



**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. 1/2023**

Made: January 5, 2023

Filed: January 6, 2023

Prescribed Petroleum Products Prices

Order dated January 5, 2023  
made by the Nova Scotia Utility and Review Board  
pursuant to Section 14 of the *Petroleum Products Pricing Act*  
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

**Decision and Order****M10943**

**Nova Scotia Utility and Review Board**  
**In the matter of the *Petroleum Products Pricing Act***

**- and -**

**In the matter of prescribing prices for petroleum products  
under Section 14 of the *Petroleum Products Pricing Act* and  
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

**Before:** Roland A. Deveau, K.C., Vice Chair**Decision and Order**

Under S. 16 of the *Petroleum Products Pricing Regulations*, the Board must prescribe a benchmark price for specified petroleum products every Friday.

The benchmark price prescribed by the Board is the average of the average of the daily high and low reported product prices (in Canadian cents) since the last benchmark price adjustment for the petroleum product.

The Board must also prescribe retail mark-ups and calculate wholesale margins considering any factors the Board finds relevant, including transportation adjustments. The Board last set wholesale margins in its decision, 2021 NSUARB 146; retail mark-ups in its decision, 2021 NSUARB 50; and transportation adjustments in its decision, 2016 NSUARB 168.

The Board also issued an Order on September 12, 2022 (2022 NSUARB 140), approving an adjustment mechanism to retail mark-ups for gasoline and diesel oil to account for the impact of credit card fees charged to retailers.

At each price setting, the Board may apply a forward-averaging correction, based on historical prices, to achieve revenue neutrality.

At appropriate times of the year, the Board may also require an additional margin for winter blending of ultra-low-sulfur diesel oil.

Based on the foregoing and other requirements in the *Petroleum Products Pricing Act* and regulations, the Board finds it appropriate to prescribe the benchmark prices and adjustments in Table “A,” the credit card fee retail mark-up adjustments in Table “B,” and the prices for petroleum products in Schedule “A” effective on and after 12:01 A.M. January 6, 2023:

**Table "A"**  
(cents per litre)

Petroleum Product	Benchmark Price	Forward Averaging (+/-)	Winter Blending
Gasoline (Grade 1)	88.10	-1.24	
Gasoline (Grade 2)	91.10		
Gasoline (Grade 3)	94.10		
Ultra-Low-Sulfur Diesel Oil	114.99	-3.60	+8.69

**Table "B"**  
(cents per litre)

Credit Card Fee Retail Mark-up Adjustment	
Gasoline Minimum Self-Service and Full-Service	+0.2
Gasoline Maximum Self-Service	+0.2
Ultra-Low-Sulfur Diesel Minimum Self-Service and Full-Service	+0.4
Ultra-Low-Sulfur Diesel Maximum Self-Service	+0.4

**Dated** at Halifax, Nova Scotia, this 5th day of January, 2023.

sgd. *Crystal Henwood*  
Clerk of the Board

**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 January 6, 2023**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
<b>Zone 1</b>								
Regular Unleaded	97.36	10.0	15.5	122.86	147.7	150.0	147.7	999.9
Mid-Grade Unleaded	100.36	10.0	15.5	125.86	151.2	153.5	151.2	999.9
Premium Unleaded	103.36	10.0	15.5	128.86	154.6	156.9	154.6	999.9
Ultra-Low-Sulfur Diesel	131.65	4.0	15.4	151.05	180.4	182.7	180.4	999.9
<b>Zone 2</b>								
Regular Unleaded	97.86	10.0	15.5	123.36	148.3	150.6	148.3	999.9
Mid-Grade Unleaded	100.86	10.0	15.5	126.36	151.8	154.1	151.8	999.9
Premium Unleaded	103.86	10.0	15.5	129.36	155.2	157.5	155.2	999.9
Ultra-Low-Sulfur Diesel	132.15	4.0	15.4	151.55	181.0	183.3	181.0	999.9

<b>Zone 3</b>								
Regular Unleaded	98.26	10.0	15.5	123.76	148.8	151.1	148.8	999.9
Mid-Grade Unleaded	101.26	10.0	15.5	126.76	152.2	154.5	152.2	999.9
Premium Unleaded	104.26	10.0	15.5	129.76	155.7	158.0	155.7	999.9
Ultra-Low-Sulfur Diesel	132.55	4.0	15.4	151.95	181.4	183.7	181.4	999.9
<b>Zone 4</b>								
Regular Unleaded	98.36	10.0	15.5	123.86	148.9	151.2	148.9	999.9
Mid-Grade Unleaded	101.36	10.0	15.5	126.86	152.3	154.6	152.3	999.9
Premium Unleaded	104.36	10.0	15.5	129.86	155.8	158.1	155.8	999.9
Ultra-Low-Sulfur Diesel	132.65	4.0	15.4	152.05	181.5	183.8	181.5	999.9
<b>Zone 5</b>								
Regular Unleaded	98.36	10.0	15.5	123.86	148.9	151.2	148.9	999.9
Mid-Grade Unleaded	101.36	10.0	15.5	126.86	152.3	154.6	152.3	999.9
Premium Unleaded	104.36	10.0	15.5	129.86	155.8	158.1	155.8	999.9
Ultra-Low-Sulfur Diesel	132.65	4.0	15.4	152.05	181.5	183.8	181.5	999.9
<b>Zone 6</b>								
Regular Unleaded	99.06	10.0	15.5	124.56	149.7	152.0	149.7	999.9
Mid-Grade Unleaded	102.06	10.0	15.5	127.56	153.1	155.4	153.1	999.9
Premium Unleaded	105.06	10.0	15.5	130.56	156.6	158.9	156.6	999.9
Ultra-Low-Sulfur Diesel	133.35	4.0	15.4	152.75	182.3	184.6	182.3	999.9

**N.S. Reg. 2/2023**

Made: January 12, 2023

Filed: January 13, 2023

Prescribed Petroleum Products Prices

Order dated January 12, 2023

made by the Nova Scotia Utility and Review Board

pursuant to Section 14 of the *Petroleum Products Pricing Act*  
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations***Decision and Order****M10953****Nova Scotia Utility and Review Board****In the matter of the *Petroleum Products Pricing Act*****- and -****In the matter of prescribing prices for petroleum products  
under Section 14 of the *Petroleum Products Pricing Act* and  
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Julia E. Clark, LL.B., Member**Decision and Order**Under S. 16 of the *Petroleum Products Pricing Regulations*, the Board must prescribe a benchmark price for specified petroleum products every Friday.

The benchmark price prescribed by the Board is the average of the average of the daily high and low reported product prices (in Canadian cents) since the last benchmark price adjustment for the petroleum product.

The Board must also prescribe retail mark-ups and calculate wholesale margins considering any factors the Board finds relevant, including transportation adjustments. The Board last set wholesale margins in its decision, 2021 NSUARB 146; retail mark-ups in its decision, 2021 NSUARB 50; and transportation adjustments in its decision, 2016 NSUARB 168.

The Board also issued an Order on September 12, 2022 (2022 NSUARB 140), approving an adjustment mechanism to retail mark-ups for gasoline and diesel oil to account for the impact of credit card fees charged to retailers.

At each price setting, the Board may apply a forward-averaging correction, based on historical prices, to achieve revenue neutrality.

At appropriate times of the year, the Board may also require an additional margin for winter blending of ultra-low-sulfur diesel oil.

Based on the foregoing and other requirements in the *Petroleum Products Pricing Act* and regulations, the Board finds it appropriate to prescribe the benchmark prices and adjustments in Table “A,” the credit card fee retail mark-up adjustments in Table “B,” and the prices for petroleum products in Schedule “A” effective on and after 12:01 A.M. January 13, 2023:

**Table “A”**  
(cents per litre)

Petroleum Product	Benchmark Price	Forward Averaging (+/-)	Winter Blending
Gasoline (Grade 1)	85.52	0.0	
Gasoline (Grade 2)	88.52		
Gasoline (Grade 3)	91.52		
Ultra-Low-Sulfur Diesel Oil	110.91	0.0	15.37

**Table “B”**  
(cents per litre)

Credit Card Fee Retail Mark-up Adjustment	
Gasoline Minimum Self-Service and Full-Service	+0.2
Gasoline Maximum Self-Service	+0.2
Ultra-Low-Sulfur Diesel Minimum Self-Service and Full-Service	+0.5
Ultra-Low-Sulfur Diesel Maximum Self-Service	+0.5

**Dated** at Halifax, Nova Scotia, this 12th day of January, 2023.

sgd. *Lisa Wallace*  
Clerk of the Board

## 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 January 13, 2023**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices (Pump Prices includes 15% HST)		Full-Service Pump Prices (Pump Prices includes 15% HST)	
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
<b>Zone 1</b>								
Regular Unleaded	96.02	10.0	15.5	121.52	146.2	148.5	146.2	999.9
Mid-Grade Unleaded	99.02	10.0	15.5	124.52	149.6	151.9	149.6	999.9
Premium Unleaded	102.02	10.0	15.5	127.52	153.1	155.4	153.1	999.9
Ultra-Low-Sulfur Diesel	137.85	4.0	15.4	157.25	187.6	189.9	187.6	999.9
<b>Zone 2</b>								
Regular Unleaded	96.52	10.0	15.5	122.02	146.8	149.1	146.8	999.9
Mid-Grade Unleaded	99.52	10.0	15.5	125.02	150.2	152.5	150.2	999.9
Premium Unleaded	102.52	10.0	15.5	128.02	153.7	156.0	153.7	999.9
Ultra-Low-Sulfur Diesel	138.35	4.0	15.4	157.75	188.2	190.5	188.2	999.9
<b>Zone 3</b>								
Regular Unleaded	96.92	10.0	15.5	122.42	147.2	149.5	147.2	999.9
Mid-Grade Unleaded	99.92	10.0	15.5	125.42	150.7	153.0	150.7	999.9
Premium Unleaded	102.92	10.0	15.5	128.42	154.1	156.4	154.1	999.9
Ultra-Low-Sulfur Diesel	138.75	4.0	15.4	158.15	188.7	191.0	188.7	999.9
<b>Zone 4</b>								
Regular Unleaded	97.02	10.0	15.5	122.52	147.3	149.6	147.3	999.9
Mid-Grade Unleaded	100.02	10.0	15.5	125.52	150.8	153.1	150.8	999.9
Premium Unleaded	103.02	10.0	15.5	128.52	154.2	156.5	154.2	999.9
Ultra-Low-Sulfur Diesel	138.85	4.0	15.4	158.25	188.8	191.1	188.8	999.9
<b>Zone 5</b>								
Regular Unleaded	97.02	10.0	15.5	122.52	147.3	149.6	147.3	999.9
Mid-Grade Unleaded	100.02	10.0	15.5	125.52	150.8	153.1	150.8	999.9
Premium Unleaded	103.02	10.0	15.5	128.52	154.2	156.5	154.2	999.9
Ultra-Low-Sulfur Diesel	138.85	4.0	15.4	158.25	188.8	191.1	188.8	999.9
<b>Zone 6</b>								
Regular Unleaded	97.72	10.0	15.5	123.22	148.1	150.4	148.1	999.9
Mid-Grade Unleaded	100.72	10.0	15.5	126.22	151.6	153.9	151.6	999.9
Premium Unleaded	103.72	10.0	15.5	129.22	155.0	157.3	155.0	999.9
Ultra-Low-Sulfur Diesel	139.55	4.0	15.4	158.95	189.6	191.9	189.6	999.9

**N.S. Reg. 3/2023**

Made: January 17, 2023

Filed: January 17, 2023

NewPage Port Hawkesbury Pension Plans Regulations—amendment

Order in Council 2023-7 dated January 17, 2023

Amendment to regulations made by the Governor in Council  
pursuant to Section 14 of the *NewPage Port Hawkesbury Pension Plans Act*

The Governor in Council on the report and recommendation of the Minister of Finance and Treasury Board dated September 6, 2022, and pursuant to Section 14 of Chapter 12 of the Acts of 2012, the *NewPage Port Hawkesbury Pension Plans Act*, is pleased to amend the *NewPage Port Hawkesbury Pension Plans Regulations*, N.S. Reg. 134/2012, made by the Governor in Council by Order in Council 2012-214 dated June 26, 2012, to prescribe July 1, 2033, to be the new wind-up date, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after January 17, 2023.

**Schedule “A”**

**Amendment to the *NewPage Port Hawkesbury Pension Plans Regulations*  
made by the Governor in Council  
under Section 14 of Chapter 12 of the Acts of 2012,  
the *NewPage Port Hawkesbury Pension Plans Act***

The *NewPage Port Hawkesbury Pension Plans Regulations*, N.S. Reg. 134/2012, made by the Governor in Council by Order in Council 2012-214 dated June 26, 2012, are amended by adding the following Section immediately after Section 15:

**Prescribed wind-up date**

**16** July 1, 2033, is the prescribed date for the purpose of the definition of “wind-up date” in clause 2(1)(l) of the Act.

**N.S. Reg. 4/2023**

Made: January 17, 2023

Filed: January 17, 2023

Proclamation of Act, S. 72, S.N.S. 2009, c. 2—except S. 15(7)

Order in Council 2023-9 dated January 17, 2023

Proclamation made by the Governor in Council  
pursuant to Section 72 of the  
*Dietitians Act*

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated August 16, 2022, pursuant to Section 72 of Chapter 2 of the Acts of 2009, the *Dietitians Act*, is pleased to order and declare by proclamation that Chapter 2 of the Acts of 2009, the *Dietitians Act*, except subsection 15(7), do come into force on and not before January 24, 2023.

L.S.

**Canada**  
**Province of Nova Scotia**

**Charles the Third**, by the Grace of God, of the United Kingdom, Canada, and His Other Realms and Territories, KING, 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 72 of Chapter 2 of the Acts of 2009, the *Dietitians Act*, it is enacted as follows:

**72** 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 2 of the Acts of 2009, the *Dietitians Act*, with the exception of subsection 15(7), do come into force on and not before January 24, 2023;

**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 2 of the Acts of 2009, the *Dietitians Act*, with the exception of subsection 15(7), do come into force on and not before January 24, 2023, 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, Arthur J. LeBlanc, Chancellor of Our Order of Nova Scotia, one of Our Counsel learned in the law in the Province of Nova Scotia, Lieutenant Governor in and of Our Province of Nova Scotia.

**Given** at Our Government House in the Halifax Regional Municipality, this 17th day of January in the year of Our Lord two thousand and twenty-three and in the First year of Our Reign.

**By Command:**

**PROVINCIAL SECRETARY**  
**ATTORNEY GENERAL AND MINISTER OF JUSTICE**



**N.S. Reg. 5/2023**

Made: June 7, 2022

Approved: January 17, 2023

Filed: January 17, 2023

Dietitians Regulations

Order in Council 2023-10 dated January 17, 2023  
Regulations made by the Board of the Nova Scotia Dietetic Association  
and approved by the Governor in Council  
pursuant to Section 10 of the *Dietitians Act*

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated July 20, 2022, and pursuant to Section 10 of Chapter 2 of the Acts of 2009, the *Dietitians Act*, is pleased to approve new regulations respecting the registration, licensing and professional accountability of dietitians made by the Board of the Nova Scotia Dietetic Association, in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after January 24, 2023.

**Schedule “A”**

I hereby certify that at a duly convened meeting of the Board of the Nova Scotia Dietetic Association held on June 7, 2022, the Board carried a motion to make the attached regulations pursuant to Section 10 of Chapter 2 of the Acts of 2009, the *Dietitians Act*.

Dated at Halifax, Nova Scotia, this 8th day of June, 2022.

sgd. *J. Hemeon*

Jennifer Hemeon

Executive Manager and Registrar

Nova Scotia Dietetic Association

**Regulations Respecting the Registration, Licensing  
and Professional Accountability of Dietitians  
made by the Board of the Nova Scotia College of Dietitians and Nutritionists  
under Section 10 of Chapter 2 of the Acts of 2009,  
the *Dietitians Act***

**Part 1: Interpretation****Citation**

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

**Definitions**

2 (1) In these regulations,

“Act” means the *Dietitians Act*;

“assessment for incapacity” means an assessment by a healthcare professional licensed in the Province with expertise in assessing incapacity;

“bridging education” means a program, course or process approved by the Professional Conduct Committee or the Registration Committee to address gaps in the competencies of a member;

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

“certificate of standing” means written certification from a licensing body for dietitians attesting to the licensing status of an individual in the jurisdiction issuing the certificate;

“competence assessment” means a process that assesses competence by using methods and tools such as any of the following to assess an array of competencies:

- (i) interviewing,
- (ii) verification of documents,
- (iii) reference reviews,
- (iv) direct observation,
- (v) reflective practice,
- (vi) self-assessments,
- (vii) chart audits,
- (viii) written or oral tests;

“counsel” by the Complaints Committee means a determination that a member could benefit from professional guidance from the College about the subject matter of the complaint in circumstances that do not constitute professional misconduct, conduct unbecoming the profession, incompetence or incapacity, and a counsel is not considered to be a licensing sanction;

“Fitness to Practise Committee” means a committee appointed under Section 36 of the Act to address issues of incapacity;

“fitness to practise process” means the processes for addressing incapacity set out in Sections 72 to 75;

“interim agreement” means an agreement with a member under Section 73 as part of the fitness to practise process;

“licensing year” means a 12-month period determined by the Board for the issuance, renewal and expiry of licences;

“normal nutritional requirements” means nutritional needs in the absence of disease;

“notice of hearing” means the notice of hearing required by Section 48 of the Act;

“remedial agreement” means an agreement with a member under Section 74 as part of the fitness to practise process.

- (2) In the Act and these regulations,

“member” means a person whose name is entered in the Register when used in the context of a member of the College;

“practice of dietetics” is further defined to exclude education and counselling relating to all of the following, when provided in the context of normal nutritional requirements by a person other than a member of the College:

- (i) basic principles of good nutrition and healthy eating,
- (ii) the essential nutrients needed by the body,
- (iii) recommended amounts of essential nutrients to consume based on established standards,
- (iv) how the essential nutrients work in the body,
- (v) effects of deficiencies or excesses of nutrients,
- (vi) foods and supplements that are good sources of essential nutrients,
- (vii) nutrition needs of individuals in relation to nutritional requirements,
- (viii) preparation of nutritious foods;

“re-entry program” is further defined to include any program, course or process of re-entry approved by the Registration Committee.

### **Amendments to regulations**

- 3 The Board must notify all members of any amendments proposed to these regulations through the College’s official publication before submitting the proposed amendments to the Governor in Council.

## **Part 2: Registration, Licensing and Membership**

### **Licence Categories and Register**

#### **Categories of licences**

- 4 The following are the categories of licences:

- (a) active-practising licence;
- (b) active-practising licence with conditions or restrictions;
- (c) temporary licence;
- (d) temporary licence with conditions or restrictions;
- (e) candidate licence;
- (f) candidate licence with conditions or restrictions.

#### **Information in Register**

- 5 In addition to the member’s name as required by subsection 11(1) of the Act, the Register must contain all of the following information for each member:

- (a) date of birth;
- (b) name and location of dietetics education program completed by the member;
- (c) year of graduation from education program referred to in clause (b);
- (d) name and location of dietetic practicum attended;
- (e) year of graduation from dietetic practicum;
- (f) date of entry in the Register.

### **Committees**

#### **Proceedings before committees**

- 6** (1) This Section applies to the Registration Committee, the Registration Appeal Committee, the Complaints Committee, the Fitness to Practise Committee and the Professional Conduct Committee.
- (2) In this Section, “proceeding” means any of the following:
- (a) any proceeding of the Registration Committee, the Complaints Committee, the Fitness to Practise Committee and the Professional Conduct Committee;
  - (b) an appeal hearing conducted by the Registration Appeal Committee.
- (3) The members of a committee may waive notice of any proceeding or hearing of the committee.
- (4) A proceeding of a meeting or hearing of a committee is not invalidated because a member of the committee fails to receive notice of the proceeding or meeting at which the proceeding takes place and nothing precludes the members from waiving notice of the proceeding or meeting.
- (5) If the term of office of any person sitting on a committee expires during a proceeding of the committee, the Chair of the committee may extend the person’s term of office until the proceeding concludes.
- (6) A committee may impose a publication ban on any portion of its decision, as the committee considers necessary.

### **Registration and Licensing**

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

- 7** After receiving the information required from an applicant for registration, licensing or renewal of their licence, the Registrar must do 1 of the following:
- (a) approve the application and register or issue or renew the licence of the applicant when, in the opinion of the Registrar, the criteria have been met;
  - (b) in an application for licensing or renewal of a licence, impose conditions or restrictions on the licence in accordance with subsection 14(2) of the Act;
  - (c) refer the matter to the Registration Committee if there is any issue regarding whether the applicant meets the criteria for registration, licensing or renewal of their licence.

**Waiving registration or licensing criteria**

- 8** (1) The Registrar, the Registration Committee or the Registration Appeal Committee must waive criteria for registration or licensing for either of the following reasons:
- (a) the criteria conflict with the requirements of the Canada Free Trade Agreement; or
  - (b) it is required by law.
- (2) The Registration Committee or Registration Appeal Committee may waive any criteria for registration or licensing or renewal of a licence if the waiver is consistent with the objects and purpose of the College.

**Registration and licensing decisions referred to Registration Committee**

- 9** (1) The Registration Committee must review an application that is referred to it, including all associated information provided to the Registrar, to determine whether the applicant meets the criteria for registration, licensing or renewal of their licence.
- (2) Before making its decision under this Section, the Registration Committee may do 1 or both of the following:
- (a) request that the Registrar obtain new information;
  - (b) extend the term of any existing licence held by the applicant until it has made a decision.
- (3) If the Registration Committee determines that an applicant meets the criteria for registration or licensing or renewal of a licence, the Committee must approve the application and direct the Registrar to register the applicant or issue or renew the licence.
- (4) If the Registration Committee determines that an applicant does not meet the criteria for registration or licensing or renewal of a licence, the Registration Committee must do 1 of the following:
- (a) deny the application and impose any conditions or restrictions the Registration Committee considers appropriate;
  - (b) deny the application.
- (5) When a decision is made under subsection (4), the Registration Committee must notify the applicant by doing all of the following:
- (a) providing the applicant with a written decision with reasons;
  - (b) informing the applicant of their right to appeal to the Registration Appeal Committee.

**Application and criteria for registration**

- 10** (1) An applicant for registration must submit a completed application on a form prescribed by the Registrar together with all of the following:
- (a) payment of the applicable fee, within the time determined by the Registrar and through a method acceptable to the Registrar;
  - (b) proof satisfactory to the Registrar that the applicant
    - (i) meets the criteria in subsection (2), and

- (ii) is the person named in the documentation submitted in support of the application;
  - (c) if currently or previously registered or licensed in another jurisdiction, a certificate of standing from each jurisdiction where the applicant practised to disclose whether there are any outstanding complaints, prohibitions, conditions or restrictions against the member in that jurisdiction;
  - (d) any information the Registrar requires to establish whether Section 45 of the Act applies to the applicant;
  - (e) any information the Registrar requires to establish the applicant has the current capacity, competence and character to safely and ethically practise;
  - (f) any additional information the Registrar requires to assess whether the applicant meets the criteria for registration.
- (2) An applicant for registration must meet all of the following criteria:
- (a) they are a graduate of 1 of the following:
    - (i) a dietetics education program,
    - (ii) an education program in another jurisdiction in Canada, if the applicant is licensed as a dietitian in that jurisdiction and eligible under the Canada Free Trade Agreement to be licensed in the Province,
    - (iii) an education program in a jurisdiction inside or outside of Canada, if the applicant completes a competence assessment and any bridging education arising from the competence assessment as determined by the Registration Committee;
  - (b) they have successfully completed 1 of the following:
    - (i) a practicum,
    - (ii) a period of practical training in dietetics and a competence assessment and any bridging education arising from the competence assessment that is determined by the Registration Committee to be an appropriate substitute to a practicum;
  - (c) they have demonstrated proficiency in the English language in the manner approved by the Registration Committee;
  - (d) they are a Canadian citizen or legally entitled to live and work in Canada;
  - (e) they are eligible for the licence category for which they have applied.

**Active-practising licence—application and criteria**

- 11 (1) An applicant for an active-practising licence must submit a completed application on a form prescribed by the Registrar together with all of the following:
- (a) payment of the applicable fee;
  - (b) proof satisfactory to the Registrar that the applicant meets the criteria in subsection (2) and subsection 10(2);

- (c) any information the Registrar requires to establish that Section 45 of the Act does not apply to the applicant;
  - (d) any additional information the Registrar requires to assess whether the applicant meets the criteria for a practising licence.
- (2) The following are the criteria an applicant must meet to obtain an active-practising licence:
- (a) the applicant's ability to practise dietetics is not subject to any conditions or restrictions;
  - (b) if currently or previously licensed in another jurisdiction in any profession, the applicant is not currently subject to any complaint, prohibition, sanction, condition or restriction in that jurisdiction that makes the applicant ineligible for an active-practising licence, in the opinion of the Registrar;
  - (c) the applicant provides proof that insurance or other form of coverage will be in place when the applicant begins practice, in the amount and of the type approved by the Board;
  - (d) the applicant provides any information the Registrar requires to establish that the applicant has the capacity, competence, capability and character to safely and ethically practise dietetics;
  - (e) the applicant meets the requirements of the continuing competency program;
  - (f) the applicant has successfully completed the registration examination;
  - (g) the applicant meets 1 of the following:
    - (i) the applicant has successfully completed the registration examination in the 3 years immediately before the applicant submitted an application for an active-practising licence or renewal of an active-practising licence,
    - (ii) in addition to the education program described in clause 10(2)(a), the applicant has completed a further education program, approved by the Registration Committee, in the 3 years immediately before the applicant submitted an application for an active-practising licence or renewal of an active-practising licence,
    - (iii) the applicant has completed the required number of hours in practice determined by the Board in the 3 years immediately before the applicant submitted an application for renewal of an active-practising licence,
    - (iv) the applicant has completed a re-entry program or a competence assessment and any bridging education arising from the competence assessment, as determined by the Registration Committee, in the 3 years immediately before the applicant submitted an application for an active-practising licence or renewal of an active-practising licence.

**Active-practising licence—permitted activities**

**12** A member whose name is entered in an active-practising roster may do all of the following:

- (a) use the designations set out in Section 21 of the Act;
- (b) engage in the practice of dietetics;

- (c) if elected or appointed, hold office on the Board;
- (d) serve as an appointed member on any committee of the College;
- (e) receive all official College publications;
- (f) attend, participate and vote at meetings of the College.

**Active-practising licence—term and renewal**

- 13 (1)** Unless suspended, expired, revoked or amended as a result of any conditions or restrictions imposed, an active-practising licence remains in effect until the end of the licensing year in which it is issued.
- (2)** The Registrar must renew a member's active-practising licence on receipt from the member of all of the following:
- (a) a completed application on a form prescribed by the Registrar, together with payment of the applicable fee and any penalties incurred for late application;
  - (b) proof satisfactory to the Registrar that the member continues to meet the criteria for an active-practising licence under Section 11.

**Active-practising licence with conditions or restrictions—criteria**

- 14** The Registrar must enter the name of a member in the active-practising with conditions or restrictions roster and issue an active-practising licence with conditions or restrictions to an applicant who meets all of the requirements in subsections 11(1) and (2) with the exception of clause 11(2)(a).

**Active-practising licence with conditions or restrictions—permitted activities**

- 15** A member who holds an active-practising licence with conditions or restrictions may engage in all the permitted activities set out in Section 12, except to the extent that the conditions or restrictions modify those activities.

**Active-practising licence with conditions or restrictions—term and renewal**

- 16 (1)** Unless suspended, expired, revoked or amended as a result of any further conditions or restrictions imposed, an active-practising licence with conditions or restrictions remains in effect until the end of the licensing year in which it is issued.
- (2)** The Registrar must renew a member's active-practising licence with conditions or restrictions on receipt from the member of all of the following:
- (a) a completed application on a form prescribed by the Registrar, together with payment of the applicable fee and any penalties incurred for late application;
  - (b) proof satisfactory to Registrar that the member continues to meet the criteria in Section 11, with the exception of clause 11(2)(a).

**Conditions or restrictions on a previous licence**

- 17** Conditions or restrictions imposed on an active-practising licence with conditions or restrictions that have not expired remain in effect on any new licence issued to the member.

**Temporary licences—term**

- 18 (1)** A temporary licence or a temporary licence with conditions or restrictions issued under Section 15 of the Act ceases to be valid on the earliest of all of the following dates:



- (a) the date the College receives notice that an applicant who was issued a temporary licence on the basis of holding a licence in another jurisdiction no longer holds that licence;
  - (b) the date that an active-practising licence with or without conditions or restrictions is issued to the temporary licence holder;
  - (c) the expiry date of the temporary licence;
  - (d) the date the temporary licence is suspended or revoked under the professional conduct process.
- (2) The Registrar may determine whether the holder of a temporary licence or a temporary licence with conditions or restrictions is authorized to use the designations set out in Section 21 of the Act.

**Candidate licence—application and criteria**

- 19 (1) An applicant for a candidate licence must submit a completed application on a form prescribed by the Registrar together with all of the following:
- (a) payment of the applicable fee;
  - (b) proof satisfactory to the Registrar that the applicant meets the criteria in subsection (2) and subsection 10(2);
  - (c) any additional information the Registrar requires to assess whether the applicant meets the criteria for a candidate licence.
- (2) The following are the criteria an applicant must meet to obtain a candidate licence:
- (a) if currently or previously licensed in another jurisdiction in any profession, the applicant is not currently subject to any complaint, prohibition, sanction, condition or restriction in that jurisdiction that makes the applicant ineligible for a candidate licence, in the opinion of the Registrar;
  - (b) the applicant provides proof that insurance or other form of coverage will be in place when the applicant begins practice as a candidate, in the amount and of the type approved by the Board;
  - (c) the applicant provides any information the Registrar requires to establish that the applicant has the capacity, competence, capability and character to safely and ethically practise dietetics;
  - (d) the applicant has not previously passed the registration examination;
  - (e) subject to subsection 23(2), the applicant has not failed the registration examination;
  - (f) the applicant has applied to write the next sitting of the registration examination;
  - (g) the applicant does not hold and is not eligible for any other category of licence issued under these regulations.

**Candidate licence—permitted activities**

- 20 A member whose name is entered in a candidate roster may do all of the following:

- (a) practise dietetics under the general supervision of a dietitian or another health professional approved by the Registration Committee;
- (b) use the designation “registered dietitian candidate,” “RD candidate” or “RD(c)”.

**Candidate licence with conditions or restrictions—criteria**

**21** The Registrar must enter the name of a member in the candidate with conditions or restrictions roster and issue a candidate licence with conditions or restrictions to an applicant who meets all of the requirements in subsections 19(1) and (2) but for whose licence conditions or restrictions are necessary in the opinion of the Registrar.

**Candidate licence with conditions or restrictions—permitted activities**

**22** A member who holds a candidate licence with conditions or restrictions may engage in all the permitted activities set out in Section 20, except to the extent that the conditions or restrictions modify those activities.

**Candidate licence—term and renewal**

- 23** (1) Unless suspended, expired, revoked or amended as a result of any conditions or restrictions imposed, a candidate licence with or without conditions or restrictions remains in effect until the earliest of all of the following dates:
- (a) the date the candidate obtains an active-practising licence or an active-practising licence with conditions or restrictions;
  - (b) the date the candidate fails the registration examination;
  - (c) the expiry date on the candidate licence.
- (2) Despite subsection (1), if a person with a candidate licence fails the registration examination and applies for the next sitting of the examination, the Registration Committee may re-issue the candidate licence with or without conditions or restrictions once.

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

- 24** (1) The licence of a member who fails to comply with the requirements of these regulations respecting licence renewal is suspended.
- (2) If a person’s licence is suspended under subsection (1), the Registrar must send the person written notice of the suspension including a statement that the person may apply to the Registrar for the re-issuing of the licence on complying with the renewal requirements by the date determined by the Registrar and paying any applicable fees established by by-law.
- (3) The Registrar may, at the expense of the person whose licence is suspended, take any steps that the Registrar considers necessary in the circumstances to bring a licence suspension under this Section for failure to comply with licence renewal requirements to the attention of the public and other affected parties.
- (4) A suspension issued under this Section is not a licensing sanction.

**Members’ records of hours of work**

- 25** (1) A member must keep a record of the hours that the member worked in the practice of dietetics that covers at least the immediately preceding 3 years.
- (2) The College may at any time conduct an audit of records kept under subsection (1) to ensure the

validity of data respecting the hours worked in the practice of dietetics that is recorded on applications to the College.

### **Affiliated Members**

#### **Categories of affiliation with College**

**26** The following are the categories of affiliation with the College:

- (a) non-active;
- (b) honorary life;
- (c) honorary.

#### **Non-active members**

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

#### **Honorary life members**

- 28** (1) An honorary life membership may be granted by resolution of the Board to a former or current member who has rendered distinguished or valuable service to the 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) attend and participate in, but not vote at, meetings of the College;
  - (c) serve as a member on any committee of the College, but is not eligible for election to the Board;
  - (d) receive all official College publications.
- (3) An honorary life membership does not expire on a fixed date, but may be revoked at the discretion of the Board.

#### **Honorary category**

- 29** (1) An honorary membership may be granted by resolution of the Board to any person, other than a member, who has rendered distinguished or valuable service to the profession.
- (2) An honorary member is entitled to the same rights and privileges as an honorary life member under subsection 28(2) and any other rights and privileges the Board may grant.

#### **Lists kept for affiliated members**

- 30** The Registrar must keep current records of persons who are entered in any category of affiliation with the College.

#### **Appeals of temporary license**

- 31** In addition to the functions set out in the Act and these regulations, the Registration Appeal Committee must hear an appeal of a decision by the Registrar under subsection 15(1) of the Act to refuse to issue a temporary licence to an applicant.

### Part 3: Professional Conduct Process

#### Notification of complaint

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

#### Preliminary investigation

- 33** (1) On receiving or initiating a complaint, the Registrar must review the information provided with the complaint and may conduct a preliminary investigation of the complaint under this Section or designate an investigator to conduct the preliminary investigation.
- (2) When conducting a preliminary investigation, an investigator may request additional written or oral explanation from the complainant, the respondent or a third party.
- (3) The Registrar or the investigator may, with a respondent's consent, arrange for the respondent to do 1 or more of the following during a preliminary investigation:
- (a) if the Registrar or investigator has reasonable or probable grounds to believe that the respondent has an issue of incapacity, submit to physical or mental examinations by a qualified person or persons designated by the Registrar, and authorize the reports from the examinations to be given to the Registrar;
  - (b) submit to a review or audit of the respondent's practice by a qualified person or persons designated by the Registrar, and authorize a copy of the review or audit to be given to the Registrar;
  - (c) complete a competence assessment or other assessment or examination to determine whether the respondent is competent to practise, and authorize the assessment or examination report to be given to the Registrar;
  - (d) produce any records kept about the respondent's practice that the Registrar or investigator consider appropriate.
- (4) Expenses incurred to take any action under subsection (3) must initially be paid by the College, but may be awarded as costs against the respondent under any of the following circumstances:
- (a) if a finding is made against the respondent at a hearing;
  - (b) as part of the terms of a consensual reprimand, conditions or restrictions;
  - (c) as part of an informal resolution of the complaint;
  - (d) by consent.

#### Resolution of complaint by Registrar

- 34** (1) Taking into account the results of a preliminary investigation, the Registrar must do 1 or more of the following:
- (a) dismiss the complaint and notify the complainant and the respondent of the dismissal if the Registrar decides that any of the following apply:
    - (i) the complaint is outside the jurisdiction of the College,

- (ii) the complaint cannot be substantiated,
  - (iii) the complaint is frivolous or vexatious,
  - (iv) the complaint constitutes an abuse of process,
  - (v) the complaint does not allege facts that, if proven, would constitute professional misconduct, conduct unbecoming, incompetence or incapacity, or would merit a counsel, a caution or both,
  - (vi) the processing of the complaint is not in the public interest;
- (b) informally resolve the complaint if the Registrar 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 member and the Registrar agree, refer the matter to the Fitness to Practise Committee;
  - (e) refer the matter to the Complaints Committee.
- (2) If on disposing of a complaint the Registrar considers it useful, the Registrar may provide written advice relevant to the complaint that is of a non-disciplinary nature to any of the following persons:
- (a) the complainant;
  - (b) the respondent;
  - (c) any person affected by the complaint.
- (3) The Registrar must provide a copy of any written advice provided under clause (2)(a) or (c) to the respondent.

#### **Review of complaint dismissal**

- 35 (1) No later than 30 days after a complainant is notified of a dismissal by the Registrar under clause 34(1)(a), the complainant may submit a written request to the Registrar for review of the dismissal by an independent review committee.
- (2) The Registrar must send any request for a review of a complaint dismissal received under subsection (1) to both of the following:
- (a) the respondent;
  - (b) the Chair of the Complaints Committee.
- (3) On receiving a request for review of a complaint dismissal under clause (2)(b), the Chair of the Complaints Committee must appoint an independent review committee to review the dismissal.

#### **Independent review committee**

- 36 (1) An independent review committee consists of all of the following, none of whom are members of the Board:
- (a) 1 public representative;

- (b) 2 members of the Complaints Committee.
- (2) A quorum of an independent review committee consists of the 3 persons appointed under subsection (1).
- (3) A decision of an independent review committee requires the majority vote of the quorum of the committee.

**Decision of independent review committee**

- 37 (1) After reviewing a complaint, any other material considered by the Registrar and the Registrar's decision, an independent review committee may do any of the following:
- (a) confirm the dismissal of some or all of the complaint;
  - (b) overturn the dismissal of some or all of the complaint and do 1 or both of the following:
    - (i) order an investigation of any aspects of the complaint that have not been dismissed,
    - (ii) refer the matter to be considered by the Complaints Committee under Section 39.
  - (2) An independent review committee must render its decision in writing, with reasons, and must provide a copy of the decision to all of the following within a reasonable time:
    - (a) the Registrar;
    - (b) the complainant;
    - (c) the respondent.

**Decision of independent review committee final**

- 38 A decision of the independent review committee is final.

**Complaints Committee****Investigation of complaint**

- 39 (1) A Complaints Committee panel may appoint an investigator to conduct or to further an investigation of a complaint that is referred to the panel.
- (2) When investigating a complaint, an investigator or a Complaints Committee panel may do 1 or more of the following:
- (a) request additional written or oral explanation from the complainant, the respondent or a third party;
  - (b) request an interview with the complainant, the respondent or a third party;
  - (c) investigate any matter relating to the respondent, in addition to the complaint, that arises in the course of the investigation that may constitute any of the following:
    - (i) professional misconduct,
    - (ii) conduct unbecoming the profession,

- (iii) incompetence,
  - (iv) incapacity.
- (3) A respondent may submit medical information and any information relevant to the complaint to an investigator.
- (4) When an investigation is finished, the investigator must prepare a report of the investigation and provide a copy to the Complaints Committee panel.

**Additional information to Complaints Committee panel**

- 40 (1) A Complaints Committee panel may at any time direct an investigator to conduct any investigation that the panel considers necessary.
- (2) A Complaints Committee panel may at any time before the final disposition of a complaint under Section 41 or 42 receive additional information if the information is relevant to the matters before it.
- (3) If the Complaints Committee panel receives additional information under subsection (2), the respondent must be given an opportunity to respond to the information before the final disposition of the matter by the panel.
- (4) A Complaints Committee panel may do any of the following during an investigation:
- (a) provide direction with regard to the investigation;
  - (b) conduct some or all of the investigation;
  - (c) exercise any of the powers conferred upon it under the Act and these regulations.

**Dismissal of complaint by Complaints Committee panel**

- 41 (1) A Complaints Committee panel may dismiss a complaint and notify the complainant and the respondent of the dismissal if the Complaints Committee panel decides that any of the following apply:
- (a) the complaint is outside the jurisdiction of the College;
  - (b) the complaint cannot be substantiated;
  - (c) the complaint is frivolous or vexatious;
  - (d) the complaint constitutes an abuse of process;
  - (e) the complaint does not allege facts that, if proven, would constitute professional misconduct, conduct unbecoming, incompetence or incapacity, or would merit a caution;
  - (f) processing the complaint is not in the public interest.
- (2) If on dismissing a complaint the Complaints Committee panel considers it useful, it may provide written advice relevant to the complaint that is of a non-disciplinary nature to any of the following persons:
- (a) the complainant;

- (b) the respondent;
  - (c) any person affected by the complaint.
- (3) The Complaints Committee panel must provide a copy of any written advice provided under clause (2)(a) or (c) to the respondent.

**Disposition of complaint by Complaints Committee panel**

- 42 (1) Unless it dismisses the complaint under subsection 41(1), a Complaints Committee panel must give the respondent a reasonable opportunity to appear before the panel before it disposes of a complaint, and may request or require other persons to appear before it.
- (2) A Complaints Committee panel may require the respondent to do 1 or more of the following:
- (a) if the Complaints Committee panel has reasonable and probable grounds to believe that the respondent has an issue of incapacity, refer the matter to the Fitness to Practise Committee;
  - (b) submit to a review of the respondent's 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 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) Expenses incurred for a respondent to comply with a requirement under subsection (2) must initially be paid by the College, but may be awarded as costs against the respondent under any of the following circumstances:
- (a) if ordered under Section 64;
  - (b) as part of the terms of a consensual reprimand or consensual conditions or restrictions;
  - (c) by consent.
- (4) After providing a respondent an opportunity to appear before it under subsection (1), the Complaints Committee panel must do 1 or more of the following:
- (a) dismiss the complaint;
  - (b) if considered useful by the panel, provide written advice relevant to the complaint that is of a non-disciplinary nature to 1 or more of the following persons:
    - (i) the complainant,
    - (ii) the respondent,
    - (iii) any other person affected by the complaint;
  - (c) informally resolve the complaint;



- (d) caution the respondent;
- (e) refer the respondent to the Registrar for a competence assessment as determined by the Registrar, and require the respondent to pay for any costs arising from the assessment;
- (f) if the Complaints Committee panel believes the matter involves an issue of incapacity and should be addressed through the fitness to practise process, refer the matter to the Fitness to Practise Committee;
- (g) make a determination that there is sufficient evidence that, if proven,
  - (i) would constitute professional misconduct, conduct unbecoming, incompetence or incapacity, and
  - (ii) would warrant imposing a licensing sanction.
- (5) The Registrar must provide a copy of any written advice provided under subclause (4)(b)(i) or (iii) to the respondent.
- (6) On making a determination under clause (4)(g), the Complaints Committee panel must do 1 of the following:
  - (a) with the respondent's consent, order 1 or both of the following:
    - (i) that the respondent receive a reprimand and that the reprimand be communicated to the respondent, the complainant and any other person as the Complaints Committee panel considers appropriate,
    - (ii) that conditions or restrictions, or both, be imposed on the respondent's licence;
  - (b) refer the matter or matters for a hearing by the Professional Conduct Committee, and, if the panel considers it appropriate, direct the Registrar on behalf of the College to attempt to negotiate a settlement proposal in accordance with Section 44.

#### **Notification and disclosure of disposition**

- 43** (1) A licensing sanction imposed under clause 42(6)(a) must be published in accordance with Section 61.
- (2) If a Complaints Committee panel refers a matter for a hearing by the Professional Conduct Committee under clause 42(6)(b), the Registrar must advise the complainant of the referral and may do 1 or more of the following:
- (a) disclose to the public that a matter has been referred for a hearing;
  - (b) advise others of the referral for a hearing.

#### **Settlement Proposals**

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

- 44** (1) A settlement proposal may be tendered in writing by the Registrar or the respondent 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 on the acceptance of the settlement proposal by the Complaints Committee panel and the Professional Conduct Committee panel appointed in the matter;
  - (d) an agreement on costs.
- (3) A settlement proposal may include any disposition that could be ordered by the Professional Conduct Committee under the Act or these regulations.
- (4) If both parties agree with the settlement proposal tendered under subsection (1), the Registrar must refer the settlement proposal to a Complaints Committee panel for consideration in accordance with Section 45.
- (5) 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.
- (6) If the parties cannot agree on a settlement proposal, the matter must be referred for a hearing to the Professional Conduct Committee panel appointed to hear the matter.

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

- 45 (1) A Complaints Committee panel may recommend acceptance of a settlement agreement if it is satisfied that all of the following criteria are met:
- (a) the public is protected;
  - (b) if the respondent is permitted to continue in practice, the conduct or its causes can be or have been successfully remedied or treated, and the respondent is likely to successfully pursue any remediation or treatment required;
  - (c) settlement is in the best interests of the public and the profession.
- (2) If a Complaints Committee panel recommends acceptance of a settlement proposal, the Complaints Committee panel must refer the settlement proposal to the Professional Conduct Committee panel for consideration in accordance with Section 46.
- (3) If the Complaints Committee panel does not recommend acceptance of a settlement proposal, the panel 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 panel, or
    - (ii) if not agreed upon by the parties, will result in rejection by the Complaints Committee panel;

- (b) reject the settlement proposal and refer the matter considered by the Complaints Committee panel to the Professional Conduct Committee panel appointed in the matter for a hearing.

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

- 46** (1) A Professional Conduct Committee panel must consider a settlement proposal that is referred to it under subsection 45(2) and may approve the settlement proposal if satisfied that the criteria in subsection 45(1) have been met.
- (2) If a Professional Conduct Committee panel accepts a settlement proposal, the settlement proposal forms part of the order of the Professional Conduct Committee panel disposing of the matter and, except as provided in subsection 47(3) for breach of the settlement proposal, there is no hearing.
  - (3) If a Professional Conduct Committee panel 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, in which case the matter is referred to another panel of the Professional Conduct Committee for a hearing.
  - (4) If both parties do not agree with any amendments to a settlement proposal made under clause (3)(a), the settlement proposal is deemed to be rejected and the matter must be referred to another panel of the Professional Conduct Committee for a hearing.
  - (5) If both parties agree with amendments to a settlement proposal suggested under clause (3)(a), the Professional Conduct Committee panel must accept the settlement proposal.
  - (6) A person who sits on the Professional Conduct Committee panel that considers a settlement proposal must not sit on the Professional Conduct Committee panel that conducts a hearing related to the same complaint.

**Settlement proposals and hearings**

- 47** (1) If a settlement proposal is rejected by a Professional Conduct Committee panel, 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, a Professional Conduct Committee panel may be given a copy of any settlement proposals exchanged between the parties.
  - (3) Any alleged or admitted breach by a respondent of an undertaking given in an accepted or approved settlement proposal or a condition of an accepted settlement proposal must be referred to a Professional Conduct Committee panel and may form the subject of a new hearing.

**Consent revocation**

- 48** (1) A respondent who does not contest the allegations or admits some or all of the allegations set out in a complaint or a notice of hearing may, with the consent of the Registrar, submit a proposed consent revocation agreement to the Professional Conduct Committee panel appointed in the matter.
- (2) A proposed consent revocation agreement must include allegations that, if proven, would result in a revocation of the respondent's registration and licence.

- (3) A Professional Conduct Committee panel may accept or refuse a proposed consent revocation agreement submitted under subsection (1), and must provide a written decision with reasons.
- (4) A decision to accept a consent revocation agreement must in all respects be treated in the same manner as a revocation ordered by a Professional Conduct Committee panel following a hearing, including disclosure and publication in accordance with Section 61.

### **Hearing**

#### **Notice of hearing**

**49** A notice of hearing required under subsection 48(2) of the Act must state all of the following:

- (a) the details of the charges against the respondent;
- (b) that the respondent may be represented by legal counsel, a union representative or other representative;
- (c) the date, time and place of the hearing.

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

**50 (1)** At any time before or during a hearing, a Professional Conduct Committee panel may, on its own motion or on the motion of a party to the hearing, amend or alter the notice of hearing for any of the following reasons:

- (a) to correct an alleged defect in substance or form;
- (b) to make the notice conform to the evidence, if there appears to be a difference between the evidence and the notice or if the evidence discloses any of the following that is not stated in the notice:
  - (i) potential professional misconduct,
  - (ii) conduct unbecoming the profession,
  - (iii) incompetence,
  - (iv) incapacity.
- (2) A respondent must be given an opportunity to prepare an answer to an amendment or alteration to a notice of hearing made by a Professional Conduct Committee panel.
- (3) After receiving a respondent's answer under subsection (2), the Professional Conduct Committee 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 complaint.

#### **Public notice of hearing**

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

- (a) the name of the respondent;
- (b) the date, time and location of the hearing;

- (c) reference to any application being made for an order under subsection 52(2) to exclude the public.

### **Attendance at hearing**

- 52** (1) Except as provided in subsection (2) or (3), a hearing is open to the public.
- (2) At the request of a party, a Professional Conduct Committee panel 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 panel 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 the desirability of 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) A Professional Conduct Committee panel 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) A Professional Conduct Committee panel 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, a Professional Conduct Committee panel must state at a hearing its reasons for any order made under this Section.
- (6) Despite any decision to exclude the public under this Section, a complainant may attend a hearing unless the Professional Conduct Committee panel directs otherwise.

### **Hearing procedures**

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

- (b) submit to a review or audit of the respondent's practice by a qualified person or persons designated by the panel and authorize a copy of the review to be given to the panel;
  - (c) submit to a competence assessment or other assessment or examination the Professional Conduct Committee panel directs to determine whether the respondent is competent to practise, and authorize the assessment report or examination to be given to the panel;
  - (d) produce any records kept about the respondent's practice as the panel considers appropriate.
- (7) If a respondent fails to comply with a requirement under subsection (6), the Professional Conduct Committee panel may order that the respondent be suspended until the respondent complies.
- (8) Expenses incurred for a respondent to comply with a requirement under subsection (6) must be initially paid by the College, but may be awarded as costs against a respondent under Section 64.

**Respondent fails to attend hearing**

**54** After receiving proof of service of the notice of hearing in accordance with Section 49 of the Act, a Professional Conduct Committee panel may proceed with a hearing in a respondent's absence and take any action authorized under the Act and these regulations without further notice to the respondent.

**Subpoenaed witness fees**

**55** 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**

- 56** (1) All evidence presented at a hearing 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 panel considers appropriate, and the panel is not bound by the rules of law respecting evidence applicable to judicial proceedings.

**Preserving evidence**

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

**Disposition by Professional Conduct Committee panel**

- 58** (1) If a Professional Conduct Committee panel finds professional misconduct, conduct unbecoming, incompetence or incapacity on the part of a respondent, the Professional Conduct Committee panel may do 1 or more of the following and must include orders for it in the panel's disposition of the matter:
- (a) revoke the respondent's registration or licence and direct the Registrar to remove the respondent's name from the rosters where the name is entered;
  - (b) for a respondent who held a temporary licence or temporary licence with conditions or restrictions at the time of the incident giving rise to the complaint, revoke the respondent's ability to obtain registration, or require the respondent to comply with any conditions or restrictions imposed by the committee if registration is granted;
  - (c) authorize the respondent to resign from the Register and remove the respondent's name from the rosters where the name is entered;

- (d) suspend the respondent's licence for a specified period of time and direct the Registrar to remove the respondent's name from the rosters where the name is entered;
  - (e) suspend the respondent's ability to obtain a licence for a specified period of time;
  - (f) suspend the respondent's licence pending the satisfaction and completion of any conditions the panel orders;
  - (g) impose any conditions or restrictions, or both, on the respondent's licence for a specified period of time;
  - (h) reprimand the respondent and direct that the reprimand be recorded in the records of the College;
  - (i) direct the respondent to pass a particular course of study or satisfy a Professional Conduct Committee panel or any other panel established under the Act of the respondent's general competence to practise or competence in a particular field of practice;
  - (j) refer the respondent for a competence assessment as determined by the Registrar, and require the respondent to pay for any costs associated with the assessment and any bridging education required following the assessment;
  - (k) direct the respondent to pay a fine in an amount determined by the panel for findings that involve any of the following:
    - (i) practising without a licence,
    - (ii) professional misconduct or conduct unbecoming the profession;
  - (l) direct the respondent to pay any costs arising from compliance with an order under this subsection;
  - (m) publish or disclose its findings in accordance with the Act and these regulations.
- (2) If a Professional Conduct Committee panel revokes the registration or licence of the respondent, the panel must determine the minimum period of time that must elapse before the respondent is permitted to apply for reinstatement.

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

**59** A Professional Conduct Committee panel must prepare a written report or reports of each of its decisions that include the reasons for the decision on the allegations in the notice of hearing and the reasons for the disposition ordered under Section 58, and must provide copies of its decision or information from its decision in accordance with Sections 60 and 61.

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

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

**Disclosing and publishing licensing sanctions**

- 61 (1)** Except as prohibited by any publication bans and as excluded under Section 63, the Registrar must do all of the following for any licensing sanction that is issued following resolution of a complaint through a hearing or consent revocation process:
- (a) give a copy of the full decision to the respondent and the complainant;
  - (b) publish a copy of the full decision in both of the following:
    - (i) the College website,
    - (ii) any official publication determined by the Registrar;
  - (c) make the appropriate entries in the Register and rosters of the College and, if applicable, on the member's licence;
  - (d) provide a copy of the full decision, or part of the decision, a summary of the decision or a notice of the decision to any of the following the Registrar considers necessary:
    - (i) other regulatory bodies,
    - (ii) any past, present or intended employer of the respondent,
    - (iii) any identified individuals,
    - (iv) the public, through the newspaper or other media as determined by the Registrar.
- (2)** Except as prohibited by any publication bans and as excluded under Section 63, the Registrar must do all of the following for any licensing sanction that is issued by the Complaints Committee or through a settlement agreement:
- (a) make the appropriate entries in the Register and rosters of the College and, if applicable, on the member's licence;
  - (b) publish a copy of the full decision or a summary of the decision in all of the following:
    - (i) the College website,
    - (ii) any official publication determined by the Registrar;
  - (c) notify any of the following of the licensing sanction and provide a summary of the decision to them along with any other information the Registrar considers necessary to fulfill the objects of the College:
    - (i) other regulatory bodies,
    - (ii) any past, present or intended employer,
    - (iii) any entities or individuals the Registrar considers necessary;
  - (d) give the respondent a copy of the decision;



- (e) give the full decision or part of the decision, as determined by the Registrar, to the complainant;
- (f) give any of the following to any person the Registrar considers appropriate:
  - (i) the decision,
  - (ii) a summary of the decision,
  - (iii) parts of the decision,
  - (iv) notice of the decision.

**Contents of summary of decision**

**62** Subject to any publication bans, a summary of a decision provided under Section 61 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 the regulations under which the licensing sanction is issued;
- (c) the date of the decision;
- (d) sufficient facts to support the admissions and the disposition;
- (e) the admissions of the respondent;
- (f) an acknowledgment that the admissions constitute a disciplinary matter;
- (g) the disposition ordered by the Complaints Committee panel or Professional Conduct Committee panel;
- (h) the reasons for the decision;
- (i) any information the College considers necessary to meet the objects of the College.

**Publication if finding of incapacity**

**63** If a complaint is resolved without a hearing and the allegations have been found to constitute incapacity, the specific nature of the incapacity must not be included in a summary of the decision provided under Section 61.

**Costs for investigation and hearing**

**64 (1)** In 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 a Complaints Committee panel and a Professional Conduct Committee panel;
- (c) expenses incurred for participation in any competence assessment arising from a decision of a Complaints Committee panel or a Professional Conduct Committee panel;
- (d) expenses incurred under subsection 33(4), 42(2) or 53(6);

- (e) the College's solicitor and client costs, including disbursements and HST, relating to the investigation and hearing of a complaint, including those of College counsel and counsel for a Professional Conduct Committee panel;
  - (f) fees for retaining a court reporter and preparing transcripts of the proceedings;
  - (g) travel costs and reasonable expenses of any witnesses, including expert witnesses, required to appear at a hearing.
- (2) If a Professional Conduct Committee panel finds professional misconduct, conduct unbecoming the profession, incompetence or incapacity on the part of the respondent, it may order that the respondent pay costs in whole or in part.
  - (3) If a Professional Conduct Committee panel considers that a hearing was not necessary, it may order the College to pay some or all of the respondent's legal costs.
  - (4) Except when awarded costs under this Section, a respondent is responsible for all expenses incurred in their defence.
  - (5) The Registrar may suspend the licence of any respondent who fails to pay the costs within the time ordered until payment is made or satisfactory arrangements for payment are made.

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

#### **Applications for reinstatement**

- 65** (1) An application for reinstatement of registration or a licence following revocation by a Professional Conduct Committee panel must be sent in writing to the Registrar together with the applicable fee.
- (2) An application for reinstatement of registration or a licence must not be sent to the Registrar before the period of time determined by the Professional Conduct Committee panel under subsection 58(2) elapses.
- (3) An application for reinstatement of registration or a licence must include any information the Reinstatement Committee requires to assist it in determining whether the objects of the College will be met if reinstatement is granted.

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

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

#### **Reinstatement application proceedings**

- 67** (1) The Reinstatement Committee must set a date for a proceeding to review a reinstatement application and must advise the applicant of the date.

- (2) The parties to a reinstatement application proceeding are
  - (a) the College, represented by the Registrar or a person designated by the Registrar; and
  - (b) the applicant for reinstatement.
- (3) Evidence before the Reinstatement Committee must be taken under oath or affirmation and must be recorded, and is subject to cross-examination.

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

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

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

- 69** Subject to any publication bans, the Registrar must give public notice of any scheduled reinstatement application proceedings through the College's website or any alternate means the Registrar considers appropriate, including notice of all of the following:
- (a) the date, time and location of the reinstatement application proceeding;
  - (b) reference to any application being made for an order under Section 68.

#### **Decision of Reinstatement Committee**

- 70** (1) After considering the evidence and the representations from the parties, the Reinstatement 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 Registrar.
- (2) If the Reinstatement Committee accepts a reinstatement application, the Committee may impose any conditions and restrictions it considers appropriate relating to the reinstatement of the applicant, and the applicant must satisfy all criteria required for a licence.

- (3) Except as provided in subsection (4), the Reinstatement Committee's decision concerning a reinstatement application is final.
- (4) An applicant may resubmit an application for reinstatement no sooner than
  - (a) 1 year after the date of the Reinstatement Committee's initial decision to reject their application; or
  - (b) a date that is after the period in clause (a), determined by the Reinstatement Committee that rejected the initial application.

#### **Costs of reinstatement application**

**71 (1)** For purposes of this Section, "costs" includes all of the following:

- (a) expenses incurred by the College in the investigation of a reinstatement application;
  - (b) expenses incurred by the College for the activities of the Reinstatement Committee;
  - (c) the College's solicitor and client costs, including disbursements and HST, relating to a reinstatement application, including those of College counsel and counsel for the Reinstatement Committee;
  - (d) fees for retaining a court reporter and preparing transcripts of the proceedings;
  - (e) travel costs and reasonable expenses of any witnesses, including expert witnesses, required to appear at a reinstatement application proceeding.
- (2) An applicant for reinstatement is responsible for all expenses they incur in the reinstatement application process.
  - (3) Whether the application is accepted or rejected, the Reinstatement Committee may recover costs from the applicant.
  - (4) The Registrar may suspend the licence of any person whose licence is being reinstated and who fails to pay the costs within the time ordered until payment is made or satisfactory arrangements for payment are made.

### **Part 4: Fitness to Practise Process**

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

- 72 (1)** The Registrar or a Complaints Committee panel may, if it is in the public interest to do so, and with the consent of the member, refer a matter to the Fitness to Practise Committee in accordance with these regulations in any of the following circumstances:
- (a) a complaint concerns a member's incapacity;
  - (b) the investigation of a complaint raises the question of a member's incapacity;
  - (c) a person raises questions about the possible incapacity of a member to the College in the absence of a complaint;
  - (d) a member self-reports incapacity to the College.

- (2) If a matter referred to the Fitness to Practise Committee concerns a member who previously had a matter before the Fitness to Practise Committee, the Registrar and Committee must be provided with all information in the possession of the College related to the previous matter.

### **Interim agreement**

- 73** (1) On receipt of a referral of a matter, the Fitness to Practise Committee may enter into an interim agreement with the member who is the subject of the referral respecting conditions or restrictions on the member's practice or undertakings with regard to the member's practice.
- (2) An interim agreement is in effect pending the conclusion of an investigation or hearing with respect to the member or until the Fitness to Practise Committee approves a remedial agreement in accordance with Section 74.
  - (3) An interim agreement may include any of the following:
    - (a) the member's agreement to submit, at the member's expense, to any assessment for incapacity that the Fitness to Practise Committee considers appropriate;
    - (b) the member's agreement to reimburse the College for any assessment for incapacity expenses incurred by the College;
    - (c) the member's undertaking to complete, at the member's expense, any applicable course of treatment that is designed to address any issues respecting the member's capacity;
    - (d) the member's authorization for the Fitness to Practise Committee to receive reports on the assessments for incapacity or treatments referred to in clauses (a), (b) and (c) and to request reports from practitioners who treat the member;
    - (e) the member's undertaking to refrain from practice until the further agreement or approval from the Fitness to Practise Committee;
    - (f) the member's agreement to accept conditions or restrictions on the member's practice;
    - (g) terms and conditions that the member must satisfy before returning to practice;
    - (h) any provisions to which the member and the Fitness to Practise Committee agree.
  - (4) If a member who enters into an interim agreement undertakes not to practise until the terms and conditions of the interim agreement have been satisfied, the Registrar
    - (a) must remove the member's name from any applicable rosters;
    - (b) must notify the member's employers as identified in the records of the College; and
    - (c) may notify the licensing authority in any other jurisdiction in which the member is licensed, as shown in the records of the College.
  - (5) Any terms, conditions or restrictions placed on a member's licence under an interim agreement must be noted on the member's licence and in the College's records, and the Registrar must notify the member's employers as identified in the records of the College.

### **Remedial agreement**

- 74** (1) A member who is subject to an interim agreement and seeks to lift the terms of the interim

agreement may request a remedial agreement to govern the terms of a return to practice.

- (2) The Fitness to Practise Committee may enter into a remedial agreement with a member, if the Fitness to Practise Committee is satisfied of all of the following:
  - (a) the member is incapacitated;
  - (b) it is in the public interest to do so;
  - (c) the agreement contains terms and conditions that can be reasonably expected to protect the public and avoid endangering the health or safety of patients.
- (3) A remedial agreement may contain any of the following:
  - (a) the member's agreement to submit, at the member's expense, to any assessment for incapacity that the Fitness to Practise Committee considers appropriate;
  - (b) the member's agreement to reimburse the College for any assessment for incapacity expenses incurred by the College;
  - (c) the member's undertaking to complete, at the member's expense, any applicable course of treatment designed to address any issues respecting the member's incapacity;
  - (d) the member's authorization for the Fitness to Practise Committee to receive any reports, assessments or evaluations that have been completed, are being undertaken or are undertaken in the future, whether at the request of the Fitness to Practise Committee or not, to the extent that they might reasonably be considered to relate to the member's incapacity;
  - (e) the member's consent for the Fitness to Practise Committee to communicate directly with practitioners who treat the member;
  - (f) restrictions on the member's licence, or the member's undertaking to refrain from practising;
  - (g) terms and conditions that the member must satisfy before returning to practice;
  - (h) terms, conditions or restrictions on the member's licence that will apply after the member returns to practice;
  - (i) any provisions to which the member and the Fitness to Practise Committee agree.
- (4) Any terms, 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 Registrar must notify the member's employers as identified in the records of the College.
- (5) If a member who enters into a remedial agreement undertakes not to practise until certain conditions of the remedial agreement have been satisfied, the Registrar
  - (a) must remove the member's name from any applicable rosters;
  - (b) must notify the member's employers, as identified in the records of the College; and
  - (c) may notify the licensing authority in any other jurisdiction in which the member is licensed, as shown in the records of the College.

**Referrals from Fitness to Practise Committee**

- 75 (1)** The Fitness to Practise Committee must refer a matter referred under Section 72 back to the Registrar if any of the following occur:
- (a) the member fails to submit to any examination that the Fitness to Practise Committee directs to determine whether or not the member is incapacitated;
  - (b) the member withdraws consent to participate in the fitness to practise process;
  - (c) at any time, the Fitness to Practise Committee considers that it is no longer in the public interest for the member to participate in the fitness to practise process;
  - (d) the member and the Fitness to Practise Committee do not agree to the terms and conditions of an interim agreement or a remedial agreement;
  - (e) the Fitness to Practise Committee requests an amendment to an interim agreement or a remedial agreement and the member does not accept the amendment;
  - (f) the Fitness to Practise Committee determines that a member subject to an interim agreement or a remedial agreement
    - (i) fails to meet the terms and conditions of the interim or remedial agreement, or
    - (ii) poses an immediate threat to the health or safety of others;
  - (g) the Fitness to Practise Committee is not satisfied that the member is incapacitated.
- (2)** When the Fitness to Practise Committee refers a matter back to the Registrar under subsection (1), the Registrar may consider referring the matter to be considered by a Complaints Committee panel as a complaint.
- (3)** Once a member has fulfilled the terms and conditions of a remedial agreement, the Fitness to Practise Committee must refer the agreement back to the Registrar or, if the matter was referred by a Complaints Committee panel, back to the Complaints Committee panel for final disposition.
- (4)** When a matter is referred by the Fitness to Practise Committee back to the Registrar or a Complaints Committee panel, the complete file, including any reports, assessments or evaluations in the possession of or obtained by the Fitness to Practise Committee, must accompany the referral.