



**Executive
Council**

Nova Scotia

*A certified copy of an Order in Council dated
May 30, 2024*

N.S. Reg. 106/2024

FILED

Date: May 30, 2024

**Jane Newton
Registrar of Regulations
Province of Nova Scotia**

2024-180

The Governor in Council, on the report and recommendation of the Minister of Health and Wellness dated May 21, 2024, and pursuant to Sections 13 and 177 of Chapter 15 of the Acts of 2023, the *Regulated Health Professions Act*, is pleased to make new general regulations respecting regulated health professions, in the form set forth in Schedule "A" attached to and forming part of the Report and Recommendation, effective on and after June 3, 2024.

Certified to be a true copy


Laura Lee Langley
Clerk of the Executive Council

Schedule “A”

General Regulations Respecting Regulated Health Professions made by the Governor in Council under Sections 13 and 177 of Chapter 15 of the Acts of 2023, the *Regulated Health Professions Act*

Interpretation

Citation

- 1 These regulations may be cited as the *Regulated Health Professions General Regulations*.

Definitions

- 2 (1) In these regulations,

“Act” means the *Regulated Health Professions Act*;

“competency matrix” means a tool that supports the recruiting and selection of pool members based on the competencies required to administer the Act in the public interest;

“format of the hearing” means whether the hearing is in-person, virtual or hybrid;

“health authority” means a health authority established under the *Health Authorities Act*;

“Network member” means Network member as defined in the *Regulated Health Professions Network Act*.

- (2) In the Act and these regulations,

“de-identified information” means de-identified information as defined in the *Personal Health Information Act*;

“personal information” means personal information as defined in the *Freedom of Information and Protection of Privacy Act*;

- (3) In the Act,

“competence assessment” is further defined to include a process approved by a statutory committee to assess competence;

“conditional licence” is further defined to include the categories of conditional licences prescribed in the regulations and bylaws;

“current contact information” in clause 60(1)(c) of the Act includes any legal name changes;

“incorporated entity” means a legal entity formed by incorporation and includes professional incorporation by a registrant, and “professional corporation” has the same meaning;

“licensing category” means the categories of licence set out in the Act, regulations and bylaws, and “category of licence” and “category of licensing” have the same meaning;

“practising licence” means a licence issued under the Act authorizing a registrant to engage in practice without conditions or restrictions, and includes the categories of practising licence prescribed in the regulations and bylaws;

“professional incorporation” means the act of incorporation by a registrant;

“regulated health services” means health services delivered by a registrant;

“research” means research as that term is used in Sections 29 and 30 of the *Freedom of Information and Protection of Privacy Act*.

- (4) In subsection 27(2) of the Act, “education programs” means approved education programs and any other education programs that the registrar considers relevant to the practice of the regulated health profession that qualified the registrant for registration or licensing or qualified them to practise within an expanded scope of practice.

Regulatory Body Requirements

Registrar must send proposed bylaws to Network members

- 3 In addition to the requirements of subsection 12(3) of the Act, the registrar must send a copy of a proposed bylaw to the Nova Scotia Regulated Health Professions Network Administrator to distribute to Network members.

Feedback on proposed bylaws under subsection 12(2) of Act

- 4 (1) When making or amending a bylaw under clause 12(2)(b), (c) or (f) of the Act, the registrar must send a copy of the proposed bylaw to the Nova Scotia Regulated

Health Professions Network Administrator and any private health facilities the registrar considers relevant and must provide at least 30 days for feedback.

- (2) When making or amending a bylaw under clause 12(2)(h), (k) or (m) of the Act, the registrar must send a copy of the proposed bylaw to the Nova Scotia Regulated Health Professions Network Administrator and any employers the registrar considers relevant and must provide at least 30 days for feedback.
- (3) The registrar may waive or abbreviate the feedback period in subsection (1) or (2) if the registrar determines it is in the public interest to do so.
- (4) When making or amending a bylaw under clause 12(2)(h), (k) or (m) of the Act, the board must provide the Minister with rationale for the bylaws, in a form approved by the Minister, at least 180 days before approving the bylaw.
- (5) The Minister may waive or abbreviate the notice period in subsection (4) if the Minister determines it is in the public interest to do so.
- (6) This Section does not apply to a bylaw made in the first year after a regulatory body is established under the Act, if, in the opinion of the registrar, the bylaw does not make any substantive changes to the practices in place immediately before the regulatory body was established, regardless of whether those practices were set out in the former Act, regulations, bylaws, policies or standards of the existing regulator.
- (7) To meet the requirements of subsections 12(3) and (4) of the Act and this Section, an existing regulator must do all of the following:
 - (a) send a copy of a proposed bylaw or amendment to a bylaw to each registrant, the Minister and any other person or organization identified in this Section, in accordance with Section 151 of the Act;
 - (b) publish notice of a proposed bylaw or amendment to a bylaw on its website for at least 30 days with a request for feedback.

Term of appointment for public representative board members

- 5**
- (1) The term of appointment for a public representative appointed to the board of a regulatory body is 3 years, regardless of whether the public representative is appointed by the Governor in Council or a regulatory body.
 - (2) A public representative must not serve for more than 2 consecutive terms.
 - (3) In subsection (2), “consecutive” means 12 months or less have elapsed between the end of one term and the beginning of the next.

Publication of board meeting information

- 6 (1) Within 30 days of the date that minutes from a board meeting are approved, a board must publish on its website a summary of the agenda items addressed and decisions made at the board meeting.
- (2) Despite subsection (1), matters addressed during in camera board discussions must not be published unless the outcome of the in camera discussion was disclosed in the regular board meeting minutes.

Registrant information required to be published by registrar

- 7 (1) The registrar must publish all of the following information on the regulatory body's website or another publicly available digital platform selected by the registrar:
- (a) the name, including the preferred name, of each registrant as specified on their licence application or renewal form;
 - (b) the registration number of each registrant;
 - (c) for each registrant,
 - (i) the name of the register in which they are registered,
 - (ii) the category of licence they hold, if any, or a notation of their licence status,
 - (iii) any current conditions or restrictions on their licence or registration that are not covered by a publication ban,
 - (iv) any licensing sanctions that are not covered by a publication ban, but not including any expired conditions or restrictions;
 - (d) a record of each registrant who has current approval issued by the registrar to engage in a professional activity, procedure or service as part of their individual scope of practice, including all of the following information:
 - (i) the nature of the approved activity, procedure or service,
 - (ii) any titles or permits authorized by the registrar to signify approval to engage in the approved activity, procedure or service,
 - (iii) any conditions or restrictions respecting the approved activity, procedure, or service;

- (e) any other information that is required under the bylaws to be in the register or the record, if the registrar determines it is in the public interest to make that information publicly available.
- (2) For the purposes of this Section, “registrant” means a registrant who holds a current licence or has held a licence to practise within the period of time set out in a mandatory standard of practice.
- (3) For the purposes of clause (1)(d), “approval” means approval that is evidenced by a title, permit or other active form of approval determined by the board.
- (4) Despite subsection (1), the registrar may redact publicly available information if the registrar has reasonable grounds to believe it is in the public interest to do so.

Annual reports

- 8** (1) A regulatory body must provide an annual report of its activities to the Minister, in a form and manner satisfactory to the Minister, no more than 90 days after the date that the financial audit is substantially completed or 60 days after the date the board accepts the financial audit, whichever is earlier.
- (2) In addition to the audited financial statement required under clause 10(1)(d) of the Act, an annual report must include all of the following information for the year for which the report is submitted:
- (a) a description of the structure of the regulatory body, including the names, functions and a description of the committees of the board;
 - (b) the names of the board members;
 - (c) the names of the members of the statutory committees and any other committee established by the board;
 - (d) the location of any notices published during the year by the registrar on the regulatory body’s website under subsection 12(3) of the Act;
 - (e) the number of registrants who hold each category of licence;
 - (f) the number of applications for registration that were received during the year and their outcome;
 - (g) the number of applications for each category of licence that were received during the year and their outcome;
 - (h) the total number of complaints that were unresolved at the beginning of

the year, including all of the following information on an aggregate basis:

- (i) the number of each type of unresolved complaint,
 - (ii) the number of unresolved complaints that were resolved during the year,
 - (iii) the outcome of any resolved complaints and the status of any unresolved complaints;
- (i) the total number of complaints received during the year, including all of the following information on an aggregate basis:
- (i) the number of each type of complaint,
 - (ii) the number of complaints that were resolved during the year,
 - (iii) the outcome of any resolved complaints and the status of any unresolved complaints;
- (j) the number of registrants who received a licensing sanction during the year, including all of the following information:
- (i) a summary of the reasons for each case in which 1 or more licensing sanctions were issued,
 - (ii) the location of the published decision respecting the licensing sanctions;
- (k) the number of practice reviews conducted during the year and the results of each review;
- (l) a description of the continuing competency program of the regulatory body and any other methods used to maintain the competency of the registrants;
- (m) any other information the Minister requires.

Mandatory standard of practice for maintaining information on digital platform

- 9** By December 3, 2024, an existing regulator and a regulatory body must adopt a mandatory standard of practice for maintaining the information of a registrant without a licence on the existing regulator's or regulatory body's website or another publicly available digital platform.

Mandatory standard of practice for sexual misconduct and sexual abuse

- 10** (1) By December 3, 2024, an existing regulator and a regulatory body must adopt a mandatory standard of practice for addressing sexual misconduct and sexual abuse.
- (2) The mandatory standard of practice must contain definitions of “sexual misconduct” and “sexual abuse.”

Committees, Joint Panels and Pools

Reinstatement committee—additional powers and authority

- 11** If a matter is referred to a reinstatement committee, the chair of the committee may appoint a panel or joint panel of at least 3 members of the committee to act as the committee, at least 1 of whom must be a public representative.

Complaints committee—additional powers and authority

- 12** In addition to the authority under Section 89 of the Act, a complaints committee may allow a respondent to apply to lift, vary or terminate a suspension, restrictions or conditions on their licence at a time determined by the complaints committee.

Professional conduct committee—additional powers and authority

- 13** A professional conduct committee that orders a suspension under Section 110 of the Act may reduce the period of suspension if all of the following conditions apply:
- (a) the respondent meets any conditions imposed by the professional conduct committee;
 - (b) the professional conduct committee determines it is in the public interest to do so.

Registrar—additional powers and authority

- 14** (1) A registrar may participate in a meeting between the fitness-to-practise committee and a registrant under subsection 128(3) of the Act.
- (2) The registrar may introduce evidence and make submissions in a form determined by the committee before the meeting.

Fitness-to-practise committee—additional powers and authority

- 15** The fitness-to-practise committee may appoint an investigator to investigate possible non-compliance with a remedial agreement made under subsection 127(1) of the Act.

Appointing public representatives

- 16** (1) A regulatory body may appoint a public representative to a statutory committee unless any regulations made under Section 14 of the Act provide otherwise.

- (2) A regulatory body must publicly advertise to invite expressions of interest in serving as a public representative on a regulatory committee for at least 30 days, except when appointing a public representative from a pool.
- (3) A regulatory body must publish a list of public representatives appointed to its statutory committees on its website.

Board member may serve on statutory committee

- 17 (1) Despite subsection 8(3) of the Act, a member of the board may serve on any of the following statutory committees:
- (a) the registration and licensing committee;
 - (b) the complaints committee.
- (2) No more than 1 board member may serve on a panel of the registration and licensing committee or the complaints committee.

Composition and powers of joint panel

- 18 (1) A joint panel must have at least 3 and no more than 5 members.
- (2) A joint panel of 3 is composed of all of the following members:
- (a) 1 registrant from the same regulatory body as the individual whose matter is before the committee;
 - (b) 1 registrant from a regulatory body other than the regulatory body of the individual whose matter is before the committee;
 - (c) 1 public representative.
- (3) A joint panel of 4 is composed of all of the following members:
- (a) 1 registrant from the same regulatory body as the individual whose matter is before the committee;
 - (b) 1 registrant from a regulatory body other than the regulatory body of the individual whose matter is before the committee;
 - (c) 2 public representatives.
- (4) A joint panel of 5 is composed of all of the following members:
- (a) 2 registrants from the same regulatory body as the individual whose matter

is before the committee;

- (b) 1 registrant from a regulatory body other than the regulatory body of the individual whose matter is before the committee;
 - (c) 2 public representatives.
- (5) A joint panel has all the same powers as the relevant statutory committee for which it has been convened.

Administration of pools

- 19** (1) A person or organization designated by the Minister to establish a pool under Section 25 or 26 of the Act must maintain a record of current and former members of the pool that includes all of the following information for each member:
- (a) their name;
 - (b) their contact information;
 - (c) which statutory committees, including joint panels, they are or were appointed to;
 - (d) for a registrant of a regulated health profession, their profession and unique registration number.
- (2) A person or organization designated by the Minister to establish a pool under Section 25 or 26 of the Act must do all of the following:
- (a) establish a competency matrix outlining the skills required for pool members that considers the principles of equity, diversity, inclusion and reconciliation;
 - (b) provide a copy of the competency matrix, and any amended versions, to the Minister;
 - (c) publicly advertise to invite expressions of interest in serving as member of a pool of public representatives for at least 30 days.

Professional Conduct

Notice of hearing

- 20** In addition to the requirements in Section 94 of the Act, a notice of hearing must contain all of the following information:

- (a) the names of the parties to the hearing;
- (b) the date, time and location of the hearing;
- (c) the format of the hearing;
- (d) the allegations against the respondent;
- (e) a statement that the respondent has the right to be represented by legal counsel or another representative at the respondent's expense;
- (f) any request for an order to exclude the public;
- (g) any other information the registrar determines is necessary in the public interest.

Recording of evidence

21 Evidence presented at a hearing must be recorded by a person and in a manner authorized by the registrar.

Preservation of evidence

22 Evidence obtained during any regulatory process must be preserved electronically or otherwise for at least 5 years from the date the regulatory process concludes.

Roles and powers of investigators in professional conduct processes

- 23**
- (1) Subject to subsection (2) and with the approval of the chair of the complaints committee, if there are reasonable and probable grounds to believe there is evidence relevant to an investigation at a registrant's place of practice, an investigator may enter the registrant's place of practice at any reasonable time to examine the place of practice and any equipment, book, account, report, record or thing found there that is relevant to the investigation.
 - (2) An investigator who seeks to enter a registrant's place of practice under subsection (1) must provide proof that they have been appointed as an investigator before entering the place of practice.
 - (3) A person must not obstruct an investigator or withhold or conceal from an investigator or destroy anything that is relevant to the investigation.
 - (4) This Section applies despite any provision of any Act relating to the confidentiality of health records, except Section 9 of the *Quality-improvement Information Protection Act*.

Settlement Agreements

Mediator used to prepare settlement agreement

- 24** (1) The parties may agree to use a mediator to prepare or negotiate a proposed settlement agreement.
- (2) The costs for a mediator must be divided equally between the regulatory body and the respondent unless the parties agree to a different division of the costs.

Referral of settlement agreement to complaints committee

- 25** The procedure for addressing a proposed settlement agreement under subsection 87(3) of the Act is for the registrar to refer the proposed agreement to the complaints committee for consideration.

Complaints committee actions when proposed settlement agreement referred

- 26** (1) The complaints committee may recommend acceptance of a proposed settlement agreement if it is satisfied that all of the following criteria are met:
- (a) the public is protected;
 - (b) if the respondent is permitted to continue practising, the conduct or its cause can be, or has been, successfully remedied or addressed, and, if applicable, the respondent is likely to successfully pursue the proposed remediation or other requirements of the proposed settlement agreement;
 - (c) settlement is in the best interest of the public.
- (2) If the complaints committee recommends acceptance of a proposed settlement agreement, the complaints committee must refer the proposed settlement agreement to the professional conduct committee for consideration.
- (3) If the complaints committee does not recommend acceptance of a proposed settlement agreement, the complaints committee must do 1 of the following:
- (a) recommend changes to the proposed settlement agreement that,
 - (i) if agreed upon by the parties would result in the complaints committee's recommending acceptance by the professional conduct committee, or
 - (ii) if not agreed upon by the parties would result in rejection by the complaints committee;
 - (b) reject the proposed settlement agreement and refer the complaint

considered by the complaints committee to the professional conduct committee for a hearing.

Professional conduct committee actions when proposed settlement agreement referred

- 27** (1) The professional conduct committee may accept a proposed settlement agreement if the criteria set out in subsection 26(1) have been met.
- (2) If the professional conduct committee does not accept a proposed settlement agreement, it must do 1 of the following:
- (a) recommend changes to the proposed settlement agreement;
 - (b) reject the proposed settlement agreement.
- (3) If both parties agree with changes recommended to a proposed settlement agreement under clause (2)(a), the proposed agreement must be referred back to the professional conduct committee for acceptance.
- (4) If a proposed settlement agreement is rejected under subsection (2) or if both parties do not accept changes recommended under clause (2)(a), the matter must be referred to another panel of the professional conduct committee for a hearing.

Written decision on settlement agreement and notice

- 28** (1) When the professional conduct committee accepts or rejects a proposed settlement agreement, the committee must issue a written decision that includes the reasons for accepting or rejecting the proposed settlement agreement.
- (2) The professional conduct committee must provide a copy of any decision rejecting a proposed settlement to all of the following:
- (a) the parties;
 - (b) any persons it considers appropriate.
- (3) The professional conduct committee must provide a copy of any decision accepting a proposed settlement agreement to the registrar for distribution and publication as required.
- (4) The professional conduct committee's decision must be published and disclosed in the manner directed by the professional conduct committee, subject to any publication bans it has imposed.

New panel members

- 29** A person who sits on a panel of the professional conduct committee that reviews a

rejected proposed settlement agreement must not sit on a panel of the professional conduct committee that conducts a hearing related to the same complaint.

Rejected settlement agreements and hearings

- 30** **(1)** If a proposed settlement agreement is rejected by the complaints committee or the professional conduct committee, a hearing must proceed without reference to the proposed settlement agreement or any admissions contained in the proposed settlement agreement until after the professional conduct committee has determined whether professional misconduct, conduct unbecoming, incompetence or incapacity has been proven.
- (2)** Despite subsection (1), the parties may advance agreements on facts and joint submissions during a hearing, regardless of whether a proposed settlement agreement was rejected.

Settlement negotiations and decision to award costs in hearing

- 31** Before deciding whether to award costs in a hearing, a party may give the professional conduct committee and the other party a copy of any correspondence exchanged between the parties regarding settlement negotiations, including copies of proposed settlement agreements.

Breach of settlement agreement

- 32** **(1)** If any term of a settlement agreement is alleged to have been breached, the matter must be referred to the complaints committee for processing as a complaint.
- (2)** A member of the complaints committee or professional conduct committee who considered a settlement agreement that is alleged to have been breached remains eligible to serve on a committee that is considering the alleged breach.

Reinstatement

Applications for reinstatement

- 33** **(1)** An application for reinstatement of registration or reinstatement of a licence must be in a form approved by the registrar and sent in writing to the registrar together with the applicable application fee.
- (2)** The applicant must provide any information that the reinstatement committee requires to assist it in determining whether the objects of the regulatory body will be met if reinstatement is granted.

Investigation concerning reinstatement application

- 34** **(1)** The registrar may appoint an investigator to gather relevant and appropriate information concerning an application for reinstatement.

- (2) An investigator appointed under subsection (1) must provide a report of the information gathered during the investigation to the registrar.
- (3) The registrar must prepare a written report to the reinstatement committee and the applicant that contains all material relevant to the application, including all of the following:
 - (a) the professional conduct committee's decision that revoked the applicant's registration or licence;
 - (b) the investigator's report, if an investigator has been appointed under subsection (1);
 - (c) any relevant information gathered during the investigation;
 - (d) the registrar's position regarding the outcome of the reinstatement application.

Notice of reinstatement hearing

- 35** (1) The reinstatement committee must set a date, time and format for a hearing to review a reinstatement application and must advise the applicant of the date, time and format of the hearing.
- (2) For a hearing that is to be held in an in-person or hybrid format, the reinstatement committee must advise the applicant of the physical location where the hearing is to be held.
 - (3) For a hearing that is to be held virtually or in a hybrid format, the reinstatement committee must provide the applicant with the electronic link to the meeting.
 - (4) The registrar must give public notice of a reinstatement hearing through its website, or by any alternative means the registrar considers appropriate, including notice of all of the following:
 - (a) the names of the parties to the hearing;
 - (b) the date, time and location of the hearing;
 - (c) the format of the hearing;
 - (d) any request for an order to exclude the public;
 - (e) any other information the registrar determines is necessary in the public interest.

Attendance at hearing for review of reinstatement application

- 36** (1) Except as provided in subsection (2), a hearing to review a reinstatement application is open to the public.
- (2) At the request of a party, the reinstatement committee may order that the public, in whole or in part, be excluded from a hearing, or any part of a hearing, to review a reinstatement application if the reinstatement committee is satisfied that any of the following apply:
- (a) personal, medical, financial or other matters that may be disclosed at the hearing are of such a nature that avoiding public disclosure of those matters in the interest of the public interest, or any person affected outweighs adhering to the principle that hearings should be open to the public;
 - (b) the safety of any person may be jeopardized by permitting public attendance.
- (3) The reinstatement committee may make an order that the public be excluded from a part of a hearing that deals with a request for an order to exclude the public in whole or in part under subsection (2).
- (4) The reinstatement committee may make any orders it considers necessary, including orders prohibiting publication or broadcasting of those matters, to prevent the public disclosure of matters disclosed in a hearing or any part of a hearing dealing with an order under subsection (2) or (3).
- (5) Subject to any order made under this Section, the reinstatement committee must state at the hearing its reasons for any order made under this Section.

Reinstatement committee may determine procedure

- 37** The reinstatement committee may determine its own procedures provided they are consistent with the Act, regulations and bylaws, and is not bound by the rules of evidence.

Witnesses at reinstatement committee hearing

- 38** (1) Witnesses at a hearing must testify under oath or affirmation.
- (2) An oath or affirmation may be administered by any member of a reinstatement committee or other person in attendance authorized by law to administer oaths or affirmations.

Parties to reinstatement committee hearing

- 39** The parties to a hearing before the reinstatement committee are all of the following:

- (a) the applicant for reinstatement;
- (b) the regulatory body as represented by the registrar or a person designated by the registrar.

Decision of reinstatement committee

- 40** (1) After considering the evidence and the representations from the parties, the reinstatement committee must decide to accept or reject a reinstatement application.
- (2) The reinstatement committee must communicate its decision under subsection (1), together with reasons, in writing to all of the following:
- (a) the applicant;
 - (b) the registrar.
- (3) If the reinstatement committee accepts a reinstatement application, the committee may impose any restrictions and conditions it considers appropriate relating to the reinstatement of the applicant.

Reinstatement eligibility

- 41** To be eligible for reinstatement, an applicant must meet the criteria for registration and licensing and reinstatement under the Act and these regulations in addition to any restrictions and conditions imposed by the reinstatement committee.

Costs and expenses for reinstatement application and hearing

- 42** (1) An applicant is responsible for all their expenses incurred in a reinstatement application and hearing.
- (2) Whether an application for reinstatement is accepted or rejected, the reinstatement committee may make an order to recover costs from the applicant, and the costs must be paid by the date specified in the order.

Publication of reinstatement committee's decision

- 43** The reinstatement committee's decision must be published and disclosed in the manner directed by the reinstatement committee, subject to any publication bans it has imposed.

Submitting new application for reinstatement

- 44** If an application for reinstatement is rejected, the applicant must not submit a new reinstatement application until
- (a) 1 year after the date of the reinstatement committee's prior decision to reject their application, and on any conditions determined by the

reinstatement committee; or

- (b) a date that is after the period in clause (a), as determined by the reinstatement committee that rejected the prior reinstatement application, and on any conditions determined by that Committee.

Costs

- 45** (1) The registrar may award costs against a registrant to recover expenses incurred for a fitness-to-practise assessment.
- (2) The fitness-to-practise committee may award costs against a registrant to recover expenses incurred in the fitness-to-practise process, including the costs of a fitness-to-practise assessment, if the registrant is referred back to the registrar under Section 129 of the Act.

Surrendering licence

- 46** If the resignation of a registrant is authorized under the Act or regulations, the registrant is deemed to have surrendered their licence on the date the resignation is approved.

Practice Reviews

Establishing practice review committee

- 47** A regulatory body must establish a practice review committee no more than 18 months after it is established in regulations under the Act.

Function of practice review committee

- 48** The function of the practice review committee is to oversee the conduct of practice reviews in accordance with the direction of the board and the terms of reference of the practice review committee.

Referral for practice review

- 49** (1) The practice review committee must refer registrants for a practice review in a manner that is consistent with the direction of the board, which may include a referral from the registrar or a statutory committee.
- (2) A registrant referred for a practice review, and their employer, must do all of the following:
- (a) participate in and cooperate with the practice review;
 - (b) provide the practice review committee with any information requested;
 - (c) permit a reviewer appointed by the practice review committee to do the following if the practice review committee decides it is necessary for the

purposes of the practice review:

- (i) enter the registrant's place of practice,
- (ii) inspect client records,
- (iii) make copies of client records.

Referral to registrar

- 50** (1) If, during or after a practice review, the practice review committee has reasonable and probable grounds to believe that a matter may involve professional misconduct, conduct unbecoming, incompetence or incapacity that cannot be resolved through the practice review process, the practice review committee may refer the matter to the registrar.
- (2) If a matter is referred to the registrar under subsection (1), the registrar must consider whether to file a complaint or refer the matter to the fitness-to-practise committee or other regulatory process.
- (3) If a matter is referred to the registrar under subsection (1), any documents or material gathered, produced or created as part of the practice review process and any decisions rendered by the practice review committee are admissible in evidence in any regulatory process conducted under the Act, regulations or bylaws.

Quality Assurance Program

Quality assurance program for regulatory performance

- 51** (1) A regulatory body must participate in a quality assurance program for regulatory performance and provide any information the Minister requires to assess the regulatory body's performance.
- (2) The Minister may delegate the administration of a quality assurance program for regulatory performance to a third party.
- (3) A quality assurance program for regulatory performance must assess the performance of each regulatory body on a recurring basis of no more than once every 3 years, but at least once every 4 years.
- (4) An assessment of the performance of a regulatory body may include a review of some or all of the standards of good regulation for the regulatory body.
- (5) When directed by the Minister, a regulatory body must submit an action plan to the Minister, in a form and by a deadline directed by the Minister, to address any

standards of good regulation that have not been met.

- (6) The results of an assessment under the quality assurance program for regulatory performance must be posted publicly by the Minister and the regulatory body within 30 days of the date the assessment is completed.
- (7) An action plan ordered by the Minister must be posted publicly by the Minister and the regulatory body.

Standards of good regulation

- 52** The Minister must make the standards of good regulation public and must review and update the standards of good regulation in accordance with national and international best practices, as needed.

Custodianship

Registrar may appoint custodian of client records

- 53** (1) The registrar may appoint a registrant from any existing regulator or regulatory body to serve as a custodian to take any steps that are necessary to preserve client records and facilitate the transfer of records if a registrant
- (a) has not adequately provided for the protection of a client's interests in their records; and
 - (b) the registrant
 - (i) dies, disappears, is imprisoned, leaves the Province or surrenders their licence to practise,
 - (ii) is struck off the register or is the subject of a suspension of licence,
 - (iii) has had a licensing sanction imposed, or
 - (iv) neglects the registrant's practice.
- (2) A custodian appointed under this Section may enter the place of practice of a registrant and take any steps they consider necessary to protect the public.
- (3) A custodian must keep all client records taken into custody and, upon a client's request, provide copies of the client records to any of the following people, unless the custodian has reasonable grounds to believe it would not be in the best interest of a client to make the information available:
- (a) the client;

- (b) a representative of the client;
 - (c) another person as directed by the client.
- (4) A client must pay a reasonable fee for the records provided under subsection (3).
- (5) The registrar may do any of the following:
 - (a) authorize the custodian to employ professional assistance to perform their duties;
 - (b) direct the custodian respecting how to deal with, hold, deliver or dispose of client records;
 - (c) provide for the remuneration, disbursements and indemnification of the custodian;
 - (d) provide for the discharge of the custodian either before or after the completion of their responsibilities.
 - (e) recover costs from a registrant whose records are under custodianship.
- (6) A registrant whose client records are under custodianship may apply to the registrar to direct the custodian to return all or part of the client records to the registrant upon any terms consistent with the objects of a regulatory body set out in Section 6 of the Act.
- (7) A registrant whose client records are under custodianship may apply for judicial review of a decision made by the registrar under subsection (6).
- (8) This Section applies to a registrant whether or not they have a current licence.

Custodian of client records

- 54** (1) A custodian must give notice that the custodian has possession of a registrant's client records to all of the following:
- (a) the registrant's clients;
 - (b) the general public;
 - (c) any other person or organization the registrar considers appropriate.
- (2) A notice required by subsection (1) must be given in all of the following ways:

- (a) by publishing it on the relevant regulatory body's website;
 - (b) by any additional methods the registrar directs.
- (3) The custodian must report to the registrar about all of the following:
 - (a) details about how the notice requirements under subsections (1) and (2) were met;
 - (b) action taken during the custodianship, when the board requires.
- (4) After receiving a custodian's report required by subsection (3), the registrar may do any of the following:
 - (a) discharge the custodian;
 - (b) make any order the board considers appropriate regarding any client records in the custodian's possession.
- (5) The custodian's compliance with an order of the registrar discharges the custodian in respect of those client records affected by the board's order.

Information Disclosure and Confidentiality

Mandatory disclosure between regulatory body and employer

55 When disclosing information under subsection 89(6), Section 131 or clause 160(1)(b) of the Act, all of the following apply:

- (a) personal information and personal health information may be disclosed only if de-identified information will not accomplish the purpose for which the information is disclosed;
- (b) any personal information or personal health information disclosed must be limited to the minimum amount necessary to accomplish the purpose for which the information is disclosed.

Employer reporting exposure to harm

56 (1) In addition to the reporting requirements set out in Section 160 of the Act, if an employer has reasonable grounds to believe that a registrant is exposing or is likely to expose the public, clients, the profession or the registrant to harm or injury, the employer must immediately report to the registrar and must specify why they believe the registrant is exposing or is likely to expose the public to harm.

- (2) In subsection (1), “employer” includes a health authority with whom
- (a) the registrant holds privileges; or
 - (b) the registrant previously held privileges, but whose privileges were terminated or relinquished for any of the following reasons:
 - (i) risk of harm or injury to themselves or others,
 - (ii) allegations of professional misconduct,
 - (iii) conduct unbecoming the profession,
 - (iv) incompetence,
 - (v) incapacity.
- (3) After receiving a report under subsection (1), the registrar must immediately notify the registrant who is the subject of the report.

Exceptions to confidentiality

- 57 (1) A participant in a regulatory process under the Act may disclose the fact that they are a participant in the process to their employer.
- (2) If the registrar or a participant in a regulatory process has a concern about the health or safety of the public or an identifiable member of the public, including a respondent, the registrar or the participant in a regulatory process may disclose to those persons any information as is necessary to protect the health or safety of the public or an identifiable member of the public.
- (3) For the purposes of this Section, “participant in a regulatory process” includes all of the following:
- (a) the complainant;
 - (b) the respondent;
 - (c) a witness.

Permitted disclosure to extra-provincial regulatory body

- 58 In addition to the information that the registrar may disclose to an extra-provincial regulatory body under clause 137(2)(b) of the Act, the registrar may also disclose to an extra-provincial regulatory body any information that impacts the fitness or eligibility of a registrant applying for registration or licensing with the extra-provincial regulatory body.

Practice

Registrant may delegate

- 59** Nothing in the Act or regulations prevents a registrant from delegating or assigning tasks constituting part of the scope of practice of the registrant's designation, when done in accordance with the relevant bylaws or standards of practice.

Applicant or registrant charged with criminal offence

- 60** (1) An applicant or registrant who is charged with, pleads guilty to or is convicted of any offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) must immediately report the offence to the registrar.
- (2) After receiving a report under subsection (1), the registrar may, by any notice the registrar prescribes, require a registrant to attend a meeting before the complaints committee or an applicant to attend a meeting before the registration and licensing committee to fully disclose the facts and circumstances of the offences reported by the applicant or registrant.
- (3) Subsection (1) does not apply to an applicant or registrant for a matter for which a pardon has been issued or a record suspension has been ordered.

Transition

Permit or licence continues until withdrawn or expires

- 61** A permit or licence granted to an incorporated entity by an existing regulator continues in effect until it is withdrawn or expires.