office; and
- (b) on any website established for the registered health profession.

PART VII – TRANSITIONAL

Registrant deemed to be registered under this Act 74. (1) Where, immediately before a health profession was designated as a registered health profession, a person was authorized under another enactment to practice the health profession or use a title related to the health profession,

- (a) the person is deemed to be registered in the register for that registered health profession; and
- (b) any document held by the person evidencing the authorization is deemed to be a certificate of registration as a registrant of that registered health profession.

Terms or conditions, expiry date (2) Where a person is deemed to be registered in a register under subsection (1), the registration of the person

- (a) is subject to any terms or conditions that were on the authorization of the person immediately before the health profession was designated as a registered health profession; and
- (b) expires on the date that the authorization was to expire.

Matter pending under another Act 75. (1) Where, immediately before a health profession was designated as a registered health profession, a practice or disciplinary matter was pending under another enactment governing that health profession and was set for a hearing to commence within 60 days, 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 body governing the health profession under another enactment and the registrant whose conduct is the subject matter of the hearing may agree that the matter shall be referred as a complaint to a hearing committee appointed under subsection 43(1) of this Act, and in that case the matter shall be concluded under this Act.

Idem (3) Where, immediately before a health profession was designated as a registered health profession, a practice or disciplinary matter was pending under another enactment governing that health profession and was not set for a hearing to commence within 60 days, the matter shall be referred as a complaint to a hearing committee appointed under subsection 43(1) of this Act, and the matter shall be concluded under this Act.

Complaint made after this Act applies to a registered health profession (4) A complaint made after a health profession was designated as a registered health profession that relates to conduct that occurred in whole or in part before the health profession was designated as a registered 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 enactment in relation to a person authorized to practice a health profession or use a title related to a health profession under that enactment, that was in effect immediately before the health profession was designated as a

registered health profession, continues in effect until it ceases to have effect according to its terms, or is varied or terminated under this Act.