

**Medical Imaging and Radiation Therapy Professionals Regulations**  
**made under subsection 11(1) of the**  
***Medical Imaging and Radiation Therapy Professionals Act***  
**S.N.S. 2013, c. 7**  
**O.I.C. 2020-235 (effective September 8, 2020), N.S. Reg. 115/2020**

**Interpretation and Board Appointments**

**Citation**

- 1** These regulations may be cited as the *Medical Imaging and Radiation Therapy Professionals Regulations*.

**Definitions**

- 2 (1)** In these regulations,

“Act” means the *Medical Imaging and Radiation Therapy Professionals Act*;

“applicable fee” means the applicable fee set by the Board;

“bridging education” means a program approved by the Credentials Committee to address gaps in the competencies of a registrant or an applicant that have been identified through a competence assessment or information provided by the registrant or applicant;

“CAMRT” means the Canadian Association of Medical Radiation Technologists or its successor or replacement as determined by the Board;

“competence assessment” means a program approved by the Credentials Committee to assess the competence of a registrant or an applicant using any of the following:

- (i) interviews,
- (ii) verification of documents,
- (iii) observation,
- (iv) reflective practice,
- (v) self-assessments,
- (vi) testing,

- (vii) chart audits,
- (viii) self-assessments,
- (ix) written tests,
- (x) live demonstrations of competency;

“continuing competence program” means a program approved by the Board for maintaining and enhancing the competence of registrants;

“Credentials Committee” means the Credentials Committee appointed under the Act;

“currency of practice requirements” means those requirements approved by the Board that a registrant must meet to establish the registrant is current in practice;

“Fitness to Practise Committee” means a committee established under Section 44 to address issues of incapacity;

“Fitness to Practise Program” means the process for addressing issues of incapacity set out in Sections 44 to 55;

“licensing year” means a 12-month period determined by the Board;

“notice of hearing” means the notice of hearing required by subsection 66(2) of the Act;

“registration examination” means a certification examination endorsing a licence in a discipline that is administered by an organization approved by the Board.

(2) In the Act and these regulations,

“Canadian Association of Registered Diagnostic Ultrasound Professionals” means Sonography Canada or its successor or replacement as determined by the Board;

“radiation therapy” is further defined to include research, education, consultation, management, administration, information technology, regulation and policy or system development relevant to the practices set out in the definition in the Act.

### **Public representatives to Board**

**3** Public representatives to the Board must be appointed by the Governor in Council in accordance with processes set by the Governor in Council.

## **Part 1: Registration and Licensing**

### **Licence Categories, Register and Rosters**

#### **Categories of licences**

**4** The following are the categories of licences for all disciplines:

- (a) practising licence;
- (b) practising licence with conditions;
- (c) temporary licence;
- (d) temporary licence with conditions;
- (e) temporary licence (graduate).

#### **Information in registers and rosters**

**5** (1) The Registrar must maintain a register containing the names of all registrants.

(2) In addition to the name of each registrant, the register must contain all of the following information regarding each registrant:

- (a) name and location of educational institution attended;
- (b) year registrant graduated from educational institution;
- (c) name and date of completion of registration examination;
- (d) date of entry in the register.

(3) The Registrar must keep a separate roster for each category of licence in each discipline.

#### **Conditions or restrictions on licence when restored to roster**

**6** Any conditions or restrictions previously imposed on a person's licence that have not expired remain in effect on any new licence issued to the person upon restoration of the person's name to a roster under subsection 30(2) of the Act.

## **Application for registration, licensing or licence renewal**

### **Registration and licensing decisions made by Registrar**

- 7** (1) After the Registrar receives and reviews an application from an applicant for registration, licensing or renewal of their licence, the Credentials Committee must direct the Registrar to do 1 or more of the following:
- (a) approve the application without conditions or restrictions and issue the requested registration, licence or renewal of licence, if the Credentials Committee determines that the criteria have been met;
  - (b) issue a conditional licence with conditions or restrictions agreed upon by the Credentials Committee and the applicant;
  - (c) deny the application.
- (2) If the Registrar issues a registration, licence or renewal of licence under clause (1)(a) or (b), the Registrar must record the name of the registrant in the register and the roster for the relevant category of licence.
- (3) If the Credentials Committee denies the application under clause (1)(c), it must
- (a) provide the applicant with a written decision with reasons;
  - (b) direct the Registrar to inform the applicant of their right to have the decision reviewed by the Registration Appeal Committee in accordance with the Act.
- (4) When considering an application for registration, licensing or renewal of a licence, the Credentials Committee may do 1 or more of the following:
- (a) request that the Registrar obtain additional information;
  - (b) require an applicant to satisfactorily complete such competence assessments and bridging education as determined by the Committee;
  - (c) extend the term of an applicant's existing registration or licence until it has made a decision.

### **Application and criteria for registration**

- 8** (1) An applicant for registration must submit all of the following:
- (a) a completed application in a form prescribed by the Registrar;

- (b) payment of the applicable fee, within the time period determined by the Registrar and through a method acceptable to the Registrar;
  - (c) proof satisfactory to the Credentials Committee that the applicant is the person named in the documentation submitted in support of the application;
  - (d) any information the Credentials Committee requires to establish whether Section 55 of the Act applies to the applicant;
  - (e) proof that the applicant meets all of the criteria set out in subsection (2);
  - (f) any additional information required by the Credentials Committee to assess whether the applicant meets the criteria in subsection (2).
- (2) An applicant for registration must meet all of the following criteria:
- (a) they have completed 1 of the following:
    - (i) an approved education program,
    - (ii) an education program in another jurisdiction that made the applicant eligible for registration in that jurisdiction and that, in the opinion of the Credentials Committee, is equivalent to an approved education program,
    - (iii) an education program that, in the opinion of the Credentials Committee, provides the applicant with comparable competencies to those of a person who graduated from an approved education program when combined with the applicant's additional education and relevant experience;
  - (b) they have successfully completed any examinations approved by the Board for the discipline in which a licence is sought;
  - (c) they have demonstrated proficiency in the English language in the manner prescribed by the Board;
  - (d) they are a Canadian citizen or are legally entitled to live and work in Canada;
  - (e) they have the capacity, competence and character to safely and ethically engage in practice;
  - (f) they have no outstanding complaints, prohibitions, conditions, agreements or restrictions from any registration or licensing authority that would prevent the applicant from being registered.

- (3) In addition to the criteria in subsection (2), a graduate of a program other than an approved education program must complete any competence assessment required by the Credentials Committee and any bridging education required as a result of the competence assessment as selected by the Credentials Committee.

**Licence suspension for failure to comply with renewal requirements**

- 9**
- (1) The Registrar may suspend the licence of any registrant who fails to comply with the deadlines for renewing licences and paying fees set out in these regulations.
  - (2) The Registrar must send a registrant whose licence is suspended under subsection (1) written notice of the suspension that includes a statement that
    - (a) the registrant may apply to the Registrar for the licence to be reissued; and
    - (b) the licence may be reissued if the registrant complies with the renewal requirements by the deadline determined by the Registrar and pays any applicable fees and penalties.
  - (3) At the expense of the person whose licence is suspended, the Registrar may take any steps that the Registrar considers necessary to bring a suspension issued under this Section to the attention of the public and other affected parties, including employers.
  - (4) A suspension issued under this Section is not a licensing sanction and may not be reported on a certificate of standing sent to other regulatory bodies.

**Licence suspended for non-payment or failure to act by date**

- 10**
- (1) The Registrar may suspend a registrant's licence without notice or investigation for the contravention of a regulation that requires the registrant to pay a fee, file a document or do any other act by a specified or ascertainable date.
  - (2) A licence suspended under subsection (1) may only be reinstated by the Registrar after
    - (a) the registrant pays the fee, files the document or carries out whatever act was required; and
    - (b) the registrant pays a fine, as determined by the Board.

### **Waiver of criteria for registration and licensing**

- 11** (1) The Registrar, the Credentials Committee or the Registration Appeal Committee must waive criteria for registration or licensing in these regulations if
- (a) the criteria conflict with the requirements of the Canada Free Trade Agreement; or
  - (b) it is required by law.
- (2) The requirements of these regulations respecting registration or licensing do not apply if the Registrar, Credentials Committee or Registration Appeal Committee consider it to be consistent with the objects and purpose of the College.

### **Practising Licences**

#### **Application and criteria for practising licence**

- 12** (1) An applicant for a practising licence must submit all of the following:
- (a) a completed application in a form prescribed by the Registrar;
  - (b) payment of the applicable fee, no later than the deadline determined by the Registrar and through a method acceptable to the Registrar;
  - (c) proof satisfactory to the Credentials Committee that the applicant meets the criteria for licensing in subsection (2).
- (2) An applicant for a practising licence must meet all of the following criteria:
- (a) they continue to meet the criteria in subclauses 8(2)(b), (d) and (e);
  - (b) they have professional liability insurance or another form of malpractice coverage or liability protection in the form and amount set by the Board;
  - (c) they meet the requirements of the continuing competence program for the discipline for which a licence is sought;
  - (d) they meet the currency of practice requirements for the discipline for which a licence is sought;
  - (e) they have no prohibitions, conditions, agreements or restrictions on their ability to practise from any registration or licensing authority.

### **Practising licence permitted activities**

**13** A registrant who holds a practising licence and whose name is entered in the practising roster may do all of the following:

- (a) use the titles and abbreviations set out in Section 23 of the Act, if the criteria for the use of such titles and abbreviations have been met;
- (b) practise in the disciplines for which the registrant's licence is endorsed, within the registrant's scope of practice;
- (c) if elected, hold office on the Board;
- (d) serve as an appointed registrant on any committee of the College;
- (e) receive all official College publications;
- (f) attend, participate and vote at meetings of the College.

### **Registrant's records of hours of work**

**14** (1) A registrant must keep a record of the hours that they work in practice in each discipline that includes records for at least the last 5 years.

(2) The College may conduct an audit of records kept under subsection (1) at any time to ensure the validity of data respecting currency of practice in applications to the College.

### **Practising licence term**

**15** (1) Except as provided in subsection (2), a practising licence is valid until the end of the licensing year in which it is issued or an earlier expiry date specified on the licence.

(2) A practising licence ceases to be valid if any of the following occurs:

- (a) the registrant's registration is revoked;
- (b) the registrant's licence is suspended or revoked;
- (c) the registrant's licence is changed through the imposition of terms, conditions or restrictions under the Act or these regulations;
- (d) the registrant fails to continue to meet the criteria for a practising licence;
- (e) the licence is surrendered in accordance with clause 30(1)(d) of the Act;



- (f) the licence is replaced by another category of licence.

### **Practising licence criteria for renewal**

- 16** (1) The Registrar must renew a registrant's practising licence on receiving all of the following from the applicant no later than the deadline for renewal set by the Board:
- (a) a completed application in a form prescribed by the Registrar, together with payment of the applicable fee and any penalties incurred for late application, no later than the deadline determined by the Registrar and through a method acceptable to the Registrar;
  - (b) proof satisfactory to the Registrar that the registrant continues to meet the licensing criteria set out in Section 12;
  - (c) for a registrant who has practised outside the Province in the previous year, proof satisfactory to the Registrar that the registrant has no outstanding complaints, prohibitions, conditions or restrictions that, in the opinion of the Credentials Committee, would prevent issuing a practising licence to the registrant.
- (2) An application for renewal received after the renewal deadline set by the Board must be treated as a new application for licensing.

### **Practising licence with conditions criteria**

- 17** (1) The Registrar must issue a practising licence with conditions to a registrant if, in addition to meeting the criteria for registration in Section 8, the registrant meets all of the following criteria:
- (a) any conditions or restrictions on the registrant have been imposed in 1 of the following ways:
    - (i) with the registrant's consent by the Credentials Committee or the Registration Appeal Committee,
    - (ii) as a result of a decision of any committee under the Act or these regulations;
  - (b) the applicant meets the criteria for a practising licence except the criterion in clause 12(2)(d).
- (2) If a Committee imposes conditions or restrictions on a registrant under these regulations, particulars of the conditions or restrictions imposed must be noted in the

records of the College and may be disclosed to the public subject to any publication ban imposed by the Committee.

### **Practising licence with conditions permitted activities**

**18** A registrant who holds a practising licence with conditions has all of the privileges set out in Section 13, other than as modified by the restrictions or conditions.

### **Practising licence with conditions term**

**19 (1)** Except as provided in subsection (2), a practising licence with conditions remains valid until the end of the licensing year in which it is issued or an earlier expiry date specified on the licence, as determined by the Committee issuing the condition or restriction.

**(2)** A practising licence with conditions ceases to be valid if 1 of the following occurs:

- (a) the registrant's registration is revoked;
- (b) the registrant's licence is suspended or revoked;
- (c) the registrant fails to continue to meet the criteria for a practising licence with conditions;
- (d) the registrant fails to comply with the conditions or restrictions on the registrant's licence;
- (e) the licence is surrendered in accordance with clause 30(1)(d) of the Act;
- (f) the licence is replaced by another category of licence.

### **Practising licence with conditions criteria for renewal**

**20 (1)** The Registrar must renew a registrant's practising licence with conditions on receiving all of the following from the applicant no later than the deadline for renewal set by the Board:

- (a) a completed application in a form prescribed by the Registrar, together with payment of the applicable fee and any penalties incurred for late application, no later than the deadline determined by the Registrar and through a method acceptable to the Registrar;
- (b) proof satisfactory to the Registrar that the registrant continues to meet the licensing criteria set out in subsection 17(1);

- (c) for a registrant who has practised outside the Province in the previous year, proof satisfactory to the Registrar that the registrant has no outstanding complaints, prohibitions, conditions or restrictions that would, in the opinion of the Credentials Committee, prevent the registrant from being issued a practising licence with conditions.
- (2) An application for renewal received after the renewal deadline set by the Board must be treated as a new application for licensing.
- (3) Restrictions or conditions imposed on a practising licence with conditions that have not expired remain in effect on any new practising licence with conditions issued to the registrant.

### **Temporary Licences**

#### **Temporary licence with or without conditions permitted activities**

**21** A registrant who is issued a temporary licence and is entered in the temporary roster or temporary with conditions roster may do all of the following:

- (a) practise within the registrant's individual scope of practice, subject to any conditions or restrictions imposed by the Credentials Committee;
- (b) attend and participate in meetings of the College as a non-voting registrant;
- (c) use protected titles, as determined by the Credentials Committee and with such qualification as may be determined by the Credentials Committee.

#### **Temporary licence with or without conditions term and renewal**

**22** (1) A temporary licence with or without conditions that ceases to be valid before the date specified in the licence, ceases to be valid on the earliest of all of the following dates:

- (a) the date that the licence is suspended or revoked;
- (b) the date that the registrant's registration is revoked;
- (c) the date that the registrant fails to continue to meet the criteria for a temporary licence;
- (d) the date that the registrant fails to comply with any conditions or restrictions on the registrant's temporary licence;

- (e) the date that the temporary licence is surrendered in accordance with clause 30(1)(d) of the Act;
  - (f) the date that the temporary licence is replaced by another category of licence.
- (2) The Credentials Committee may determine whether the holder of a temporary licence with or without conditions is authorized to use any of the protected titles set out in Section 23 of the Act.
- (3) The holder of a temporary licence with or without conditions may apply to the Credentials Committee for a renewal of their licence no later than the deadline for renewal set by the Board and the Credentials Committee, in its absolute discretion, must determine whether to issue the renewal upon payment of the prescribed fee.
- (4) [Original text does not include subsection 22(4).]
- (5) An application for renewal received after the renewal deadline set by the Board must be treated as a new application for licensing.

**Application and criteria for temporary licence (graduate)**

- 23** (1) An applicant for a temporary licence (graduate) must submit all of the following:
- (a) any completed application form prescribed by the Registrar;
  - (b) the applicable fee, no later than the deadline determined by the Registrar and through a method acceptable to the Registrar.
- (2) The criteria for issuing a temporary licence (graduate) to a person are all of the following:
- (a) the person must have completed an approved education program in the relevant discipline, but have not passed the relevant registration examination for that discipline;
  - (b) the person must have applied to write the next available relevant registration examination;
  - (c) the person must not hold a practising licence;
  - (d) the person must not have been previously issued a temporary licence (graduate).

### **Temporary licence (graduate) term**

**24** A temporary licence (graduate) expires on the earliest of the following dates:

- (a) the date specified in the licence;
- (b) the date that the licence holder passes the relevant registration examination;
- (c) that date that the licence holder fails to access the next available sitting of the registration examination;
- (d) the date that the licence holder fails to pass the relevant registration examination.

### **Temporary licence (graduate) permitted activities**

**25 (1)** A person who holds a temporary licence (graduate) may do all of the following:

- (a) practise only under the general supervision of a registrant licensed in the relevant discipline and in accordance with the terms approved for that discipline by the Credentials Committee;
  - (b) use the designation “graduate” with any of the protected titles for the relevant discipline set out in Section 23 of the Act, subject to such qualification as may be determined by the Credentials Committee.
- (2)** A person who holds a temporary licence (graduate) may not delegate any act of practice to another person who does not hold a relevant licence under the Act.

## **Part 2: Professional Conduct**

### **Definitions for Part 2**

**26** In this Part,

“caution” means a determination by the Investigative Committee that a registrant may have breached the standards of professional ethics or practice expected of registrants in circumstances that do not constitute professional misconduct, conduct unbecoming the profession, incompetence or incapacity and that is not considered to be a licensing sanction;

“counsel” means a determination by the Investigative Committee that a registrant could benefit from professional guidance from the College about the subject matter of a complaint in circumstances that do not constitute professional misconduct,

conduct unbecoming the profession, incompetence or incapacity and that is not considered to be a licensing sanction.

## **Initiating and Investigating Complaint**

### **Notice of complaint to respondent**

**27** On receiving or initiating a complaint, the Registrar must send a copy of the complaint to the respondent.

### **Preliminary investigation of complaint**

**28 (1)** On receiving or initiating a complaint, the Registrar may appoint an investigator, who may or may not be a member of the Investigative Committee, to conduct a preliminary investigation of the complaint under this Section.

**(2)** The Registrar or an investigator may do 1 or more of the following:

(a) request additional information in written or oral form from the complainant, the respondent or a third party;

(b) request to interview the complainant, the respondent or a third party.

**(3)** The Registrar or an investigator may, with the respondent's consent, arrange for the respondent to do 1 or more of the following during a preliminary investigation:

(a) if the Registrar or investigator has reasonable or probable grounds to believe that the respondent has an issue of incapacity, submit to physical or mental examinations by a qualified person or persons designated by the Registrar, and authorize the reports from the examinations to be given to the Registrar;

(b) submit to a review or audit of the respondent's practice by a qualified person or persons designated by the Registrar, and authorize a copy of the review or audit to be given to the Registrar;

(c) submit to a competence assessment or other assessment or examination to determine whether the respondent is competent to practise, and authorize the assessment or examination report to be given to the Registrar;

(d) produce any records regarding the respondent's practice that the Registrar or investigator considers appropriate.

- (4) The Registrar or an investigator may investigate any matter relating to the respondent that arises in the course of the investigation, in addition to the complaint, that may constitute any of the following:
- (a) professional misconduct;
  - (b) conduct unbecoming the profession;
  - (c) incompetence;
  - (d) incapacity.
- (5) A respondent may submit medical information and any information relevant to the complaint to the Registrar or an investigator.
- (6) Expenses incurred to take any action under subsection (3) must initially be paid by the College, but may be awarded as costs against the respondent under any of the following circumstances:
- (a) if a finding is made against the respondent at a hearing;
  - (b) as part of the terms of a consensual reprimand or consensual conditions or restrictions;
  - (c) as part of an informal resolution;
  - (d) by consent.

#### **Resolution of complaint by Registrar**

- 29** (1) Taking into account the results of any preliminary investigation, the Registrar must do 1 or more of the following:
- (a) dismiss the complaint and notify the complainant and the respondent of the dismissal if the Registrar decides that any of the following apply:
    - (i) the complaint is outside the jurisdiction of the College,
    - (ii) the complaint cannot be substantiated,
    - (iii) the complaint is frivolous or vexatious,
    - (iv) the complaint constitutes an abuse of process,

- (v) the complaint does not allege facts that, if proven, would constitute professional misconduct, conduct unbecoming the profession, incompetence or incapacity, or would merit a caution or counsel,
    - (vi) the processing of the complaint would not advance the objects of the College;
  - (b) informally resolve the complaint if the Registrar considers it would be consistent with the objects of the College;
  - (c) authorize the resignation of the respondent from the register and any relevant rosters if the Registrar considers that would be consistent with the objects of the College;
  - (d) if the Registrar is satisfied that a respondent has engaged in practice without a valid licence, fine the respondent an amount determined by the Board;
  - (e) if the respondent and the Registrar agree, refer the respondent to the Fitness to Practise Committee;
  - (f) refer the matter to the Investigative Committee.
- (2) On disposing of a complaint, if the Registrar considers it useful, the Registrar may provide written advice relevant to the complaint that is of a non-disciplinary nature to any of the following persons:
- (a) the complainant;
  - (b) the respondent;
  - (c) a person or organization affected by the complaint.
- (3) The Registrar must provide a copy of any written advice provided under clause (2)(a) or (c) to the respondent.
- (4) A fine imposed under clause (1)(d) is not a licensing sanction and may not be reported on a certificate of standing sent to other regulatory bodies.
- (5) If a respondent fails to pay a fine imposed under clause (1)(d), the Registrar must refer the matter to the Investigative Committee.
- (6) On receiving a referral under subsection (5), the Investigative Committee may direct the Registrar to suspend a respondent's licence or suspend the ability of a respondent



to obtain a licence until the fine is paid, along with any reinstatement fee ordered by the Investigative Committee.

- (7) The Registrar must suspend a respondent's licence or ability to obtain a licence in accordance with a direction of the Investigative Committee under subsection (6).
- (8) The Registrar may take such steps, at the expense of a respondent who is suspended for non-payment of a fine under subsection (6), to bring the suspension to the attention of the public and other affected individuals as the Registrar considers necessary.

### **Review of complaint dismissal**

- 30** (1) No later than 30 days after a complainant is notified of the dismissal of a complaint by the Registrar under subclause 29(1)(a), the complainant may submit a written request for review of the dismissal to the Registrar.
- (2) The Registrar must send any request for review of a complaint dismissal received under subsection (1) to both of the following:
- (a) the respondent;
  - (b) the Chair of the Investigative Committee.
- (3) On receiving a request for review of a complaint dismissal under clause (2)(b), the Chair of the Investigative Committee must appoint a panel to review the dismissal.

### **Decision of Investigative Committee on review**

- 31** (1) After reviewing the complaint and any material considered by the Registrar when making the decision to dismiss the complaint and the Registrar's decision, the panel of the Investigative Committee appointed under subsection 30(3) may do any of the following:
- (a) confirm the dismissal of some or all of the complaint;
  - (b) overturn the dismissal of some or all of the complaint and do 1 or both of the following:
    - (i) order an investigation of any aspects of the complaint that have not been dismissed,
    - (ii) refer the matter to be considered by a differently constituted panel of the Investigative Committee.

- (2) After conducting a review under subsection (1), the Investigative Committee must render its decision in writing, with reasons, and provide a copy of the decision to all of the following within a reasonable time:
  - (a) the Registrar;
  - (b) the complainant;
  - (c) the respondent.
- (3) A decision of the Investigative Committee under subsection (1) is final.

### **Referral to Investigative Committee**

- 32** (1) The Registrar may refer a complaint to the Investigative Committee at any time and ask the Investigative Committee to do 1 or more of the following:
- (a) provide direction with regard to the investigation;
  - (b) exercise any of the powers conferred upon it under the Act and these regulations.
- (2) When referring a complaint to the Investigative Committee under subsection (1), the Registrar must send a copy of the complaint to the Investigative Committee.

### **Jurisdiction of Investigative Committee**

- 33** In addition to as set out in subsection 47(2) of the Act, once a matter is referred to the Investigative Committee, the Committee retains jurisdiction over it until such time as, if the matter may involve incapacity and the respondent and the Registrar agree, the Investigative Committee refers the matter to the Fitness to Practise Committee.

### **Investigation of complaint**

- 34** (1) The Investigative Committee may set its own procedures for investigations and the review of complaints if procedures are not set out by the Act or these regulations.
- (2) The Investigative Committee may appoint an investigator, who may or may not be a member of the Investigative Committee, to conduct or to further an investigation of a complaint that is referred to the Investigative Committee.
- (3) When investigating a complaint, the investigator or Investigative Committee may do 1 or more of the following:

- (a) request additional information in written or oral form from the complainant, the respondent or a third party;
  - (b) request to interview the complainant, the respondent or a third party.
- (4) An investigator or the Investigative Committee may investigate any matter relating to the respondent that arises in the course of the investigation, in addition to the complaint, that may constitute any of the following:
- (a) professional misconduct;
  - (b) conduct unbecoming the profession;
  - (c) incompetence;
  - (d) incapacity.
- (5) A respondent may submit medical information and any information relevant to the complaint to an investigator or the Investigative Committee.
- (6) With the registrant's consent, the Investigative Committee may refer a matter to the Fitness to Practise Committee at any time.

#### **Additional information to Investigative Committee**

- 35** (1) The Investigative Committee may direct an investigator at any time to conduct any investigation that the Committee considers necessary.
- (2) At any time before the final disposition of a complaint under Section 37 or 38, the Investigative Committee may receive additional information if the information is relevant to the matters before it.
- (3) If the Investigative Committee receives additional information under subsection (2), the respondent must be given an opportunity to respond to the matters raised in the information before the final disposition of the matter by the Investigative Committee.

#### **Rights of respondent**

- 36** In a proceeding before the Investigative Committee, a respondent to a complaint has the right to all of the following:
- (a) be represented by legal counsel, a union representative or another representative at the respondent's own expense;

- (b) notice of any matters under investigation;
- (c) a reasonable opportunity to present a response and make submissions in a form determined by the Investigative Committee;
- (d) any additional information, as determined by the Registrar.

### **Dismissal of complaint by Investigative Committee**

- 37** (1) The Investigative Committee may dismiss a complaint and notify the complainant and the respondent of the dismissal if the Investigative Committee decides that any of the following apply:
- (a) the subject matter of the complaint is outside the jurisdiction of the College;
  - (b) the complaint cannot be substantiated;
  - (c) the complaint is frivolous or vexatious;
  - (d) the complaint constitutes an abuse of process;
  - (e) the complaint does not allege facts that, if proven, would constitute professional misconduct, conduct unbecoming the profession, incompetence or incapacity, or would merit a counsel or a caution;
  - (f) the processing of the complaint would not advance the objects of the College.
- (2) On dismissing a complaint, if the Investigative Committee considers it useful, it may provide written advice relevant to the complaint that is of a non-disciplinary nature to any of the following persons:
- (a) the complainant;
  - (b) the respondent;
  - (c) any person or organization affected by the complaint.
- (3) The Investigative Committee must provide a copy of any written advice provided under clause (2)(a) or (c) to the respondent.

### **Disposition of complaint by Investigative Committee**

- 38** (1) Unless a complaint is dismissed under subsection 37(1), the Investigative Committee must give the respondent a reasonable opportunity to appear before the Committee

before it disposes of the complaint, and may request or require other persons to appear before it.

- (2) The Investigative Committee may require a respondent to do 1 or more of the following:
  - (a) submit to physical or mental examinations by a qualified person or persons designated by the Investigative Committee, and authorize the reports from the examinations to be given to the Investigative Committee;
  - (b) submit to a review of the respondent's practice by a qualified person or persons designated by the Investigative Committee, and authorize a copy of the review to be given to the Investigative Committee;
  - (c) submit to a competence assessment or any other assessment or examination the Investigative Committee directs to determine whether the respondent is competent to practise, and authorize the assessment or examination report to be given to the Investigative Committee;
  - (d) produce any records or documents regarding the respondent's practice.
- (3) Expenses incurred by a respondent to comply with a requirement under subsection (2) must initially be paid by the College, but may be awarded as costs against the respondent under Section 72.
- (4) After providing a respondent with an opportunity to appear before it under subsection (1), the Investigative Committee must do 1 or more of the following:
  - (a) dismiss the complaint;
  - (b) counsel the respondent;
  - (c) caution the respondent;
  - (d) refer the respondent to the Registrar for a competence assessment as determined by the Registrar, and require the respondent to pay for any costs arising from the assessment;
  - (e) if the Investigative Committee believes the matter involves an issue of incapacity that should be addressed through the Fitness to Practise Program, refer the matter to the Fitness to Practise Committee with the registrant's consent;
  - (f) informally resolve the complaint, including authorizing the respondent's resignation from the register and any relevant rosters;

- (g) if the Investigative Committee is satisfied the respondent has been practising without a valid licence, direct the respondent to pay a fine in an amount determined by the Investigative Committee;
  - (h) make a determination that there is sufficient evidence that the respondent's actions, if proven,
    - (i) would constitute any of the following:
      - (A) professional misconduct,
      - (B) conduct unbecoming the profession,
      - (C) incompetence,
      - (D) incapacity, and
    - (ii) warrants imposing a licensing sanction.
- (5) A disposition issued under clause (4)(f) or (g) may include costs.
- (6) On making a determination under clause (4)(h), the Investigative Committee must do 1 of the following:
- (a) with the respondent's consent, order 1 or both of the following:
    - (i) that the respondent receive a reprimand, which must be communicated to the respondent, the complainant and any other person the Investigative Committee considers appropriate,
    - (ii) that conditions or restrictions, or both, be imposed on the respondent's licence;
  - (b) refer the matter or matters for a hearing and, if the Investigative Committee considers it appropriate, direct the Registrar on behalf of the College to attempt to negotiate a settlement proposal in accordance with Section 39.
- (7) If a respondent fails to comply with requirements under subsection (2) or any direction from the Investigative Committee or the Professional Conduct Committee, the Investigative Committee may suspend or restrict the respondent's licence until the suspension or restriction is lifted, superseded or annulled by the Investigative Committee or the Professional Conduct Committee.

- (8) The Investigative Committee must provide the respondent with a copy of any report, review, assessment or examination it receives under subsection (2) and give the respondent an opportunity to respond to them before the Investigative Committee renders a decision.

## **Settlement Proposals**

### **Preparing and tendering settlement proposals**

- 39**
- (1) A settlement proposal may be submitted in writing by the College or the respondent to the other party as a means of resolving the matter before the hearing begins.
  - (2) A settlement proposal must include all of the following:
    - (a) sufficient facts to provide context for the admission or admissions of the respondent;
    - (b) an admission or admissions by the respondent to 1 or more of the matters referred to the Professional Conduct Committee;
    - (c) the respondent's consent to a specified disposition, conditional on the acceptance of the settlement proposal by the Investigative Committee and the Professional Conduct Committee;
    - (d) an agreement on the amount of costs to be paid, and the timing for payment of the costs.
  - (3) If the College and the respondent agree with a settlement proposal tendered under subsection (1), the College must refer the settlement proposal to the Investigative Committee for consideration.
  - (4) The College and the respondent may agree to use a mediator to prepare a settlement proposal, and the costs for the mediator must be divided equally between the College and the respondent, unless the parties agree to a different division of the costs.
  - (5) A settlement proposal may include any disposition that could be ordered by the Professional Conduct Committee under the Act or these regulations.

### **Investigative Committee actions when settlement proposal referred**

- 40**
- (1) The Investigative Committee may recommend acceptance of a settlement proposal if it is satisfied that all of the following are met:
    - (a) the public is protected;

- (b) the conduct or its causes can be, or have been successfully remedied or treated, and the respondent is likely to successfully pursue any remediation or treatment required;
  - (c) the settlement proposal is in the best interests of the public and the profession.
- (2) If the Investigative Committee recommends acceptance of a settlement proposal, the Investigative Committee must refer the settlement proposal to the Professional Conduct Committee for consideration in accordance with Section 39.
- (3) If the Investigative Committee does not recommend acceptance of a settlement proposal, the Investigative Committee must do 1 of the following:
- (a) recommend changes to the settlement proposal that
    - (i) if agreed upon by the College and the respondent, will result in acceptance by the Investigative Committee,
    - (ii) if not agreed upon by the College and the respondent, will result in rejection by the Investigative Committee;
  - (b) reject the settlement proposal and refer the complaint considered by the Investigative Committee to the Professional Conduct Committee for a hearing.

**Professional Conduct Committee actions when settlement proposal referred**

- 41** (1) The Professional Conduct Committee must consider any settlement proposal referred to it and may approve the settlement proposal if satisfied that the criteria in subsection 40(1) have been met.
- (2) If the Professional Conduct Committee accepts a settlement proposal, the settlement proposal forms part of the order of the Professional Conduct Committee disposing of the matter.
- (3) If the Professional Conduct Committee does not accept a settlement proposal, it must do 1 of the following:
- (a) suggest areas for review and return it to the College and the respondent for review;
  - (b) reject the settlement proposal, in which case the matter is referred to another panel of the Professional Conduct Committee for a hearing.



- (4) If the College and the respondent do not agree with any suggestions made under clause (3)(a), the settlement proposal is deemed to be rejected and the matter must be referred to another panel of the Professional Conduct Committee for a hearing.
- (5) If the College and the respondent agree with any suggestions made under clause (3)(a), the settlement proposal must be sent back to the Professional Conduct Committee who must do 1 of the following:
  - (a) accept the settlement proposal;
  - (b) reject the settlement proposal and refer the matter to another panel of the Professional Conduct Committee for a hearing.
- (6) A person who sits on a panel of the Professional Conduct Committee that reviews a rejected settlement proposal must not sit on a panel of a Professional Conduct Committee that conducts a hearing related to the same complaint.

#### **Settlement proposals and hearings**

- 42** (1) If a settlement proposal is rejected by the Professional Conduct Committee, a hearing must proceed without reference to the settlement proposal or any admissions contained in the settlement proposal until after the Professional Conduct Committee has determined whether professional misconduct, conduct unbecoming the profession, incompetence or incapacity has been proven.
- (2) Before deciding whether to award costs in a hearing, the Professional Conduct Committee may be given a copy of any settlement proposals exchanged between the parties.
- (3) Any alleged breach by a respondent of an undertaking given in an accepted settlement proposal or a condition of an accepted settlement proposal must be referred to a Professional Conduct Committee and may form the subject of a new hearing.

#### **Consent revocation**

- 43** (1) A respondent who does not contest the allegations set out in a complaint or notice of hearing or who admits to some or all of the allegations set out in a complaint or notice of hearing may, with the consent of the Registrar, ask the Professional Conduct Committee to revoke the respondent's registration or licence, or both.
- (2) The Professional Conduct Committee may
- (a) consent to the revocation of a respondent's registration or licence, or both, with or without conditions; or

- (b) refuse consent.
- (3) A respondent who consents to the revocation of their registration or licence, or both, under this Section must in all respects be treated as though their registration or licence, or both, were revoked by the Professional Conduct Committee.
- (4) Notification of a revocation consented to under this Section must be given in accordance with Section 69.

### **Fitness to Practise Program**

#### **Fitness to Practise Committee**

**44** The Board must appoint a Fitness to Practise Committee composed of at least the following:

- (a) 1 public representative;
- (b) the number of registrants and public representatives determined by the Board.

#### **Chair and vice-chair of Fitness to Practise Committee**

- 45** (1) The Board must appoint a chair and a vice-chair of the Fitness to Practise Committee.
- (2) The vice-chair must act as chair in the absence of the chair.

#### **Appointment of panel of Fitness to Practise Committee**

- 46** (1) On receiving a matter referred to the Fitness to Practise Committee, the chair of the Fitness to Practise Committee must appoint a panel of at least 3 members of the Committee, at least 1 of whom is a public representative, to act as the Committee.
- (2) The chair of the Fitness to Practise Committee may sit on the panel and must act as the chair of any panel they sit on.
- (3) If the chair of the Fitness to Practise Committee is not on the panel, the chair must appoint a chair for the panel.

#### **Notice, quorum and voting**

- 47** (1) If 1 or more Fitness to Practise Committee members fail to receive a notice of a meeting, the failure does not invalidate the proceedings at the meeting, and nothing prevents the members from waiving notice of a meeting.

- (2) A quorum of the Fitness to Practise Committee consists of 3 members of the panel, at least 1 of whom must be a public representative.
- (3) A decision of the Fitness to Practise Committee requires the vote of a majority of the panel of the Committee.
- (4) If a matter is referred to the Fitness to Practise Committee and the term of office of a person sitting on the Committee expires, that person may remain part of the Committee until the matter is concluded.

### **Functions, duties and procedures of Fitness to Practise Committee**

- 48** (1) The Fitness to Practise Committee must perform any functions and duties set out in these regulations for the Committee.
- (2) The Fitness to Practise Committee may set its own procedures for meetings.

### **Powers of commissioner under *Public Inquiries Act***

- 49** When performing their functions as set out in these regulations, the members of the Fitness to Practise Committee have all the rights, powers and privileges of a commissioner appointed under the *Public Inquiries Act*, with the exception of the powers of contempt, arrest and imprisonment.

### **Referral to Fitness to Practise Committee**

- 50** (1) The Registrar may refer a registrant to the Fitness to Practise Committee in accordance with this Section if
- (a) the registrant agrees; and
  - (b) the Registrar determines that the registrant is eligible, in accordance with eligibility criteria approved by the Board.
- (2) A registrant must not be referred to the Fitness to Practise Committee unless 1 of the following occurs:
- (a) a complaint concerns the registrant's incapacity;
  - (b) the information disclosed in a regulatory process raises concerns about the registrant's incapacity;
  - (c) a person raises questions about the possible incapacity of the registrant to the College in the absence of a complaint;

- (d) the registrant self-reports incapacity to the College.
- (3) If a matter referred to the Fitness to Practise Committee concerns a registrant who was previously part of a Fitness to Practise Program, the Registrar and the Fitness to Practise Committee must be provided with all information in the possession of the College related to the previous matter.
- (4) The Registrar may request a meeting with the Fitness to Practise Committee at any time during the Fitness to Practise Program with respect to a registrant's progress in the process or to request the registrant's removal from the process.
- (5) If expenses are incurred in the Fitness to Practise Program involving the remediation of the incapacity or in order for a registrant to continue in or resume practice, the Registrar or the Fitness to Practise Committee may require a registrant to pay for the expenses under the terms that the Registrar or Fitness to Practise Committee determines.

#### **Duties after referral to Fitness to Practise Committee**

- 51** (1) If the Registrar determines under Section 50 that a registrant is eligible for referral to the Fitness to Practise Committee, the registrant must do 1 of the following:
- (a) cease practising to pursue remediation of the incapacity under the terms and conditions agreed to with the Registrar;
  - (b) continue in or resume practice only under the terms and conditions agreed to with the Registrar.
- (2) An agreement involving continued or resumed practice under clause (1)(b) must be approved by the Fitness to Practise Committee.

#### **Proceeding before Fitness to Practise Committee**

- 52** (1) A registrant who has advised the Registrar that the registrant has undertaken 1 of the following may request the Registrar to convene a meeting with the Fitness to Practise Committee: [*sic*]
- (a) they have ceased practising under clause 51(1)(a) and are seeking to return to practice;
  - (b) they have agreed to terms and conditions for practice under clause 51(1)(b) and are seeking to remove or vary any of the terms and conditions.

- (2) A registrant appearing before the Fitness to Practise Committee under this Section has the right to all of the following:
- (a) be represented by legal counsel, a union representative or another representative at the registrant's own cost;
  - (b) notice of any matters under investigation;
  - (c) a reasonable opportunity to present a response and make submissions in the form determined by the Committee;
  - (d) any additional information, as determined by the Registrar.
- (3) On receiving a request under subsection (1), the Fitness to Practise Committee must convene a meeting with the registrant and may do 1 of the following:
- (a) approve the registrant's return to practice, subject to any terms and conditions that the Fitness to Practise Committee considers appropriate and to which the registrant agrees;
  - (b) vary the terms and conditions under which the registrant is practising if the registrant agrees to the variation;
  - (c) deny the registrant's return to practice or variation request and refer the registrant back to the Registrar in accordance with Section 53.

### **Referral to Registrar from Fitness to Practise Committee**

- 53** (1) A registrant may be referred back to the Registrar by the Fitness to Practise Committee if 1 of the following occurs:
- (a) the registrant withdraws consent to participate in the Fitness to Practise Program;
  - (b) the registrant fails to submit to a capacity examination as directed by the Registrar;
  - (c) the registrant does not agree with the terms or conditions for practice or for a return to practice sought by the Fitness to Practise Committee;
  - (d) the Committee determines that a registrant meets 1 or both of the following:
    - (i) they fail to meet the agreed terms and conditions of practice,
    - (ii) they pose an immediate threat to the health or safety of others;

- (e) the Committee is not satisfied that the registrant is incapacitated;
  - (f) the Committee considers that it is no longer consistent with the objects of the College for the registrant to participate in the Fitness to Practise Program.
- (2) If a [A] registrant who is referred back to the Registrar by the Fitness to Practise Committee must be removed from the Fitness to Practise Program and 1 of the following must occur:
- (a) if the registrant was involved in a regulatory process at the time of referral to the Fitness to Practise Committee, the registrant must be referred back to the committee conducting the regulatory process;
  - (b) if the matter was referred by the Registrar outside of a regulatory process, the Registrar must determine whether a regulatory process should be initiated or whether the matter requires further action under the Act and these regulations;
  - (c) the registrant's file, including any reports, assessments and evaluations in the possession of or obtained by the Fitness to Practise Committee, must accompany the referral and may be provided by the Registrar to any person or regulatory committee addressing the matter.

#### **Committee's jurisdiction over matter involving registrant**

- 54** (1) The Fitness to Practise Committee retains jurisdiction over a registrant who is subject to ongoing terms and conditions of practice agreed upon with the Committee until
- (a) the terms and conditions have been met; or
  - (b) the matter is referred back to the Registrar under Section 53.
- (2) If a registrant is referred back to a regulatory committee under clause 53(2)(a), the regulatory committee regains jurisdiction over the matter involving the registrant.
- (3) If the Registrar initiates a regulatory process under clause 53(2)(b), the committee conducting the regulatory process gains jurisdiction over the matter.

#### **Updating College's records and notice of licensing status**

- 55** If an agreement is reached with a registrant to cease practising or to practise under terms and conditions under Section 51 or 52, the Registrar must do all of the following without disclosing the nature of the registrant's incapacity:
- (a) update the College's records to reflect the licensing status of the registrant;

- (b) notify the registrant's employers, as identified in the records of the College or otherwise known to the College, of the registrant's licensing status;
- (c) notify the licensing authority in any other jurisdiction in which the registrant is licensed, of the registrant's licensing status.

## **Hearings**

### **Notice of hearing**

- 56** (1) Service of a notice of hearing on the respondent and the complainant must be in accordance with Section 67 of the Act.
- (2) The notice of hearing must state all of the following:
- (a) the details of the charges against the respondent;
  - (b) that the respondent may be represented by legal counsel, a union representative or another representative at the respondent's own cost.

### **Amendment of notice of hearing**

- 57** (1) At any time before or during a hearing, the Professional Conduct Committee may, on its own motion or on the motion of a party to the hearing, amend or alter the notice of hearing for any of the following reasons:
- (a) to correct an alleged defect in substance or form;
  - (b) to make the notice conform to the evidence, if there appears to be a difference between the evidence and the notice or if the evidence discloses any of the following that is not stated in the notice:
    - (i) potential professional misconduct,
    - (ii) conduct unbecoming the profession,
    - (iii) incompetence,
    - (iv) incapacity.
- (2) A respondent must be given an opportunity to prepare an answer to any proposed amendment or alteration to a notice of hearing.

- (3) After receiving a respondent's answer under subsection (2), the Professional Conduct Committee may do 1 of the following:
  - (a) amend or alter the notice of hearing;
  - (b) refer any new allegations to the Registrar for processing as a complaint.

### **Public notice of hearing**

**58** Subject to any publication ban ordered by the Professional Conduct Committee, the Registrar must give public notice of any scheduled hearings through the College's website or by any alternate means the Registrar considers appropriate, including notice of all of the following:

- (a) the name of the respondent;
- (b) the date, time and location of a hearing;
- (c) reference to any application being made for an order under subsection 59(2) or (4) to exclude the public.

### **Attendance at hearing**

- 59** (1) Except as provided in subsection (2) or (3), a hearing is open to the public.
- (2) At the request of a party, the Professional Conduct Committee may order that the public, in whole or in part, be excluded from a hearing or any part of it if the Professional Conduct 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 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 Professional Conduct 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 Professional Conduct Committee may make any orders that it considers necessary, including orders prohibiting publication or broadcasting, to prevent the public disclosure of matters disclosed in a hearing or in any part of a hearing, including dealing with an order under subsection (2) or (3).



- (5) Subject to any order made under this Section, the Professional Conduct Committee must state at a hearing its reasons for any order made under this Section.
- (6) Despite any decision to exclude the public under this Section, a complainant may attend a hearing unless the Professional Conduct Committee directs otherwise.

### **Parties to hearing**

- 60** (1) The parties to a hearing before the Professional Conduct Committee are the following:
- (a) the College, represented by the Registrar or a person designated by the Registrar;
  - (b) the respondent.
- (2) A complainant other than the Registrar, or their delegate, cannot participate as a party at a hearing.

### **Hearing procedures**

- 61** (1) The Professional Conduct Committee may determine any additional rules of procedure for hearings that are not covered by the Act or these regulations.
- (2) The Professional Conduct Committee may exclude a complainant or a witness other than the respondent from a hearing until the complainant or witness is required to give evidence.
- (3) Witnesses at a hearing must testify under oath or affirmation.
- (4) An oath or affirmation taken at a hearing may be administered by any member of the Professional Conduct Committee or other person in attendance authorized by law to administer oaths or affirmations.
- (5) The Professional Conduct Committee may require a respondent to do 1 or more of the following during a hearing:
- (a) if the professional conduct panel has reasonable and probable grounds to believe that the respondent has an issue of incapacity, submit to physical or mental examinations by a qualified person or persons designated by the Professional Conduct Committee, and authorize examination reports to be given to the Professional Conduct Committee;

- (b) submit to a review of the respondent's practice by a qualified person or persons designated by the Professional Conduct Committee, and authorize a copy of the review to be given to the Professional Conduct Committee;
  - (c) submit to a competence assessment or other assessment or examination the Professional Conduct Committee directs to determine whether the respondent is competent to practise, and authorize the assessment report or examination to be given to the Professional Conduct Committee;
  - (d) produce any records kept about the respondent's practice that the Professional Conduct Committee considers appropriate.
- (6) If a respondent fails to comply with a requirement under subsection (5), the Professional Conduct Committee may order that the respondent be suspended until the respondent complies.
- (7) The expenses incurred for a respondent to comply with a requirement under subsection (5) must be initially paid by the College, but may be awarded as costs against a respondent under Section 72.
- (8) If a matter may involve incapacity and the respondent and the Professional Conduct Committee agree, the Professional Conduct Committee may refer the matter to the Fitness to Practise Committee.

### **Respondent fails to attend hearing**

**62** After receiving proof of service of the notice of hearing in accordance with Section 67 of the Act, the Professional Conduct Committee may proceed with a hearing in a respondent's absence and take any action authorized under the Act and these regulations without further notice to the respondent.

### **Subpoenaed witness fees**

**63** Witnesses who are present under subpoena at a hearing are entitled to the same allowances as witnesses attending a trial of an action in the Supreme Court of Nova Scotia.

### **Recording evidence at hearing**

- 64** (1) All evidence presented at a hearing must be recorded by a person authorized by the Registrar.
- (2) Evidence may be presented at a hearing in any manner that the Professional Conduct Committee considers appropriate, and the Professional Conduct Committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.

### **Preserving evidence**

- 65** Evidence presented to the Professional Conduct Committee and information obtained by the Investigative Committee or an investigator for a complaint that has not been dismissed by the Investigative Committee must be preserved for at least 5 years from the date the evidence is presented or the information is obtained.

### **Disposition by Professional Conduct Committee**

- 66 (1)** If the Professional Conduct Committee finds professional misconduct, conduct unbecoming the profession, incompetence or incapacity on the part of a respondent, the Professional Conduct Committee may do 1 or more of the following and must include orders for it in the Professional Conduct Committee's disposition of the matter:
- (a) revoke the respondent's registration or licence, or both, and remove the respondent's name from the register and relevant rosters;
  - (b) revoke the respondent's ability to obtain registration, or require the respondent to comply with any conditions or restrictions imposed by the Professional Conduct Committee if registration is granted;
  - (c) authorize the respondent to resign from the Register and remove the respondent's name from the rosters where the name is entered;
  - (d) suspend the respondent's ability to obtain a licence for a specified period of time;
  - (e) suspend the respondent's licence for a specified period of time and direct the Registrar to remove the respondent's name from the relevant rosters;
  - (f) suspend any licence held by the respondent pending the satisfaction and completion of any conditions the Professional Conduct Committee orders;
  - (g) impose any restrictions or conditions, or both, on the respondent's licence for a specified period of time;
  - (h) reprimand the respondent and direct that the reprimand be recorded in the records of the College;
  - (i) direct the respondent to pass a particular course of study or satisfy the Professional Conduct Committee or any other committee established under the Act or these regulations of the respondent's general competence to practise, or competence in a particular discipline;

- (j) refer the respondent for a competence assessment as determined by the Registrar, and require the respondent to pay any costs associated with the assessment and any bridging education required following the assessment;
  - (k) direct the respondent to pay a fine in an amount determined by the Professional Conduct Committee for findings that involve any of the following:
    - (i) practising without a licence,
    - (ii) professional misconduct,
    - (iii) conduct unbecoming the profession;
  - (l) publish or disclose its findings in accordance with the Act and these regulations.
- (2) If the Professional Conduct Committee revokes the registration of the respondent, the Committee must determine whether the respondent is eligible to apply for reinstatement.
- (3) If the Professional Conduct Committee determines that a respondent whose registration is revoked is eligible to apply for reinstatement, the Committee must determine when the respondent is eligible to apply, which must not be earlier than 2 years after the date that the respondent last practised.

#### **Written decision of Professional Conduct Committee**

**67** The Professional Conduct Committee must prepare a written report of its decision that includes the reasons for the decision on the allegations in the notice of hearing, and the reasons for the disposition ordered under Section 66 and must provide copies of its decision or information from its decision in accordance with Sections 68 and 69.

#### **Disclosing Professional Conduct Committee's decision to dismiss complaint**

- 68** (1) Except as prohibited by any publication bans, the Professional Conduct Committee may disclose or publish a decision or part of a decision that dismisses a complaint, in the manner determined by the Professional Conduct Committee.
- (2) The Professional Conduct Committee must provide a copy of its full decision to the Registrar.

### **Disclosing and publishing licensing sanctions**

**69 (1)** All of the following is prescribed as information to be published or disclosed by the Registrar under Section 72 of the Act in the manner specified after a licensing sanction is issued by the Professional Conduct Committee:

- (a) a copy of the full decision to the respondent and the complainant;
- (b) a copy of the full decision or a summary of the decision published in all of the following:
  - (i) the College website,
  - (ii) any official publication as determined by the Professional Conduct Committee;
- (c) a copy of the full decision, a summary of the decision or a notice of the decision to any of the following, as the Registrar considers necessary:
  - (i) other regulatory bodies,
  - (ii) any past, present, or intended employer of the respondent,
  - (iii) any identified individuals,
  - (iv) the public, through the newspaper or other media as determined by the Registrar.

**(2)** All of the following is prescribed as information to be published or disclosed by the Registrar under Section 72 of the Act in the manner specified after a licensing sanction is issued by the Investigative Committee or through an accepted settlement proposal:

- (a) a copy of the full decision to the respondent;
- (b) a copy of the full decision or a summary of the decision, as determined by the Registrar, to the complainant;
- (c) a copy of the full decision or a summary of the decision published in all of the following:
  - (i) the College website,
  - (ii) any official publication, as determined by
    - (A) the Investigative Committee, or

- (B) for a licensing sanction imposed through an accepted settlement proposal, the Professional Conduct Committee;
- (d) notification of the licensing sanction and a copy of the summary of the decision to any of the following, as the Registrar considers necessary, along with any other information requested:
  - (i) other regulatory bodies,
  - (ii) any past, present or intended employer of the respondent,
  - (iii) any additional entities or individuals, as specified by the Registrar;
- (e) any of the following provided to any person, as the Registrar considers appropriate:
  - (i) the decision,
  - (ii) a summary of the decision,
  - (iii) parts of the decision,
  - (iv) notice of the decision.

**Contents of summary of decision**

**70** Subject to any publication bans and except as provided in Section 71, a summary of a decision provided under Section 69 must contain all of the following information:

- (a) the registrant's name, city or town of residence and registration number;
- (b) the provision of the Act or the regulations under which the licensing sanction is issued;
- (c) the date of the decision;
- (d) the allegations that were upheld by the Professional Conduct Committee or the Investigative Committee or, for a consent revocation, the allegations that were either admitted to or not contested by the respondent;
- (e) whether the allegations amounted to professional misconduct, conduct unbecoming the profession, incompetence or incapacity;

- (f) the disposition ordered by the Investigative Committee or the Professional Conduct Committee;
- (g) the reasons for the decision;
- (h) any additional information the College considers necessary to meet the objects of the College.

**Publication if finding of incapacity without hearing**

**71** If a complaint is resolved without a hearing and the allegations have been found to constitute incapacity, the specific nature of the incapacity must not be included in the summary of the decision under Section 69.

**Costs awarded after hearing**

**72 (1)** For purposes of this Section, “costs” includes all of the following:

- (a) expenses incurred by the College in the investigation of a complaint;
  - (b) expenses incurred by the College for the activities of the Investigative Committee and the Professional Conduct Committee;
  - (c) expenses incurred by the College for the respondent’s participation in any competence assessment arising from a decision of the Investigative Committee or Professional Conduct Committee;
  - (d) expenses incurred under subsection 28(3), subsection 38(2) or subsection 61(5);
  - (e) the College’s solicitor and client costs, including disbursements and HST, relating to the investigation and hearing of a complaint, including those of College counsel and counsel for the Professional Conduct Committee;
  - (f) fees for retaining a court reporter and preparing transcripts of the proceedings;
  - (g) travel costs and reasonable expenses of any witnesses, including expert witnesses, required to appear at a hearing.
- (2)** Except when awarded costs under this Section, a respondent is responsible for all expenses incurred in their defence.
- (3)** If the Professional Conduct Committee finds professional misconduct, conduct unbecoming the profession, incompetence or incapacity on the part of the respondent, it may order that the respondent pay costs in whole or in part.

- (4) If the Professional Conduct Committee considers that a hearing was not necessary, it may order the College to pay some or all of the respondent's legal costs.
- (5) The Registrar may suspend the licence of any respondent who fails to pay the costs within the time ordered until payment is made or satisfactory arrangements for payment are made.

### **Reinstatement of Registration or Licence**

#### **Applying for reinstatement of registration or licence**

- 73** (1) An application for reinstatement of registration or a licence, or both, that has been revoked by the Professional Conduct Committee must be sent in writing to the Registrar together with the applicable application fee.
- (2) An application for reinstatement must include any information the Reinstatement Committee requires to assist it in determining whether the objects of the College will be met if reinstatement is granted.

#### **Investigation concerning reinstatement application**

- 74** (1) Upon receiving a reinstatement application, the Registrar may request that an investigation be conducted to gather relevant and appropriate information concerning the application.
- (2) A person who conducts an investigation under subsection (1) must give a written report to the Registrar and the applicant that contains all material relevant to the application, including the decision of the Professional Conduct Committee that revoked the applicant's registration or licence, or both, and any relevant information gathered during the investigation.
- (3) The Registrar must provide the Reinstatement Committee with the reinstatement application together with the report and materials required under subsection (2).

#### **Reinstatement application proceedings**

- 75** (1) The Reinstatement Committee must set a date for a proceeding to review a reinstatement application and must advise the applicant of the date.
- (2) The parties to a reinstatement application are all of the following:
- (a) the College, represented by the Registrar or a person designated by the Registrar;



- (b) the applicant for reinstatement.
- (3) Evidence before the Reinstatement Committee must be taken under oath or affirmation and must be recorded, and is subject to cross-examination.

#### **Attendance at reinstatement application proceeding**

- 76** (1) Except as provided in subsection (2) or (3), a reinstatement application proceeding 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 reinstatement application proceeding or any part of it 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 proceeding are of such a nature that avoiding public disclosure of those matters in the interest of the public or any person affected outweighs adhering to the principle that proceedings 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 reinstatement application proceeding 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 that it considers necessary, including orders prohibiting publication or broadcasting, to prevent the public disclosure of matters disclosed in a reinstatement application proceeding or in any part of a reinstatement application proceeding dealing with an order under subsection (2) or (3).
- (5) Subject to any order made under this Section, the Reinstatement Committee must state at a reinstatement application proceeding its reasons for any order made under this Section.

#### **Public notice of application for reinstatement**

**77** Subject to any publication bans, the Registrar must give public notice of any scheduled reinstatement application proceedings through its website or any alternate means the College considers appropriate, including notice of all of the following:

- (a) the date, time and location of a reinstatement application;

- (b) reference to any application being made for an order under Section 76 to exclude the public.

### **Decision of Reinstatement Committee**

- 78** (1) After considering the evidence and the representations from the parties, the Reinstatement Committee must decide to accept or reject a reinstatement application and communicate its decision, together with reasons, in writing to the applicant and to the Registrar.
- (2) If the Reinstatement Committee accepts a reinstatement application, the Committee may impose any conditions and restrictions it considers appropriate relating to the reinstatement of the applicant, and the applicant must satisfy all criteria required for a licence.
- (3) Except as provided in subsection (4), a decision of the Reinstatement Committee concerning a reinstatement application is final.
- (4) An applicant may resubmit a reinstatement application no sooner than
- (a) 1 year after the date of the Reinstatement Committee's initial decision to reject their application; or
  - (b) a date that is after the period in clause (a), as determined by the Reinstatement Committee that rejected the initial application.

### **Costs of reinstatement application**

- 79** (1) For purposes of this Section, "costs" includes all of the following:
- (a) expenses incurred by the College in the investigation of a reinstatement application;
  - (b) expenses incurred by the College for the activities of the Reinstatement Committee;
  - (c) the College's solicitor and client costs, including disbursements and HST, relating to a reinstatement application, including those of College counsel and counsel for the Reinstatement Committee;
  - (d) fees for retaining a court reporter and preparing transcripts of the proceedings;
  - (e) travel costs and reasonable expenses of any witnesses, including expert witnesses, required to appear at a reinstatement application.

- (2) An applicant for reinstatement is responsible for all expenses incurred in the reinstatement application process.
- (3) Whether an application for reinstatement is accepted or rejected, the Reinstatement Committee may recover costs from the applicant.
- (4) The Registrar may suspend the licence of any person whose licence is being reinstated and who fails to pay the costs within the time ordered until payment is made or satisfactory arrangements for payment are made.

**Specified Site Regulations  
made under subsection 11(2) of the  
*Medical Imaging and Radiation Therapy Professionals Act*  
S.N.S. 2013, c. 7  
O.I.C. 2020-235 (effective September 8, 2020), N.S. Reg. 116/2020**

**Citation**

1 These regulations may be cited as the *Specified Site Regulations*.

**Definitions**

2 In these regulations,

“Act” means the *Medical Imaging and Radiation Therapy Professionals Act*;

“approving authority” means the Nova Scotia Health Authority or its successor;

“specified site” means a specified site in a district health authority that has less than 25 patient beds in which a regulated health professional may practise radiological technology;

“specified site practice” means the practice of radiological technology by a specified site substitute at a specified site under subsection 11(2) of the Act;

“specified site substitute” means a regulated health professional who is not a registrant in radiological technology and who is approved to engage in specified site practice.

### **Criteria for approval for other regulated health professions to practise at specified site**

**3** An applicant must meet all of the following criteria to practise radiological technology at a specified site:

- (a) they are a registrant of another regulated health profession in the Province;
- (b) they either have
  - (i) no outstanding complaints, prohibitions, conditions or restrictions against them, or
  - (ii) they have outstanding complaints, prohibitions, conditions or restrictions against them with a regulatory authority, but the approving authority determines that these should not prevent the applicant from practising radiological technology at the specified site;
- (c) they have successfully completed all of the following:
  - (i) educational curriculum, as approved by the Board,
  - (ii) clinical competency assessments, as approved by the Board,
  - (iii) examination or assessment, as approved by the Board;
- (d) they have liability protection, malpractice insurance or another form of indemnity in the manner and amount required by the approving authority.

### **Application for approval to practise**

**4** An applicant may apply to the approving authority for approval as a specified site substitute by providing all of the following:

- (a) proof satisfactory to the approving authority that the applicant meets all of the criteria in Section 3;
- (b) any additional information the approving authority requires that is relevant to determining whether the applicant meets the criteria in Section 3.

### **Circumstances when approved individual may practise**

**5** A specified site substitute may only engage in specified site practice in the following circumstances if, in the opinion of the approving authority, the nature and amount of radiological technology does not warrant having a radiation technologist on staff at the specified site:

- (a) there is an emergency at the specified site;
- (b) the specified site substitute is on-call at the specified site;
- (c) the specified site substitute is working as vacation relief for staff at the specified site;
- (d) the specified site substitute is working to cover a short-term illness at the specified site.

**Restricted scope of practice for specified site substitute**

**6 (1)** A specified site substitute may only engage in a restricted scope of practice of radiological technology that is limited to the procedures approved by the approving authority following consultation with the College, including all of the following basic radiographic procedures:

Body Part		Procedure
upper limb	finger	PA, AP oblique, lateral, AP
	thumb	AP, PA, lateral, PA oblique
	hand	PA, lateral, PA oblique, AP oblique
	wrist	PA, AP oblique, lateral
	forearm	AP, lateral
lower limb	toes	AP, AP oblique, lateral
	foot	AP, AP oblique, lateral (non-weight bearing)
	ankle	AP, AP oblique, lateral
	tibula-fibula	AP, lateral
chest		PA, lateral, AP with patient in the supine and semi-erect positions
abdomen		AP-recumbent

**(2)** Without limiting the generality of subsection (1), the restricted scope of practice of radiological technology excludes any procedures excluded by the approving authority after consultation with the College, including all of the following procedures:

- (a) CT scan;

- (b) angiogram (or other contrast scans);
- (c) mammogram;
- (d) fluorogram.