



## Part II

### Regulations under the Regulations Act

*Printed by the Queen's Printer*

Halifax, Nova Scotia                      Vol. 26, No. 2                      January 25, 2002

| Act   | Contents | Reg. No. | Page |
|---|----------|----------|------|
| <b>Dental Act</b>                                       |          |          |      |
| Dental Assistants Regulations - Amendment;              |          |          |      |
| Dental Hygienists Regulations - Amendment;              |          |          |      |
| Discipline Regulations;                                 |          |          |      |
| Qualifications - Registration and Licensing of Dentists |          |          |      |
| Regulations - Amendment; and                            |          |          |      |
| Specialists Regulations - Amendment .....               |          | 3/2002   | 36   |
| <b>Gaming Control Act</b>                               |          |          |      |
| Bingo Regulations - Amendment .....                     |          | 7/2002   | 53   |
| Bingo Suppliers Regulations - Amendment .....           |          | 8/2002   | 55   |
| Casino Regulations - Amendment .....                    |          | 9/2002   | 56   |
| Ticket Lottery Regulations - Amendment .....            |          | 6/2002   | 52   |
| <b>Liquor Control Act</b>                               |          |          |      |
| Liquor Licensing Regulations - Amendment .....          |          | 5/2002   | 50   |
| <b>Optometry Act</b>                                    |          |          |      |
| Nova Scotia Association of Optometrists By-laws         |          |          |      |
| - Amendment .....                                       |          | 4/2002   | 48   |

### ***NOW AVAILABLE***

The first issue of the 2002 subscription year of the Folio®-based Nova Scotia Regulations CD-ROM, containing the consolidated regulations of Nova Scotia and the quarterly sectional index of regulations, is now available from the Office of the Registrar of Regulations. For information or subscriptions please call (902) 424-6723 or visit our website at <[www.gov.ns.ca/just/regulations/cd](http://www.gov.ns.ca/just/regulations/cd)>.

N.S. Reg. 3/2002

Made: January 11, 2002

Filed: January 14, 2002

Discipline, Qualifications - Registration and Licensing of Dentists,  
Specialists, Dental Hygienists and Dental Assistants Regulations

Order in Council 2002-6 made January 11, 2002  
Regulations and amendments approved by the Governor in Council  
pursuant to Sections 33 and 45  
of the *Dental Act*

The Governor in Council on the report and recommendation of the Minister of Health dated November 28, 2001, is pleased to,

- (a) pursuant to Sections 33 and 45 of Chapter 3 of the Acts of 1992, the *Dental Act*, approve the repeal by the Provincial Dental Board of Nova Scotia of Regulation No. 6 - Discipline, approved by the Governor in Council by Order in Council 94-323 dated April 19, 1994, and approve the making by the Provincial Dental Board of Nova Scotia of new regulations respecting discipline in the form set forth in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) pursuant to Section 45 of Chapter 3 of the Acts of 1992, the *Dental Act*, approve the making by the Provincial Dental Board of Nova Scotia of amendments to
  - (i) Regulation No. 1 - Qualifications - Registration and Licensing of Dentists, approved by the Governor in Council by Order in Council 93-858 dated November 2, 1993, in the manner set forth in Schedule "B" attached to and forming part of the report and recommendation,
  - (ii) Regulation No. 2 - Specialists, approved by the Governor in Council by Order in Council 93-858 dated November 2, 1993, in the manner set forth in Schedule "C" attached to and forming part of the report and recommendation,
  - (iii) Regulation No. 7 - Dental Hygienists, approved by the Governor in Council by Order in Council 94-913 dated November 8, 1994, in the manner set forth in Schedule "D" attached to and forming part of the report and recommendation, and
  - (iv) Regulation No. 8 - Dental Assistants, approved by the Governor in Council by Order in Council 94-473 dated May 31, 1994, in the manner set forth in Schedule "E" attached to and forming part of the report and recommendation,

effective on and after January 11, 2002.

**Schedule "A"****Regulations Respecting Discipline made pursuant to Sections 33 and 45 of Chapter 3 of the Acts of 1992, the *Dental Act*****Citation**

**1** These regulations may be cited as the *Discipline Regulations*.

**Definitions**

**2** In these regulations,

- (a) "Act" means the *Dental Act*;
- (b) "Board" means the Provincial Dental Board of Nova Scotia;
- (c) "licensee" means a dentist, dental hygienist or dental assistant against whom a complaint has been made;
- (d) "Registrar" means the Registrar of the Board.

**Offences**

**3** The offences under these regulations include

- (a) unprofessional conduct;
- (b) infamous conduct;
- (c) breach of, or failure to observe, the Advertising Standards;
- (d) breach of, or failure to observe, the Code of Ethics.

- 4 (1)** "Unprofessional conduct" by a dentist is defined to include any of the following:
- (a) the contravention or violation of any provision of the Act or regulations made pursuant to the Act;
  - (b) failure to abide by the terms, conditions or limitations of any licence issued under the Act;
  - (c) failure to diagnose and treat one or more patients with a standard of skill, knowledge or judgement that is reasonable in the practice of dentistry in Nova Scotia;
  - (d) conduct that is detrimental to the best interests of one or more patients;
  - (e) over-treatment;
  - (f) charging fees for services that are not performed;
  - (g) failure to maintain adequate patient records;
  - (h) improper use of the authority to prescribe, sell or dispense a drug, or falsifying a record in respect of a prescription or the sale of a drug;

- (i) engaging in dentistry while the ability to do so is impaired by alcohol or a drug;
  - (j) engaging in dentistry while the ability to do so is impaired by an infirmity or reasons of health;
  - (k) failure to comply with a decision of the Complaints Committee or Discipline Committee.
- (2)** "Unprofessional conduct" by a dental hygienist has the same meaning as in the *Dental Hygienists Regulations*.
- (3)** "Unprofessional conduct" by a dental assistant has the same meaning as in the *Dental Assistants Regulations*.
- (4)** "Infamous conduct" by a dentist, dental hygienist, or dental assistant is defined to include any of the following:
- (a) conduct or behavior while engaged in dentistry that is unbecoming a dentist, dental hygienist, or dental assistant;
  - (b) the conviction of any offence related to dentistry;
  - (c) conduct or behavior that is likely to bring dentistry or the dentist, dental hygienist, or dental assistant into disrepute whether or not such conduct or behavior is in the course of or related to dentistry.
- (5)** "Advertising Standards" means the advertising standards in the *Advertising Standards Regulations*.
- (6)** "Code of Ethics" for dentists means the Code of Ethics for dentists pursuant to Regulation No. 3 - Code of Ethics.
- (7)** "Code of Ethics" for dental hygienists means the Code of Ethics for dental hygienists pursuant to the *Dental Hygienists Regulations*.
- (8)** "Code of Ethics" for dental assistants means the Code of Ethics for dental assistants pursuant to the *Dental Assistants Regulations*.

**Complaint**

- 5 (1)** Any person may file a complaint in writing with the Registrar concerning a dentist, dental hygienist, or dental assistant.
- (2)** The Registrar shall conduct an investigation upon receipt of a complaint under subsection (1) or when the Registrar has reason to believe that an offence may have been committed under these regulations, the Act, or other regulations under the Act.
- (3)** Following an investigation pursuant to subsection (2), the Registrar shall refer the matter to the Complaints Committee.

**Complaints Committee**

- 6 (1)** The Complaints Committee shall be composed of 10 members, none of whom shall be a member of the Discipline Committee, as follows:

- (a) 4 licensed dentists, each having at least 5 years experience as a dentist;
  - (b) 2 licensed dental hygienists, each having at least 5 years experience as a dental hygienist;
  - (c) 2 licensed dental assistants, each having at least 5 years experience as a dental assistant; and
  - (d) 2 members of the general public who are not licensed dentists, licensed dental hygienists or licensed dental assistants.
- (2) The term of a member of the Complaints Committee shall not exceed 3 years and the terms of the initial appointments shall be of varying lengths to permit continuity of membership on the Committee.
  - (3) The Board may reappoint a member of the Complaints Committee for further terms.
  - (4) The Board may, in its discretion, appoint alternates to the members of the Complaints Committee.
  - (5) The Board shall appoint one of the dentists on the Complaints Committee to be the Chair of the Complaints Committee.
  - (6) The Chair shall be entitled to vote on all matters before the Complaints Committee and in the event of a tied vote, the Chair shall have an additional casting vote.
  - (7) Upon receipt of a complaint, the Chair of the Complaints Committee, shall appoint a panel to consider the complaint, in accordance with the following:
    - (a) if the complaint is against a dentist, the panel shall consist of the Chair, 2 dentists and 1 member described in clause (1)(d);
    - (b) if the complaint is against a dental hygienist, the panel shall consist of the Chair, 1 dentist, 1 dental hygienist, and 1 member described in clause (1)(d); and
    - (c) if the complaint is against a dental assistant, the panel shall consist of the Chair, 1 dentist, 1 dental assistant, and 1 member described in clause (1)(d).
  - (8) In the absence of the Chair, the other members of the panel present may appoint one of the dentists who is present to act as Chair of the meeting.
  - (9) The Complaints Committee may convene and conduct a meeting by telephone conference call.
  - (10) The quorum for a meeting of a panel of the Complaints Committee is 3 members.

**Counsel for the licensee**

- 7 A licensee may be represented by counsel in all matters and proceedings before the Complaints Committee and the Discipline Committee.

**Procedure of Complaints Committee**

- 8 The Complaints Committee shall provide a copy of the complaint against a licensee to the licensee prior to making its decision.
- 9
  - (1) If requested by a licensee against whom a complaint has been made, the Complaints Committee shall meet with the licensee prior to taking any action.
  - (2) With the consent of the licensee, a meeting requested pursuant to subsection (1) may be held by telephone conference call.
  - (3) If a licensee has been served with notice of a meeting referred to in subsection (1) but fails to appear at the meeting, the meeting may proceed in absence of the licensee and the Complaints Committee may proceed to make its decision.
- 10 The decision of the majority of members of a panel of the Complaints Committee is deemed to be a decision of the Complaints Committee.

**Disposition by Complaints Committee**

- 11 (1) The Complaints Committee may
  - (a) dismiss the complaint;
  - (b) refer the complaint, in whole or in part, to the Discipline Committee; or
  - (c) take one or more of the following actions:
    - (i) counsel the licensee;
    - (ii) issue a written caution to the licensee;
    - (iii) issue a written reprimand to the licensee.
- (2) In determining the action to be taken, the Complaints Committee may consider any evidence relevant to the complaint, including but not limited to evidence relating to the licensee's character, as well as evidence regarding any previous discipline findings against the licensee.
- (3) The action of the Committee shall not be recorded on the register containing the name of the licensee.
- (4) The Complaints Committee's decision shall be reported in a publication of the Board, either on a named or unnamed basis, as the Committee considers appropriate.
- 12 (1) Within 30 days of a meeting of the Complaints Committee, the Complaints Committee shall file its written decision with the Registrar, including
  - (a) its findings of fact;
  - (b) its conclusions respecting the disposition of the complaint; and
  - (c) any sanctions imposed.
- (2) Within 7 days after the decision referred to in subsection (1) is filed, the Registrar shall serve a copy of the decision on the licensee and the complainant.

- 13 (1)** If the matter is referred to the Discipline Committee pursuant to clause 11(1)(b), the Chair of the Complaints Committee shall instruct the Registrar to
- (a) draft a notice of charge in accordance with Section 16; and
  - (b) request that the Chair of the Discipline Committee fix a date for a hearing.
- (2)** The date fixed pursuant to subsection (1) shall be at least 30 days after service on the licensee of a copy of the decision pursuant to subsection 12(2).

#### Appeal to Discipline Committee

**14** Within 30 days of being served with a copy of the decision pursuant to subsection 12(2), the licensee may file with the Registrar a notice of appeal, appealing the decision of the Complaints Committee to the Discipline Committee and stating the grounds of appeal.

- 15 (1)** If the matter is to proceed to the Discipline Committee as a result of a notice of appeal pursuant to Section 14, the Chair of the Discipline Committee shall set a date for a hearing.
- (2)** The date set by the Chair pursuant to subsection (1) shall be at least 30 days after receipt by the Registrar of the notice of appeal.

#### Notice of charge

- 16 (1)** A notice of charge for a hearing before the Discipline Committee shall be in writing and shall contain the following:
- (a) a statement of the charge or charges, including the provision or provisions of the Act or regulations under which the licensee is charged;
  - (b) the date, time and place that the matter will be considered at a hearing of the Discipline Committee;
  - (c) the possible sanctions that may be imposed if the charge or charges are sustained;
  - (d) a statement that the licensee has the right to be represented by counsel; and
  - (e) a statement that the Discipline Committee may proceed in the absence of the licensee.
- (2)** The Registrar shall serve a notice of charge on a licensee at least 21 days before a hearing.

#### Service of notice

- 17 (1)** Service of a notice referred to in Section 9 or subsection 12(2), 16(2) or 28(2) shall be by personal service but, if personal service is not practicable, the Registrar may serve the licensee by registered mail.
- (2)** Service by registered mail may be addressed to the licensee's last address as shown on the applicable register, or the licensee's more recent address if known to the Registrar, and shall be deemed to be served on the 3rd day after posting.

#### Discipline Committee

- 18 (1)** The Discipline Committee shall be composed of 16 members, as follows:
- (a) 7 licensed dentists, each having at least 5 years experience as a dentist;
  - (b) 3 licensed dental hygienists, each having at least 5 years experience as a dental hygienist;
  - (c) 3 licensed dental assistants, each having at least 5 years experience as a dental assistant; and
  - (d) 3 members of the general public who are not licensed dentists, licensed dental hygienists or licensed dental assistants.
- (2)** The term of a member of the Discipline Committee shall not exceed 3 years and the terms of the initial appointments shall be of varying lengths to permit continuity of membership on the Committee.
- (3)** The Board may reappoint a member of the Discipline Committee for further terms.
- (4)** The Board may, in its discretion, appoint alternates to the members of the Discipline Committee.
- (5)** The Board shall appoint one of the dentists to be Chair of the Discipline Committee.
- (6)** The Chair shall be entitled to vote on all matters before the Discipline Committee and in the event of a tied vote, the Chair shall have an additional casting vote.
- (7)** The Chair of the Discipline Committee shall appoint a panel for a hearing in accordance with the following:
- (a) if the charge or charges are against a dentist, the panel shall consist of the Chair, 3 dentists, and 1 member described in clause (1)(d);
  - (b) if the charge or charges are against a dental hygienist, the panel shall consist of the Chair, 2 dental hygienists, 1 dentist, and 1 member described in clause (1)(d); and
  - (c) if the charge or charges are against a dental assistant, the panel shall consist of the Chair, 2 dental assistants, 1 dentist, and 1 member described in clause (1)(d).
- (8)** A hearing date may only be changed by order of the Chair of the Discipline Committee.
- (9)** In the absence of the Chair, the other members present may appoint one of the dentists who is present to act as Chair for the hearing.
- (10)** The quorum for a meeting or hearing of the Discipline Committee is 3 members.

**Counsel for Registrar**

- 19 (1)** The Registrar may employ counsel to prepare and present a case before the Discipline Committee in a hearing.
- (2)** Counsel for the Registrar shall at all times act fairly and proceed in a manner so that all of the relevant facts, both in favour of and averse to the licensee, are presented to the Discipline Committee at a hearing.

**Counsel for the Discipline Committee**

- 20 (1)** The Discipline Committee may employ legal counsel to advise it in the conduct of a hearing.
- (2)** Any legal advice given by the counsel employed pursuant to subsection (1) shall be made known to all parties.
- (3)** Counsel employed pursuant to subsection (1) shall not participate in the deliberations of the Discipline Committee respecting its decision.

**Procedure and evidence in Discipline Committee hearing**

- 21** If a licensee has been served in accordance with subsection 16(2) but does not appear at the hearing, the hearing may proceed in the absence of the licensee.
- 22** A hearing by the Discipline Committee shall be open to the public
- (a)** unless the Discipline Committee, the Registrar, and the licensee all agree to a closed hearing; or
- (b)** unless the Discipline Committee, in its discretion, determines that, to ensure a full and complete hearing or in the public interest, the hearing should not be open to the public.
- 23** In a hearing by the Discipline Committee,
- (a)** the Discipline Committee may
- (i)** admit any evidence relevant to the complaint,
- (ii)** request evidence respecting any matter at issue from any person whom they judge to be competent to give evidence,
- (iii)** summon and enforce the attendance of witnesses,
- (iv)** require witnesses to give oral or written evidence on oath and produce documents and things that the Discipline Committee considers necessary to the proper conduct of the hearing;
- (b)** the licensee or licensee's counsel shall have full opportunity to present evidence in defence of the licensee;
- (c)** the licensee or licensee's counsel may cross-examine a witness who gives evidence against the licensee;
- (d)** counsel to the Registrar may cross-examine a witness who gives evidence for the licensee; and
- (e)** the licensee or licensee's counsel and counsel to the Registrar shall have access to all evidence admitted at the hearing; and

- (f)** each party shall have full opportunity to reply to the submissions of the other.
- 24** The Registrar shall ensure that an accurate record is taken of a hearing of the Discipline Committee.
- 25** The Chair of the Discipline Committee may from time to time adjourn a hearing.
- 26** The burden of proof applicable to a hearing by the Discipline Committee shall be proof on a balance of probabilities.
- 27** A decision of the majority of the members of a panel of the Discipline Committee is deemed to be a decision of the Discipline Committee.

**Decision of the Discipline Committee**

- 28 (1)** Within 30 days of a hearing, the Discipline Committee shall file its written decision with the Registrar, including
- (a)** its findings of fact;
- (b)** its conclusions respecting the disposition of the charge or charges; and
- (c)** any sanctions imposed.
- (2)** Within 7 days after the decision referred to in subsection (1) being filed, the Registrar shall serve a copy of the decision on the licensee and the complainant.

**Sanctions and publication of decision of the Discipline Committee**

- 29 (1)** The sanctions that may be imposed by the Discipline Committee in a decision resulting from a hearing are
- (a)** cancellation of a licence or certificate of registration;
- (b)** suspension of a licence for a specified period of time;
- (c)** cancellation or suspension of a licence or cancellation of a certificate of registration to occur at a specified date in the future unless the licensee meets specified conditions before the specified date;
- (d)** cancellation or suspension of a licence or cancellation of a certificate of registration subject to restoration if the licensee meets specified conditions in the future;
- (e)** suspension of a licence subject to a reduction in the term of the suspension if the licensee meets specified conditions;
- (f)** restrictions on a licence for a specified or unspecified period of time, which may be removed if the licensee meets specified conditions;
- (g)** entering a reprimand on the written record pertaining to the licensee kept by the Registrar;

- (h) monitoring of the licensee's practice for a specified period of time by the Registrar or an agent appointed by the Registrar;
  - (i) payment by the licensee of all or part of the costs of the disciplinary proceeding, including
    - (i) per day fees for members of the Discipline Committee,
    - (ii) counsel fees,
    - (iii) reporter fees,
    - (iv) facility charges, and other charges associated with the hearing.
- (2) The conditions referred to in clauses (1)(c), (d), (e) and (f) may include, among other things,
- (a) the completion of a course or program of education or training prescribed by the Discipline Committee; or
  - (b) the successful completion of an examination, to test the skill, knowledge or judgement of the licensee.
- (3) In determining the sanctions to impose pursuant to subsection (1), the Discipline Committee may consider evidence relating to the licensee's character, as well as evidence regarding any previous discipline findings against the licensee.
- 30 (1) The Discipline Committee's decision shall be reported in a publication of the Board, either on a named or unnamed basis, as the Committee considers appropriate.
- (2) The Discipline Committee may, in its discretion, order that a notice of suspension or revocation of licence be printed in a newspaper distributed in the area in which the licensee to whom the notice pertains engages in the practice of dentistry, dental hygiene, or dental assisting.
- 31 The effective date of any sanctions imposed pursuant to Section 29 and the date for any publication made pursuant to Section 30 shall not be earlier than the expiry of the time period allowed for appeals in Section 38 of the Act, unless the licensee waives the appeal period and agrees to implementation of the sanctions or publication at an earlier date.

#### Schedule "B"

##### Amendments to Regulation No. 1 - Qualifications - Registration and Licensing of Dentists made pursuant to Section 45 of Chapter 3 of the Acts of 1992, the *Dental Act*

- 1 Section 1 of Regulation No. 1 - Qualifications - Registration and Licensing of Dentists approved by the Governor in Council by Order in Council 93-858 dated November 2, 1993, is renumbered as Section 1A and the following Section added immediately before Section 1A:
- 1 These regulations may be cited as the *Qualifications for Registration and Licensing of Dentists Regulations*.
- 2 The regulations are further amended by

- (a) renumbering Section 4 as subsection 4(1);
- (b) adding the following subsections immediately after subsection 4(1):
  - (2) In this Section, "Agreement on Internal Trade" means the agreement signed by the federal, provincial, and territorial governments of Canada, which came into force on July 1, 1995, to facilitate the free movement of persons, goods, services, and investments through Canada.
  - (3) For the purposes of clause (1)(a) and for the purposes of labour mobility under the Agreement on Internal Trade, an applicant with a non-restricted licence from another Canadian licensing jurisdiction obtained prior to July 1, 2001, who does not hold a National Dental Examining Board of Canada certificate will be recognized as holding a qualification equivalent to a National Dental Examining Board of Canada certificate.

#### Schedule "C"

##### Amendments to Regulation No. 2 - Specialists made pursuant to Section 45 of Chapter 3 of the Acts of 1992, the *Dental Act*

- 1 Section 1 of Regulation No. 2 - Specialists approved by the Governor in Council by Order in Council 93-858 dated November 2, 1993, is renumbered as Section 1A and the following Section added immediately before Section 1A:
- 1 These regulations may be cited as the *Specialists Regulations*.
- 2 The regulations are further amended by adding the following Section immediately after Section 7:
- 8 (1) In this Section, "Agreement on Internal Trade" means the agreement signed by the federal, provincial, and territorial governments of Canada, which came into force on July 1, 1995, to facilitate the free movement of persons, goods, services and investments throughout Canada.
- (2) Despite Section 7, for the purposes of labour mobility under the Agreement on Internal Trade, a person with a non-restricted specialty licence obtained in any Canadian licensing jurisdiction prior to July 1, 2001, will be recognized as holding the necessary qualifications for specialty licensure.

#### Schedule "D"

##### Amendments to Regulation No. 7 - Dental Hygienists made pursuant to Section 45 of Chapter 3 of the Acts of 1992, the *Dental Act*

- 1 Section 1 of Regulation No. 7 - Dental Hygienists approved by the Governor in Council by Order in Council 94-913 dated November 8, 1994, is renumbered as Section 1A and the following Section added immediately before Section 1A:

- 1 These regulations may be cited as the *Dental Hygienists Regulations*.
- 2 Section 8 of the regulations is amended by adding the following subsections immediately after subsection (2):
  - (3) In this Section, "Agreement on Internal Trade" means the agreement signed by the federal, provincial, and territorial governments of Canada, which came into force on July 1, 1995, to facilitate the free movement of persons, goods, services and investments throughout Canada.
  - (4) For the purposes of labour mobility under the Agreement on Internal Trade, a person with a non-restricted licence obtained in any Canadian licensing jurisdiction prior to July 1, 2001, will be recognized as holding the necessary qualifications for licensure as a dental hygienist and will be eligible to be registered in the Dental Hygienists Register.
- 3 Clause 9(1)(a) of the regulations is amended by striking out "of either subsection (1) or (2) of Section 8" and substituting "of subsections 8(1), (2) or (4)".

**Schedule "E"**

**Amendments to Regulation No. 8 - Dental Assistants  
made pursuant to Section 45 of Chapter 3  
of the Acts of 1992, the *Dental Act***

- 1 Section 1 of Regulation No. 8 - Dental Assistants approved by the Governor in Council by Order in Council 94-473 dated May 31, 1994, is renumbered as Section 1A and the following Section added immediately before Section 1A:
  - 1 These regulations may be cited as the *Dental Assistants Regulations*.
- 2 Section 8 of the regulations is amended by adding the following subsections after subsection (2):
  - (3) In this Section, "Agreement on Internal Trade" means the agreement signed by the federal, provincial, and territorial governments of Canada, which came into force on July 1, 1995, to facilitate the free movement of persons, goods, services and investments throughout Canada.
  - (4) For the purposes of labour mobility under the Agreement on Internal Trade, a person with a non-restricted licence obtained in any Canadian licensing jurisdiction prior to July 1, 2001, who is able to demonstrate 900 hours of clinical practice in the field of dental assisting during the last 3 years, will be recognized as holding the necessary qualifications for licensure as a dental assistant and will be eligible to be registered in the Dental Assistants' Register.

N.S. Reg. 4/2002  
Made: January 11, 2002  
Filed: January 14, 2002  
Nova Scotia Association of Optometrists By-laws

Order in Council 2002-7 made January 11, 2002  
Amendment to regulations approved by the Governor in Council pursuant to subsection 6(1) and Section 28 of the *Optometry Act*

The Governor in Council, on the report and recommendation of the Minister of Health dated November 28, 2001, and pursuant to subsection 6(1) and Section 28 of Chapter 328 of the Revised Statutes of Nova Scotia, 1989, the *Optometry Act*, is pleased to approve the making by the Nova Scotia Association of Optometrists of amendments to the by-laws approved by the Governor in Council by Order in Council 91-421 dated April 9, 1991, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after January 11, 2002.

**Schedule "A"**

**Amendments to the By-laws of the Nova Scotia Association of Optometrists  
made pursuant to subsection 6(1) and Section 28 of Chapter 328 of the  
Revised Statutes of Nova Scotia, 1989, the *Optometry Act***

The by-laws made by the Nova Scotia Association of Optometrists and approved by the Governor in Council by Order in Council 91-421 dated April 9, 1991, are amended by adding the following Section immediately after Section 51:

**Professional corporations**

- 51A (1) An application for a permit for a professional corporation to practise optometry issued pursuant to Section 18D of the Act shall be made to the Secretary-treasurer.
- (2) An application to renew a permit pursuant to subsection 18D(5) of the Act shall be made not earlier than 90 days and not later than 30 days prior to the expiry date of the permit.
- (3) A professional corporation that is applying for a permit or for a renewal of a permit must, for the purpose of satisfying the requirements of subsection 18D(3) of the Act,
  - (a) file a completed application in the form prescribed by the Council and under the seal of the professional corporation; and
  - (b) pay the relevant fee as prescribed by the Council.
- (4) A permit holder shall display its current permit in a prominent place at its premises at all times.

- (5) If a permit holder proposes to change its corporate name or to operate under a business name other than its corporate name, the permit holder shall first satisfy the Secretary-treasurer that the proposed corporate name or business name is a fit and proper name for use by a corporation engaged in the practice of optometry.
- (6) Sections 27 and 44 to 49 of these by-laws apply with the necessary changes in detail to a professional corporation.

N.S. Reg. 5/2002

Made: January 11, 2002

Filed: January 14, 2002

Liquor Licensing Regulations

Order in Council 2002-8 made January 11, 2002  
Amendment to regulations made by the Governor in Council  
pursuant to Section 50  
of the *Liquor Control Act*

The Governor in Council on the report and recommendation of the Minister responsible for the *Liquor Control Act* and the Minister of Environment and Labour and the Minister responsible for the Alcohol and Gaming Authority dated September 25, 2001, and pursuant to Section 50 of Chapter 260 of the Revised Statutes of Nova Scotia, 1989, the *Liquor Control Act*, is pleased to approve amendments to regulations respecting liquor licensing approved by the Governor in Council by Order in Council 83-755 dated July 12, 1983, in the manner set out in Schedule "A" attached to and forming part of the report and recommendation, effective on and after January 11, 2002.

#### Schedule "A"

#### Amendments to the Regulations Respecting Liquor Licensing approved by the Governor in Council pursuant to Section 50 of Chapter 260 of the Revised Statutes of Nova Scotia, 1989, the *Liquor Control Act*

- 1 Subsection 13(1) of the regulations respecting liquor licensing approved by the Governor in Council by Order in Council 83-755 dated July 12, 1983, is repealed and the following subsection substituted:
  - (1) A license issued by the Board shall expire no later than the last day of the month that marks the third anniversary of the grant of the license.
- 2 Section 13 of the regulations is further amended by
  - (a) striking out "for the following year" in subsection (2);
  - (b) repealing clause (2)(a) and substituting the following clause:
    - (a) complete the prescribed form and file it with the license fee prescribed in Schedule "A" not later than the last day of the final month of the existing license; and
  - (c) redesignating clause (2)(b) as subsection 13(2A); and
  - (d) relettering clause (2)(c) as (2)(b).
- 3 Section 63 of the regulations is renumbered as subsection 63(1) and the following subsection added immediately after subsection (1):
  - (2) Upon application, the Board may in its sole discretion suspend the effect of subsection (1).



- 4 Subsection 64(2) of the regulations is amended by striking out "9.3 percent" where it appears and substituting "4.1%".
- 5 Schedule "A" of the regulations is amended by striking out all the text after the heading '**LICENSE FEES**' and before the heading '**TRANSFER FEES (EACH LICENSE HELD)**' and substituting the following:

All licenses issued by the Board, with the exception of special occasion license Class I, require a 4.1% license fee on the gross value of liquor purchased on the license to be paid to the Board in addition to the fees outlined below:

| Type of License        | Fee for 3-year License |
|------------------------|------------------------|
| Club                   | \$450                  |
| Beverage room          | \$450                  |
| Eating establishment   | \$450                  |
| Lounge                 | \$450                  |
| Special premises       | \$450                  |
| Military establishment | \$450                  |
| Catering               | \$450                  |
| Cabaret                | \$1500                 |

| Special Occasion Licenses | Fee  |
|---------------------------|------|
| Class I                   | \$10 |
| Class II                  | \$20 |
| Class III                 | \$50 |
| Beer garden               | \$50 |

N.S. Reg. 6/2002  
 Made: January 11, 2002  
 Filed: January 14, 2002  
 Ticket Lottery Regulations

Order in Council 2002-9 made January 11, 2002  
 Amendment to regulations made by the Governor in Council  
 pursuant to Section 127  
 of the *Gaming Control Act*

The Governor in Council on the report and recommendation of the Minister responsible for Part II of the *Gaming Control Act*, dated September 25, 2001, and pursuant to Section 127 of Chapter 4 of the Acts of 1994-1995, the *Gaming Control Act*, is pleased to amend the *Ticket Lottery Regulations* made by the Governor in Council by Order in Council 95-260 dated April 4, 1995, by striking out "12 calendar months" in Section 11 and substituting "3 years", effective on and after January 11, 2002.

N.S. Reg. 7/2002

Made: January 11, 2002

Filed: January 14, 2002

## Bingo Regulations

Order in Council 2002-10 made January 11, 2002  
Amendment to regulations made by the Governor in Council  
pursuant to Section 127  
of the *Gaming Control Act*

The Governor in Council on the report and recommendation of the Minister responsible for Part II of the *Gaming Control Act*, dated September 25, 2001, and pursuant to Section 127 of Chapter 4 of the Acts of 1994-1995, the *Gaming Control Act*, is pleased to amend the *Bingo Regulations* made by Order in Council 95-256 dated April 4, 1995, in the manner set out in Schedule "A" attached to and forming part of the report and recommendation.

## Schedule "A"

**Amendments to the *Bingo Regulations* made by the Governor in Council pursuant to Section 127 of Chapter 4 of the Acts of 1994-95, the *Gaming Control Act***

- 1 The *Bingo Regulations* made by the Governor in Council by Order in Council 95-256 dated April 4, 1995, are amended by re-lettering clause 2(ya) as (yb) and adding the following clause immediately after clause 2(y):
  - (ya) "low revenue charitable bingo operator" means the operator for charitable, religious or community objects or purposes of a bingo that awards bingo prizes valued at not more than
    - (i) \$30 000 over a 52 week period, and
    - (ii) \$2500 for any single bingo event;
- 2 Subsection 3(9) of the regulations is amended by striking out "annual".
- 3 Subsection 8(1) of the regulations is amended by striking out "annual".
- 4 Clause 8(1)(a) of the regulations is repealed and the following clause substituted:
  - (a) for a charitable bingo licence
    - (i) \$25 for a one-day to 12-month licence term, or
    - (ii) \$75 for a 3-year licence term;
- 5 Section 11 of the regulations is repealed and the following Sections substituted:
  - 11** A licence to operate a bingo for charitable, religious or community objects or purposes may be issued for a portion of a day or for a period not to exceed 3 years.

- 11A (1)** No bingo shall operate on any day
    - (a) between the hours of 5 p.m. and 6 p.m.; and
    - (b) between the hours of 12 midnight and 1 p.m.
  - (2)** No bingo shall operate on Remembrance Day, Christmas Day, Good Friday or Easter Sunday.
- 6 The regulations are further amended by adding the following Sections immediately after Section 28:
- Exemption for low revenue charitable bingo operators**
- 29 (1)** A low revenue charitable bingo operator may apply to the Alcohol and Gaming Authority for an exemption in such form as the Authority may prescribe.
  - (2)** The Alcohol and Gaming Authority in its sole discretion may grant the exemption referred to in subsection (1), which shall
    - (a) exempt the low revenue charitable bingo operator from the requirements of subsections 3(6) and 3(9), Section 6, Section 7, clauses 8(1)(a) and 8(2)(a), and Section 24; and
    - (b) satisfy the requirement of subsection 3(2) of the *Bingo Suppliers Regulations* for the purpose of purchasing bingo operating equipment from a registered bingo supplier.
  - (3)** If at any time the holder of an exemption referred to in subsection (1) offers prize values that exceed those described in clause 2(ya), the exemption holder shall
    - (a) cease to be a low revenue charitable bingo operator for the purposes of these regulations; and
    - (b) if the exemption holder wishes to continue to operate a bingo, obtain a bingo licence pursuant to subsection 3(9).
- 30 (1)** Low revenue charitable bingo operators shall maintain records respecting the following for a period of 3 years:
- (a) revenue;
  - (b) expenses; and
  - (c) prizes awarded.
- (2)** Low revenue charitable bingo operators shall make the records maintained pursuant to subsection (1) available to the Alcohol and Gaming Authority upon request.

N.S. Reg. 8/2002  
Made: January 11, 2002  
Filed: January 14, 2002  
Bingo Suppliers Regulations

Order in Council 2002-11 made January 11, 2002  
Amendment to regulations made by the Governor in Council  
pursuant to Section 127  
of the *Gaming Control Act*

The Governor in Council on the report and recommendation of the Minister responsible for Part II of the *Gaming Control Act* dated September 25, 2001, and pursuant to Section 127 of Chapter 4 of the Acts of 1994-1995, the *Gaming Control Act*, is pleased to amend the *Bingo Suppliers Regulations* made by Order in Council 95-257 dated April 4, 1995, in the manner set out in Schedule "A" attached to and forming part of the report and recommendation.

**Schedule "A"**

**Amendments to the *Bingo Suppliers Regulations* made by the Governor in Council pursuant to Section 127 of Chapter 4 of the Acts of 1994-95, the *Gaming Control Act***

- 1 Subsection 3(1) of the *Bingo Suppliers Regulations* made by the Governor in Council by Order in Council 95-257 dated April 4, 1995, is amended by
  - (a) striking out "annually"; and
  - (b) adding "for a 3-year term" immediately after "licence".
- 2 Subsection 6(1) of the regulations is amended by
  - (a) striking out "an annual"; and
  - (b) striking out "\$1000" and substituting "\$3000".
- 3 Subsection 6(2) of the regulations is repealed.

N.S. Reg. 9/2002  
Made: January 11, 2002  
Filed: January 14, 2002  
Casino Regulations

Order in Council 2002-12 made January 11, 2002  
Amendment to regulations made by the Governor in Council  
pursuant to Section 127  
of the *Gaming Control Act*

The Governor in Council on the report and recommendation of the Minister responsible for Part II of the *Gaming Control Act* dated September 25, 2001, and pursuant to Section 127 of Chapter 4 of the Acts of 1994-1995, the *Gaming Control Act*, is pleased to amend the *Casino Regulations* made by Order in Council 95-259 dated April 4, 1995, in the manner set out in Schedule "A" attached to and forming part of the report and recommendation.

**Schedule "A"**

**Amendments to the *Casino Regulations* made by the Governor in Council pursuant to Section 127 of Chapter 4 of the Acts of 1994-95, the *Gaming Control Act***

- 1 Section 12 of the *Casino Regulations* made by the Governor in Council by Order in Council 95-259 dated April 4, 1995, is amended by
  - (a) adding "of a supplier of a class mentioned in Section 3" immediately after "A registration" at the beginning of subsection (5); and
  - (b) adding the following subsection immediately after subsection (5):
    - (5A) A registration of a gaming assistant of a class mentioned in subsection 8(1) that is granted or renewed expires
      - (a) 3 years from the day on which the interim registration was granted, if the registrant holds an interim registration before the registration is granted or renewed; or
      - (b) 3 years from the day on which it is granted or renewed in all other cases.
- 2 Subsection 22(2) of the regulations is repealed and the following subsection substituted:
  - (2) A security investigation fee shall be paid by the casino operator for each application as a gaming assistant under subsection 10(1), in the amount of
    - (a) \$100 for gaming assistants who are food and beverage servers and who do not have access to the gaming floor; or
    - (b) \$450 for all other gaming assistants.