

**Fee negotiation approval**

**27** If the Minister is satisfied that a college is organized so that when it undertakes its powers, duties and functions under this Act it would not be influenced by an approval,

- (a) the Minister may approve the college to set professional fees, to provide guidelines on professional fees and to negotiate professional fees on behalf of some or all of its regulated members, and
- (b) the Minister may impose conditions on that approval.

1999 cH-5.5 s27

## **Part 2 Registration**

### **Applying for Registration**

**Application for registration**

**28(1)** An application for registration as a regulated member is complete for the purpose of consideration under section 29(3) if it is in the required form and given to the registrar by the applicant along with

- (a) evidence of meeting the requirements for competence in the practice of the profession as required by subsection (2),
- (b) the application fee provided for in the bylaws,
- (c) evidence of having the amount and type of professional liability insurance, if required by the regulations,
- (d) evidence of being a Canadian citizen or a person lawfully permitted to work in Canada, if required by the regulations,
- (e) evidence of having good character and reputation, if required by the regulations,
- (f) evidence of meeting standards of language proficiency, if required by the regulations, and
- (g) information required by the registrar under section 33(4)(b).

**(2)** An applicant may provide evidence of competence in the practice of the profession

- (a) by fulfilling one or more of the following as required by the regulations:

- (i) education requirements, that may include being enrolled in a program of studies,
  - (ii) experience requirements,
  - (iii) successful completion of examinations, or
  - (iv) holding certificates or diplomas,
- (b) by being registered with a profession in another jurisdiction recognized by the regulations or the council as having substantially equivalent competence and practice requirements and meeting the requirements for persons to be registered with that profession in that jurisdiction, or
- (c) by satisfying the registrar, the registration committee or competence committee, of having as determined in accordance with the regulations, a combination of education, experience, practice or other qualifications, that demonstrates the competence required for registration as a regulated member.

**(3)** If there are reasonable and probable grounds to be of the opinion that an applicant by engaging in the regulated profession as a regulated member would create a danger to the public or be unsafe because of a disability or incapacity, the registrar, the registration committee or competence committee may require an applicant for registration to undergo physical or mental examinations by a person agreed on by the applicant and the registrar, registration committee or competence committee or, failing an agreement, designated by the registrar, registration committee or competence committee for the purpose of assisting the registrar, registration committee or competence committee in determining whether the applicant by engaging in the regulated profession as a regulated member would create a danger to the public or be unsafe.

RSA 2000 cH-7 s28;2007 c32 s1(7)

#### **Receipt of application**

**29(1)** The registrar must, as soon as reasonably possible, on receipt of an application for registration as a regulated member, give notice to the applicant that the application has been received, whether it is complete and if it is not complete, why it is not complete.

**(2)** When an incomplete application is made complete by the applicant the registrar must, as soon as reasonably possible, give notice to the applicant that a complete application is received.

**(3)** On receipt of a complete application by the registrar, the registrar, registration committee or competence committee, as provided for in the bylaws, must consider the application, and make

a decision under section 30 and notify the applicant of the decision as soon as reasonably possible.

**(4)** An application for registration as an other member under section 33(1)(b) must be considered by the college in accordance with the bylaws.

1999 cH-5.5 s29

#### **Decision on application**

**30(1)** On considering a complete application for registration as a regulated member, the registrar, the registration committee or the competence committee, as provided for in the bylaws, must

- (a) approve the application,
- (b) defer registration if in the opinion of the registrar, registration committee or competence committee it is in the best interest of the public to defer the registration of the applicant until the applicant complies with conditions imposed by the registrar, registration committee or competence committee, or
- (c) refuse the application for registration.

**(2)** The registrar, registration committee or competence committee may impose conditions on an approval under subsection (1)(a) that in the opinion of the registrar, registration committee or competence committee are in the best interest of the public.

**(3)** On making a decision under subsection (1), the registrar, registration committee or competence committee must

- (a) give notice of the decision to the applicant,
- (b) in the case of the registration committee or competence committee, give notice of the decision to the registrar, and
- (c) in the case of a decision to impose conditions on an approval, to defer a registration or to refuse an application, give reasons for the decision and notify the applicant as to how the applicant may request a review of the decision under section 31.

**(4)** An applicant may, on request, review the documents used by and created by the registrar, registration committee or competence committee when considering the applicant's application.

**(5)** If the applicant is not notified of the decision under this section by the date that is 120 days after notice was given under section 29 that the application for registration is complete, the applicant may request a review under section 31.

1999 cH-5.5 s30;2000 c15 s4(7)

**Review application**

**31(1)** An applicant whose application for registration is accepted subject to conditions or whose registration is deferred or whose application is refused by the registrar, registration committee or competence committee may, within 30 days after being given a copy of the decision, request a review by the council in accordance with subsection (3).

**(2)** An applicant who is not notified of a decision by the date described in section 30(5) may, within 30 days from that date, request a review by the council in accordance with subsection (3).

**(3)** A request for a review must

- (a) be in writing,
- (b) set out the reasons why the application for registration should be approved with or without conditions, and
- (c) be given to the registrar, who must give a copy of the request to the council.

**(4)** On being given a request for a review, the registrar must, within 30 days, notify the applicant of the date, time and place at which the council will conduct the review.

**(5)** A review must be commenced not later than 60 days after the registrar is given the request for a review.

**(6)** The college may, in accordance with the bylaws, charge a fee for a review.

1999 cH-5.5 s31

**Review of registration decision**

**32(1)** An applicant and the registrar, the registration committee or competence committee may appear with or without counsel and make representations to the council at a review.

**(2)** On reviewing a decision pursuant to a request for a review under section 31, the council may

- (a) confirm, reverse or vary the decision of the registrar, registration committee or competence committee and make any decision that the registrar, registration committee or competence committee could have made,
- (b) refer the matter back to the registrar, registration committee or competence committee and direct the registrar, registration committee or competence committee to make a further assessment of the application and make a decision under section 30 on the application, and

- (c) make any further order the council considers necessary for the purposes of carrying out its decision.

(3) The council must conduct the review as soon as reasonably possible and on making a decision must give the applicant and the registrar a copy of its decision with the reasons for the decision.

1999 cH-5.5 s32

## Registration

### Registers of members

**33(1)** A council

- (a) must establish, in accordance with the regulations, a regulated members register for one or more categories of members who provide professional services of the regulated profession, and
- (b) may, in accordance with the bylaws, establish other members registers for one or more categories of non-regulated members.

(2) The name of a regulated member who is suspended remains in the register.

(3) The registrar must enter the following information for each regulated member in the appropriate category of register established under subsection (1)(a):

- (a) the full name of the member;
- (b) the member's unique registration number;
- (b.1) whether the member's registration is restricted to a period of time and, if so, the period of time;
- (c) any conditions imposed on the member's practice permit;
- (d) the status of the member's practice permit, including whether it is suspended or cancelled;
- (e) the member's practice specialization recognized by the college;
- (f) whether the member is authorized to provide a restricted activity not normally provided by regulated members of the college;
- (g) whether the member is not authorized to provide a restricted activity that is normally provided by regulated members of the college;

(h) information described in section 119(1).

**(4)** The registrar

(a) may, in accordance with the regulations,

(i) enter in a register described in subsection (1)(a) information in addition to that required by subsection (3), and

(ii) remove information from a register,

and

(b) must require regulated members and applicants for registration as regulated members to provide information related to their demographic status, education, training and experience and their practice of the regulated profession in accordance with regulations under sections 131 and 134.

**(5)** The registrar may, if authorized by the bylaws, enter in a register and remove from the register information about members registered under subsection (1)(b).

RSA 2000 cH-7 s33;2001 c21 s3;2003 c39 s2

**Register information**

**34(1)** If a member of the public, during regular business hours, requests information on the register respecting a named regulated member, the college must provide the information described in section 33(3) with respect to that member.

**(2)** A college may, in accordance with the regulations, disclose information about its members in addition to the information referred to in subsection (1).

RSA 2000 cH-7 s34;2006 c19 s2(5)

**Register error**

**35** The council, hearing tribunal, registration committee, complaint review committee or competence committee may direct the registrar to correct or remove, and the registrar may correct or remove, any entry made in error in a register.

RSA 2000 cH-7 s35;2008 c34 s5

**Registration of regulated members**

**36(1)** If an application for registration as a regulated member has been approved and all the applicable fees provided for in the bylaws have been paid, the registrar must assign that member a unique registration number and enter the information required by section 33(3) in the appropriate register.

- (2) On entering the name of a person in the register of regulated members, the registrar must issue the person a practice permit.
- (3) A practice permit must include
- (a) the name of the regulated member;
  - (b) the regulated member's unique registration number;
  - (c) the name of the college that is issuing the practice permit;
  - (d) a statement that the practice permit is issued pursuant to the *Health Professions Act*;
  - (e) any conditions imposed on the regulated member's practice permit;
  - (f) the category of registration if the college has more than one category of regulated member;
  - (g) the expiry date of the practice permit.
- (4) If a college issues a registration document in addition to a practice permit, the college must clearly state on the registration document that it is not a practice permit.
- (5) A regulated member must
- (a) display the regulated member's practice permit where the regulated member provides professional services, or
  - (b) on request, make the regulated member's practice permit available for inspection.

RSA 2000 cH-7 s36;2007 c32 s1(8)

#### **Corporations not members**

**37** A corporation, professional corporation or physical therapy corporation may not be registered as a regulated member nor as an other member.

1999 cH-5.5 s37

#### **Practice Permit Renewal**

##### **Application date for practice permit**

**38(1)** A regulated member must submit a complete application for a practice permit to the registrar periodically by the date provided for in the bylaws.

(2) On receipt of an application for a practice permit, the registrar, registration committee or competence committee, as provided for in the bylaws, must, as soon as possible, consider the application

and make a decision under section 40(2) and notify the applicant of the decision.

**(3)** A regulated member's practice permit continues in force if an application for a practice permit has been received by the registrar but a decision on the application has not been made.

1999 cH-5.5 s38

#### **Suspension if application is not made**

**39** If a regulated member's application for renewal of a practice permit is not received by the registrar by the date provided for in the bylaws, the member's practice permit is suspended and the registrar may cancel the member's practice permit in accordance with section 43.

RSA 2000 cH-7 s39;2001 c21 s4

#### **Applying for practice permit**

**40(1)** An application for a practice permit is complete for consideration under subsection (2) if it is in the form required and given to the registrar by a regulated member

- (a) whose registration is not suspended or cancelled,
- (b) who
  - (i) meets the requirements for continuing competence of applicants for a practice permit provided for in the regulations, or
  - (ii) is enrolled as a student in a program of studies provided for in the regulations or in a substantially equivalent program,
- (c) who provides evidence of having the amount and type of professional liability insurance required by the regulations, if the insurance is required by the regulations,
- (d) who provides the information required by the registrar under section 33(4)(b) and any other information that the regulations require to be provided, and
- (e) who has paid the practice permit fee provided for in the bylaws and provided any information requested under section 122.

**(2)** The registrar, registration committee or competence committee, as provided for in the bylaws, must consider an application for a practice permit and decide whether

- (a) to approve the application if the regulated member meets the requirements set out in subsection (1) and issue the



member a practice permit subject to any conditions imposed by the registrar, registration committee or competence committee,

- (b) to issue a practice permit but to impose conditions for the completion of the continuing competence requirements set out in the regulations within the time specified in the conditions,
- (c) to suspend the practice permit of the regulated member until the member has successfully completed the continuing competence requirements set out in the regulations or is enrolled in a program of studies provided for in the regulations or in a substantially equivalent program, or
- (d) to refuse the application for a practice permit,

and must give the regulated member and, in the case of the registration committee or competence committee, give the registrar a copy of the decision, and the registrar may, or the registration committee or competence committee may direct the registrar to issue the practice permit or suspend the practice permit in accordance with the decision, and notify the regulated member of the decision and how to request a review under section 41.

(3) If the registrar, registration committee or competence committee suspends or refuses a practice permit or imposes conditions on a practice permit, the registrar, registration committee or competence committee must include reasons in the decision under subsection (2).

RSA 2000 cH-7 s40;2001 c21 s5;2007 c32 s1(9);  
2008 c34 s6

#### **Review by council**

**41(1)** An applicant whose practice permit is issued subject to conditions, suspended or refused by the registrar, registration committee or competence committee may, within 30 days after being given a copy of the decision, request a review by giving the registrar a written request for a review that sets out the reasons why the application should be approved with or without conditions.

(2) On being given a request for a review, the registrar must, within 30 days, notify the applicant of the date, time and place at which the council will conduct the review.

(3) A review must be commenced not later than 60 days after the registrar is given the request for a review.

(4) A regulated member whose practice permit is suspended under this section may apply to the registrar for a stay of the suspension

until the council makes a decision under subsection (6), and the person or committee designated by the council must consider and make a decision on the application.

(5) The applicant and the registrar, registration committee or competence committee may appear with or without counsel and make representations to the council at the review.

(6) On completing a review, the council may

- (a) confirm, reverse or vary the decision of the registrar, registration committee or competence committee and make any decision that the registrar, registration committee or competence committee could have made, or
- (b) refer the matter back to the registrar, registration committee or competence committee and direct the registrar, registration committee or competence committee to make a further assessment of the application for a practice permit and make a decision under section 40(2) on the application,

and may make any further order the council considers necessary for the purposes of carrying out its decision.

(7) The council must give the applicant and the registrar a written copy of its decision under subsection (6) with the reasons for the decision.

(8) The college may, in accordance with the bylaws, charge a fee for a review.

1999 cH-5.5 s41

### **Suspension, Cancellation and Reinstatement**

**42** Repealed 2001 c21 s6.

#### **Cancellation of practice permit**

**43(1)** If a regulated member does not apply for a practice permit under section 38(1), is in default of payment of the practice permit fee or fails to pay a penalty, costs or any other fees, levies or assessments due under this Act or the bylaws, the registrar, after 30 days or a greater number of days, as set out in the notice, after giving notice to the regulated member, may cancel the regulated member's practice permit and registration.

(2) The notice under subsection (1) must state that the registrar may cancel the practice permit and the registration of the regulated member unless a complete application for a practice permit is

received, the practice permit fee is paid, and any other penalties, costs, fees, levies or assessments are paid, as indicated in the notice.

(3) If a practice permit and registration are cancelled under subsection (2) only because the practice permit fee or a penalty, cost, fee, levy or assessment is not paid, the registrar may, on its payment, issue or reissue the practice permit and reinstate the registration.

(4) If the registrar is satisfied that a regulated member does not comply with conditions imposed under section 40(2) within the time specified, the registrar may cancel the regulated member's practice permit and registration or may refer the matter to the registration committee or competence committee as provided for in the bylaws and the registration committee or competence committee, on being satisfied that the conditions are not complied with, may direct the registrar to cancel the member's practice permit and registration.

(5) The registrar may cancel the registration or practice permit of a regulated member and cancel the registration of an other member on the member's request.

(6) The registrar may cancel the registration and practice permit of a regulated member on receipt of proof satisfactory to the registrar that the member is deceased.

RSA 2000 cH-7 s43;2001 c21 s7;2007 c32 s1(10)

#### **Return of suspended or cancelled permit**

**44** If the practice permit of a regulated member is suspended or cancelled under this Part, suspended or cancelled under an order under Part 4 or suspended under Part 6, that regulated member must, on request, send the practice permit to the registrar.

1999 cH-5.5 s44

#### **Reinstatement**

**45(1)** A regulated member whose practice permit and registration are cancelled under this Act, except under Part 4, may apply for the practice permit to be reissued and the registration to be reinstated in accordance with the bylaws.

(2) A person whose practice permit and registration are cancelled under Part 4 may apply for the practice permit to be reissued and the registration to be reinstated in accordance with the regulations.

RSA 2000 cH-7 s45;2001 c21 s8

### **Registration Required**

#### **Mandatory registration**

**46(1)** A person must apply for registration if the person

- (a) meets the requirements of section 28(2) for registration as a regulated member, and
- (b) intends to provide one or more of the following:
  - (i) professional services directly to the public;
  - (ii) the manufacture of dental appliances or conducting of laboratory tests that are used by other regulated members to provide professional services directly to the public;
  - (iii) food and nutrition professional services that are used by other regulated members and individuals to provide services directly to the public;
  - (iv) the teaching of the practice of a regulated profession to regulated members or students of the regulated profession;
  - (v) the supervision of regulated members who provide professional services to the public.

**(2)** If a registrar is of the opinion that a person who is not a regulated member meets or may meet the requirements of subsection (1)(a) with respect to the college and provides any services described in subsection (1)(b), the registrar may give that person a written request to apply for registration.

**(3)** A person who receives a request under subsection (2) must give a complete application for registration, except for the application fee, to the registrar within 30 days after receiving the request, however, the application fee must be paid prior to registration.

**(4)** This section does not apply to a person who is

- (a) a regulated member of another college,
- (b) a student of a regulated profession,
- (c) authorized to provide services referred to in subsection (1) pursuant to another enactment, or
- (d) qualified to be registered as an emergency medical responder and
  - (i) who is not primarily employed to provide health services but while employed, or

- (ii) who provides volunteer services other than services as an ambulance attendant and, while providing those services,

provides health services to another person.

RSA 2000 cH-7 s46;2006 c19 s2(22);2007 c32 s1(11)

#### Prohibition

**47(1)** No person shall knowingly employ a person who meets the requirements of section 46(1)(a) to provide services described in section 46(1)(b) unless that employed person is

- (a) a regulated member, or
- (b) authorized to provide the services pursuant to another enactment.

**(2)** A person who meets the requirements of section 46(1)(a) and who is to be employed to provide services described in section 46(1)(b) must,

- (a) before being so employed, provide the employer with evidence of
  - (i) a practice permit in good standing, or
  - (ii) an authorization to provide the services pursuant to another enactment,

and

- (b) while so employed, notify the employer
  - (i) if the conditions imposed on the practice permit are varied or cancelled, if additional conditions are imposed on the practice permit or if the practice permit is suspended or cancelled, or
  - (ii) if there are any changes to the authorization to provide the services pursuant to another enactment or if the authorization is suspended or cancelled or expires.

RSA 2000 cH-7 s47;2007 c32 s1(12)

#### Offence

**48(1)** A person who meets the requirements of section 46(1) but does not comply with a request under section 46(2) is guilty of an offence.

**(1.1)** A person who knowingly employs a person in contravention of section 47(1) is guilty of an offence.

**(2)** A person who is guilty of an offence under subsection (1) is liable

- (a) for a first offence, to a fine of not more than \$2000,
- (b) for a 2nd offence, to a fine of not more than \$4000, and
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment.

**(2.1)** A person who is guilty of an offence under subsection (1.1) is liable

- (a) for a first offence, to a fine of not more than \$4000,
- (b) for a 2nd offence, to a fine of not more than \$8000, and
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$12 000 or to imprisonment for a term of not more than 12 months or to both a fine and imprisonment.

**(3)** A prosecution under this section may be commenced within 2 years after the commission of the alleged offence, but not afterwards.

RSA 2000 cH-7 s48;2007 c32 s1(13)

### **Injunction**

**49** The Court of Queen's Bench, on application by a college, may grant an injunction enjoining any person who on reasonable and probable grounds appears to meet the requirements of section 46(1)(a) from providing services described in section 46(1)(b) if

- (a) the person is not a regulated member and is not authorized to provide the services pursuant to another enactment, or
- (b) the person fails to comply with section 46(3) on receiving a written request under section 46(2).

RSA 2000 cH-7 s49;2007 c32 s1(14);2009 c53 s79

## **Part 3 Continuing Competence and Practice Visits**

### **Continuing Competence Program**

#### **Continuing competence program**

**50(1)** A council must establish, by regulation, a continuing competence program within 5 years from the date that the schedule to this Act with respect to the profession comes into force.