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N.S. Reg. 127/2001

Made: October 22, 2001

Filed: October 23, 2001

Ministerial Order re Raymond W. Loew and
Janet Ann Loew

Order dated October 22, 2001
made under subsection 125(1) of the
Environment Act

16 - 01

IN THE MATTER OF Chapter 1 of the Statutes of Nova Scotia 1994-95, the *Environment Act*

- and -

IN THE MATTER OF an Order issued pursuant to the provisions of the said *Act* to **Raymond W. Loew and Janet Ann Loew** of Blomidon, in Kings County, Nova Scotia

MINISTERIAL ORDER

- I. **WHEREAS** Raymond Loew & Janet Ann Loew own, occupy, operate or are responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: a dam across a watercourse which is located at or near 380 Stewart Mountain Road , Kings County, Nova Scotia, hereinafter called the "Site";
- II. **AND WHEREAS** the Minister of Environment and Labour believes on reasonable and probable grounds that the persons named in this Ministerial Order have contravened the *Environment Act*;
- III. **AND WHEREAS** the Minister is of the opinion that it is in the public interest to do all things and take all steps necessary to comply with the *Environment Act* or to repair any injury or damage, or to control, eliminate or manage an adverse effect;

IT IS HEREBY ORDERED:

That pursuant to subsection 125(1) of the *Environment Act*, the persons named in this Ministerial Order shall, at their own cost, comply with the terms and conditions, including compliance times, set forth in Schedule "A" attached to and forming part of this Ministerial Order.

AND TAKE NOTICE if the persons to whom this Ministerial Order is directed fail to comply with the Ministerial Order, or any part thereof, the Minister, pursuant to [sub]section 132(2) of the *Environment Act*, may take whatever action the Minister considers necessary to carry out the terms of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister pursuant to Section 132 of the *Environment Act*.

AND FURTHER TAKE NOTICE that the appeal provisions respecting the issuance of a Ministerial Order are more fully outlined in Section 138 of the *Environment Act*, including a 30 day time period from the date of the issuance of the Ministerial Order to file an appeal.

DATED at Halifax, Halifax County, Nova Scotia, October 22, 2001.

(Sgd.) *David Morse*
The Honourable David Morse
Minister of Environment and Labour

SCHEDULE "A"

TERMS AND CONDITIONS

1. Cessation of Activities

The persons named in this order shall immediately stop all activities on the lands of Raymond W. Loew and Janet Ann Loew except for those remedial activities which are approved by Department of Environment and Labour and are necessary to comply with this order.

2. Notice to Department

The persons named in this Ministerial Order shall notify the Kentville office of the Nova Scotia Department of Environment and Labour (telephone: 679-6086) 24 hours prior to the commencement of any remedial work required under this Order or under a Remedial Action Plan required by this Order.

3. Remediation Plan

On or before Friday November 5, 2001, the persons named in this Order shall submit to the contact person named in Section 6 of this Order, for the contact person's approval, a Remedial Action Plan for the removal of the dam structure. The Remedial Action Plan is to be prepared by a professional engineer familiar with the process of installing and decommission[ing] dams. This plan shall include measures which will ensure damage is not done to surrounding watercourse(s), including but not limited to erosion and sedimentation protection of any watercourse(s).

4. Implementation

Within 5 days of receipt of written approval of the Remedial Action Plan by the Department of Environment and Labour, the persons named in this Ministerial Order shall commence work under the Remedial Action Plan and shall complete the work required under the plan within 14 days following the receipt of the Department's approval or within such longer period of time as may be determined by the contact person.

5. Progress Reports

Once remedial action has commenced pursuant to Section 2, the persons named in this Ministerial Order shall submit progress reports to the Department of Environment and Labour as may be required by the Department.

6. Departmental Contact

Unless otherwise notified in writing by the Minister, the contact person for the Department of Environment and Labour is:

Jeff Garnhum
District Manager
Kentville Office
136 Exhibition St.
Kentville, N. S. B4N 4E5

Phone: (902) 679-6086
Fax: (902) 679-6186

N.S. Reg. 128/2001

Made: October 22, 2001

Filed: October 23, 2001

Revocation of Ministerial Order re Acadian Seaplants
Limited, Louis Deveau and Carl A. Holme

Order dated October 22, 2001
made under subsection 131(1)(b) of the
Environment Act

17-01

IN THE MATTER OF Clause 131(1)(b) of Chapter 1 of the Acts of 1994-95, the *Environment Act*

- and -

IN THE MATTER OF the revocation of a Ministerial Order issued pursuant to the provisions of the *Environment Act* to **Acadian Seaplants Limited**, of Annapolis County, Nova Scotia and **Louis Deveau** and **Carl A. Holme** of Halifax County, Nova Scotia

REVOCATION ORDER

WHEREAS by Ministerial Order issued pursuant to subsection 125(1) of the *Environment Act* dated the 21st day of December, 2000, signed by the Minister of Environment and Labour, the Honourable Angus MacIssac, and duly filed in the Office of the Registrar of Regulations on the 21st day of December, 2000, (Reg. 204/2000) and published in the Royal Gazette, Part II, Volume 25, Number 1 on the 12th day of January, 2001, on pages 5-7, the persons named in the Ministerial Order were ordered to comply with the conditions set forth in Schedule "A" attached to the Ministerial Order respecting a food and pharmaceutical plant which is located at or near Cornwallis Park, in the County of Annapolis, Province of Nova Scotia;

AND WHEREAS the Honourable Minister of Environment and Labour wishes to revoke the aforesaid Ministerial Order while maintaining the authority to issue further Ministerial Orders in future against the persons named in the said Ministerial Order if the circumstances so merit;

IT IS HEREBY ORDERED that upon service of this Order of Revocation, the Ministerial Order dated the 21st day of December, 2000 is revoked and of no further force or effect.

DATED at Halifax, Halifax County, Nova Scotia, October 22, 2001.

(Sgd.) *David Morse*
Honourable David Morse
Minister of Environment and Labour

N.S. Reg. 129/2001

Made: October 26, 2001

Filed: October 30, 2001

On-site Sewage Disposal Systems Regulations

Order in Council 2001-500 made October 26, 2001
Amendment to regulations made by the Governor in Council
pursuant to Sections 66, 102 and 110 of the *Environment Act*
and Section 12 of the *Health Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated September 20, 2001, and pursuant to Sections 66, 102 and 110 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, and Section 12 of Chapter 195 of the Revised Statutes of Nova Scotia, 1989, the *Health Act*, is pleased to amend the *On-site Sewage Disposal System[s] Regulations* made by the Governor in Council by Order in Council 97-297 dated May 20, 1997, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after October 26, 2001.

Schedule "A"

**Amendments to [the] *On-site Sewage Disposal Systems Regulations* made
by the Governor in Council pursuant to Sections 66, 102 and 110 of
Chapter 1 of the Acts of 1994-95, the *Environment Act* and Section 12 of
[Chapter 195 of] the Revised Statutes of Nova Scotia, 1989, the *Health Act***

- 1 Subsection 26(2) of the *On-site Sewage Disposal Systems Regulations* made by the Governor in Council by Order in Council 97-297 dated May 20, 1997, is amended by adding "Subject to subsection 27(8)," immediately before "No owner".
- 2 Section 27 of the regulations is repealed and the following Section is substituted:
 - 27 (1) An inspector may require, in writing, the owner of a lot to
 - (a) obtain an approval to replace, alter, upgrade or repair a malfunctioning system at the expense of the owner; and
 - (b) replace, alter, upgrade or repair the malfunctioning system in accordance with the approval obtained pursuant to clause (a).
 - (2) No person shall fail to comply with a request under subsection (1).
 - (3) No person shall replace, alter, upgrade or repair a malfunctioning system without first obtaining an approval in writing from an inspector.
 - (4) Despite subsection (3), in an emergency situation an installer may make temporary repairs to a malfunctioning system and the installer shall notify an inspector within 3 days of making the temporary repairs.

- (5) No person shall fail to provide notice to an inspector as required under subsection (4).
- (6) An inspector may audit and inspect any temporary repairs to a malfunctioning system.
- (7) Where, in the opinion of an inspector, a temporary repair of a malfunctioning system
- (a) fails to meet the requirements of the Act, these regulations or the “On-Site Sewage Disposal Technical Guidelines” published by the Department; or
 - (b) may create an adverse effect,
- an inspector may require the installer to uncover, remove or modify the temporary repair of the malfunctioning system.
- (8) An inspector may issue an approval to replace, alter, upgrade or repair a malfunctioning system where the replacement, alteration, upgrade or repair does not meet the requirements of the Act, these regulations or the “On-Site Sewage Disposal Technical Guidelines” published by the Department, provided that
- (a) no system that contains a septic tank, disposal field and interconnecting pipes and that meets the requirements of the Act, these regulations or the “On-Site Sewage Disposal Technical Guidelines” can be constructed or installed on the lot; and
 - (b) in the opinion of the inspector, the replacement, alteration, upgrade or repair will result in an immediate reduction of any adverse effects.

N.S. Reg. 130/2001

Made: November 1, 2001

Filed: November 2, 2001

Chiropractic Regulations

Order in Council 2001-504 made November 1, 2001
Regulations approved by the Governor in Council
pursuant to Sections 6 and 22
of the *Chiropractic Act*

The Governor in Council on the report and recommendation of the Minister of Health dated October 15, 2001, and pursuant to Sections 6 and 22 of Chapter 4 of the Acts of 1999 (2nd Session), the *Chiropractic Act*, is pleased to:

- (a) approve the repeal by the Board of the Nova Scotia College of Chiropractors of regulations respecting chiropractors approved by the Governor in Council by Order in Council 96-310 dated April 30, 1996; and
- (b) approve the making by the Board of the Nova Scotia College of Chiropractors of new regulations respecting chiropractors in the form set forth in Schedule “A” attached to and forming part of the report and recommendation,

effective on and after November 1, 2001.

Schedule “A”

Regulations Respecting Chiropractors approved by the Governor in Council pursuant to Sections 6 and 22 of Chapter 4 of the Acts of 1999 (2nd Session), the *Chiropractic Act*

Citation

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

Interpretation

2 (1) In these regulations

- (a) “Act” means the *Chiropractic Act*;
- (b) “Advertising Approval Committee” means the committee appointed pursuant to the Board Regulations to deal with matters respecting advertising;
- (c) “Board Regulations” means regulations made by the Board pursuant to subsection 6(2) of the Act;
- (d) “Continuing Education Committee” means the committee appointed pursuant to the Board Regulations to deal with matters respecting continuing education;
- (e) “fine” means a sum of money determined by the Board to be paid as a penalty for an offence;
- (f) “P.A.C.” means the Peer Assessment Committee appointed pursuant to the Act;

(g) “spouse” means:

- (i) a person married to another person,
- (ii) a man or a woman who, not being married to each other, live together as husband and wife and have so lived for at least one year, or
- (iii) a person who has continuously co-habited with another person for at least one year in a ‘marriage-like’ relationship that is not a legal marriage, whether the persons are of the opposite or of the same gender.

(2) The definitions set out in the Act apply to these regulations.

3 For the purposes of the Act, “professional misconduct” includes, but is not restricted to

- (a) a breach of the Act, regulations or by-laws of the Council;
- (b) incompetence in the practice of chiropractic by reason of the registered chiropractor failing to diagnose and treat his or her patients with a standard of skill, knowledge or judgement which is reasonable in the practice in which the registered chiropractor is engaged in the Province;
- (c) dishonesty in the registered chiropractor’s relationship with organizations that pay directly or indirectly all or part of the fee charged by the registered chiropractor to a patient, including over-treatment and excess billing.

Application for registration

4 (1) All applicants for registration must provide the following to the Board in accordance with any deadlines determined in the Board Regulations:

- (a) a completed application on a form prescribed in the Board Regulations;
- (b) evidence to the satisfaction of the Board that the applicant is legally entitled to work in Canada;
- (c) sufficient evidence of completion of a Board-approved chiropractic educational program;
- (d) evidence of successful completion of written and practical examinations prescribed in the Board Regulations;
- (e) evidence of good standing in any prior jurisdiction of practice;
- (f) evidence that neither their professional conduct nor their practices are under investigation in any other jurisdiction;
- (g) evidence of good character;
- (h) submission of any other documents as required by the Board; and
- (i) any fees prescribed in the Board Regulations.

- (2) Applicants for registration who are currently actively registered and are in good standing in another Canadian jurisdiction must
- (a) successfully complete any jurisprudence-type examination prescribed in the Board Regulations;
 - (b) provide evidence of completion of a minimum of 24 hours of Board-accepted continuing education within the past 24 months;
 - (c) provide evidence of successful peer assessment within the past 12 months if conducted in their jurisdiction or the applicant must agree to peer assessment within the first 12 months of practice in Nova Scotia; and
 - (d) pay any related fees as prescribed in the Board Regulations,
prior to entry into the Register.
- (3) Applicants for registration who are currently registered and in good standing in another Canadian jurisdiction and who have provided acceptable application information but who do not meet the requirements of subsection (2) may be entered in the Register as conditional registrants for a period of 1 year in order that such criteria be completed to the satisfaction of the Board.
- (4) Applicants for registration shall not be registered until all the requirements of this Section are satisfied.
- (5) If an applicant for registration has not satisfied or completed any or all of the requirements of this Section to the complete satisfaction of the Registrar, the application will be forwarded to the Credentials Committee for review.

Out-of-province registration

- 5 Registrants in active practice in another jurisdiction who wish to maintain out-of-province registration in Nova Scotia must
- (a) provide the same evidence of professional liability insurance, chiropractic continuing education hours and peer assessment; and
 - (b) pay the same applicable fees
- as equivalent registrants within the Province.

Refused registration

- 6 Despite anything in these regulations, no person shall be approved for registration
- (a) who has been refused registration in another jurisdiction; or
 - (b) whose name has been removed from the register of a Board-approved chiropractic professional association or college,
- by reason of the person's conduct or a disciplinary proceeding arising out of the person's conduct.

Defined Register

7 (1) Classes of registration in the Defined Register shall be

- (a) full active registration;
- (b) part-time active registration;
- (c) conditional registration;
- (d) out-of-province registration;
- (e) non-practising registration; and
- (f) retired registration.

(2) Prior to entry into the Defined Register, all applicants must show evidence of

- (a) completion of the criteria for application and registration in Section 4; and
- (b) professional liability insurance as determined by the Board.

(3) Completion of continuing education requirements and peer assessment shall be recorded in the Defined Register.

Renewal of registration

8 (1) A registration shall expire on December 31 in each year.

(2) Renewal of registration shall be noted yearly as of January 1 in the Defined Register.

9 (1) Registration shall be renewed upon payment of all required fees and receipt of evidence of chiropractic continuing education hours completion in accordance with Section 35 and renewal of professional liability insurance on or before the deadlines determined by the Board.

(2) If the requirements of subsection (1) are not met by the required deadlines, the member's licence shall be suspended by the Registrar effective on the expiry date of the registration and the member shall not be permitted to practise after that expiry date.

10 (1) A member whose licence has been suspended for failure to fulfil the requirements of Section 9 may be reinstated by the Registrar upon compliance with the requirements and procedures set out in Section 28 of the Act and these regulations.

(2) A reinstatement pursuant to this Section shall be effective upon receipt by the member of a notice of reinstatement from the Registrar.

Change of address

11 Failure to notify the Registrar of a change of address within 30 days will result in a violation of Section 26 of the Act and the member shall be subject to disciplinary action or a fine as determined by the Board.

Non-practising registration

12 A registered member may apply to the Board to be registered in the Defined Register as a non-practising or retired member provided that the member provides satisfactory evidence that the member is not engaged in the practice of chiropractic.

- 13 (1)** A non-practising member may apply to the Board for reinstatement as a practising member provided the following terms are completed to the satisfaction of the Board:
- (a) completion of all applicable application forms, provision of supporting documents and payment of fees as prescribed in the Board Regulations;
 - (b) if the applicant has been a non-practising member for less than 5 years immediately prior to application, the applicant must provide evidence of a minimum of 24 hours of chiropractic continuing education as determined by the Board for every year or part thereof that the applicant was non-practising; and
 - (c) if the applicant has been a non-practising member for more than 5 years immediately prior to application, the applicant must complete a minimum of 400 hours of chiropractic continuing education as determined by the Board prior to reinstatement.
- (2)** An applicant seeking reinstatement may be issued a provisional registration pursuant to Section 20 of the Act pending completion of any other requirements as determined by the Board.

Application for permit or renewal of permit

- 14** An application for a permit pursuant to subsection 78(3) of the Act or to renew a permit pursuant to subsection 78(5) of the Act shall be made to the Registrar.
- 15** A professional corporation that is applying for a permit must, in addition to satisfying the requirements of subsection 78(3) of the Act,
- (a) file a completed application form as prescribed in the Board Regulations and under the seal of the professional corporation; and
 - (b) pay an initial application fee of \$200.00.
- 16** An application to renew a permit pursuant to subsection 78(5) of the Act shall be
- (a) on a completed application form as prescribed in the Board Regulations and under seal of the professional corporation;
 - (b) made not earlier than 90 days and not later than 30 days prior to the expiry date of the permit; and
 - (c) accompanied by a renewal fee of \$100.00.

Suspension or revocation of permit

- 17 (1)** The Registrar shall give notice to a professional corporation upon suspension or revocation of its permit pursuant to subsection 78(6) of the Act.
- (2)** A notice given pursuant to subsection (1) shall include reference to the specific requirements of subsection 78(3) of the Act that, in the Registrar's opinion, the professional corporation failed to satisfy.

- 18 (1)** Despite Section 17, the Registrar shall suspend a permit without notice or investigation where the professional corporation has failed to pay a fee or assessment, file a document, or do any other act by a specified or ascertainable date.
- (2)** A permit suspended by the Registrar pursuant to subsection (1) shall be reinstated by the Registrar upon payment of the required fee or assessment, receipt of a document required to be filed, or performance of the required act by the professional corporation.

Review of suspension or revocation of permit

- 19** If a professional corporation's permit is suspended or revoked pursuant to subsection 78(6) of the Act, the professional corporation may, within 15 calendar days of the suspension or revocation, request in writing that the Board review the Registrar's decision pursuant to subsection 78(7) of the Act.
- 20 (1)** If a professional corporation requests a review by the Board pursuant to Section 19 and the Board, in its discretion, decides to review the Registrar's decision and notifies the corporation of its decision, the professional corporation shall make written submissions to the Registrar and to the Board within 30 days of receiving the notice.
- (2)** The Board may investigate the matter as it considers appropriate, and may require the professional corporation or its directors, officers, employees or shareholders to provide information and documentation to the Board.
- (3)** The Board may ratify, reverse or modify the decision of the Registrar, as it considers appropriate.
- (4)** The Board may conditionally reinstate or re-issue a permit for a period of up to 1 year if the permit was suspended or revoked pursuant to subsection 78(6) of the Act, and at the end of that period the professional corporation must re-apply for a permit in accordance with subsection 78(3) of the Act and these regulations.

Fees payable to trustee

- 21** No fees or other remuneration shall be paid to any individual or company holding a non-voting share in a professional corporation or its holding company as trustee except for fees payable to the trustee solely for services rendered as trustee in an amount not exceeding the fees which might be fixed by the Supreme Court of Nova Scotia pursuant to the *Trustee Act*, and in any such trust arrangement it shall be stipulated that such fees shall be subject to review by the court for the purpose of determining whether the fees are reasonable in the circumstances.

Display of permit

- 22** A professional corporation shall at all times have its current permit displayed in a conspicuous place at its premises.

Register of Professional Corporations

- 23** The Registrar shall maintain a Register of Professional Corporations and shall enter in the Register the name and address of a professional corporation to which a permit is issued or re-issued.

Records

24 Every professional corporation shall

- (a) maintain current financial records in accordance with generally accepted accounting principles;
- (b) cause financial statements to be prepared at the end of each fiscal year; and
- (c) maintain records with respect to its employees in accordance with generally accepted business standards.

Acceptable names

25 The names and business names by which a professional corporation, a partnership of 2 or more professional corporations or a partnership of 1 or more professional corporations and 1 or more individual chiropractors may be known must

- (a) be in good taste; and
- (b) not imply superiority of qualifications, experience or education over that of other chiropractors.

Change of name/memorandum of association

26 If a professional corporation proposes to change its name or operate under a business name other than its own name, it shall first satisfy the Registrar that the proposed name or business name is not objectionable and satisfies the requirements of Section 25.

27 The Memorandum of Association of a professional corporation shall not be changed without the written consent of the Registrar.

Access to minute book

28 Upon 7 days written notice, a professional corporation shall provide the Registrar with access to the minute book records and such other business and financial records as may be reasonably required.

Notice

29 Any notice required to be given to a professional corporation pursuant to the Act or these regulations shall be by prepaid registered mail to the address indicated on the Register of Professional Corporations and shall be deemed to have been received on the 3rd day after the notice is sent.

30 Where notice of any act is required to be given to the Registrar or the Board pursuant to the Act or these regulations, it shall be in writing by prepaid registered mail and shall be deemed to have been received by the Registrar or Board, as the case may be, on the 3rd day after the notice is sent.

31 A professional corporation required to give notice to the Registrar pursuant to Section 80 of the Act, shall give the notice in writing and satisfy the Registrar that it will continue to fulfil the requirements for issuance of a permit.

Conflict of interest

32 No chiropractor shall cause or commit a professional corporation or its holding company to engage in or invest in any business that is contrary to the proper and ethical practice of chiropractic or that creates a conflict of interest for the professional corporation or its employees.

Records

33 (1) A chiropractor or professional corporation shall maintain such records and accounts as may be required by the Standards of Practice approved by the Board and the records and accounts shall be made available for examination and inspection by the College upon request and the College may make copies of the records and accounts at its own expense.

(2) A chiropractor shall maintain patient records for a minimum of 10 years.

Custodian of records

34 A chiropractor appointed as a custodian pursuant to subsection 39(2) of the Act shall

(a) operate within the operating budget set forth by the Board; and

(b) follow protocol as set forth by the Board.

Continuing education

35 (1) Every person practising chiropractic in the Province must complete a minimum of 24 hours of chiropractic continuing education as determined by the Board in every 2-year period.

(2) For new registrants, the period referred to in subsection (1) commences on December 31 of the year of registration.

(3) Members shall consult Board policy for other areas of interest and sources of post-graduate and continuing education, such as conventions, symposiums and seminars, that are considered to be appropriate to fulfil the requirements of subsection (1).

Extension of time for continuing education

36 (1) A member whose licence has been suspended pursuant to subsection 8(2) because the member has not acquired the number of continuing education credit hours prescribed in Section 35, may make application to the Continuing Education Committee for an extension of time required to acquire the credit hours before the suspension takes effect.

(2) The application for extension must

(a) be submitted in writing to the Board prior to the expiry date of the member's registration in the year in which the credit hours are to be completed or any other date set by the Board;

(b) ~~must~~ state the circumstances regarding the request for extension of time, the time frame for completion of the credit hours and the means by which these continuing education hours will be fulfilled, in addition to other necessary information requested by the Board; and

(c) be accompanied by a one-time, non-refundable application fee as set by the Board.

(3) The Board shall render its decision as to the granting of the extension of time within 30 days of submission of the application.

- (4) If a member has not acquired sufficient credit hours at the expiration of the extended time period granted by the Board pursuant to this Section, the member's licence shall be suspended as of the expiry of that time period and may be reinstated in accordance with Section 10.

Discipline

- 37 A member of an investigation committee shall be appointed for a period of 3 years and may be reappointed at the discretion of the Board.
- 38 The Registrar shall, on behalf of the Board, provide notice regarding disciplinary findings resulting in the suspension or revocation of a member's registration
- (a) to the public within 7 days of the suspension or revocation; and
 - (b) to all other Canadian chiropractic regulatory colleges, boards, and associations as well as any other organizations as determined by the Board.

Specialization

- 39 (1) A member shall not use the title "specialist" or any similar designation suggesting a recognized special status or academic accreditation on any letterhead or business card or in any other marketing activity, unless the accreditation has been bestowed on the member and is recognized by the Board or the Canadian Federation of Chiropractic Regulatory Boards.
- (2) A member shall take all reasonable steps to discourage use by another person, in relation to the member, of the title "specialist" or similar designation suggesting a recognized special status or academic accreditation in any marketing activity, as defined in clause 40(b), unless the accreditation has been bestowed on the member or is recognized by the Board or the Canadian Federation of Chiropractic Regulatory Boards.
- (3) This Section applies with the necessary changes in detail to a professional corporation.

Advertising

- 40 In this Section and Sections 41 to 49,
- (a) "advertisement" means the use of space or time in any public medium, or the use of publication such as a brochure or handbill, to communicate with the general public or segment thereof, for the purpose of promoting professional services or enhancing the image of the advertiser;
 - (b) "marketing activity" includes but is not limited to
 - (i) an advertisement,
 - (ii) any publication or communication in any medium with any patient, prospective patient or the public generally, in the nature of an advertisement, promotional activity or material, a listing in a directory, a public appearance or any other means by which chiropractic services are promoted,

- (iii) contact with a prospective patient initiated by a member, or
 - (iv) the display or distribution of any chiropractic educational or other material.
- 41** Sections 42 to 49 apply to any marketing activity undertaken or authorized by a member with respect to the member's chiropractic services.
- 42 (1)** Any marketing activity material that adheres to advertising templates approved by the Board, provided that there are no additions, deletions, revisions or modifications of any kind, does not need to be submitted to the Advertising Approval Committee for approval.
- (2)** Any material not addressed by the templates shall be submitted to the Committee for approval prior to publication, use, or airing.
- 43** It is incumbent upon the member seeking approval of marketing activity material pursuant to subsection 42(2), to make the material available to the Advertising Approval Committee in a timely manner so as to be able to make amendments as required before the advertisement is printed, published or aired.
- 44** A marketing activity shall
- (a) be professional;
 - (b) be truthful and verifiable;
 - (c) be clear and not misleading;
 - (d) not claim professional superiority;
 - (e) not make invidious remarks respecting other practitioners, their services or their products, or make claims respecting products or services that are not provided as promised;
 - (f) not guarantee results or create unjustified expectations;
 - (g) not violate patient confidentiality;
 - (h) not contain self-congratulatory statements; and
 - (i) not state that the member speaks on behalf of the chiropractic profession unless authorized by the College or the Canadian Chiropractic Association to do so.
- 45 (1)** A chiropractor contemplating endorsing a product, company or service should do so only if it reflects favourably on the profession and the policies of the College are upheld.
- (2)** The names of professional bodies may not be used in conjunction with an endorsement without their expressed written consent.
- 46** All marketing activity must adhere to Board policy.

- 47 A chiropractor shall respect the code of ethics, the clinical guidelines for the Practice of Chiropractors in Canada, and the College regulations and guidelines concerning practice advertising.
- 48 A member, who does not comply with these advertising procedures will be subject to disciplinary action by the Board and/or such penalty as considered appropriate by the Advertising Approval Committee.
- 49 Sections 41 to 48 apply with the necessary changes in detail to a professional corporation.

Peer assessment

- 50 (1) The Board shall appoint a member of the Board who is also a member of the College elected pursuant to clause 7(1)(a) of the Act as the chair of the P.A.C. and this member shall not be a member of a hearing committee or an investigation committee while acting as the chair of the P.A.C.
- (2) The Board shall appoint a minimum of 2 members who are not members of the Board to form the P.A.C.
- (3) The appointments to the P.A.C. shall be reviewed every 2 years in conjunction with appointments to the Board.
- 51 (1) All new members shall undergo a peer assessment within the first 12 months of registration.
- (2) Other registrants shall be subject to a peer assessment once every 5 years, or at the discretion of the Board.
- 52 The P.A.C. shall appoint assessors to conduct peer assessments on 1 or more specified members.
- 53 An assessor must
- (a) have been in the practice of chiropractic for a minimum of 3 full years;
 - (b) be in good standing with the College;
 - (c) complete a peer assessment training seminar approved by the Board; and
 - (d) not be a member of an investigative committee or hearing committee.
- 54 A chiropractor from outside the Province may be appointed as an assessor by the P.A.C. provided that the chiropractor
- (a) has been in the full-time practice of chiropractic for a minimum of 3 full years;
 - (b) is in good standing with the chiropractor's provincial licensing body; and
 - (c) has completed a peer assessment training seminar approved by the Board.

- 55 (1)** On completion of an assessment, an assessor shall report in writing within 2 weeks to the P.A.C.
- (2)** An assessor may include remedial recommendations for the member in the report produced pursuant to subsection (1).
- 56** Remedial recommendations made pursuant to subsection 64(8) of the Act may be in the form of training, counselling, penalty, or other directives as approved by the Board to improve the member's practice of chiropractic.
- 57** The assessed member shall have the opportunity to respond formally, in writing, to the P.A.C. within 2 weeks of receipt of the assessment results and recommendations pursuant to subsection 64(8) of the Act.
- 58 (1)** Members of the P.A.C. and assessors shall maintain confidentiality with respect to the conducting of the peer assessments and all information relating to them.
- (2)** All findings and reports relating to a member will be held and maintained by the Chair of the P.A.C.