

**Amalgamation of existing colleges**

**25.1(1)** Where 2 or more colleges propose to amalgamate, an application must be made to the Minister.

**(2)** An application for the amalgamation of colleges must contain the following:

- (a) written confirmation of each college that the amalgamation is approved by its council;
- (b) a rationale for the amalgamation;
- (c) evidence of the nature and extent of consultation with regulated members of the affected colleges;
- (d) a proposed name for the amalgamated college;
- (e) proposed content for a schedule or revised schedule to this Act;
- (f) proposals for addressing transitions, including, without limitation, transitions of
  - (i) the composition of the council, registration committee and competence committee of the amalgamated college,
  - (ii) college officials as set out in section 21,
  - (iii) regulated members of the amalgamated college, and
  - (iv) ongoing applications, investigations and disciplinary hearings.

2020 c35 s79

**26** Repealed 2019 c22 s6.

**27** Repealed 2020 c35 s80.

## **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) proof of
    - (i) having professional liability insurance of the type and amount set out in the bylaws, or
    - (ii) membership in an organization set out in the bylaws,
  - (d) evidence of being a Canadian citizen or a person lawfully permitted to work in Canada, if required by the bylaws,
  - (e) evidence of having good character and reputation,
  - (f) evidence of English language proficiency, as set out in the bylaws,
  - (g) information required by the registrar under section 33(4)(b),
  - (h) a criminal record check,
  - (i) evidence of whether the applicant is currently an investigated person under this Act or the equivalent of an investigated person in another jurisdiction or has previously been disciplined by another regulatory body responsible for the regulation of the profession or of another profession,
  - (j) any information required by the registrar respecting whether any conduct of the applicant has previously constituted unprofessional conduct,
  - (k) evidence of whether the applicant has ever had conditions imposed on the applicant's practice permit or equivalent,
  - (l) evidence as to whether there has ever been a judgment in a civil action against the applicant with respect to the applicant's practice, and
  - (m) on the request of the registrar, evidence respecting the applicant's fitness to practise.
- (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 bylaws 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 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);2018 c15 s5;2020 c35 s81

#### **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

#### **Registrar consideration of applicant character, reputation**

**29.1(1)** The registrar may request any or all of the following as evidence of the applicant's good character and reputation:

- (a) written references from professional colleagues who have knowledge of the applicant's character and reputation;
- (b) a written statement by the applicant as to whether any previous application by the applicant for registration as a professional in another jurisdiction had been rejected;
- (c) a written statement by the applicant as to whether the applicant has ever been convicted, without having been pardoned, of a criminal offence in Canada or an equivalent offence in another jurisdiction;
- (d) a written statement by the applicant as to whether the applicant had been granted privileges in respect of a hospital or other facility, and if privileges had been granted, whether the privileges are currently or have previously been voluntarily or involuntarily limited, suspended or revoked;
- (e) any other relevant evidence as the registrar determines is necessary.

(2) When considering an applicant's character and reputation, the registrar may

- (a) contact any regulatory body responsible for the regulation of a profession or another jurisdiction to confirm the veracity and particulars of the information and documentation submitted by the applicant under this section, and
- (b) consider information in addition to the information and documentation submitted under this section, if the registrar has given the applicant sufficient particulars of the information and sufficient time for the applicant to respond to the particulars of the information.

(3) If an applicant has engaged in an activity that has, in the opinion of the registrar, undermined the applicant's character and

reputation, the registrar must provide the applicant with particulars of the information respecting that activity and with an opportunity to provide evidence of the applicant's rehabilitation.

2020 c35 s82

**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 bylaws,
  - (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, in accordance with the bylaws and the regulations under section 134, information respecting
  - (i) the demographic status of the regulated member or applicant, including, without limitation, addresses, email addresses and other contact information,
  - (ii) education, training and experience of the regulated member or applicant, including, without limitation, degrees, diplomas, certificates and professional examinations, and
  - (iii) the regulated member's practice of the regulated profession, including, without limitation, practice locations, areas of practice, specializations, names of supervisors or supervisees and other professional registrations within Alberta or in other jurisdictions.

**(4.1)** The registrar must require regulated members and applicants for registration to provide all changes to the information required under subsection (4)(b) whenever that information changes.

**(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;2020 c35 s83

**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(1)** 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.

(2) A regulated member may request the registrar to correct or remove any information in the register that is inaccurate or incomplete if the regulated member provides the registrar with the information that is necessary to enable the registrar to correct the incomplete or inaccurate information.

RSA 2000 cH-7 s35;2008 c34 s5;2018 c15 s6

#### **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 standards of practice, 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 bylaws,
  - (d) who provides the information required by the registrar under section 33(3) and (4)(b),
  - (d.1) who, on the request of the registrar, provides current evidence of the registered member's character and reputation,
  - (d.2) who, on the request of the registrar, provides current evidence of the member's fitness to practise, 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,
  - (b) to issue a practice permit subject to conditions imposed under this Part, Parts 3, 3.1 or 4 or a direction under section 118,
  - (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;2020 c35 s84

#### **Conditions on a practice permit**

**40.1(1)** Where the registrar, complaints director, registration committee or competence committee imposes conditions on a regulated member's practice permit, the conditions that may be imposed include, but are not limited to, conditions that

- (a) the regulated member practise under supervision,
- (b) the regulated member's practice be limited to specified professional services or to specified areas of the practice,
- (c) the regulated member refrain from performing specified restricted activities,
- (d) the regulated member refrain from engaging in sole practice,
- (e) the regulated member submit to additional practice visits or other assessments,
- (f) the member report to the registrar on specified matters on specified dates,
- (g) the practice permit is valid only for a specified purpose and time,
- (h) the member be prohibited from supervising students, other members or other health professionals, and
- (i) the member complete the continuing competence requirements within a specified time.

**(2)** If the registrar, complaints director, registration committee or competence committee imposes conditions on a practice permit, the

registrar, complaints director, registration committee or competence committee must provide reasons for that decision.

2020 c35 s85

#### **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)** Subject to subsection (3) or (4), 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 section 45.1.

**(3)** A person whose practice permit and registration are cancelled as a result of a decision of unprofessional conduct based in whole or in part

(a) on sexual abuse,

(a.1) on a conviction of the person under section 268 of the *Criminal Code* (Canada) in respect of wounding or maiming within the meaning of subsection 268(3) of the *Criminal Code* (Canada), or

(b) on a conviction of the person under section 151, 152, 153, 153.1, 155, 162, 162.1, 163.1, 171.1, 172.1, 172.2, 173, 271, 272, 273, 286.1, 286.2 or 286.3 of the *Criminal Code* (Canada),

may not apply for the practice permit to be reissued and the registration reinstated.

**(4)** Subject to subsection (3), a person whose practice permit and registration are cancelled as a result of a decision of unprofessional conduct based in whole or in part on sexual misconduct may not apply for the practice permit to be reissued and the registration to be reinstated until at least 5 years have elapsed from the date that the decision of unprofessional conduct was made by the hearing tribunal.

**(5)** A person whose practice permit and registration are cancelled under section 96.2(1)(a) or (2)(a) may not apply for the practice permit to be reissued and the registration to be reinstated.

(6) If a person's application under subsection (4) is refused, the person must wait a minimum of 6 months before making a subsequent application to have the person's practice permit reissued and registration reinstated.

RSA 2000 cH-7 s45;2001 c21 s8;2018 c15 s7;2020 c35 s86;  
2022 c9 s4

**Reinstatement following cancellation of  
practice permit, registration under Part 4**

**45.1(1)** A person whose practice permit and registration have been cancelled under Part 4 of this Act may, subject to section 45(3), apply in writing to the registrar to have the practice permit reissued and registration reinstated.

(2) An application under subsection (1)

- (a) subject to section 45(4), must not be made earlier than 3 years after the date of the cancellation, and
- (b) must not be made more frequently than once in each year after an application is refused under subsection (6)(a).

(3) An application under subsection (1) must provide evidence of the applicant's qualifications for registration.

(4) An application under subsection (1) must be considered by the registrar, registration committee or competence committee in accordance with the process set out in sections 28 to 30.

(5) When reviewing an application under subsection (1), the registrar, registration committee or competence committee must consider

- (a) the record of the hearing at which the applicant's practice permit and registration were cancelled, and
- (b) whether the applicant
  - (i) meets the current requirements for a practice permit and registration,
  - (ii) has met any conditions imposed under Part 4 of the Act before the applicant's practice permit and registration were cancelled,
  - (iii) is fit to practise, and
  - (iv) does not pose a risk to public safety or to the integrity of the profession.



(6) The registrar, registration committee or competence committee may, on completing the review of the application in accordance with subsections (4) and (5), issue a written decision containing one or more of the following orders:

- (a) an order refusing the application;
- (b) an order approving the application;
- (c) an order to defer the reissuance of the practice permit and reinstatement of the registration until the applicant has complied with conditions imposed by the registrar, registration committee or competence committee;
- (d) an order directing the applicant to pay any or all of the college's expenses incurred in respect of the application, as provided for in the bylaws;
- (e) any other order that the registrar, registration committee or competence committee considers necessary for the protection of the public.

(7) An applicant whose application is refused or whose application for reissuance and reinstatement is deferred under subsection (6)(c) may, within 30 days of receipt of the decision, request a review of the decision by the council.

(8) Sections 31 and 32 apply to a review requested under subsection (7).

(9) The registrar, registration committee and competence committee referred to in subsection (4) and the council referred to in subsection (7) may order that its decision be published in a manner it considers appropriate.

(10) The college must publish or otherwise make available a decision under subsection (6) or (8) for a period of at least 2 years from the date of the decision.

2020 c35 s87

## **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 King'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;  
AR 217/2022

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

### **Continuing Competence Program**

#### **Continuing competence program**

**50(1)** A council that exists immediately before the coming into force of this subsection must establish a continuing competence program within its standards of practice within 18 months after the coming into force of this subsection.

**(1.1)** A council that is established after the coming into force of this subsection must establish a continuing competence program within its standards of practice within 18 months from the date that