

Royal



Gazette

Part II Regulations under the Regulations Act

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In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 55/2009

Made: March 5, 2009

Filed: March 10, 2009

Prescribed Petroleum Products Prices

Order dated March 5, 2009
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act*

**In the Matter of Section 14 of Chapter 11 of the Acts of 2005
the *Petroleum Products Pricing Act***

- and -

**In the Matter of Sections 14 to 18 of the *Petroleum Products Pricing Regulations*
made by the Governor in Council
pursuant to Section 14 of the *Petroleum Products Pricing Act***

- and -

**In the Matter of an Order Prescribing Prices for Petroleum Products
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 14 to 18 of the *Petroleum Products Pricing Regulations***

Order

I, Richard Hurlburt, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, and Sections 14 to 18 of the *Petroleum Products Pricing Regulations*, hereby

- (a) repeal the Order dated February 26, ~~2008~~ [2009], which prescribed prices February 27, 2009; and
- (b) prescribe prices for petroleum products in the Province as set forth in the tables in Schedule "A".

This Order is effective on and after 12:01 a.m. on March 6, 2009.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on March 5, 2009.

Sgd.: *Richard Hurlburt*
Honourable Richard Hurlburt
Minister of Service Nova Scotia and Municipal Relations

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on March 6, 2009**

Table 1: Benchmark Prices for Regulated Petroleum Products (cents/litre)	
Regular unleaded gasoline	43.2
Mid-grade unleaded gasoline	46.2
Premium unleaded gasoline	49.2
Ultra-low-sulfur diesel oil	46.1

Table 2: Fixed Wholesale Prices, Retail Mark-ups and Retail Prices for Regulated Petroleum Products (cents/litre)									
	Fixed Wholesale Price (excludes GST)	Retail Mark-up				Retail Price (includes all taxes)			
		Self-Service		Full-Service		Self-Service		Full-Service	
		Min	Max	Min	Max	Min	Max	Min	Max
Zone 1									
Regular Unleaded	75.0	4.0	5.5	4.0	999.9	89.3	91.0	89.3	999.9
Mid-Grade Unleaded	78.0	4.0	5.5	4.0	999.9	92.7	94.4	92.7	999.9
Premium Unleaded	81.0	4.0	5.5	4.0	999.9	96.1	97.7	96.1	999.9
Ultra-Low-Sulfur Diesel	71.8	4.0	5.5	4.0	999.9	85.7	87.3	85.7	999.9
Zone 2									
Regular Unleaded	75.4	4.0	5.5	4.0	999.9	89.7	91.4	89.7	999.9
Mid-Grade Unleaded	78.4	4.0	5.5	4.0	999.9	93.1	94.8	93.1	999.9
Premium Unleaded	81.4	4.0	5.5	4.0	999.9	96.5	98.2	96.5	999.9
Ultra-Low-Sulfur Diesel	72.2	4.0	5.5	4.0	999.9	86.1	87.8	86.1	999.9
Zone 3									
Regular Unleaded	75.9	4.0	5.5	4.0	999.9	90.3	92.0	90.3	999.9
Mid-Grade Unleaded	78.9	4.0	5.5	4.0	999.9	93.7	95.4	93.7	999.9
Premium Unleaded	81.9	4.0	5.5	4.0	999.9	97.1	98.8	97.1	999.9
Ultra-Low-Sulfur Diesel	72.7	4.0	5.5	4.0	999.9	86.7	88.4	86.7	999.9
Zone 4									
Regular Unleaded	75.9	4.0	5.5	4.0	999.9	90.3	92.0	90.3	999.9
Mid-Grade Unleaded	78.9	4.0	5.5	4.0	999.9	93.7	95.4	93.7	999.9
Premium Unleaded	81.9	4.0	5.5	4.0	999.9	97.1	98.8	97.1	999.9
Ultra-Low-Sulfur Diesel	72.7	4.0	5.5	4.0	999.9	86.7	88.4	86.7	999.9
Zone 5									
Regular Unleaded	75.9	4.0	5.5	4.0	999.9	90.3	92.0	90.3	999.9
Mid-Grade Unleaded	78.9	4.0	5.5	4.0	999.9	93.7	95.4	93.7	999.9
Premium Unleaded	81.9	4.0	5.5	4.0	999.9	97.1	98.8	97.1	999.9
Ultra-Low-Sulfur Diesel	72.7	4.0	5.5	4.0	999.9	86.7	88.4	86.7	999.9
Zone 6									
Regular Unleaded	76.7	4.0	5.5	4.0	999.9	91.2	92.9	91.2	999.9
Mid-Grade Unleaded	79.7	4.0	5.5	4.0	999.9	94.6	96.3	94.6	999.9
Premium Unleaded	82.7	4.0	5.5	4.0	999.9	98.0	99.7	98.0	999.9
Ultra-Low-Sulfur Diesel	73.5	4.0	5.5	4.0	999.9	87.6	89.3	87.6	999.9

N.S. Reg. 56/2009

Made: March 10, 2009

Filed: March 10, 2009

Proclamation, S. 4, S.N.S. 2008, c. 58

Order in Council 2009-106 dated March 10, 2009

Proclamation made by the Governor in Council

pursuant to Section 4 of

An Act to Amend Chapter 208 of the Revised Statutes, 1989, the Hospitals Act

The Governor in Council on the report and recommendation of the Minister of Health dated February 11, 2009, pursuant to Section 4 of Chapter 58 of the Acts of 2008, *An Act to Amend Chapter 208 of the Revised Statutes, 1989, the Hospitals Act*, is pleased to order and declare by proclamation that Chapter 58 of the Acts of 2008, *An Act to Amend Chapter 208 of the Revised Statutes, 1989, the Hospitals Act*, do come into force on and not before March 10, 2009.

PROVINCE OF NOVA SCOTIA

sgd: Mayann Francis

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 4 of Chapter 58 of the Acts of 2008, *An Act to Amend Chapter 208 of the Revised Statutes, 1989, the Hospitals Act*, it is enacted as follows:

- 4 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 58 of the Acts of 2008, *An Act to Amend Chapter 208 of the Revised Statutes, 1989, the Hospitals Act*, do come into force on and not before March 10, 2009;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 58 of the Acts of 2008, *An Act to Amend Chapter 208 of the Revised Statutes, 1989, the Hospitals Act*, do come into force on and not before March 10, 2009, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour
the Honourable Mayann E. Francis, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 10th day of March in the year of Our Lord two thousand and nine and in the fifty-eighth year of Our Reign.

BY COMMAND:

sgd: Cecil P. Clarke
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 57/2009

Made: March 10, 2009

Filed: March 10, 2009

Proclamation, S. 65, S.N.S. 2006, c. 18

Order in Council 2009-107 dated March 10, 2009
Proclamation made by the Governor in Council
pursuant to Section 65 of the
Midwifery Act

The Governor in Council on the report and recommendation of the Minister of Health dated February 27, 2009, pursuant to Section 65 of Chapter 18 of the Acts of 2006, the *Midwifery Act*, is pleased to order and declare by proclamation that Chapter 18 of the Acts of 2006, the *Midwifery Act*, do come into force on and not before March 18, 2009.

PROVINCE OF NOVA SCOTIA

sgd: Mayann Francis

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 65 of Chapter 18 of the Acts of 2006, the *Midwifery Act*, it is enacted as follows:

65 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 18 of the Acts of 2006, the *Midwifery Act*, do come into force on and not before March 18, 2009;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 18 of the Acts of 2006, the *Midwifery Act*, do come into force on and not before March 18, 2009, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent and the Great Seal of Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour the Honourable Mayann E. Francis, Lieutenant Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 10th day of March in the year of Our Lord two thousand and nine and in the fifty-eighth year of Our Reign.

BY COMMAND:

sgd: Cecil P. Clarke
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 58/2009

Made: February 20, 2009

Approved: March 10, 2009

Filed: March 10, 2009

Midwifery Regulations

Order in Council 2009-108 dated March 10, 2009
Regulations made by the Midwifery Regulatory Council of Nova Scotia
and approved by the Governor in Council
pursuant to Section 9 of the *Midwifery Act*

The Governor in Council on the report and recommendation of the Minister of Health dated February 27, 2009, and pursuant to Section 9 of Chapter 18 of the Acts of 2006, the *Midwifery Act*, is pleased to approve new regulations respecting midwifery made by the Midwifery Regulatory Council of Nova Scotia in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after March 18, 2009.

Schedule "A"

I certify that at a duly convened meeting of the Midwifery Regulatory Council of Nova Scotia held on February 20, 2009, the Council carried a motion to approve the attached regulations made pursuant to subsection 9(1) of Chapter 18 of the Acts of 2006, the *Midwifery Act*.

Dated at Halifax, Nova Scotia, this 20th day of February, 2009.

Midwifery Regulatory Council of Nova Scotia

Sgd.: *Kerstin Martin*

Per: Kerstin Martin

Chair

**Regulations Respecting Midwifery
made under Section 9 of
Chapter 18 of the Acts of 2006,
the *Midwifery Act***

Citation

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

Definitions for Act and regulations

2 (1) In these regulations,

- (a) “Act” means the *Midwifery Act*;
- (b) “assessment and credential verification process” means the process used by the Council to determine the clinical competence of internationally trained midwives;
- (c) “bridging program” means an educational program approved by the Council to address gaps, identified through a competency assessment program, in the competencies of an applicant for registration that must be filled before the applicant can be registered;
- (d) “clinical practice of midwifery” means the provision of antepartum, intrapartum, postpartum and newborn care as a primary care provider;
- (e) “competency assessment program” means a program approved by the Council to assess the competence of midwives who are seeking registration in the Province;
- (f) “non-clinical”, in relation to practising midwifery, means practice that is limited to research, education, consultation, management, administration, regulations, policy or system development relating to the activities in subclauses (i) to (iv) of the definition of the practice of midwifery in clause 2(i) of the Act.

(2) In the Act and these regulations,

- (a) “Association” means Association of Nova Scotia Midwives;
- (b) “conduct unbecoming the profession” means conduct in a member’s personal or private capacity that tends to bring discredit upon the midwifery profession;
- (c) “licensing sanction” means any disciplinary proceedings that result in the limitation, suspension or termination of a member’s licence, and does not include
 - (i) in accordance with subsection 16(4), conditions and restrictions imposed on a provisional licence, or
 - (ii) in accordance with Section 36, a counsel or caution issued by the Registrar under clause 38(8)(e), (f) or (g) of the Act;
- (d) “midwife” is further defined to include a member with a provisional licence or a provisional licence with conditions or restrictions.

Registration

Registrar

- 3 (1) The Registrar may also be referred to by the title of Executive Director.
- (2) The Registrar is responsible for all of the following duties:
- (a) planning and implementing the programs of the Council in accordance with policies and objectives approved by the Council;
 - (b) the administration of the Council and its internal staffing and management;
 - (c) any duties required from time to time by the Council.
- (3) If the office of the Registrar is vacant or the Registrar is absent or unable to act, the chair of the Council must name a member of the Council to act in the place of the Registrar until the Registrar returns or a new Registrar is appointed.
- (4) A member of the Council must not give instructions to any of the employees of the Council except through the Registrar.
- (5) The Registrar is the secretary and treasurer of the Council.

Information in Register

- 4 (1) In addition to the name of the person qualified, as required by the subsection 16(1) of the Act, the Register must contain all the following information for each member:
- (a) business mailing address and phone number;
 - (e) [(b)] the date of first entry in the Register;
 - (d) [(c)] the date the member's registration is cancelled or not renewed;
 - (b) [(d)] the name and location of the academic institution the member graduated from and their and midwifery credentials.
- (2) A member must immediately notify the Registrar of any change in their name or mailing address.

Registration requirements

- 5 (1) To establish that they meet the educational requirements of Section 15 of the Act, an applicant for registration must submit any certificates, documents or other information that the Registrar may require in support of the application, including a notarized copy of all certificates, diplomas or degrees and other evidence satisfactory to the Registrar that the applicant is the person named.
- (2) In addition to the educational requirements in Section 15 of the Act, an applicant must meet all of the following requirements to be registered:
- (a) successful completion of the registration examinations approved by the Council;
 - (b) payment of the applicable application and registration fees prescribed by the Council;
 - (c) demonstrated proficiency in the English language in the manner determined by the Council;

- (d) meeting the criteria for entry in the active-practising roster in Section 12, or the active-practising with conditions or restrictions roster in Section 14;
 - (e) providing any information the Registrar requires to establish that the applicant has the capacity, competence, capability and character to safely and ethically practise midwifery;
 - (f) having a good character consistent with the responsibilities of a member and the standards of practice expected of a member.
- (3) To establish that they meet the requirements of subsection (2), an applicant for registration must submit any documentation or proof required by the Registrar, including all of the following:
- (a) a photograph of the applicant that clearly shows the applicant's face and is taken in the 6 months immediately before the application;
 - (b) all information that relates to the applicant and the practice of midwifery, or is otherwise relevant to their ability to safely and ethically practise midwifery, regardless of where the event took place, including all of the following:
 - (i) findings of professional misconduct, incompetence or incapacity by a professional college or a professional association that has regulatory responsibility, or a dismissal for cause by an employer,
 - (ii) current proceedings for professional misconduct, incompetence or incapacity, including proceedings for professional misconduct or fitness to practice by professional colleges or professional associations that have regulatory responsibility,
 - (iii) denials of registration by professional regulatory colleges and denials of membership by professional associations that have regulatory responsibility,
 - (iv) negative verdicts and recommendations of coroners' inquests,
 - (v) professional liability insurance claims,
 - (vi) settlements and judgments in any civil lawsuit or particulars of any civil action that is pending to which the applicant is a party;
 - (c) any information the Registrar requires to satisfy the requirement in subsection 20(2) of the Act to notify the Registrar of any convictions, including a signed criminal record check authorization form;
 - (d) evidence satisfactory to the Council that the applicant is legally entitled to work in Canada.
- (4) An applicant for registration must satisfy the Registrar that any deficiency in their practice or conduct revealed by the matters disclosed under subsection (3) has been remedied and that permitting the applicant to register would not pose a threat to public safety.

Initial registration in Canada

- 6 An applicant who has not previously been registered in a Canadian province and is seeking registration for the first time is exempt from the requirement in clause 5(2)(a) to complete a registration examination approved by the Council, unless it is determined to be necessary through the assessment and credential verification process.

Missing, false or misleading information relevant to registration

7 If an applicant for registration fails to disclose any information of a previous, present or pending matter required by subsection 5(3), or provides false or misleading information, the applicant's application for registration may be rejected or their licence to practise may be revoked.

Interview with Registrar

8 The Registrar may require that an applicant for registration attend an interview with the Registrar to discuss their application.

Registration examinations

- 9 ~~(2)~~ [(1)] A candidate must be given a maximum of 3 opportunities to pass the registration examination in the 24 months immediately after they become eligible to write the examination.
- ~~(3)~~ [(2)] A candidate may be given 2 further opportunities to write the registration examination after 24 months have passed since they became eligible if they have completed 1 of the following:
- (a) a midwifery education program;
 - (b) at the candidate's expense, a competency assessment program and any bridging program required by the Council.
- ~~(4)~~ [(3)] A candidate who does not pass the registration examination taken under subsection (3) cannot write the registration examination again.
- ~~(5)~~ [(4)] Any registration examination required to be taken under these regulations must be approved by the Council.

Competency assessment

- 10 (1) The methods used in a competence assessment may include, but are not limited to, interviewing, verification of documents, observation, reflective practice, self-assessments or testing.
- (2) The tools used in a competence assessment may include, but are not limited to, chart audits, self-assessments, written tests or live demonstrations of competencies.

Rosters and Licensing**Classes and sub-classes of licences**

- 11 (1) The following are the classes of licences under the Act:
- (a) active-practising;
 - (b) active-practising with conditions or restrictions;
 - (c) provisional;
 - (d) provisional with conditions or restrictions.
- (2) The following are the sub-classes within the active-practising licence class:
- (a) active-practising (clinical);
 - (b) active-practising (non-clinical).

- (3) The following are the sub-classes of licences within the active-practising with conditions or restrictions licence class:
- (a) active-practising (clinical) with conditions or restrictions;
 - (b) active-practising (non-clinical) with conditions or restrictions.

Criteria for entry in active-practising roster

12 The Registrar must record the name of a member in the active-practising roster who meets all of the following criteria:

- (a) the member has 1 of the following prerequisites:
 - (i) they graduated from a Canadian university midwifery education program or an equivalent education program in the 2 years immediately before their application for entry in the active-practising roster,
 - (ii) they completed a competence assessment program and any bridging program required by the Council in the 2 years immediately before their application for entry in the active-practising roster,
 - (iii) they are currently registered or were registered as a midwife in another a province or territory in the 5 years immediately before their application for entry in the active-practising roster;
- (b) for a member applying for an active-practising (clinical) licence, the member has completed the following continuing competency requirements:
 - (i) at least the following practice hours or experience:
 - (A) 1125 hours or attendance at 40 births in the clinical practice of midwifery in the 5 years immediately before their application, or
 - (B) 450 hours or attendance at 12 births in the clinical practice of midwifery in the year immediately before their application, and
 - (ii) current certificates in neonatal resuscitation, cardiopulmonary resuscitation and obstetrical emergency skills from programs that are approved by the Council;
- (c) the member's ability to practise midwifery is not subject to any conditions and restrictions.

Entitlements of members in active-practising roster

13 (1) A member in the active-practising roster who holds an active-practising (clinical) licence is entitled to all of the following:

- (a) practise midwifery;
- (b) be eligible to serve as an appointed member on any committee of the Council;
- (c) receive all official Council publications.

- (2) A member in the active-practising roster who holds an active-practising (non-clinical) licence is entitled to all of the following:
- (a) practise non-clinical midwifery;
 - (b) be eligible to serve as an appointed member on any committee of the Council;
 - (c) receive all official Council publications.

Criteria for entry in active-practising with conditions or restrictions roster

- 14 (H) The Registrar must record the name of a member in the “with conditions or restrictions” roster who meets all the criteria for entry in the active-practising roster in Section 12 except for the criterion in clause (c), and has conditions or restrictions placed on their licence as a result of 1 of the following:
- (a) a decision of the Registrar, the Registration Appeal Committee or a hearing panel;
 - (b) the Council under subsection 20(1) of the Act.

Entitlements of members in active-practising with conditions or restrictions roster

- 15 A member in the active-practising with conditions or restrictions roster is entitled to all of the following privileges, subject to the particular conditions or restrictions that are imposed on their licence:
- (a) for a member who holds an active-practising licence with conditions or restrictions (clinical), the privileges listed in subsection 13(1);
 - (b) for a member who holds an active-practising licence with conditions or restrictions (non-clinical), the privileges listed in subsection 13(2).

Provisional licences

- 16 (1) If it is otherwise consistent with the policies and objectives of the Council but impractical to issue an active-practising licence, with or without conditions or restrictions, the Registrar, upon payment of the prescribed licence fee, may enter a person into the provisional roster or the provisional ~~roster~~ with conditions or restrictions roster and issue a corresponding licence to a person who
- (a) fails to meet the criteria for entry in the active-practising roster in Section 12 or the active-practising with conditions or restrictions roster in Section 14; or
 - (b) is registered or licensed to practise midwifery in another jurisdiction.
- (2) A provisional licence issued under subsection (1) must be issued for a specified period of time no longer than 12 months.
- (3) Conditions or restrictions imposed on a provisional licence under this Section may be imposed if the Registrar considers the conditions and restrictions to be necessary in the interest of the public.
- (4) Conditions and restrictions imposed on a provisional licence under this Section are not licensing sanctions.
- (5) The Registrar’s decision to issue or refuse to issue a provisional licence or a provisional licence with conditions or restrictions is final.

Expiry of provisional licences

17 A provisional licence or a provisional licence with conditions or restrictions issued under Section 16 expires on the earliest of all of the following dates:

- (a) the date the Council receives notice that the licence holder is no longer eligible to write the applicable registration examinations;
- (b) the date that an active-practising licence is issued to the licence holder;
- (c) the expiry date of the provisional licence;
- (d) the date the provisional licence is suspended or revoked under the professional conduct process.

Renewing active-practising licence

18 (1) The following are the requirements for renewing an active-practising (clinical) licence with or without conditions or restrictions under subsection 22(1) of the Act:

- (a) payment of all outstanding fees, debts and levies owed to the Council;
 - (b) completion of 1 of the following continuing competency requirements:
 - (i) at least 1125 hours or attendance at 40 births in the practice of midwifery in the 5 years immediately before their application for renewal,
 - (ii) at least 450 hours or attendance at 12 births in the practice of midwifery in the year immediately before their application for renewal; and
 - (c) holding a current certificate in each of the following from a program that is acceptable to the Council:
 - (i) neonatal resuscitation,
 - (ii) cardiopulmonary resuscitation,
 - (iii) obstetrical emergency skills.
- (2)** The following are the requirements for renewing an active-practising (non-clinical) licence with or without conditions or restrictions:
- (a) payment of all outstanding fees, debts and levies owed to the Council;
 - (b) completion of 1 of the following continuing competency requirements:
 - (i) at least 1125 hours in the non-clinical practice of midwifery in 5 years immediately before their application for renewal, or
 - (ii) at least 450 hours in the non-clinical practice of midwifery in the year immediately before their application for renewal.

Restrictions or conditions on previous licence

19 Restrictions or conditions imposed on a member's licence that have not expired remain in effect on any licence renewed under Section 22 of the Act.

Suspension of licence not renewed

20 A licence suspended under subsection 22(2) of the Act is suspended effective the day after the licence expires.

Conditions on licences

21 The Council may impose any reasonable conditions or restrictions on a member's licence that it considers appropriate, including restricting the procedures and interventions that a member may perform.

Licence returned to Council

22 A person whose licence has been revoked must return the licence to the Council at the Council's request.

Licence suspended for non-payment

- 23** (1) The Registrar may suspend a member's licence for contravention of any regulation that requires the member to pay a fee, file a document or to do any other act by a specified or ascertainable date.
- (2) A licence suspended under subsection (1) must not be reinstated until the member has paid the fee, filed the document or carried out whatever act was required.
- (3) A member whose licence is suspended under subsection (1) must immediately cease practising midwifery until their licence is reinstated by the Registrar and they have received a notice of reinstatement from the Registrar.

Affiliated Members**Categories of affiliation**

24 The following are the categories of affiliation under the Act:

- (a) non-practising;
- (b) student.

Non-practising members

- 25** (1) A member is entitled to become a non-practising member if the member meets all of the following criteria:
- (a) the member was eligible in the past for entry in the active-practising roster or the active-practising with conditions or restrictions roster;
 - (b) the member is not subject to any disciplinary finding that would prohibit them from practising midwifery in the Province;
 - (c) the member is not practising midwifery in the Province;
 - (d) the member has paid the applicable fee prescribed by the Council.
- (2) A non-practising member is entitled to all of the following:
- (a) be eligible to serve as an appointed member on any committee of the Council;
 - (b) receive official Council publications.

Student affiliation

- 26** (1) A student may be entered in the student category of affiliation if the student meets all of the following criteria:
- (a) they are enrolled in a university midwifery education program approved by the Council;
 - (b) they have paid the applicable fee prescribed by the Council.
- (2) A student whose name is entered in the student category of affiliation is entitled to receive official Council publications.

Records

- 27** The Registrar must keep up-to-date records of persons who are entered in the non-practising and student categories of affiliation.

Quality assurance program

- 28** (1) The Registrar must ensure that a quality assurance program is conducted for each midwife at a frequency set by the Council.
- (2) The quality assurance program administered by the Council may include, but is not limited to, any of the following:
- (a) the assessment of members' competence to practise;
 - (b) the monitoring of members' participation in, and compliance with, the quality assurance program;
 - (c) continuing education and professional development;
 - (d) peer case review;
 - (e) quality of care evaluation;
 - (f) self-assessment;
 - (g) practice audits.
- (3) A member reviewed under the quality assurance program must comply with the requirements established by the Council for a review.

Professional liability insurance for midwives

- 29** A midwife must carry professional liability insurance in an amount determined by the Council.

Professional Conduct**Complaint against a member**

- 30** (1) A complaint initiated under Section 33 of the Act must be sent to the Registrar.
- (2) A termination letter from a member's employer notifying the Council that the member's employment as a midwife has been terminated because of professional misconduct, conduct unbecoming the profession, incompetence or incapacity is deemed to constitute a complaint.

Notification of complaint

31 On receiving a complaint, the Registrar must immediately do all of the following:

- (a) send a copy of the complaint to the respondent;
- (b) notify the respondent in writing that the respondent may submit an explanation or representation concerning the complaint to the Registrar no later than 15 days after the date of the notice or a longer response period considered necessary by the Registrar.

Complaint dismissed by Registrar

32 The Registrar must dismiss a complaint and notify the complainant and the respondent of the dismissal, if the Registrar decides that any of the following apply:

- (a) the subject matter of the complaint is outside the jurisdiction of the Council;
- (b) the complaint is frivolous, vexatious or constitutes an abuse of process;
- (c) the complaint does not allege facts that, if proven, would constitute professional misconduct, conduct unbecoming, incompetence or incapacity, or would merit a counsel or a caution, or both;
- (d) the complaint cannot be substantiated.

Investigation powers

33 When conducting an investigation under the Act, a person may do any of the following:

- (a) a request for additional written or oral explanations from the complainant, the respondent, or third parties;
- (b) a request for an interview of the complainant, the respondent or a third party.

Referral to hearing panel

34 On request from a member whose licence is suspended by the Registrar as a result of a complaint against the member, the Registrar must refer the matter directly to a hearing panel.

Costs of complying with requirements under subsection 38(4) of Act

35 The costs for a respondent to comply with any requirement made by the Registrar under subsection 38(4) of the Act must be borne by the Council.

When counsel or caution not licensing sanction

36 A counsel or caution issued by the Registrar under clause 38(8)(e), (f) or (g) of the Act is not considered a licensing sanction against the respondent, and must be disclosed only to the respondent and the complainant and not published or disclosed to the public without the member's consent.

Settlement Agreements**Preparing and tendering settlement agreements**

37 (1) In addition to the admission and consent to disposition required by subsection 42(1) of the Act, a proposed settlement agreement tendered under subsection 42(1) of the Act must include all of the following:

- (a) any undertaking made by the respondent, including

- (i) [the] length of time that the undertaking is binding on the respondent, and
 - (ii) the procedure that the respondent must follow to be released from the undertaking;
- (b) a statement of which terms of the settlement proposal may be disclosed to the public.
- (2) A settlement agreement may include any disposition of the disciplinary matter that could be ordered by a hearing panel under subclause 52(2)(e)(i) of the Act.
- (3) The Council and the respondent may agree to use a mediator to prepare the settlement agreement, and the costs for the mediator must be divided equally between the Council and the respondent, unless the Council and the respondent agree to a different division of the costs.

Registrar recommends changes to settlement agreement

- 38 (1) Before recommending or refusing to recommend acceptance of a proposed settlement agreement, the Registrar may recommend changes to the settlement agreement.
- (2) If the Council and the respondent agree to the changes recommended under subsection (1), the Registrar must recommend acceptance of the proposed settlement agreement to the hearing panel in accordance with subsection 42(3) of the Act.
- (3) If the Council and the respondent do not agree to the changes recommended under subsection (1), the Registrar must refuse to recommend the proposed settlement agreement in accordance with subsection 42(4) of the Act.

Breach of settlement agreement

- 39 Any alleged breach by a respondent of an accepted settlement agreement must be referred to another hearing panel and may form the subject of a new hearing.

Hearings

Hearing panel conflict of interest

- 40 A person who was involved in a matter that is the subject of a complaint must not sit on a hearing panel that conducts a hearing related to the same complaint.

Notice of hearing

- 41 In addition to the requirements of subsection 44(10) of the Act, a notice of hearing must state that the respondent may be represented by their legal counsel or another representative.

Amendment of notice of hearing

- 42 (1) At any time before or during a hearing, a hearing panel may amend or alter the notice of hearing for any of the following reasons:
- (a) to correct an alleged defect in substance or form;
 - (b) to make the notice conform to the evidence, if there appears to be a difference between the evidence and the notice, or if the evidence discloses any of the following that is not stated in the notice:
 - (i) potential professional misconduct,
 - (ii) potential conduct unbecoming the profession,

- (iii) potential incapacity,
 - (iv) potential incompetence.
- (2) A respondent must be given an opportunity to respond to an amendment or alteration to a notice of hearing made by a hearing panel.
- (3) After receiving a respondent's response under subsection (2), the hearing panel may decide that an amendment or alteration to the notice of hearing should not be made and, if considered appropriate, may refer any new allegations to the Registrar for processing as a new complaint.

Complainant not party to hearing

43 A complainant cannot participate as a party at a hearing.

Hearing procedures

- 44 (1) A hearing panel may determine any additional rules of procedure for hearings not covered by the Act or these regulations.
- (2) A witness at a hearing must testify under oath or affirmation.
- (3) An oath or affirmation at a hearing may be administered by any member of the hearing panel or other person in attendance who is authorized by law to administer oaths or affirmations.
- (4) The costs of complying with a requirement made under clause 52(2)(b) of the Act must be initially borne by the Council and may be awarded as costs against a respondent under Section 53 of the Act.
- (5) Subject to costs awarded or reimbursed under Section 51, a respondent is responsible for all expenses incurred in their defence.

Subpoenaed witness fees

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

Preserving evidence

46 Evidence submitted to a hearing panel and information submitted to a hearing panel by the Registrar or an investigator regarding a complaint that has not been dismissed by the Registrar must be preserved for at least 5 years from the date the evidence or information is submitted.

Notice of licensing sanction

47 The Registrar must notify all of the following of any licensing sanctions imposed on a member:

- (a) any midwifery regulatory authority in another jurisdiction in Canada;
- (b) on request, any midwifery statutory authority or association in a jurisdiction outside of Canada;
- (c) any individual or organization, as directed by the hearing panel that conducted the proceeding.

Retention of Registrar and hearing panel records

48 (1) All decisions of the Registrar respecting complaints and decisions of hearing panels must be kept permanently at the Council.

- (2) Records of the Registrar and hearing panels, other than decisions kept under subsection (1), must be kept in accordance with the Council's record retention policies.

Costs for disciplinary action that should have been dismissed

- 49 (1) If the hearing panel decides that a disciplinary action should have been dismissed, the hearing panel may award costs against any member and may reimburse any member for costs incurred through the disciplinary action, and the costs are a debt due to be recovered by civil action for debts.
- (2) The Registrar may suspend the licence of any member who fails to pay any costs awarded under subsection (1) within the time ordered until payment is made or satisfactory arrangements for payment have been established.

Drugs and Minor Surgical and Invasive Procedures

List of permitted drugs

- 50 (1) A midwife may prescribe and administer medications in the following list of pharmaceutical categories in accordance with the midwifery scope of practice, guidelines and policies approved by the Council:

Categories of Drugs that may be Prescribed and Administered by Midwives

analgesics and sedatives
 anesthetics (local)
 antibiotics
 antiemetics
 antifungals
 antihemorrhagics
 antihistamines
 antireflux
 antivirals
 contraceptives
 crystalloid or colloid intravenous solutions
 epinephrine sodium bicarbonate (newborn)
 immune globulins
 lactation aids or suppressants (domperidone)
 laxatives
 naloxone
 oxytocics
 phytonadione (Vitamin K1 – generic name)
 prostaglandins
 topicals
 vaccines
 vitamins

- (2) In addition to the list of drugs in subsection (1), a midwife may prescribe and administer narcotics and sedatives that are controlled drugs within the meaning of the *Controlled Drugs and Substances Act* (Canada) as determined by the federal Department of Health.

List of permitted minor surgical and invasive procedures

- 51 (1) A midwife may perform any of the following minor surgical and invasive procedures when actually delivering a baby and caring for a patient:

- (a) amniotomies;
 - (b) bladder catheterizations;
 - (c) episiotomies;
 - (d) repairs of episiotomies and first-degree and second-degree tears;
 - (e) fitting cervical caps and diaphragms for contraceptive purposes;
 - (f) subcutaneous, intramuscular and intravenous injections;
 - (g) vaginal examinations;
 - (h) intravenous cannulations;
 - (i) taking cytological smears for cancer screening;
 - (j) venipunctures;
 - (k) internal fetal electrodes – intrapartum;
 - (l) collection of vaginal and rectal swabs for culture.
- (2) A midwife may perform any of the following procedures when actually delivering a baby and caring for a patient in an emergency situation:
- (a) placement of laryngeal airway masks;
 - (b) oral intubation of the neonate;
 - (c) umbilical venous catheterization in the newborn;
 - (d) manual extraction of the placenta;
 - (e) ventouse or vacuum extraction.

Council

Remuneration, allowances and expenses for Council members

52 The Council shall determine remuneration, allowances, and expenses for Council members.

N.S. Reg. 59/2009

Made: February 20, 2009

Approved: March 13, 2009

Filed: March 16, 2009

Total Production Quota Regulations

Order dated March 13, 2009
made by the Dairy Farmers of Nova Scotia and
approved by the Natural Products Marketing Council
pursuant to clause 14(1)(e) of the *Dairy Industry Act*

Dairy Farmers of Nova Scotia

The Dairy Farmers of Nova Scotia, pursuant to clause 14(1)(e) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, at meetings held on February 20, 2009 amended the *Total Production Quota Regulations* in the manner set out in the form attached to this certificate as Schedule "A", effective on and after April 1, 2009.

Dated and Signed at Truro, Nova Scotia, March 13, 2009

Sgd.: *Brian Cameron*
Brian Cameron
General Manager
Dairy Farmers of Nova Scotia

Approved as to form only by the Natural Products Marketing Council at Truro, Nova Scotia, on March 13, 2009.

Sgd.: *E. A. Crouse*
Liz Crouse
Acting General Manager
Natural Products Marketing Council

Schedule "A"

**Amendment to the *Total Production Quota Regulations*
made by the Dairy Farmers of Nova Scotia
under clause 14(1)(e) of Chapter 24 of the Acts of 2000,
the *Dairy Industry Act***

Section 15 of the *Total Production Quota Regulations*, N.S. Reg. 271/2007, made by the Dairy Farmers of Nova Scotia and approved by the Natural Products Marketing Council on May 7, 2007, is amended by striking out "30%" and substituting "0%" and by striking out "70%" and substituting "100%".

N.S. Reg. 60/2009

Made: March 17, 2009

Filed: March 17, 2009

Proclamation, S. 2, S.N.S. 2008, c. 63

Order in Council 2009-126 dated March 17, 2009

Proclamation made by the Governor in Council
pursuant to Section 2 of*An Act to Amend Chapter 302 of the Revised Statutes, 1989, the Municipal Grants Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated February 27, 2009, pursuant to Section 2 of Chapter 63 of the Acts of 2008, *An Act to Amend Chapter 302 of the Revised Statutes, 1989, the Municipal Grants Act*, is pleased to order and declare by proclamation that Chapter 63 of the Acts of 2008, *An Act to Amend Chapter 302 of the Revised Statutes, 1989, the Municipal Grants Act*, do come into force on and not before April 1, 2009.

PROVINCE OF NOVA SCOTIA

sgd: J. Michael MacDonald

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 2 of Chapter 63 of the Acts of 2008, *An Act to Amend Chapter 302 of the Revised Statutes, 1989, the Municipal Grants Act*, it is enacted as follows:

- 2 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 63 of the Acts of 2008, *An Act to Amend Chapter 302 of the Revised Statutes, 1989, the Municipal Grants Act*, do come into force on and not before April 1, 2009;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 63 of the Acts of 2008, *An Act to Amend Chapter 302 of the Revised Statutes, 1989, the Municipal Grants Act*, do come into force on and not before April 1, 2009, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour
the Honourable J. Michael MacDonald,
Administrator of the Government of the Province
of Nova Scotia.

AT Our Law Courts in the Halifax Regional Municipality, this 17th day of March in the year of Our Lord two thousand and nine and in the fifty-eighth year of Our Reign.

BY COMMAND:

sgd: Cecil P. Clarke
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 61/2009

Made: March 17, 2009

Filed: March 17, 2009

Proclamation, S. 4, S.N.S. 2008, c. 62

Order in Council 2009-127 dated March 17, 2009

Proclamation made by the Governor in Council
pursuant to Section 4 of

An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act

The Governor in Council on the report and recommendation of the Minister of Transportation and Infrastructure Renewal dated February 26, 2009, pursuant to Section 4 of Chapter 62 of the Acts of 2008, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, is pleased to order and declare by proclamation that Chapter 62 of the Acts of 2008, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, do come into force on and not before April 13, 2009.

PROVINCE OF NOVA SCOTIA

sgd: J. Michael MacDonald

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 4 of Chapter 62 of the Acts of 2008, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, it is enacted as follows:

- 4** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 62 of the Acts of 2008, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, do come into force on and not before April 13, 2009;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 62 of the Acts of 2008, *An Act to Amend Chapter 293 of the*

Revised Statutes, 1989, the Motor Vehicle Act, do come into force on and not before April 13, 2009, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent and the Great Seal of Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour the Honourable J. Michael MacDonald, Administrator of the Government of the Province of Nova Scotia.

AT Our Law Courts in the Halifax Regional Municipality, this 17th day of March in the year of Our Lord two thousand and nine and in the fifty-eighth year of Our Reign.

BY COMMAND:

sgd: Cecil P. Clarke
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 62/2009

Made: March 17, 2009

Filed: March 17, 2009

Steamfitter/Pipefitter Trade Regulations

Order in Council 2009-129 dated March 17, 2009
Regulations made by the Governor in Council
pursuant to Section 29 of the *Apprenticeship and Trades Qualifications Act*

The Governor in Council on the report and recommendation of the Minister of Labour and Workforce Development dated February 24, 2009, and pursuant to Section 29 of Chapter 1 of the Acts of 2003, the *Apprenticeship and Trades Qualifications Act*, is pleased, effective on and after March 17, 2009, to

- (a) repeal the regulations respecting the steamfitter/pipefitter trade, N.S. Reg. 6/53, made by the Governor in Council by Order in Council dated October 13, 1953; and
- (b) make regulations respecting the steamfitter/pipefitter trade in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Regulations Respecting the Steamfitter/Pipefitter Trade
made by the Governor in Council pursuant to
Section 29 of Chapter 1 of the Acts of 2003,
the *Apprenticeship and Trades Qualifications Act***

Citation

1 These regulations may be cited as the *Steamfitter/Pipefitter Trade Regulations*.

Definitions

2 (1) In these regulations,

- (a) "Act" means the *Apprenticeship and Trades Qualifications Act*;
- (b) "General Regulations" means the *Apprenticeship and Trades Qualifications Act General Regulations* made under the Act;
- (c) "steamfitter/pipefitter trade" means the occupation of a steamfitter/pipefitter, consisting of fabricating, installing, altering, maintaining and repairing any type of commercial or industrial piping system, including all of the following:
 - (i) hot liquid systems,
 - (ii) high- and low-pressure steam systems,
 - (iii) boilers and controls for boilers,
 - (iv) control and indicating devices systems,
 - (v) heating and cooling systems,
 - (vi) heat exchanger systems,
 - (vii) process systems,
 - (viii) power plant systems,
 - (ix) compressed gas systems,
 - (x) vacuum, pneumatic and hydraulic systems,
 - (xi) fire protection systems other than sprinkler systems,
 - (xii) flue gases systems,
 - (xiii) water treatment systems.

(2) The definitions contained in the General Regulations apply to these regulations unless the context otherwise requires.

Compulsory certified trade

3 The steamfitter/pipefitter trade is specified as a compulsory certified trade.

Person other than steamfitter/pipefitter performing work in the trade

- 4 (1) For the purpose of clause 22(2)(e) of the Act, which allows a person who holds a certificate recognized by the Director to practise a compulsory certified trade, a person who does not hold a certificate of qualification in the steamfitter/pipefitter trade may perform steamfitter/pipefitter work if the person holds a certificate of qualification in another designated trade and the work to be performed comes within the scope of that other trade.
- (2) An exemption under subsection 22(4) of the Act for a person who performs work in the steamfitter/pipefitter trade without meeting the requirements of subsection 22(2) of the Act may be made only if
- (a) the person is an employee of an industrial or process plant and is trained to perform maintenance functions; and
 - (b) the work being performed involves repairing or modifying a piping system as a component of the regular maintenance of the system.

Exemption application under General Regulations permitted

- 5 For the purposes of subsection 38(2) of the General Regulations, a joint application for an exemption from the application of subsections 22(2) and (3) of the Act is permitted for the steamfitter/pipefitter trade.

Term of apprenticeship

- 6 The term of apprenticeship for the steamfitter/pipefitter trade is 8000 hours of combined practical experience and technical training approved by the Director, including a probation period of no more than 3 months.

Ratio of journeypersons to apprentices

- 7 An employer in the steamfitter/pipefitter trade must maintain a minimum ratio of 1 journeyperson to each apprentice, unless the Director permits the ratio to be varied in accordance with Section 24 of the General Regulations.

Wage schedule for apprentices

- 8 (1) Subject to subsection (2), the minimum wage for each hour worked by a steamfitter/pipefitter apprentice is a percentage of the wage for a steamfitter/pipefitter journeyperson in the same place of employment, as set out in the following table:

Wages for Steamfitter/Pipefitter Apprentice	
Hours in Term of Apprenticeship	Minimum Wage (% of journeyperson's wage)
0–1000	45%
1001–2000	50%
2001–3000	55%
3001–4000	60%
4001–5000	65%
5001–6000	70%

6001–7000	75%
7001–8000	80%

- (2) An employer must not employ a steamfitter/pipefitter apprentice at a wage for actual hours worked that is lower than the wage that would be paid at the minimum wage rate prescribed in the *Minimum Wage Order (General)* made under the *Labour Standards Code*.

Certificate through trade qualification

- 9 For the purpose of Section 30 of the General Regulations, which authorizes the Director to issue a certificate of qualification in a designated trade to a person who does not hold a certificate of apprenticeship in the trade if the person applies and meets certain requirements, 12 000 hours is prescribed as the period of employment required for the steamfitter/pipefitter trade.

Renewing certificate of qualification

- 10 An application for renewal of a certificate of qualification in the steamfitter/pipefitter trade must be made to the Director before the end of its expiry date at the end of each 5-year period.

Identity cards

- 11 As required by subsection 34(3) of the General Regulations, a steamfitter/pipefitter apprentice or journeyman must produce their identity card on the request of

- (a) the Director; or
- (b) a person authorized by the Minister or the Director.

Transition

- 12 A person who, immediately before the coming into force of these regulations, was an apprentice in an apprenticeship program under the regulations respecting the steamfitter/pipefitter trade, N.S. Reg. 6/53, made by the Governor in Council by Order in Council dated October 13, 1953, continues as an apprentice in that apprenticeship program under these regulations.

N.S. Reg. 63/2009

Made: March 17, 2009

Filed: March 17, 2009

Boilermaker Trade Regulations

Order in Council 2009-130 dated March 17, 2009
Regulations made by the Governor in Council
pursuant to Section 29 of the *Apprenticeship and Trades Qualifications Act*

The Governor in Council on the report and recommendation of the Minister of Labour and Workforce Development dated February 24, 2009, and pursuant to Section 29 of Chapter 1 of the Acts of 2003, the *Apprenticeship and Trades Qualifications Act*, is pleased, effective on and after March 17, 2009, to

- (a) repeal the regulations respecting the boilermaker trade, N.S. Reg. 34/80, made by the Governor in Council by Order in Council 80-296 dated March 4, 1980; and
- (b) make regulations respecting the boilermaker trade in the form set forth in Schedule “A” attached to and forming part of the report and recommendation.

Schedule “A”

**Regulations Respecting the Boilermaker Trade
made by the Governor in Council pursuant to
Section 29 of Chapter 1 of the Acts of 2003,
the *Apprenticeship and Trades Qualifications Act***

Citation

1 These regulations may be cited as the *Boilermaker Trade Regulations*.

Definitions

2 (1) In these regulations,

- (a) “Act” means the *Apprenticeship and Trades Qualifications Act*;
- (b) “boilermaker trade” means the work performed by a boilermaker in a heavy industrial establishment in assembling, erecting, repairing and testing field-assembled installations of
 - (i) boilers and associated equipment,
 - (ii) pollution control equipment,
 - (iii) pressure vessels,
 - (iv) tanks, and
 - (v) furnaces;
- (c) “General Regulations” means the *Apprenticeship and Trades Qualifications Act General Regulations* made under the Act;

(d) “heavy industrial establishment” includes a power plant, steel mill, heavy water plant, cement plant, oil refinery, chemical plant, incinerator plant, pulp and paper plant and any other establishment where an installation referred to in clause (b) is required.

(2) The definitions contained in the General Regulations apply to these regulations unless the context otherwise requires.

Compulsory certified trade

3 The boilermaker trade is specified as a compulsory certified trade.

Person other than boilermaker performing work in the trade

4 For the purposes of clause 22(2)(e) of the Act, which allows a person who holds a certificate recognized by the Director to practise a compulsory certified trade, a person who does not hold a certificate of qualification in the boilermaker trade may perform boilermaker work if the person holds a certificate of qualification in another designated trade and the work to be performed comes within the scope of that other designated trade.

Exemption application under General Regulations permitted

5 For the purposes of subsection 38(2) of the General Regulations, a joint application for an exemption from the application of subsections 22(2) and (3) of the Act is permitted for the boilermaker trade.

Term of apprenticeship

6 The term of apprenticeship for the boilermaker trade is 5400 hours of combined practical experience and technical training approved by the Director and must include a probationary period of no longer than 3 months.

Ratio of apprentices to journeypersons

7 An employer in the boilermaker trade must maintain a minimum ratio of 1 journeyperson to each apprentice, unless the Director permits the ratio to be varied in accordance with Section 24 of the General Regulations.

Wage schedule

8 (1) Subject to subsections (2) and (3), the minimum wage for each hour worked by a boilermaker apprentice is a percentage of the wage for a boilermaker journeyperson in the same place of employment, as set out in the following table:

Wages for Boilermaker Apprentice	
Hours in Term of Apprenticeship	Minimum Wage (% of journeyperson’s wage)
0–1000	40%
1001–2000	50%
2001–3000	60%
3001–4000	70%
4001–5000	80%
5001–6000	90%

- (2) The increase in wages at the end of each 1000-hour period applies only if the boilermaker apprentice has successfully completed both the technical training and the practical experience for that period.
- (3) An employer must not employ a boilermaker apprentice at a wage for actual hours worked that is lower than the wage that would be paid at the minimum wage rate prescribed in the Minimum Wage Order (General) made under the *Labour Standards Code*.

Certificate through trade qualification

9 For the purpose of Section 30 of the General Regulations, which authorizes the Director to issue a certificate of qualification in a designated trade to a person who does not hold a certificate of apprenticeship in the trade if the person applies and meets certain requirements, the prescribed period of employment required for the boilermaker trade is one of the following:

- (a) 8000 hours of practical experience; or
- (b) if the person has completed a vocational training course approved by the Director, 6000 hours of practical experience.

Renewal of certificate of qualification

10 An application for renewal of a certificate of qualification in the boilermaker trade must be made to the Director before its expiry date at the end of each 5-year term.

Identity cards

11 As required by subsection 34(3) of the General Regulations, a boilermaker apprentice or journeyperson must produce their identity card on the request of

- (a) the Director; or
- (b) a person authorized by the Minister or the Director.

Transition

12 A person who on the coming into force of these regulations is an apprentice in an apprenticeship program under the trade regulations for the boilermaker trade, N.S. Reg. 34/80, made by the Governor in Council by Order in Council 80-296 dated March 4, 1980, continues as an apprentice in that apprenticeship program under these regulations.

N.S. Reg. 64/2009

Made: March 17, 2009

Filed: March 17, 2009

Proclamation, S. 80, S.N.S. 2006, c. 21

Order in Council 2009-132 dated March 17, 2009

Proclamation made by the Governor in Council

pursuant to Section 80 of the

Registered Nurses Act

The Governor in Council on the report and recommendation of the Minister of Health dated February 27, 2009, and pursuant to Section 80 of Chapter 21 of the Acts of 2006, the *Registered Nurses Act*, is pleased to order and declare by proclamation that Chapter 21 of the Acts of 2006, the *Registered Nurses Act*, do come into force on and not before April 1, 2009.

PROVINCE OF NOVA SCOTIA

sgd: **J. Michael MacDonald**

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 80 of Chapter 21 of the Acts of 2006, the *Registered Nurses Act*, it is enacted as follows:

- 80** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 21 of the Acts of 2006, the *Registered Nurses Act*, do come into force on and not before April 1, 2009;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 21 of the Acts of 2006, the *Registered Nurses Act*, do come into force on and not before April 1, 2009, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour
the Honourable J. Michael MacDonald,
Administrator of the Government of the Province
of Nova Scotia.

AT Our Law Courts in the Halifax Regional
Municipality, this 17th day of March in the year
of Our Lord two thousand and nine and in the
fifty-eighth year of Our Reign.

BY COMMAND:

sgd: Cecil P. Clarke
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 65/2009

Made: December 5, 2006

Approved: March 17, 2009

Filed: March 17, 2009

Registered Nurses Regulations

Order in Council 2009-133 dated March 17, 2009
Regulations made by the Council of the College of Registered Nurses of Nova Scotia
and approved by the Governor in Council
pursuant to Section 8 of the *Registered Nurses Act*

The Governor in Council on the report and recommendation of the Minister of Health dated February 27, 2009, and pursuant to Section 8 of Chapter 21 of the Acts of 2006, the *Registered Nurses Act*, is pleased, effective on and after April 1, 2009, to approve of

- (a) the repeal by the Council of the College of Registered Nurses of Nova Scotia of the *Registered Nurses Regulations*, N.S. Reg. 155/2001, made by the Council of the College of Registered Nurses of Nova Scotia and approved by the Governor in Council by Order in Council 2001-625 dated December 21, 2001; and
- (b) new regulations made by the Council of the College of Registered Nurses of Nova Scotia respecting registered nurses in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

I hereby certify that at a duly convened meeting of the Council of the College of Registered Nurses of Nova Scotia held on ~~the~~ December 5, 2006, the Council carried a motion to approve the attached regulations pursuant to subsection 8(1) of the Chapter 21 of the Acts of 2006, the *Registered Nurses Act*.

I further certify that at the same duly convened meeting, Council carried a motion to approve the repeal of the *Registered Nurses Regulations*, N.S. Reg. 155/2001, approved by the Governor in Council by Order in Council 2001-625 dated December 21, 2001.

Dated at Halifax, Nova Scotia, this 10th day of April 2008.

Council of the College of Registered Nurses of Nova Scotia

Sgd.: *Mary Ellen Gurnham*

Per: Mary Ellen Gurnham

President

**Regulations Respecting Registered Nurses made by the Council
of the College of Registered Nurses of Nova Scotia pursuant to
Section 8 of Chapter 21 of the Acts of 2006,
the *Registered Nurses Act***

Part I: Interpretation and Amendment**Citation**

1 These regulations may be cited as the *Registered Nurses Regulations*.

Definitions for Act and regulations

2 (1) In these regulations,

- (a) “Act” means the *Registered Nurses Act*;
 - (b) “assessment for incapacity” means an assessment by a health care professional licensed in the Province with an expertise in assessing incapacity;
 - (c) “caution” means a determination by the Complaints Committee that a member has breached the standards of professional ethics or practice expected of members in circumstances that do not constitute professional misconduct, conduct unbecoming, incompetence or incapacity, and a caution is not considered to be a licensing sanction;
 - (d) “competence assessment” means a process approved by the Executive Director for assessing competencies that uses the methods and tools in Section 6;
 - (e) “competencies” means the specific knowledge, skills and judgment required for a registered nurse or nurse practitioner to be considered competent in a designated role and practice setting;
 - (f) “competent” means the ability to integrate and apply the knowledge skills and judgment required to practice safely and ethically in a designated role and practice setting;
 - (g) “counsel” means a determination by the Complaints Committee that a member could benefit from professional guidance from the College about the subject matter of the complaint, but the member’s conduct does not constitute professional misconduct, conduct unbecoming, incompetence or incapacity, and a counsel is not considered to be a licensing sanction;
 - (h) “licensing year” means a 12-month period determined by the Council;
 - (i) “nurse practitioner examination” means an examination or examinations approved by the Council that assess the competency of nurse practitioners;
 - (j) “nurse practitioner re-entry program” means a program approved by the Council that tests nurse practitioner knowledge and provides for a period of preceptored clinical practice;
 - (k) “remedial agreement” means an agreement approved by the Fitness to Practise Committee setting out the terms and conditions to be met by a member to address issues of incapacity.
- (2) In the Act and these regulations,
- (a) “conduct unbecoming” means conduct in a member’s personal or private capacity that tends to bring discredit upon the nursing profession;
 - (b) “drugs” includes controlled substances under the *Controlled Drugs and Substances Act* (Canada);
 - (c) “practice settings” includes acute-care settings, community-based settings and non-acute care settings;
 - (d) “witness” is further defined to include the College and its representatives.
- (3) For the purposes of Section 36 of the Act only, “Complaints Committee” is further defined to include an investigator.

Amendments to regulations

- 3 Amendments to these regulations may be submitted to the Governor in Council only after the Council has consulted with all of the unions that represent members and the members have been notified that amendments are proposed through the College's official publication.

Part II: Registration, Licensing and Membership**Register and Licensing Rosters****Information on Register**

- 4 In addition to the name of the person qualified, as required by subsection 9(1) of the Act, the Register must contain all of the following information for each member:

- (a) a unique registration number;
- (b) the name and location of the school of nursing attended;
- (c) the year the member graduated from the school of nursing;
- (d) the date of entry in the Register.

Categories of licences

- 5 (1) The following are the categories of licences under the Act:

- (a) active-practising;
- (b) active-practising with conditions or restrictions;
- (c) transitional;
- (d) transitional with conditions or restrictions;
- (e) temporary;
- (f) temporary with conditions or restrictions;
- (g) nurse practitioner;
- (h) nurse practitioner with conditions or restrictions;
- (i) temporary (nurse practitioner);
- (j) temporary (nurse practitioner) with conditions or restrictions.

- (2) The roster for each category of licence must be made available to the public.

Registration**Competence assessment**

- 6 (1) The methods used in a competence assessment may include, but are not limited to, interviewing, verification of documents, observation, reflective practice, self-assessments or testing.
- (2) The tools used in a competence assessment may include, but are not limited to, chart audits, self-assessments, written tests or live demonstrations of competencies.

Qualifications for registration for graduates of nursing education programs

- 7 (1) The following are the qualifications for registration of a graduate of a nursing education program:
- (a) graduation from a nursing education program;

- (b) if the applicant graduated from a nursing education program other than a nursing education program in the Province, current or previous registration in the original jurisdiction where the applicant completed the program referred to in clause (a);
 - (c) successful completion of the applicable registration examinations approved by the Council;
 - (d) payment of the applicable registration fee prescribed by the Council;
 - (e) if the applicant was previously practising in any other jurisdiction, the applicant held an active-practising licence or its equivalent in the jurisdiction where the applicant last practised;
 - (f) demonstrated proficiency in the English language in the manner determined by the Executive Director;
 - (g) meeting the criteria for entry in any of the following rosters:
 - (i) the active-practising roster,
 - (ii) the active-practising with conditions or restrictions roster,
 - (iii) the transitional licence roster,
 - (iv) the transitional licence with conditions or restrictions roster.
- (2) If the Executive Director is satisfied that an applicant meets all of the criteria required by subsection (1), the applicant's name must be entered in the register.

Qualifications for registration for graduates of programs other than nursing education programs before December 31, 2007

- 8 (1) The following are the qualifications required for registration of a person who graduated from a nursing program, other than a nursing education program, before December 31, 2007:
- (a) graduation from a nursing program before December 31, 2007, that
 - (i) is not a nursing education program, and
 - (ii) qualified the applicant to be a registered nurse or equivalent in the jurisdiction of the program;
 - (b) successful completion of a competence assessment, unless the program referred to in clause (a) meets 1 of the following:
 - (i) the program is substantially equivalent, as determined by the Executive Director, to nursing programs that were accredited or approved in the Province at the time of the applicant's graduation,
 - (ii) the program, together with 1 of the following, is substantially equivalent, as determined by the Executive Director, to nursing programs that were accredited or approved in the Province at the time of the applicant's graduation:
 - (A) the experience acquired by the applicant,
 - (B) any additional training required by the Executive Director and completed by the applicant;

- (c) current or previous registration in the original jurisdiction where the applicant completed the program referred to in clause (a);
 - (d) meeting the registration qualifications in clauses 7(c) to (f);
 - (e) meeting the criteria for entry in 1 of the following rosters:
 - (i) the active-practising roster,
 - (ii) the active-practising with conditions or restrictions roster.
- (2) If the Executive Director is satisfied that an applicant meets all of the criteria required by subsection (1), the applicant's name must be entered in the register.

Qualifications for registration for graduates of programs other than nursing education programs on or after December 31, 2007

- 9 (1) The following are the qualifications required for registration of a person who graduated from a nursing program, other than a nursing education program, in another province or territory in Canada, on or after December 31, 2007:
- (a) graduation from a nursing program in another province or territory in Canada on or after December 31, 2007, that
 - (i) is not a nursing education program, and
 - (ii) qualified the applicant to be a registered nurse or equivalent in the jurisdiction of the nursing program at the time the applicant graduated from the nursing program;
 - (b) 1 of the following:
 - (i) the program referred to in clause (a) together with any additional education or experience acquired by the applicant provides equivalent competencies, as determined by the Executive Director, to a baccalaureate nursing program approved by the Council,
 - (ii) the applicant meets the criteria for entry in 1 of the following rosters:
 - (A) the transitional roster,
 - (B) the transitional with conditions or restrictions roster;
 - (c) current or previous registration in the original jurisdiction where the applicant completed the program referred to in clause (a);
 - (d) meeting the registration qualifications in clauses 7(c) to (f).
- (2) The following are the qualifications required for registration of a person who graduated from a nursing program, other than a nursing education program, outside of Canada, on or after December 31, 2007, and who is not currently registered in another province or territory in Canada:
- (a) graduation from a nursing program outside of Canada on or after December 31, 2007, that
 - (i) is not a nursing education program, and
 - (ii) qualified the applicant to be a registered nurse or equivalent in the jurisdiction of the nursing program at the time the applicant graduated from the nursing program;

- (b) 1 of the following:
 - (i) the program referred to in clause (a) together with any additional education or experience acquired by the applicant provides equivalent competencies, as determined by the Executive Director, to a baccalaureate nursing program approved by the Council,
 - (ii) the applicant meets the criteria for entry in 1 of the following rosters:
 - (A) the transitional roster,
 - (B) the transitional with conditions or restrictions roster;
 - (c) current or previous registration in the original jurisdiction where the applicant completed the program referred to in clause (a);
 - (d) meeting the registration qualifications in clauses 7(c) to (f).
- (3) The following are the qualifications required for registration of a person who graduated from a nursing program, other than a nursing education program, outside of Canada on or after December 31, 2007, and who is currently registered in another province or territory in Canada:
- (a) graduation from a nursing program outside of Canada on or after December 31, 2007, that
 - (i) is not a nursing education program, and
 - (ii) qualified the applicant to be a registered nurse or equivalent in the jurisdiction of the nursing program at the time the applicant graduated from the nursing program;
 - (b) 1 of the following:
 - (i) the program referred to in clause (a) together with any additional education or experience acquired by the applicant provides equivalent competencies, as determined by the Executive Director, to a baccalaureate nursing program approved by the Council,
 - (ii) the applicant meets the criteria for entry in 1 of the following rosters:
 - (A) the transitional roster,
 - (B) the transitional with conditions or restrictions roster;
 - (c) current or previous registration in the original jurisdiction where the applicant completed the program referred to in clause (a);
 - (d) meeting the registration qualifications in clauses 7(c) to (f).
- (4) If the Executive Director is satisfied that an applicant meets all of the criteria required by subsections (1), (2) or (3), the applicant's name must be entered in the register.

Active Practising Members

Criteria for entry in active-practising roster

- 10 The Executive Director must record the name of a member in the active-practising roster who meets all of the following criteria:

- (a) the member has paid the applicable licence fee prescribed by the Council;
- (b) the member is not currently subject to any disciplinary finding that would prohibit the practice of nursing;
- (c) the member is not currently under investigation by any registration or licensing authority;
- (d) the member has provided any information the Executive Director requires to establish that the applicant has the capacity, competence, capability and character to safely and ethically practise nursing;
- (e) the member has provided any information the Executive Director requires to establish that Section 43 of the Act does not apply to the applicant;
- (f) except as provided in Section 23, the member has completed the requirements of a continuing competence program;
- (g) the member meets 1 of the following:
 - (i) the member has graduated from a nursing education program or equivalent program required by clause 8(1)(a) or (b) or subclause 9(1)(b)(i), 9(2)(b)(i) or 9(3)(b)(i) in the 5 years immediately before their application for entry in the active-practising roster,
 - (ii) the member has completed at least 1125 hours in the practice of nursing in the 5 years immediately before their application for entry in the active-practising roster,
 - (iii) the member has completed at least 450 hours in the practice of nursing in the year immediately before their application for entry in the active-practising roster,
 - (iv) as determined by the Executive Director, the member has successfully completed 1 of the following in the 5 years immediately before their application for entry in the active-practising roster:
 - (A) a registered nurse re-entry program,
 - (B) a competence assessment,
 - (C) a program approved by the Council;
 - (v) the member is enrolled in and attending a nursing program approved by the Executive Director, and has met all other criteria for entry in the active-practising roster at the time they enrolled in the program;
- (h) the member's ability to practise nursing is not subject to any conditions or restrictions.

Entitlements of members in active-practising roster

11 A member whose name is in the active-practising roster is entitled to all of the following:

- (a) use the designation "Registered Nurse", "Nurse", or "nurse" or the abbreviation "R.N.", "RN", or "Reg.N" in accordance with the Act;
- (b) practise nursing in accordance with the Act;

- (c) be covered under any protective funds to which the College belongs or any group insurance plan in which members are enrolled;
- (d) upon election to the Council, hold office;
- (e) be eligible to serve as an appointed member on any committee of the College;
- (f) be eligible to act as a voting delegate to the annual or special meeting of the College;
- (g) receive copies of official College publications;
- (h) attend and participate in meetings of the College.

Criteria for active-practising with conditions or restrictions roster

12 (1) The Executive Director must record the name of a member in the active-practising with conditions or restrictions roster who meets all of the criteria for entry in the active-practising roster in Section 10 other than the criterion in clause (h), and has conditions or restrictions placed on their licence as a result of any of the following:

- (a) the conditions or limitations are continued from the member's previous licence under subsection 10(6) of the Act;
- (b) the conditions or restrictions are placed on the member's licence by Executive Director under subsection 11(2) of the Act;
- (c) the conditions or restrictions are placed on the member's licence as a result of a decision of any of the following committees, or an equivalent committee from another jurisdiction:
 - (i) the Complaints Committee,
 - (ii) the Fitness to Practise Committee,
 - (iii) the Professional Conduct Committee,
 - (iv) the Re-instatement Committee,
 - (v) the Registration Appeal Committee,
 - (vi) any committee of the College authorized to impose conditions or restrictions on an active practising licence.

Entitlements of members in active-practising with conditions or restrictions roster

13 A member in the active-practising with conditions or restrictions roster is entitled to all of the privileges listed in Section 11, subject to the particular conditions or restrictions that are placed on the member's licence.

Members in Transitional Rosters**Criteria for entry in transitional roster**

14 The Executive Director must record the name of a member in the transitional roster who meets all of the following criteria:

- (a) the member meets all the qualifications for registration required by Section 9 other than subclauses 9(1)(b)(i), 9(2)(b)(i) and 9(3)(b)(i);

- (b) the member has paid the applicable fee prescribed by the Council;
- (c) the member meets all of the criteria for entry in the active-practising roster in clauses 10(b) to (g) other than the criterion in subclause (g)(i);
- (d) the member is enrolled in a baccalaureate nursing program approved by the Council, and has agreed to complete the requirements of the baccalaureate nursing program no later than 5 years after the date a transitional licence is first issued to the member.

Entitlements of members in transitional roster

15 A member in the transitional roster is entitled to all of the privileges listed in Section 11.

Criteria for entry in transitional with conditions or restrictions roster

16 The Executive Director must record the name of a member in the transitional with conditions or restrictions roster who meets all of the criteria for entry in the transitional roster required by Section 14 and has conditions or restrictions placed on their licence as a result of any of the following:

- (a) the conditions or restrictions are placed on the member's licence by [the] Executive Director under subsection 11(2) of the Act;
- (b) the conditions or restrictions are placed on the member's licence as a result of a decision of any of the following committees, or an equivalent committee from another jurisdiction:
 - (i) the Complaints Committee,
 - (ii) the Fitness to Practise Committee,
 - (iii) the Professional Conduct Committee,
 - (iv) the Re-instatement Committee,
 - (v) the Registration Appeal Committee,
 - (vi) any committee of the College authorized to impose conditions or restrictions on a transitional licence.

Entitlements of members in transitional with conditions or restrictions roster

17 A member in the transitional with conditions or restrictions roster is entitled to all the privileges listed in Section 11, subject to the particular conditions or restrictions that are placed on the member's licence.

Maximum years that transitional licence may be renewed

18 The maximum number of years that a transitional licence or transitional licence with conditions or restrictions may be renewed under subsection 12(2) of the Act is 5 years from the date the licence is first issued, unless the Executive Director, after a review of the circumstances, determines that the member is eligible for an extension.

Nurse Practitioner Members**Criteria for entry in nurse practitioner roster**

19 (1) The Executive Director must record the name of a member in the nurse practitioner roster who meets all of the following criteria:

- (a) the member holds either
 - (i) an active-practising licence, or

- (ii) an active-practising licence with conditions or restrictions, and the conditions and restrictions do not relate to practising as a nurse practitioner;
 - (b) the member has paid the applicable licence fees prescribed by the Council;
 - (c) the member is not currently subject to any disciplinary finding that would prohibit the applicant from practising as a nurse practitioner;
 - (d) the member has provided any information the Executive Director requires to establish that the applicant has the capacity, competence, capability and character to safely and ethically engage in the practice of a nurse practitioner;
 - (e) for the member's first application for entry in the nurse practitioner roster, the member has 1 of the following qualifications:
 - (i) the member successfully completed a nurse practitioner examination,
 - (ii) if a nurse practitioner examination is not available, the member successfully completed a competence assessment determined by the Executive Director,
 - (iii) the member graduated from a nurse practitioner program before January 1, 2007;
 - (f) the member has completed 1 of the following programs:
 - (i) a nurse practitioner program,
 - (ii) a nursing program that the Council determines to have been, at the time the applicant graduated, equivalent to a nurse practitioner program,
 - (iii) a nursing program before January 1, 2005, that, in addition to a nursing education program and the experience acquired by the applicant, satisfies the Nurse Practitioner Committee that the applicant possesses the necessary competencies to practise as a nurse practitioner;
 - (g) except as provided in Section 23, the member has completed the nurse practitioner requirements of a continuing competence program;
 - (h) the member complies with subsection (2), if the member
 - (i) graduated from a nurse practitioner program or its equivalent more than 2 years before their application for entry in the nurse practitioner roster, or
 - (ii) met the requirements of subclause (1)(f)(iii) more than 2 years before their application for entry in the nurse practitioner roster;
 - (i) the member's ability to practise as a nurse practitioner is not subject to any conditions or restrictions.
- (2) A member to whom clause (1)(h) applies must meet 1 of the following criteria:
- (a) completion of at least 600 hours of practice as a nurse practitioner in the 2 years immediately before their application for entry in the nurse practitioner roster;

- (b) completion of 1 of the following, as determined by the Executive Director, in the 2 years immediately before their application for entry in the nurse practitioner roster, to determine that the member is competent to practise as a nurse practitioner in a setting that is relevant to the practice and to the client population to be served by the member:
 - (i) a nurse practitioner re-entry program,
 - (ii) a competence assessment to the satisfaction of the Nurse Practitioner Committee, at the applicant's expense,
 - (iii) any program approved by the Council.

Entitlements of members in nurse practitioner roster

20 A member whose name is in the nurse practitioner roster is entitled to all of the privileges listed in Section 11, and to do all of the following:

- (a) practise as a nurse practitioner in accordance with the Act;
- (b) use the designation "Nurse Practitioner", or the abbreviation "NP", "N.P.", or derivations thereof in accordance with the Act.

Criteria for entry in nurse practitioner with conditions or restrictions roster

21 The Executive Director must record the name of a member in the nurse practitioner with conditions or restrictions roster who meets all the criteria for entry in the nurse practitioner's roster in Section 19 other than the criterion in clause (i), and has conditions or restrictions imposed on their licence as a result of 1 of the following:

- (a) the conditions or restrictions are placed on the member's licence by the Executive Director under subsection 57(2) of the Act;
- (b) the conditions or restrictions are placed on the member's licence as a result of a decision of any of the following committees, or an equivalent committee from another jurisdiction:
 - (i) the Complaints Committee,
 - (ii) the Fitness to Practise Committee,
 - (iii) the Professional Conduct Committee,
 - (iv) the Re-instatement Committee,
 - (v) the Registration Appeal Committee,
 - (vi) any committee of the College authorized to impose conditions or restrictions on a nurse practitioner licence.

Entitlements of member in nurse practitioner with conditions or restrictions roster

22 Subject to the particular conditions or restrictions imposed on the member's licence, a member in the nurse practitioner with conditions or restrictions roster is entitled to all of the privileges listed in Section 20.

General Licensing

Licences issued without completion of continuing competence program

- 23 (1)** An applicant for entry in any of the following rosters who satisfies all the criteria for entry into the roster other than completing the requirements of a continuing competence program may be entered into the roster to enable the applicant a total of no more than 3 consecutive months to complete the requirements of the continuing competence program:
- (a) active-practising roster;
 - (b) active-practising with conditions or restrictions roster;
 - (c) transitional roster;
 - (d) transitional with conditions or restrictions roster;
 - (e) nurse practitioner roster;
 - (f) nurse practitioner with conditions or restrictions roster.
- (2)** A licence that is issued subject to subsection (1) expires on the earliest of all of the following dates:
- (a) 3 months after the licence's effective date;
 - (b) the last day of the licensing year the licence was issued for;
 - (c) the date the applicant completes the requirements of the continuing competence program and is issued a new licence for the remainder of the licensing year.
- (3)** A licence issued to an applicant that is subject to subsection (1) cannot be renewed or re-issued during a licensing year.
- (4)** The Executive Director must annotate the roster for all licences issued subject to subsection (1).

Restrictions or conditions on previous licence

- 24** Restrictions or conditions imposed on a member's licence that have not expired remain in effect on any new licence issued to the member.

Term and renewal of licence other than temporary licence

- 25 (1)** A licence remains in effect until the end of the licensing year in which it is issued, unless
- (a) these regulations provide that the licence expires earlier than the end of the licensing year;
 - (b) it is suspended;
 - (c) it is revoked;
 - (d) it is replaced with a licence with restrictions or conditions.
- (2)** The Executive Director must renew a licence that is renewable if the licence holder does all of the following:
- (a) applies for renewal and pays the applicable renewal fee prescribed by the Council;
 - (b) meets all remaining criteria for entry in the applicable roster, except any requirement to pay fees for initial entry into the roster.

Removal of name from roster if licence not renewed

- 26 (1)** The Executive Director must remove the name of a member who does not renew their licence in accordance with subsection 25(2) from the applicable roster, effective the day after their licence expires, and the member becomes a non-active member until their name is restored under subsection (2).
- (2)** The Executive Director must restore the name of a non-active member referred to in (1) to the applicable roster when the member meets the renewal requirements in subsection 25(2) and pays any applicable penalty amount.

Waiver by Executive Director of criteria for registration or licensing

- 27** The Executive Director may waive any of the criteria for registration or licensing required by these regulations for either of the following reasons:
- (a) it is required by law;
 - (b) it is consistent with the objects and purpose of the College and the Executive Director considers it necessary.

Temporary Licence Holders**Entitlements of temporary licence holders**

- 28** The Executive Director may decide whether the holder of a temporary licence or temporary licence (nurse practitioner), with or without conditions or restrictions, is permitted to use the designations set out in
- (a) for a temporary licence, clause 11(a);
 - (b) for a temporary licence (nurse practitioner), clause 20(b).

Expiry of temporary licences

- 29 (1)** A temporary licence or a temporary licence with conditions or restrictions, issued under Section 14 of the Act expires on the earliest of all of the following dates:
- (a) the date the College receives notice that the licence holder has failed the applicable registration examinations;
 - (b) the date that a licence, other than a temporary licence, is issued to the licence holder;
 - (c) the expiry date of the licence;
 - (d) the date the licence is suspended or revoked under the professional conduct process.
- (2)** A temporary licence (nurse practitioner) or a temporary licence (nurse practitioner) with conditions or restrictions issued under Section 59 of the Act expires on the earliest of all of the following dates:
- (a) the date the College receives notice that the licence holder has failed the applicable nurse practitioner examination;
 - (b) the date that a nurse practitioner's licence is issued to the licence holder;
 - (c) the expiry date of the licence;
 - (d) the date the licence is suspended or revoked under the professional conduct process.

Temporary licence not renewable

30 A temporary licence or temporary licence (nurse practitioner), with or without conditions or restrictions, is not renewable.

Affiliations**Categories of affiliation**

31 The following are the categories of affiliation under the Act:

- (a) non-practising;
- (b) non-active;
- (c) honorary-life;
- (d) honorary;
- (e) student;
- (f) registered nurse (retired).

Non-practising members

32 (1) A member is entitled to become a non-practising member if the member meets all of the following criteria:

- (a) the member was eligible in the past for entry in 1 of the following rosters:
 - (i) active-practising roster,
 - (ii) active-practising with conditions or restrictions roster,
 - (iii) transitional roster,
 - (iv) transitional roster with conditions or restrictions roster;
 - (b) the member is not subject to any disciplinary finding that would prohibit them from practising nursing;
 - (c) the member is not currently practising nursing in the Province;
 - (d) the member has paid the applicable fee prescribed by the Council.
- (2)** A non-practising member is entitled to all of the following:
- (a) attend and participate in, but not vote at, meetings of the College;
 - (b) be eligible to serve as a member on any committee of the College, but is not eligible for election to the Council;
 - (c) receive copies of the official College publications.

Non-active members

- 33 (1)** A member whose name does not appear on any roster, and who is not a non-practising member is a non-active member of the College.
- (2)** A non-active member is entitled to attend and participate in, but not vote at, meetings of the College.

Honorary life members

- 34 (1)** By resolution, the Council may grant an honorary life membership to a member who has rendered distinguished or valuable service to the nursing profession.
- (2)** An honorary life member is entitled to all of the following:
- (a)** remain entered in the applicable roster if the member meets the prescribed criteria for the licence category;
 - (b)** the same rights and privileges as a non-practising member under subsection 32(2).

Honorary affiliation

- 35 (1)** By resolution, the Council may grant an honorary affiliation with the College to any person, other than a member, who has rendered distinguished service or valuable assistance to the nursing profession.
- (2)** A person whose name is entered in the honorary category of affiliation is entitled to the same rights and privileges as a non-practising member, along with any other rights and privileges the Council may grant.

Student affiliation

- 36 (1)** A student may be entered in the student category of affiliation if the student meets all of the following criteria:
- (a)** they are currently enrolled as a student in a nursing program approved by the Council for affiliation purposes;
 - (b)** they have paid the applicable fee prescribed by the Council.
- (2)** A student whose name is entered in the student category of affiliation is entitled to all of the following:
- (a)** attend and participate in, but not vote at, meetings of the College;
 - (b)** receive official College publications.

Registered nurse (retired) affiliation

- 37 (1)** A registered nurse (retired) affiliation may be granted to any person who applies and meets all of the following criteria:
- (a)** they previously held an active practising licence or its equivalent from another jurisdiction;
 - (b)** they have not had their licence revoked and not reinstated;
 - (c)** they do not currently hold an active-practising licence;
 - (d)** they are not practising nursing or holding themselves out as having the authority to practise nursing.
- (2)** A person who is granted a registered nurse (retired) affiliation is entitled to use the designation “registered nurse (retired)”, or any derivation or abbreviation of it.

Records kept of affiliated persons

38 The Executive Director must keep records of persons who are entered into any category of affiliation under Section 31.

Part III: Records and Audit of Records**Records of members' hours of work**

- 39** (1) A member must keep a record of the hours that the member worked in the practice of nursing that covers at least the immediately previous 5 years.
- (2) A member who has worked as a nurse practitioner must keep a record of the hours that the member worked in the practice of a nurse practitioner that covers at least the immediately previous 2 years.

Audit of records

40 The College may at any time conduct an audit of records kept under Section 39 to ensure the validity of data that is recorded on applications to the College respecting hours worked in the practice of nursing or as a nurse practitioner.

Part IV: Committees**Education Advisory Committee****Nursing education programs**

- 41** For a nursing education program, the Education Advisory Committee must ensure all of the following:
- (a) the curriculum provides the necessary learning experiences for students to achieve professional practice and ethical standards and entry-level competencies;
 - (b) program activities and resources support the achievement of program goals and expected outcomes;
 - (c) the program provides students with opportunities to demonstrate progress toward achieving professional practice and ethical standards and entry-level competencies;
 - (d) the program provides appropriate clinical experience and assessment of that experience to ensure that students meet the entry-level competencies;
 - (e) the program prepares graduates to practise according to professional practice and ethical standards and the competency requirements for entry-level practitioners.

Nurse practitioner program

- 42** For a nurse practitioner program, the Education Advisory Committee must ensure all of the following:
- (a) the curriculum provides the necessary learning experiences for students to achieve professional practice and ethical standards and entry-level competencies for beginning nurse practitioners;
 - (b) program activities and resources support the achievement of program goals and expected outcomes;
 - (c) the program provides students with opportunities to demonstrate progress toward achieving professional practice and ethical standards and entry-level competencies for beginning nurse practitioners;

- (d) the program provides appropriate clinical experience and assessment of that experience to demonstrate that graduates of the program are competent to practise as beginning nurse practitioners;
- (e) the program prepares graduates to practise according to practice and ethical standards and entry-level competencies for beginning nurse practitioners.

Registered nurse re-entry program

43 For a registered nurse re-entry program, the Education Advisory Committee must ensure all of the following:

- (a) the curriculum provides learning experiences necessary for learners to achieve professional practice and ethical standards and entry-level competencies;
- (b) program activities and resources support the achievement of program goals and expected outcomes;
- (c) learners are provided with opportunities to demonstrate progress towards achieving professional practice and ethical standards and entry-level competencies;
- (d) the program provides appropriate clinical experience and assessment of that experience to demonstrate that graduates of the program meet entry-level competencies;
- (e) graduates are prepared to practise according to practice and ethical standards and entry-level competencies.

Nurse practitioner re-entry program

44 For a nurse practitioner re-entry program, the Education Advisory Committee must ensure all of the following:

- (a) the curriculum provides learning experiences necessary for learners to achieve professional practice and ethical standards and nurse practitioner competencies;
- (b) program activities and resources support the achievement of program goals and expected outcomes;
- (c) learners are provided with opportunities to demonstrate progress towards achieving professional practice and ethical standards and nurse practitioner competencies;
- (d) the program provides appropriate clinical experience and assessment of that experience to demonstrate that graduates of the program meet nurse practitioner competencies;
- (e) graduates are prepared to practise according to practice and ethical standards and nurse practitioner competencies.

Interdisciplinary NP Practice Review Committee**Composition of Interdisciplinary NP Practice Review Committee**

45 The Interdisciplinary NP Practice Review Committee consists of all of the following:

- (a) 3 community-based nurse practitioners appointed by the Council;
- (b) 3 acute-care-based nurse practitioners appointed by the Council;

- (c) 2 nurse practitioners engaged in the education of nurse practitioners, appointed by the Council;
- (d) 1 representative appointed by the College of Physicians and Surgeons of Nova Scotia, with power to designate an alternate physician representative;
- (e) 1 representative appointed by the College of Pharmacists of Nova Scotia, with power to designate an alternate pharmacist representative;
- (f) 1 representative from employers of nurse practitioners in the Province, appointed by the Council;
- (g) 1 public representative member of the Council.

Quorum of Interdisciplinary NP Practice Review Committee

46 A quorum of the Interdisciplinary NP Practice Review Committee consists of all of the following:

- (a) 2 representatives from the nurse practitioners appointed under clause 45(a);
- (b) 2 representatives from the nurse practitioners appointed under clause 45(b);
- (c) 1 representative from the nurse practitioners appointed under clause 45(c);
- (d) the representatives appointed under clauses 45(d) and (e), or their alternates;
- (d) [(e)] the employer representative appointed under clause 45(f) or the public representative appointed under clause 45(g).

Functions of the Interdisciplinary NP Practice Review Committee

- 47 (1) At intervals approved by the Council, and in the manner determined by the Council, the Interdisciplinary NP Practice Review Committee must review the practice of nurse practitioners through a quality monitoring and improvement program.
- (2) Each person on the Interdisciplinary NP Practice Review Committee has all the rights, powers and privileges of a commissioner appointed under the *Public Inquiries Act*.

Composition of Nurse Practitioner Committee

48 The Nurse Practitioner Committee must be composed of the representatives determined by the Council.

Quorum of Nurse Practitioner Committee

49 A quorum of the Nurse Practitioner Committee consists of any 3 members of the Committee.

Functions of the Nurse Practitioner Committee

- 50 (1) The Nurse Practitioner Committee must conduct competence assessments for nurse practitioners, or applicants for entry in the nurse practitioner's roster or nurse practitioner with conditions or restrictions roster in any of the following circumstances:
- (a) a nurse practitioner has changed practice settings or is working with a different client population;
 - (b) a competence assessment is required by the Act or these regulations.
- (2) If, after conducting a competence assessment, the Nurse Practitioner Committee finds that a nurse practitioner may not be practising in accordance with the standards for nurse practitioners or the competencies established for nurse practitioners, the Nurse Practitioner Committee may

- (a) request that the nurse practitioner take any remedial action the Committee considers appropriate; and
- (b) refer the matter to the Executive Director if the remedial action requested under clause (a) is not taken.

Part V: Professional Conduct

Investigation and Executive Director Disposition of Complaint

Executive Director actions on receiving complaint

51 On receiving a complaint under Section 35 of the Act, the Executive Director must do 1 of the following:

- (a) dismiss the complaint and notify the complainant and the respondent of this disposition if the Executive Director decides that any of the following apply:
 - (i) the complaint is outside the jurisdiction of the College,
 - (ii) the complaint cannot be substantiated,
 - (iii) the complaint is frivolous or vexatious,
 - (iv) the complaint constitutes an abuse of process,
 - (v) the complaint does not allege facts that, if proven, would constitute professional misconduct, conduct unbecoming, incompetence or incapacity, or would merit a counsel or a caution, or both;
- (b) informally resolve the complaint if the Executive Director considers that the complaint may be satisfactorily resolved consistent with the objects of the College;
- (c) authorize the resignation of the member;
- (d) if the matter is not referred to the Fitness to Practise Committee, begin an investigation by sending copies of the complaint to an investigator and the respondent.

Investigating complaint

52 (1) When investigating a complaint under clause 51(d), an investigator may do 1 or more of the following:

- (a) request additional documents and written or oral explanations from the complainant, the respondent or third parties;
 - (b) request an interview with the complainant, the respondent or third parties;
 - (c) informally resolve the complaint in the interests of the respondent, the complainant, the public and the College.
- (2)** An investigator may investigate any matter relating to the respondent that arises in the course of the investigation, in addition to the complaint, that may constitute any of the following:
- (a) professional misconduct;
 - (b) conduct unbecoming;
 - (c) incompetence;

- (d) incapacity.
- (3) A respondent may submit medical and any other information relevant to the complaint to an investigator.
- (4) After completing an investigation, an investigator must send a report of the investigation to the Executive Director,

Actions of Executive Director after investigation

53 On receiving a report from an investigator under subsection 52(4), the Executive Director may do 1 of the following:

- (a) dismiss the complaint and notify the complainant and the respondent if the Executive Director is satisfied that
 - (i) any of the criteria in subclauses 51(a)(i) to (v) apply, or
 - (ii) the evidence that might reasonably be believed could not support a finding of misconduct, conduct unbecoming, incompetence or incapacity, or would not merit a counsel or a caution, or both;
- (b) informally resolve the complaint if the Executive Director determines that the complaint may be satisfactorily resolved consistent with the objects of the College, and that failure to resolve the complaint will result in the complaint being referred to the Complaints Committee;
- (c) authorize the resignation of the member;
- (d) refer the complaint and the report of the investigation to the Complaints Committee.

Fines imposed for practising without licence

- 54** (1) If the Executive Director is satisfied that an investigation establishes that a member has practised nursing while the member did not hold a valid licence, the Executive Director may fine the member an amount approved by the Council.
- (2) If a member fails to pay a fine imposed under subsection (1), the Executive Director must immediately refer the matter to the Complaints Committee.
 - (3) On receiving a referral under subsection (2), the Complaints Committee may direct the Executive Director to suspend the member's licence or suspend the ability of the member to obtain a licence until the fine is paid, together with any reinstatement fee ordered by the Complaints Committee.
 - (4) A fine imposed on a member under subsection (1) is not a licensing sanction against the member and must not be reported on a certificate of standing sent to other nursing jurisdictions.
 - (5) The Executive Director may take such steps, at the expense of a member who has been suspended for non-payment of a fine under this Section, to bring the suspension to the attention of the public and other affected individuals the Executive Director considers necessary.

Review of complaint dismissal

- 55** (1) No later than 30 days after a complainant is notified of the dismissal of their complaint by the Executive Director, the complainant may submit a written request for review of the dismissal to the Executive Director.

- (2) The Executive Director must send any request for review of a complaint dismissal received in accordance with subsection (1) to the Complaints Committee.
- (3) A review of a complaint dismissal must be made by a 3-member panel of the Complaints Committee appointed under subsection 33(5) of the Act and designated by the Chair of the Committee to conduct the reviews.
- (4) On reviewing a complaint dismissal under this Section, a panel of the Complaints Committee may, by majority ruling, do any of the following:
 - (a) confirm the dismissal of some or all of the complaint;
 - (b) order an investigation of any aspects of the complaint that have not been dismissed and direct that a written report of the investigation be provided and the matter be considered by another panel of the Complaints Committee appointed under subsection 33(5) of the Act.

Referring complaint to Complaints Committee during investigation

56 The Executive Director may refer a complaint to the Complaints Committee at any time during an investigation for the Complaints Committee to

- (a) provide direction with regard to the investigation; or
- (b) exercise any of the powers conferred upon it under the Act and these regulations.

Additional information to Complaints Committee

- 57** (1) At any time, the Complaints Committee may direct an investigator to conduct any investigation the Complaints Committee considers necessary.
- (2) At any time before or during a meeting held under clause 58(1)(b), the Complaints Committee may receive information in addition to the report of the investigation if the information is relevant to the matters before it.
 - (3) If the Complaints Committee receives additional information under subsection (2), the respondent must be given an opportunity to respond to the information.

Complaints Committee Disposition of Complaint

Powers of Complaints Committee and disposition of complaint

- 58** (1) When a matter is referred to a Complaints Committee, it must do 1 of the following:
- (a) dismiss the complaint and provide any guidance the Complaints Committee considers useful to the complainant, the respondent or any other person associated with the complaint, if the Complaints Committee determines that any of the following apply:
 - (i) the complaint is outside the jurisdiction of the College,
 - (ii) the complaint cannot be substantiated,
 - (iii) the complaint is frivolous or vexatious,
 - (iv) the complaint constitutes an abuse of process,
 - (v) the complaint does not allege facts that, if proven, would constitute professional misconduct, conduct unbecoming, incompetence or incapacity, or would merit a counsel or a caution, or both;

- (b) give the complainant, the respondent, and any other person the Complaints Committee considers appropriate a reasonable opportunity to appear before the Complaints Committee and to submit representations, explanations and documentation, including medical information and other information relevant to the complaint.
- (2) After the Complaints Committee has given the parties the opportunity to appear before the Committee under clause (1)(b), the Complaints Committee may require the respondent to do 1 or more of the following:
- (a) submit to physical or mental examinations by a qualified person or persons designated by the Complaints Committee, and authorize the reports from the examinations to be given to the Complaints Committee;
 - (b) submit to a review of their practice by a qualified person or persons designated by the Complaints Committee, and authorize a copy of the review to be given to the Complaints Committee;
 - (c) complete a competence assessment or other assessment or examination the Complaints Committee directs to determine whether the respondent is competent to practise nursing, and authorize the assessment or examination report to be given to the Complaints Committee;
 - (d) produce any records or documents kept about the respondent's practice.
- (3) After the Complaints Committee has given the parties the opportunity to appear before the Committee under clause (1)(b), the Committee must do 1 or more of the following:
- (a) dismiss the complaint and provide any guidance the Complaints Committee considers useful to the complainant, the respondent or any other person associated with the complaint;
 - (b) counsel the respondent;
 - (c) caution the respondent;
 - (d) with the respondent's consent, order that the respondent receive a reprimand and that the reprimand be communicated to the respondent, the complainant and any other person the Complaints Committee considers appropriate;
 - (e) with the respondent's consent, impose conditions or restrictions, or both, on the respondent's licence;
 - (f) if a determination is made that the matter or matters warrant a hearing, refer the matter or matters to the Professional Conduct Committee;
 - (g) informally resolve the complaint, including authorizing the respondent's resignation from the Register and any rosters the respondent is entered in.
- (4) A reprimand issued in accordance with clause (3)(d), and conditions and restrictions imposed under clause (3)(e) are licensing sanctions against a respondent and must be dealt with in the same manner as a finding made by the Professional Conduct Committee under Section 51 of the Act.

Failing to comply with requirement of Complaints Committee

59 If a respondent fails to comply with a requirement under subsection 58(2), or otherwise fails to comply with a direction of the Complaints Committee, the Complaints Committee may suspend or restrict the

respondent's licence until the suspension or restriction is lifted, superseded or annulled by the Complaints Committee or the Professional Conduct Committee.

Costs of complying with requirement of Complaints Committee

60 Expenses incurred for a respondent to comply with a requirement under subsection 58(2) must be initially paid by the College but may be awarded as costs against the respondent under Section 87.

Settlement Proposals

Preparing and tendering settlement proposals

- 61** (1) A settlement proposal may be tendered in writing to the other party at any time before a hearing begins.
- (2) A settlement proposal must include all of the following:
- (a) sufficient facts to provide context for the admissions of the respondent and the agreed disposition;
 - (b) an admission or admissions by the respondent to 1 or more of the allegations set out in the notice of hearing;
 - (c) the respondent's consent to a specified disposition, conditional upon the acceptance of the settlement proposal by the Complaints Committee and the Professional Conduct Committee.
- (3) If both parties agree with the settlement proposal tendered under subsection (1), the College must refer the settlement proposal to the Complaints Committee for consideration.
- (4) The parties may agree to use a mediator to prepare a settlement proposal, and the costs for the mediator must be divided equally between the College and the respondent, unless the parties agree to a different division of the costs.

Complaints Committee actions when settlement proposal referred

- 62** (1) The Complaints Committee may recommend acceptance of a settlement proposal if satisfied that all of the following criteria are met:
- (a) the public is protected;
 - (b) the conduct or its causes can be, or has been, successfully remedied or treated, and the respondent is likely to successfully pursue any remediation or treatment required;
 - (c) settlement is in the best interests of the public and the profession.
- (2) If the Complaints Committee recommends acceptance of a settlement proposal, the Complaints Committee must refer the settlement proposal to the Professional Conduct Committee for consideration.
- (3) If the Complaints Committee does not recommend acceptance of a settlement proposal, the Complaints Committee must do 1 of the following:
- (a) recommend changes to the settlement proposal that
 - (i) if agreed upon by the parties will result in acceptance by the Complaints Committee, or

- (ii) if not agreed upon by the parties, will result in rejection by the Complaints Committee;
- (b) reject the settlement proposal and refer the complaint considered by the Complaints Committee to the Professional Conduct Committee for a hearing.

Professional Conduct Committee actions when settlement proposal referred

- 63** (1) If the Professional Conduct Committee accepts a settlement proposal, the settlement proposal may form the full decision of the Professional Conduct Committee or may form part of a written decision of the Professional Conduct Committee and, except as provided in subsection 64(3) for a breach of the settlement proposal, there is no hearing.
- (2) If the Professional Conduct Committee does not accept a settlement proposal, it must do 1 of the following:
- (a) suggest amendments to the settlement proposal and return it to the parties for review;
 - (b) reject the settlement proposal and refer the matter to another panel of the Professional Conduct Committee for a hearing.
- (3) If both parties do not agree with the amendments to a settlement proposal made under clause (2)(a), the settlement proposal is deemed to be rejected and the matter must be referred to another panel of the Professional Conduct Committee for a hearing.
- (4) If both parties agree with the amendments to a settlement proposal made under clause (2)(a), the settlement proposal must be sent back to the Complaints Committee who must do 1 of the following:
- (a) accept the settlement proposal;
 - (b) reject the settlement proposal and refer the matter to another panel of the Professional Conduct Committee for a hearing.
- (5) A person who sits on a panel of the Professional Conduct Committee that reviews a rejected settlement proposal must not sit on a panel of the Professional Conduct Committee that conducts a hearing related to the same complaint.

Settlement proposals and hearings

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

Fitness to Practise Committee

Assessment for incapacity

- 65 (1) When considering whether to refer a matter to the Fitness to Practise Committee under Section 39 of the Act, the Executive Director must consider whether the member is eligible for referral to the Fitness to Practise Committee according to criteria for eligibility approved by the Council, and only then may request that the member undergo an assessment for incapacity.
- (2) The Executive Director must process a complaint about a member involving allegations of incapacity as a complaint in accordance with the Act and these regulations if the member does not agree to undergo an assessment under subsection (1).
- (3) If no complaint is made, the Executive Director may process a disclosure made to the College under Section 39 of the Act as a complaint in accordance with the Act and these regulations if the member does not agree to undergo an assessment under subsection (1).
- (4) If the results of an assessment under subsection (1) do not establish that the member is or was incapacitated, the Executive Director must determine whether any aspect of the matter requires further action under the Act or these regulations.
- (5) If a member is not eligible for referral to the Fitness to Practise Committee according to criteria for eligibility approved by the Council, the Executive Director must determine whether any aspect of the matter requires further action under the Act or these regulations.

Remedial agreement

- 66 (1) If the results of an assessment for incapacity establish incapacity of a member, the College may propose a remedial agreement to the member, setting out such terms and conditions the College considers appropriate to meet the objects of the College.
- (2) If a member and the College agree to terms and conditions of a remedial agreement, the remedial agreement must be sent to the Fitness to Practise Committee for approval.
- (3) If a member and the College do not agree to the terms and conditions of a remedial agreement, the Executive Director must process the matter as a complaint in accordance with the Act and these regulations.

Fitness to Practise Committee disposition

- 67 (1) On receiving a proposed remedial agreement, the Fitness to Practise Committee must do 1 of the following:
- (a) approve the remedial agreement, if the Fitness to Practise Committee is satisfied that all of the following are met:
- (i) the public is protected,
- (ii) the conduct or its causes can be, or have been, successfully remedied or treated, and the member is likely to successfully pursue any remediation or treatment required,
- (iii) the agreement is in the best interest of the public and the profession;
- (b) recommend changes to the remedial agreement that

- (i) if agreed upon by the College and the member, will result in acceptance by the Fitness to Practise Committee, or
 - (ii) if not agreed upon by the College and the member, will result in rejection by the Fitness to Practise Committee;
- (c) reject the remedial agreement and refer the matter to the Complaints Committee.
- (2) A remedial agreement approved by the Fitness to Practise Committee may contain any of the following:
- (a) conditions or restrictions on the member's licence, or an undertaking to refrain from practice;
 - (b) terms and conditions that must be satisfied by the member before the member returns to practice;
 - (c) terms, conditions or restrictions applicable after the member returns to practice.
- (3) Any conditions or restrictions placed on a member's licence under a remedial agreement must be noted on the member's licence and in the College's records, and the Executive Director may notify the member's present or intended employer and any other individuals of the conditions or restrictions.
- (4) If a member voluntarily undertakes not to practise nursing until certain conditions of their remedial agreement have been completed, the Executive Director may notify the member's present or intended employer and any other individuals, and must do all of the following:
- (a) retrieve the licence from the member;
 - (b) remove the member's name from any applicable rosters;
 - (c) notify other Canadian nursing jurisdictions and any other jurisdictions where the member is known to have been registered.

Publication of Fitness to Practise Committee's decision

68 Subject to any publication bans imposed by the Fitness to Practise Committee, the Fitness to Practise Committee must prepare a written decision regarding its disposition of a matter referred to it and

- (a) must direct the Executive Director to provide a copy of its decision to the member and, if applicable, the complainant;
- (b) may direct the Executive Director to provide a copy of the decision or portions of the decision to any past, present or intended employers of the member and any other individuals;
- (c) may direct the Executive Director to provide notification to other Canadian nursing jurisdictions and any other jurisdictions where the member is known to have practised nursing.

Jurisdiction of Fitness to Practise Committee

69 (1) The Fitness to Practise Committee retains jurisdiction over a member who is subject to ongoing terms and conditions of a remedial agreement.

- (2) The Fitness to Practise Committee must refer the matter to the Complaints Committee for processing as a complaint under the Act and these regulations if the Fitness to Practise Committee determines that a member who is subject to a remedial agreement does any of the following:
- (a) fails to meet the terms and conditions of their remedial agreement;
 - (b) poses a threat to the public;
 - (c) poses a threat to their own health or safety or the health or safety of others.

Hearings

Notice of hearing

- 70 (1) A notice of hearing sent by registered mail is deemed to have been served on the date it was posted.
- (2) A notice of hearing must state the details of the charges and state that the respondent has the right to be represented by legal counsel, a union representative or another representative.

Amendment of notice of hearing

- 71 (1) At any time before or during a hearing, the Professional Conduct Committee may, on its own motion or on the motion of a party to the hearing, amend or alter the notice of hearing for any of the following reasons:
- (a) to correct an alleged defect in substance or form;
 - (b) to make the notice conform to the evidence, if there appears to be a difference between the evidence and the notice or if the evidence discloses any of the following that is not stated in the notice:
 - (i) potential professional misconduct,
 - (ii) potential conduct unbecoming,
 - (iii) potential incapacity or incompetence.
- (2) A respondent must be given an opportunity to respond to an amendment or alteration to a notice of hearing made by the Professional Conduct Committee.
- (3) After receiving the respondent's response under subsection (2), the Professional Conduct Committee may decide that an amendment or alteration to the notice of hearing should not be made and, if considered appropriate, may refer any new allegations to the Executive Director for processing as a new complaint under the Act and these regulations.

Public notice of hearing

- 72 The College must give public notice of any scheduled hearings through its web site or any alternate means the College considers appropriate, including notice of all of the following:
- (a) the date, time and location of the hearing;
 - (b) reference to any application being made for an order to exclude the public under subsection 73(2).

Attendance at a hearing

- 73 (1) Except as provided in subsection (2) or (3), a hearing is open to the public.

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

Hearing procedures

- 74** (1) A complainant cannot participate as a party at a hearing.
- (2) The Professional Conduct Committee may determine any additional rules of procedure for hearings that are not covered by the Act or these regulations.
 - (3) Witnesses at a hearing must testify under oath or affirmation.
 - (4) An oath or affirmation taken at a hearing may be administered by any member of the Professional Conduct Committee or other person in attendance authorized by law to administer oaths or affirmations.
 - (5) The Professional Conduct Committee may order the respondent to do 1 or more of the following during a hearing:
 - (a) submit to physical or mental examinations by a qualified person or persons designated by the Professional Conduct Committee and authorize examination reports to be given to the Professional Conduct Committee;
 - (b) submit to a review of the respondent's practice by a qualified person or persons designated by the Professional Conduct Committee and authorize a copy of the review to be given to the Professional Conduct Committee;
 - (c) submit to a competence assessment or other assessment or examination the Professional Conduct Committee directs to determine whether the respondent is competent to practise nursing and authorize the assessment report or examination to be given to the Professional Conduct Committee;
 - (d) produce any records kept about the respondent's practice that the Professional Conduct Committee considers appropriate.

Failing to comply with requirement of Professional Conduct Committee

75 If a respondent fails to comply with a requirement under subsection 74(5), the Professional Conduct Committee may suspend the respondent's licence or ability to obtain a licence until the respondent complies.

Costs of respondent complying with requirement of Professional Conduct Committee

76 The expenses incurred for a respondent to comply with a requirement under subsection 74(5) must initially be paid by the College but may be awarded as costs against a respondent under Section 87.

Respondent fails to attend hearing

77 After receiving proof of service of the notice of hearing in accordance with Section 46 of the Act, the Professional Conduct Committee may proceed with the hearing in the respondent's absence and take any action authorized under the Act and these regulations without further notice to the respondent.

Subpoenaed witness fees

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

Recording evidence at hearing

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

Preserving evidence

80 Evidence obtained by the Professional Conduct Committee and information obtained by the Complaints Committee or an investigator regarding a complaint that has not been dismissed by the Complaints Committee must be preserved electronically or otherwise for at least 5 years from the date the evidence is presented or the information is obtained.

Disposition by Professional Conduct Committee

81 A Professional Conduct Committee that finds professional misconduct, conduct unbecoming, incompetence or incapacity on the part of a respondent may include any of the following in the Committee's disposition of the matter:

- (a) revoke the respondent's registration and any licence held by the respondent and direct the Executive Director to remove the respondent's name from the applicable rosters;
- (b) revoke any licence held by the respondent, and direct the Executive Director to remove the respondent's name from the applicable rosters;
- (c) for a respondent who held a temporary licence at the time of the incident giving rise to the complaint, revoke the respondent's ability to register or require the respondent to comply with any conditions or restrictions imposed by the Committee if registration is granted;
- (d) authorize the respondent to resign from the Register and direct the Executive Director to remove the respondent's name from the applicable rosters once the respondent has resigned;
- (e) suspend the respondent's licence for a specific period of time and direct the Executive Director to remove the respondent's name from the applicable rosters;

- (f) suspend the respondent's ability to obtain a licence or licences for a specified period of time;
- (g) suspend the respondent's licence or licences until any conditions the Professional Conduct Committee orders are complied with;
- (h) impose any restrictions or conditions, or both, on the respondent's licence or licences;
- (i) reprimand the respondent and direct that the reprimand be recorded in the records of the College;
- (j) direct the respondent to pass a particular course of study or satisfy the Professional Conduct Committee or any other committee established under the Act of the respondent's general competence to practise or competence in a particular field of the practice of nursing;
- (k) direct the respondent to obtain medical treatment;
- (l) direct the respondent to obtain any counselling that the Professional Conduct Committee considers appropriate;
- (m) for findings that involve practising nursing while not holding a valid licence or practising as a nurse practitioner while not holding a valid licence, direct the respondent to pay a fine in an amount determined by the Professional Conduct Committee;
- (n) publish or disclose its findings in accordance with the Act and these regulations.

Written decision of Professional Conduct Committee

82 The Professional Conduct Committee must prepare a written report of its disposition of a hearing that includes the reasons for the decision, and must provide copies of its decision or information in accordance with Section 84.

Publication bans imposed by Professional Conduct Committee

- 83** (1) If requested by a party, and after hearing from both parties, the Professional Conduct Committee may impose a publication ban at any time during a hearing, or on some or all of its decision, subject to such terms as determined by the Professional Conduct Committee.
- (2) The Professional Conduct Committee must give reasons for any decision to impose a publication ban.

Disclosing and publishing decisions and licensing sanctions imposed without hearing

- 84** (1) Except as prohibited by any publication bans, the Executive Director must do all of the following for any licensing sanction that is issued other than through a hearing:
- (a) in addition to the annotations required to be made in the Register under Section 25 of the Act, make appropriate entries in the rosters of the College, the licence status section of the College's web site and any licence the member holds;
 - (b) publish a summary of the decision in accordance with subsection (2) in all of the following:
 - (i) the College's web site,
 - (ii) the professional conduct digest retained by the College and available to the public,
 - (iii) any official publication determined by the Committee rendering the decision;

- (c) notify all of the following of the licensing sanction ordered, and include any other information requested by the other licensing jurisdictions:
 - (i) registering bodies in other Canadian nursing jurisdictions,
 - (ii) registering bodies in the original nursing jurisdiction,
 - (iii) registering bodies in other nursing jurisdictions where the member is known to have been registered;
 - (d) give the respondent a copy of the decision;
 - (e) give any of the decision that the Committee permits to the complainant;
 - (f) give any of the following to any person the Committee making the decision directs:
 - (i) notice of the decision,
 - (ii) a summary of the decision,
 - (iii) parts of the decision,
 - (iv) a copy of the decision.
- (2) Except for information that must be excluded under subsection (3), the summary of the decision required by clause (1)(b) must be prepared by the College and must contain all of the following information:
- (a) the member's name, city or town of residence and registration number;
 - (b) the provision of the Act or these regulations under which the licensing sanction is issued;
 - (c) the date of the decision;
 - (d) the allegations that were upheld by the Professional Conduct Committee or the Complaints Committee or, for a consent revocation, the allegations that were either admitted by or not contested by the respondent;
 - (e) whether the allegations amounted to professional misconduct, conduct unbecoming, incompetence or incapacity;
 - (f) the disposition ordered by the Complaints Committee or the Professional Conduct Committee;
 - (g) the reasons for the decision;
 - (h) any information the College considers necessary to meet the objects of the College.
- (3) If allegations have been found to constitute incapacity, the specific nature of the incapacity must not be included in the summary of the decision published under clause (1)(b).

Disclosing and publishing decisions and licensing sanctions imposed through hearing

85 Except as prohibited by any publication bans, the Executive Director must take all of the actions set out in clauses 84(1)(a), (c), (d), (e) and (f) for any licensing sanction issued following a hearing, and in addition must do all of the following:

- (a) publish a summary of the decision in any official publication determined by the Professional Conduct Committee;
- (b) publish a copy of the full decision on the College web site and in the Professional Conduct Digest of the College.

Consent revocation

- 86** (1) A respondent who does not contest the allegations or admits to some or all of the allegations set out in a complaint or a notice may, with the consent of the College ask the Professional Conduct Committee to revoke the respondent's registration or licence, or both.
- (2) The Professional Conduct Committee may consent to the revocation of the respondent's registration or licence, or both, in accordance with subsection (1) with or without conditions, or may refuse consent.
- (3) A respondent who consents to the revocation of their registration or licence, or both, must in all respects be treated as though their registration or licence, or both, were revoked by the Professional Conduct Committee.
- (4) Notification of a revocation under this Section must be given in accordance with Section 85.

Costs awarded after hearing

- 87** (1) For purposes of this Section, "costs" includes all of the following:
- (a) expenses incurred by the College in the investigation of a complaint;
 - (b) expenses incurred by the College for the activities of the Complaints Committee and the Professional Conduct Committee;
 - (c) expenses incurred for a respondent to comply with a requirement under subsection 58(2) or 74(5);
 - (d) the College's solicitor and client costs, including disbursements and HST, relating to the investigation and hearing of the complaint, including those of College counsel and counsel for the Professional Conduct Committee;
 - (e) fees for retaining a court reporter and preparing transcripts of the proceedings;
 - (f) travel costs and reasonable expenses of any witnesses, including expert witnesses, required to appear at a hearing.
- (2) Except when awarded costs under this Section, a respondent is responsible for all expenses incurred in their defence.
- (3) If the Professional Conduct Committee finds professional misconduct, conduct unbecoming, incompetence or incapacity on the part of a respondent, it may order that the respondent pay costs in whole or in part.
- (4) If the Professional Conduct Committee considers that a hearing was not necessary, it may order the College to pay some or all of the respondent's costs.
- (5) The Executive Director may suspend the licence of any respondent who fails to pay the costs within the time ordered until payment is made or satisfactory arrangements for payment are made.

Reinstatement

Applying for reinstatement

- 88** (1) An application for reinstatement of registration or a licence must be sent in writing to the Executive Director together with the applicable application fee.
- (2) An application must include any information the Re-instatement Committee requires to assist it in determining whether the objects of the College will be met if reinstatement is granted.

Investigation concerning reinstatement application

- 89** (1) On receiving an application for reinstatement, the Executive Director may request that an investigation be conducted to gather relevant and appropriate information concerning the application.
- (2) A person who conducts an investigation must give a written report to the Re-instatement Committee and the applicant that contains all material relevant to the application, including the decision of the Professional Conduct Committee that revoked the applicant's registration or licence, and any relevant information gathered during the investigation.
- (3) The Re-instatement Committee must set a date for a proceeding to review a reinstatement application and must advise the applicant of the date.
- (4) Evidence before the Re-instatement Committee must be taken under oath and recorded, and is subject to cross-examination.

Attendance at proceeding for review of reinstatement application

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

Decision of Re-instatement Committee

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

Costs of reinstatement application

- 92** (1) For purposes of this Section, "costs" includes all of the following:
- (a) expenses incurred by the College in the investigation of a reinstatement application;
 - (b) expenses incurred by the College for the activities of the Re-instatement Committee;
 - (c) the College's solicitor and client costs, including disbursements and HST, relating to a reinstatement application and proceeding, including those of College counsel and counsel for the Re-instatement Committee;
 - (d) fees for retaining a court reporter and preparing transcripts of reinstatement proceedings;
 - (e) travel costs and reasonable expenses of any witnesses, including expert witnesses, required to appear at a reinstatement proceeding.
- (2) An applicant is responsible for all expenses incurred in their reinstatement application and proceeding.
- (3) Whether the application is accepted or rejected, the Re-instatement Committee may recover costs from the applicant.
- (4) The Executive Director may suspend the licence of any person who fails to pay the costs within the time ordered until payment is made or satisfactory arrangements for payment are made.

N.S. Reg. 66/2009

Made: March 19, 2009

Filed: March 20, 2009

Environment Act and Regulations Fees Regulations

Order dated March 19, 2009
made by the Minister of Environment
pursuant to clause 8(2)(k) of the *Environment Act*

**In the matter of clause 8(2)(k) of Chapter 1 of the Statutes of Nova Scotia,
1994-95, the *Environment Act***

- and -

**In the matter of an amendment to the *Environment Act and Regulations
Fees Regulations*, regulations respecting fees made under the *Environment Act***

ORDER

I, David Morse, Minister of Environment for the Province of Nova Scotia, upon notice of a fee increase having been presented to the House of Assembly in accordance with Section 4 of Chapter 8 of the Acts of 2007, the *Fees Act* and pursuant to clause 8(2)(k) of Chapter 1 of the Statutes of Nova Scotia, 1994-95, the *Environment Act*, hereby amend the *Environment Act and Regulations Fees Regulations*, regulations respecting fees, N.S. Reg. 132/2008, made by Order of the Minister of Environment dated March 20, 2008 to amend the amount of the operator certification certificate and include a renewal fee for an operator certification certificate in the manner set forth in the attached.

This order is effective on and after February 1, 2009 dated and made in Halifax, Nova Scotia March 19, 2009.

Sgd.: *David Morse*
The Honourable David Morse
Minister of Environment

**Amendment to the *Environment Act and Regulations Fees Regulations*
made by the Minister of Environment under clause 8(2)(k) of
Chapter 1 of the Acts of 1994-95, the *Environment Act***

The *Environment Act and Regulations Fees Regulations*, N.S. Reg. 132/2008, made by Order of the Minister of Environment dated March 20, 2008, are amended by repealing Section 25 and substituting the following Section:

25 The fees for an operator certification certificate under the *Water and Wastewater Facilities and Public Drinking Water Supplies Regulations* are as follows:

- | | | |
|-----|---|---------|
| (a) | operator certification certificate | \$90.00 |
| (b) | renewal of operator certification certificate | \$55.00 |

N.S. Reg. 67/2009

Made: January 28, 2009

Approved: March 11, 2009

Filed: March 17, 2009

Chicken Farmers of Nova Scotia Regulations

Order dated March 11, 2009
made by the Chicken Farmers of Nova Scotia
and approved by the Natural Products Marketing Council
pursuant to Section 9 of the *Natural Products Act*

Chicken Farmers of Nova Scotia

I certify that the Chicken Farmers of Nova Scotia, pursuant to Section 9 of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, as delegated pursuant to clause 11(d) of the Act in subsection 7(1) of the *Nova Scotia Chicken Marketing Plan*, N.S. Reg. 241/82, at a meeting held on January 28, 2009, voted to amend the *Chicken Farmers of Nova Scotia Regulations*, N.S. Reg. 11/2005, made by the Chicken Farmers of Nova Scotia and approved by the Natural Products Marketing Council on January 27, 2005, in the manner set out in Schedule "A", effective on and after March 11, 2009.

Signed at Kentville, Nova Scotia, on March 11, 2009.

Sgd.: *Shelley Acker*

Shelley Acker

General Manager

Chicken Farmers of Nova Scotia

Approved by the Natural Products Marketing Council at Truro, Nova Scotia on March 11, 2009.

Natural Products Marketing Council

Per: sgd.: *E. A. Crouse*

Elizabeth A. Crouse

Acting General Manager

Schedule "A"

**Amendment to the *Chicken Farmers of Nova Scotia Regulations*
made by the Chicken Farmers of Nova Scotia pursuant to
Section 9 of Chapter 308 of the
Revised Statutes of Nova Scotia, 1989,
the *Natural Products Act***

1 Section 2 of the *Chicken Farmers of Nova Scotia Regulations*, N.S. Reg. 11/2005, made by the Chicken Farmers of Nova Scotia and approved by the Natural Products Marketing Council on January 27, 2005, is amended by adding the following clauses immediately after clause (t):

- (ta) "overmarketing assessment levy" means the levy payable by a producer to the Commodity Board for marketing more kilograms live weight than prescribed by their producer licences for an overmarketing assessment period;

- (tb) “overmarketing assessment period” means 2 consecutive marketing periods, beginning with periods A-06 and A-07, and every subsequent consecutive 2 marketing periods after that;
- 2 Clause 10(2)(b) of the regulations is amended by striking out “overproduction fee” and substituting “overmarketing assessment levy”.
- 3 Subsections 12(3) and (4) of the regulations are repealed.
- 4 Subsection 12(5) of the regulations is repealed and the following subsections substituted:
- Overmarketing assessment levy**
- (5) Regardless of whether a producer holds producer licences for one or both marketing periods of an overmarketing assessment period, the producer must pay the following overmarketing assessment levy if the producer markets more kilograms live weight during the overmarketing assessment period than is prescribed by their producer licences:
- (a) \$0.44 for every kilogram marketed that is over 102% and up to 104% of the total prescribed by the licences;
- (b) \$0.88 for every kilogram marketed that is over 104% of the total prescribed by the licences.
- (5A) A written notice of the amount of the overmarketing assessment levy due must be sent to a producer by the Commodity Board.
- 5 Subsection 12(6) of the regulations is amended by
- (a) striking out the heading “**Payment of fee**” and substituting “**Payment of levy**”;
- (b) striking out “overproduction fee” and substituting “overmarketing assessment levy”; and
- (c) striking out “must send the fee” and substituting “must send the payment”.
- 6 Subsection 12(7) of the regulations is amended by
- (a) striking out the heading “**Waiver of fee**” and substituting “**Waiver of levy**”; and
- (b) striking out “overproduction fee” and substituting “overmarketing assessment levy”.
- 7 Section 13 of the regulations is repealed.