



## Part II Regulations under the Regulations Act

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Contents			
Act		Reg. No.	Page
<b>Farm Practices Act</b>			
Farm Practices Board Regulations .....		153/2001	4
<b>Fisheries Organizations Support Act</b>			
Fisheries Organizations Support Act Regulations - Amendment .....		152/2001	2
<b>Human Rights Act</b>			
Human Rights Commission Delegation of Powers Regulations - repealed .....		1/2002	32
<b>Registered Nurses Act</b>			
Proclamation, S. 61, S.N.S. 2001, c. 10 .....		154/2001	7
Registered Nurses Regulations .....		155/2001	9
<b>Workers' Compensation Act</b>			
Workers' Compensation General Regulations - Amendment .....		2/2002	33

### **AVAILABLE SOON**

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N.S. Reg. 152/2001

Made: December 21, 2001

Filed: December 21, 2001

Fisheries Organizations Support Act Regulations

Order in Council 2001-618 made December 21, 2001  
Amendment to regulations made by the Governor in Council  
pursuant to Section 14  
of the *Fisheries Organizations Support Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated November 14, 2001, and pursuant to Section 14 of Chapter 6 of the Acts of 1995-96, the *Fisheries Organizations Support Act*, is pleased to amend the *Fisheries Organizations Support Act Regulations* made by the Governor in Council by Order in Council 96-860 dated November 19, 1996, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 21, 2001.

### Schedule "A"

#### **Amendments to the *Fisheries Organizations Support Act Regulations* made by the Governor in Council pursuant to Section 14 of Chapter 6 of the Acts of 1995-96, the *Fisheries Organizations Support Act***

- 1 Section 9 of the *Fisheries Organizations Support Act Regulations* made by the Governor in Council by Order in Council 96-860 dated November 19, 1996, is renumbered as subsection 9(1) and amended by
  - (a) repealing clause (f) and substituting the following clause:
    - (f) have a membership of at least 100 eligible licence holders or 15 percent of the eligible licence holders in a region, or be otherwise recognized by the Minister on a special sectoral basis to be genuinely representative of a unique industry sector, which recognition shall take into consideration the following criteria:
      - (i) whether the organization was in existence at the time of the vote,
      - (ii) any recognition by the Department of Fisheries and Oceans or the Province,
      - (iii) the geographical isolation of its membership,
      - (iv) whether the organization represents only a specific species or type of fishing gear and comprises 25 individuals or 80% of this sector,
      - (v) whether the membership is truly unique, special and separable from general multi-species enterprises and other sectors of the fishery,
      - (vi) whether the licences held by core fishers who are members

- (A) fit the requirements of the special sector, and
  - (B) are specific licences for the species represented by the organization,
- (vii) whether the proposed membership can be effectively represented by any other accredited group;
- (b) repealing clause (g) and substituting the following clause:
- (g) pay an annual accreditation fee to the Province of
    - (i) \$20 per member, or
    - (ii) \$1000,whichever is less.
- 2 The regulations are further amended by adding the following subsection immediately after subsection 9(1):
- (2) An organization may only represent those sectors of the fishery for which it is accredited.
- 3 Subsection 10(1) of the regulations is amended by striking out “30 days of the vote” and substituting “90 days of the publication of the results of the vote”.
- 4 Section 15 is repealed and the following Section substituted:
- 15** Each accredited organization shall submit a current report to the Minister during the months of May and October of each calendar year listing those of its members who have paid their annual dues and those who are in arrears.

- N.S. Reg. 153/2001  
Made: December 21, 2001  
Filed: December 21, 2001  
Farm Practices Board Regulations
- Order in Council 2001-620 made December 21, 2001  
Amendment to regulations made by the Governor in Council pursuant to Section 15 of the *Farm Practices Act*
- The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated November 20, 2001, and pursuant to Section 15 of Chapter 3 of the Acts of 2000, the *Farm Practices Act*, is pleased to amend the *Farm Practices Board Regulations* in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation effective on and after December 21, 2001.

**Schedule “A”**

**Amendments to the *Farm Practice Board Regulations* made pursuant to Section 15 of Chapter 3 of the Acts of 2000, the *Farm Practices Act***

- 1 The *Farm Practices Board Regulations* made by the Governor in Council by Order in Council 2000-112 dated March 2, 2001, are amended by adding the following heading immediately before Section 1:

**Part 1**

**Farm Practices Board**

- 2 The regulations are further amended by adding the following heading and Section immediately after Section 1:

**Definitions**

**1A** In these regulations

- (a) “working day” means a weekday from Monday to Friday but does not include a holiday;
  - (b) “site visit” means a physical visit to a location or locations that is conducted by the Board to obtain information about the subject matter of an application.
- 3 The regulations are further amended by adding the following Parts immediately after Section 6:

**Part 2**

**Applications, Investigations, Hearings and Fees**

**Application**

- 7 (1) An application to the Board shall be in a form approved by the Board.
- (2) An application shall be

- (a) accompanied by a fee of \$250.00 plus HST, made payable to the Minister of Finance; and
  - (b) delivered to the Farm Practices Board, 176 College Road, Truro, Nova Scotia, B2N 5E3.
- (3) The fee prescribed in subsection (2) may be refunded if
- (a) the application is resolved or rejected before the Board renders a decision of a complaint regarding the subject matter of the application; or
  - (b) the application is successful.

**Completed application**

- 8 (1) If the Board considers an application to be incomplete, the Board shall notify the applicant in writing within 15 working days of receipt of the application and request the information necessary to make the application complete.
- (2) If the information requested pursuant to subsection (1) is not supplied by the applicant within 20 working days of the request, the Board may reject the application and shall immediately advise the applicant in writing that the application has been rejected.
- (3) An applicant may request an extension from the Board of the 20-day time limit prescribed in subsection (2).
- (4) When the Board considers an application to be complete, the Board shall acknowledge its acceptance of the application in writing within 15 working days of receipt of the completed application, to the applicant, and to any other party named in the application.
- (5) When the Board considers an application to be complete the Board shall begin an investigation into the complaint and establish a date for a hearing.

**Investigation**

- 9 (1) The Board may conduct a site visit.
- (2) When the Board conducts a site visit, a written record of the visit shall be made, including the date, time and identity of persons in attendance.
- (3) The Board may request that a farmer supply a written description of farm practices that are carried out in relation to the subject matter of an application.

**Hearing**

- 10 (1) The Board shall provide an opportunity for the applicant and any other party or their representatives to appear before a hearing of the Board.

- (2) The Board shall notify the applicant and any named party of their scheduled appearance before the Board at least 15 working days before conducting a hearing on an application.
- (3) A hearing of the Board shall be public, but the Board may exclude members of the public during the whole or any part of the meeting if it considers the exclusion to be in the public interest.
- (4) The Board shall complete its investigation and render its decision within 60 working days of the notification made pursuant to subsection (2), or as soon after that as practical.
- (5) A copy of the decision of the board, and the reasons for the decision, shall be sent in writing to the applicant and any named party involved in the investigation, the Minister and any other persons as determined by the Board.

**Part 3****Directives, Guidelines and Policy Statements****Procedure for issuance**

- 11 (1) A directive, guideline or policy statement that has been issued by the Minister pursuant to the Act shall be published in the Royal Gazette Part 1.
- (2) The Minister shall forward a copy of the directive, guideline or policy statement to the attention of the Board upon its publication in accordance with subsection (1).

N.S. Reg. 154/2001  
Made: December 21, 2001  
Filed: December 21, 2001  
Proclamation, S. 61, S.N.S. 2001, c. 10

Order in Council 2001-624 made December 21, 2001  
Proclamation made by the Governor in Council  
pursuant to Section 61  
of the *Registered Nurses Act*

The Governor in Council on the report and recommendation of the Minister of Health dated November 26, 2001, and pursuant to Section 61 of Chapter 10 of the Acts of 2001, the *Registered Nurses Act*, is pleased to order and declare by proclamation that Chapter 10 of the Acts of 2001, the *Registered Nurses Act*, come into force on and not before January 2, 2002.

PROVINCE OF NOVA SCOTIA Sgd: *Myra A. Freeman*

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

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

**A PROCLAMATION**

WHEREAS in and by Section 61 of Chapter 10 of the Acts of 2001, the *Registered Nurses Act*, it is enacted as follows:

**61** 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 10 of the Acts of 2001, the *Registered Nurses Act*, come into force on and not before January 2, 2002;

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 10 of the Acts of 2001, the *Registered Nurses Act*, come into force on and not before January 2, 2002, of which all persons concerned are to take notice and govern themselves accordingly.

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

WITNESS, Our Trusty and Well Beloved Her Honour  
the Honourable Myra A. Freeman, Lieutenant  
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional  
Municipality, this 21<sup>st</sup> day of December, in the  
year of Our Lord two thousand and one and in  
the fiftieth year of Our Reign.

BY COMMAND:  
  
Sgd: *Michael G. Baker*  
Provincial Secretary  
Minister of Justice and Attorney General

N.S. Reg. 155/2001  
Made: December 21, 2001  
Filed: December 21, 2001  
Registered Nurses Regulations

Order in Council 2001-625 made December 21, 2001  
Regulations approved by the Governor in Council  
pursuant to Section 8  
of the *Registered Nurses Act*

The Governor in Council on the report and recommendation of the Minister of Health dated November 28, 2001, and pursuant to Section 8 of Chapter 10 of the Acts of 2001, the *Registered Nurses Act*, is pleased to

- (a) approve the repeal by the Council of the College of Registered Nurses of Nova Scotia of regulations respecting registered nurses approved by the Governor in Council by Order in Council 97-380 dated June 17, 1997; and
- (b) approve the making by the Council of the College of Registered Nurses of Nova Scotia of new regulations respecting registered nurses in the form set forth in Schedule "A" attached to and forming part of the report and recommendation,

effective on and after January 2, 2002.

#### Schedule "A"

#### Regulations Respecting Registered Nurses approved by the Governor in Council pursuant to Section 8 of Chapter 10 of the Acts of 2001, the *Registered Nurses Act*

#### General

#### Citation

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

#### Interpretation

2 In these regulations,

- (a) "Act" means the *Registered Nurses Act*;
- (b) "caution" in the context of the powers of the Complaints Committee, is not considered to be a disciplinary finding, and means a determination that a registrant has breached the standards of professional ethics or practice expected of registrants, but in circumstances where such breach does not constitute professional misconduct, conduct unbecoming the profession, incompetence, or incapacity;
- (c) "competence assessment" means a program approved by Council that uses methods and tools as described in Section 5 for assessing competencies;
- (d) "competencies" means the specific knowledge, skills and judgment required for a registered nurse to be considered competent in a designated role and practice setting;

- (e) "competent" means, in relation to a registered nurse, able to integrate and apply the knowledge, skills and judgment required to practise safely and ethically in a designated role and practice setting;
- (f) "counsel" in the context of the powers of the Complaints Committee, is not considered to be a disciplinary finding, and means a determination that a registrant could benefit from professional guidance from the College with regard to the subject matter of the complaint in circumstances that do not constitute professional misconduct, conduct unbecoming the profession, incompetence or incapacity;
- (g) "licensure year" means a 12-month period determined by Council.

#### Amendments to regulations

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

#### Registration, Licensing and Membership

#### Designation of classes of licensing

4 The 6 classes of licensing are

- (a) active-practising class;
- (b) ~~specialty~~ [specialty] nurse practitioner class;
- (c) primary health-care nurse practitioner class;
- (d) non-practising class;
- (e) honorary life class; and
- (f) non-active class.

#### Competence assessment

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

#### Registration requirements - graduates of Nova Scotia nursing education programs

6 An applicant for registration who furnishes such evidence to the Executive Director as may be required to establish that the applicant

- (a) is a graduate of a Nova Scotia nursing education program;
- (b) has passed such registration examinations as may be approved from time to time;
- (c) has paid the applicable fee established pursuant to the by-laws; and
- (d) is eligible for licensing in the active-practising class,

is entitled to become a registrant of the College and to have the applicant's name entered in the Register and in the appropriate class.

**Registration requirements - graduates of out-of-Province nursing programs**

- 7 (1) In this Section, "Agreement on Internal Trade" means the agreement signed by the federal, provincial and territorial governments of Canada, which came into force on July 1, 1995, to facilitate the free movement of persons, goods, services and investments throughout Canada.
- (2) An applicant for registration who furnishes such evidence to the Executive Director as may be required to establish that the applicant
- (a) is a graduate of a nursing program from outside of Nova Scotia that qualified the applicant to be a registered nurse or equivalent in that jurisdiction and
    - (i) the Council determines by resolution that such nursing program is substantially equivalent to programs that were accredited or approved in Nova Scotia at the time of the applicant's graduation,
    - (ii) the Agreement on Internal Trade mandates registration for such applicant in Nova Scotia, or
    - (iii) the applicant has satisfactorily completed a competence assessment;
  - (b) is or was registered as a registered nurse in the jurisdiction where the applicant originally qualified to become a registered nurse, and is or was registered as a registered nurse in the jurisdiction where the applicant last practised;
  - (c) if the applicant's first language is other than English, has passed the Test of English as a Foreign Language or such other tests as may be determined by the Council from time to time with a score determined by the Council;
  - (d) has successfully completed registration examinations as may be approved from time to time;
  - (e) has paid the applicable fee established pursuant to the by-laws; and
  - (f) is eligible for licensing in the active-practising class,
- is entitled to become a registrant of the College and to have the applicant's name entered in the Register and in the appropriate class.

**Criteria for entry in active-practising class**

- 8 (1) The Executive Director shall record in the active-practising class the name of a registrant who has graduated from a nursing education program within the year immediately preceding the registrant's application if the registrant
- (a) pays the applicable fee established pursuant to the by-laws;
  - (b) applies for entry in the active-practising class;
  - (c) is not currently subject to any disciplinary finding which would prohibit the practice of nursing; and

- (d) provides such information as the Executive Director may require to establish that the registrant is competent and capable and of such character to safely conduct the practice of nursing.
- (2) The Executive Director shall record in the active-practising class the name of a registrant requesting entry in the active-practising class who has not graduated from a nursing education program in the year immediately preceding the registrant's application if the registrant
- (a) fulfills the requirements of clauses 8(1)(a) to (d); and
  - (b) has
    - (i) graduated from a nursing education program within the 5 years immediately preceding the registrant's application for entry in the active-practising class,
    - (ii) completed at least 1125 hours in the practice of nursing within the 5 years immediately preceding the registrant's application for entry in the active-practising class,
    - (iii) completed at least 450 hours in the practice of nursing within the year immediately preceding the registrant's application for entry in the active-practising class,
    - (iv) successfully completed a refresher program or other program approved by the Council within the 5 years immediately preceding the registrant's application for entry in the active-practising class, or
    - (v) enrolled in and is currently attending a nursing program approved by the Council, and at time of initial enrolment was eligible for entry in the active-practising class.

**Entitlements of registrants in active-practising class**

- 9 A registrant in the active-practising class shall be entitled to
- (a) use the designation "Registered Nurse", "Nurse", or "nurse" or the abbreviation "R.N.", "RN", or "Reg.N";
  - (b) coverage under any protective funds to which the College belongs or group insurance plan in which registrants are enrolled;
  - (c) hold office, upon election thereto, on the Council;
  - (d) serve as an appointed member on any committee of the College;
  - (e) attend, participate in, and vote at meetings of the chapter and region of which the registrant is a member;
  - (f) act as an elected or appointed voting delegate to the annual or special meeting of the College; and
  - (g) receive copies of the official College publications.

**Specialty nurse practitioner class**

- 10 (1)** The Executive Director shall record the name of a registrant in the specialty nurse practitioner class if the registrant
- (a) is licensed in the active-practising class;
  - (b) applies for entry in the specialty nurse practitioner class;
  - (c) pays the applicable fees as established pursuant to the by-laws;
  - (d) is not at the time of application for entry in the specialty nurse practitioner class subject to any disciplinary finding that would prohibit the applicant from practising as a specialty nurse practitioner;
  - (e) subject to subsection (2), has graduated
    - (i) from a specialty nurse practitioner program,
    - (ii) from a nursing program that the Council determines to have been, at the time the applicant graduated, equivalent to a specialty nurse practitioner program, or
    - (iii) at any time prior to January 1, 2005, from a nursing program in addition to a nursing-education program that, together with the experience acquired by the applicant, satisfies the Nurse Practitioner Committee that the applicant possessed, when practising, the necessary competencies to practise as a specialty nurse practitioner; and
  - (f) if applicable, provides evidence of completion of the hours of practice as a specialty nurse practitioner required pursuant to clause (2)(a).
- (2)** Where an applicant for entry in the specialty nurse practitioner class graduated in accordance with clause (1)(e) more than 2 years before applying, the applicant must have, within the 2 years immediately preceding the applicant's application,
- (a) completed at least 600 hours in the practice of a specialty nurse practitioner; or
  - (b) satisfactorily completed a competence assessment, at the applicant's expense, to determine that the applicant is competent to practise as a specialty nurse practitioner.

**Entitlements of specialty nurse practitioner**

- 11** A specialty nurse practitioner shall be entitled to
- (a) use the designation "Nurse Practitioner", "Specialty Nurse Practitioner", "N.P." or "NP"; and
  - (b) engage in the practice of a specialty nurse practitioner.

**Primary health-care nurse practitioner class**

- 12 (1)** The Executive Director shall record the name of a registrant in the primary health-care nurse practitioner class if the registrant
- (a) is a registrant in the active-practising class;
  - (b) applies for entry in the primary health-care nurse practitioner class;
  - (c) pays the applicable fees as established pursuant to the by-laws;
  - (d) is not at the time of application for entry in the primary health-care nurse practitioner class subject to any disciplinary finding that would prohibit the applicant from practising as a primary health-care nurse practitioner;
  - (e) subject to subsection (2), has graduated
    - (i) from a primary health-care nurse practitioner program,
    - (ii) from a nursing program that the Council determines to have been, at the time the applicant graduated, equivalent to a primary health-care nurse practitioner program, or
    - (iii) at any time prior to January 1, 2005, from a nursing program in addition to a nursing-education program that, together with the experience acquired by the applicant, satisfies the Nurse Practitioner Committee that the applicant possessed, when practising, the necessary competencies to practise as a primary health-care nurse practitioner; and
  - (f) if applicable, provides evidence of completion of the hours of practice as a primary health-care nurse practitioner required pursuant to clause (2)(a).
- (2)** Where an applicant for entry in the primary health-care nurse practitioner class graduated in accordance with clause (1)(e) more than 2 years before applying, the applicant must have, within the 2 years immediately preceding the applicant's application,
- (a) completed at least 600 hours in the practice of a primary health-care nurse practitioner; or
  - (b) satisfactorily completed a competence assessment, at the applicant's expense, to determine that the applicant is competent to practise as a primary health-care nurse practitioner.

**Entitlements of primary health-care nurse practitioner**

- 13** A primary health-care nurse practitioner shall be entitled to
- (a) use the designation "Nurse Practitioner", "Primary Health-Care Nurse Practitioner", "N.P." or "NP"; and
  - (b) engage in the practice of a primary health-care nurse practitioner.

**Restrictions or conditions on a licence to practice [practise] nursing**

**14** Despite any other provision of these regulations, if an applicant for a licence to practise nursing or for a renewal of a licence to practice [practise] nursing had any restrictions or conditions imposed on a previously held licence to practise nursing and the restrictions or conditions have not expired, the restrictions or conditions shall remain in effect on any new or renewed licence to practice [practise] nursing.

**Absence of 30 or more days requires proof of no disciplinary findings**

**15** A registrant referred to in Section 28 of the Act who is absent from the Province for 30 or more consecutive days must provide proof in accordance with that Section that the registrant was not subject to any disciplinary findings and has no disciplinary matters pending in any jurisdiction in which the registrant practised nursing during their absence.

**Term and renewal of license to practise nursing**

- 16** (1) Unless otherwise suspended, revoked or amended due to the imposition of restrictions or conditions, a licence to practise nursing shall remain in effect until the expiration of the licensure year in which it is issued.
- (2) The Executive Director shall renew a licence to practise nursing if the registrant who holds the licence
- applies for renewal and pays the applicable fee as established pursuant to the by-laws; and
  - with the exception of the requirement to pay fees for initial entry in the relevant class, satisfies all remaining criteria for entry in the active-practising class and, if applicable, the specialty nurse practitioner class or primary health-care nurse practitioner class.

**Failure to satisfy criteria for license renewal**

- 17** (1) The name of a registrant who fails to satisfy any of the criteria for renewal of a licence in accordance with subsection 16(2) shall be struck from the active-practising class and, if applicable, from the specialty nurse practitioner or primary health-care nurse practitioner class, effective the day following the expiry of the licence.
- (2) The name of a registrant that is struck pursuant to subsection (1) shall be recorded in the non-active class until the name is restored pursuant to subsection (3).
- (3) The name of a registrant that is struck pursuant to subsection (1) shall be restored to the active-practising class and, if applicable, to the specialty nurse practitioner or primary health-care nurse practitioner class, upon the registrant meeting the criteria for entry in the class and the registrant paying any applicable fee as established pursuant to the by-laws.

**Temporary licence**

- 18** (1) A temporary licence issued pursuant to subsection 14(1) of the Act shall cease to be valid upon the earliest of
- receipt by the College of notice that the holder of a temporary licence has failed the applicable registration examinations;

- the issuance of a licence to practice [practise] nursing to the holder of the temporary licence; or
  - the expiry date of the temporary licence.
- (2) A temporary licence (nurse practitioner) issued pursuant to subsection 14(4) of the Act shall cease to be valid upon the earlier of
- the issuance of a nurse practitioner's licence to the holder of the temporary licence (nurse practitioner); or
  - the expiry date of the temporary licence (nurse practitioner).

**Non-practising class**

- 19** (1) An applicant shall be entitled to entry in the non-practising class if the applicant
- at one time, was eligible for licensing in the active-practising class;
  - is not currently subject to any disciplinary finding that would prohibit the practice of nursing;
  - is not currently practising in Nova Scotia;
  - has paid the applicable fee established pursuant to the by-laws; and
  - has applied for entry in the non-practising class.
- (2) A registrant in the non-practising class shall be entitled to
- attend and participate in, but not vote at, meetings of the College;
  - serve as a member on any committee of the College, but shall not be eligible for election to the Council;
  - attend and participate in, but not vote at, meetings of the chapter and region of which the registrant is a member; and
  - receive copies of the official College publications.

**Non-active class**

- 20** (1) The name of a registrant that is not recorded in the active-practising, non-practising, or honorary life class shall be recorded in the non-active class.
- (2) A registrant in the non-active class shall be entitled to attend and participate in, but not vote at, meetings of the College and of the region or chapter of which the registrant is a member.

**Honorary life class**

- 21** (1) An honorary life membership may be granted by resolution of the Council to a registrant who has rendered distinguished or valuable service to the nursing profession, and the name of a registrant who has been granted honorary life membership shall be entered in the honorary life class.



- (2) A registrant in the honorary life class shall be entitled to
  - (a) maintain entry in the active-practising class if the registrant meets the prescribed requirements; and
  - (b) the same rights and privileges as a registrant in the non-practising class.

**Honorary membership status**

- 22 (1) Honorary membership status may be granted by resolution of the Council to any person, other than a registered nurse, who has rendered distinguished service or valuable assistance to the nursing profession.
- (2) An honorary member shall be entitled to the same rights and privileges as a registrant in the non-practising class, along with any other rights and privileges as granted by the Council.

**Records**

**Requirement to maintain records**

- 23 (1) Every registrant shall maintain and retain for a minimum of 5 years a record of the hours that the registrant worked in the practice of nursing.
- (2) If a registrant has worked as a nurse practitioner, the registrant shall maintain and retain for a minimum of 5 years a record of the hours that the registrant worked in the practice of a nurse practitioner.

**Audit of records**

- 24 The College may conduct, on a random or other basis as determined by Council, an audit of records maintained pursuant to Section 23, in order to ensure the validity of data recorded on applications to the College respecting hours worked in the practice of nursing or as a nurse practitioner.

**Standards for Nursing Education**

**Nursing-education programs**

- 25 For a nursing-education program, the Education Advisory Committee shall ensure that
  - (a) the curriculum provides the necessary learning experiences for students to achieve professional practice and ethical standards, and the competency requirements for beginning practitioners;
  - (b) program activities and resources support the achievement of program goals and expected outcomes;
  - (c) the program provides students with opportunities to demonstrate progress toward achieving professional practice and ethical standards, and the competency requirements for beginning practitioners; and
  - (d) the program prepares graduates to practise according to professional practice and ethical standards, and the competency requirements for beginning practitioners.
- 26 For a nurse practitioner program, the Education Advisory Committee shall ensure that

- (a) the curriculum provides the necessary learning experiences for students to achieve professional practice and ethical standards and the competency requirements for beginning nurse practitioners;
- (b) program activities and resources support the achievement of program goals and expected outcomes;
- (c) the program provides students with opportunities to demonstrate progress toward achieving professional practice and ethical standards and the competency requirements for beginning nurse practitioners; and
- (d) the program prepares graduates to practise according to practice and ethical standards and the competency requirements for beginning nurse practitioners.

**Authorized Practices for Nurse Practitioners**

**Interpretation of Sections 28 and 29**

- 27 For the purposes of Sections 28 and 29,
  - (a) “Authorized Practices Schedule - Primary Health-Care Nurse Practitioners” means the schedule of practices and procedures that are authorized to be performed by a primary health-care nurse practitioner, as approved by the Diagnostic and Therapeutics Committee pursuant to Section 28; and
  - (b) “Authorized Practices Schedule - Specialty Nurse Practitioners” means the schedule of practices and procedures that are authorized to be performed by a specialty nurse practitioner, as approved by the Diagnostic and Therapeutics Committee pursuant to Section 29.
- 28 (1) Subject to subsection (2), the Diagnostic and Therapeutics Committee shall initiate and approve from time to time the Authorized Practices Schedule - Primary Health-Care Nurse Practitioners, which shall specify
  - (a) the screening and diagnostic tests that may be ordered and interpreted;
  - (b) the drugs and interventions that may be chosen, recommended, prescribed and monitored; and
  - (c) such other procedures as the Diagnostic and Therapeutics Committee may authorize to be performedby a primary health-care nurse practitioner.
- (2) The Diagnostic and Therapeutics Committee shall review and approve the Authorized Practices Schedule - Primary Health-Care Nurse Practitioners at least annually.
- (3) The current Authorized Practices Schedule - Primary Health-Care Nurse Practitioners shall be appended as a schedule to the collaborative-practice agreement to which a primary health-care nurse practitioner is a party.

- (4) A primary health-care nurse practitioner is authorized to engage in all practices specified in the Authorized Practices Schedule - Primary Health-Care Nurse Practitioners.
- (5) A primary health-care nurse practitioner shall practise within and shall not exceed the parameters of their collaborative-practice agreement.

**Specialty nurse practitioners**

- 29 (1) A collaborative-practice team shall apply to the Diagnostic and Therapeutics Committee for approval of the screening and diagnostic tests, selected drugs and interventions, and any other procedures that may be authorized to be performed by a specialty nurse practitioner who is part of the collaborative-practice team.
- (2) The Diagnostic and Therapeutics Committee shall consider an application made by a collaborative-practice team pursuant to subsection (1), and may then approve an Authorized Practices Schedule - Specialty Nurse Practitioner for the collaborative practice team.
- (3) The Authorized Practices Schedule - Specialty Nurse Practitioner approved for a collaborative-practice team pursuant to subsection (2) shall specify
- (a) the screening and diagnostic tests that may be ordered and interpreted;
  - (b) the drugs and interventions that may be chosen, recommended, prescribed and monitored; and
  - (c) such other procedures as the Diagnostic and Therapeutics Committee may authorize to be performed
- by a specialty nurse practitioner who is part of the collaborative-practice team.
- (4) The current Authorized Practices Schedule - Specialty Nurse Practitioners shall be appended as a schedule to the collaborative-practice agreement of the collaborative-practice team for which it was approved.
- (5) A specialty nurse practitioner is authorized to engage in all practices specified in the Authorized Practices Schedule - Specialty Nurse Practitioners that is appended to the collaborative-practice agreement to which the specialty nurse practitioner is a party.
- (6) A specialty nurse practitioner shall practise within and shall not exceed the parameters of the collaborative-practice agreement to which the specialty nurse practitioner is a party.
- (7) The Diagnostic and Therapeutics Committee shall review an Authorized Practices Schedule - Specialty Nurse Practitioners at the request of the collaborative-practice team for which it was approved, or at such other time as determined by the Diagnostic and Therapeutics Committee.

**Diagnostic and Therapeutics Appeal Committee**

- 30 (1) The parties to an appeal before the Diagnostic and Therapeutics Appeal Committee pursuant to subsection 54(5) of the Act shall be the collaborative-practice team and the Diagnostic and Therapeutics Committee that made the decision that is the subject of the appeal.
- (2) A Notice of Appeal shall be filed with the Executive Director of the College not later than 30 days after the date of the decision of the Diagnostic and Therapeutics Committee that is being appealed.
- (3) A Notice of Appeal shall set forth the grounds of the appeal and state the relief sought.
- (4) Any person sitting on the Diagnostic and Therapeutics Committee who took part in making the decision under appeal shall not be a member of the Diagnostic and Therapeutics Appeal Committee hearing the appeal.
- (5) During an appeal hearing, the Diagnostic and Therapeutics Appeal Committee may
- (a) give special leave so that further evidence may be introduced;
  - (b) grant an adjournment of the proceedings; or
  - (c) make any determination that, in its opinion, ought to have been made by the Diagnostic and Therapeutics Committee.
- (6) The Diagnostic and Therapeutics Appeal Committee shall, by majority vote, within 30 days from the date of the conclusion of all proceedings in an appeal before it,
- (a) make any finding that, in its opinion, ought to have been made by the Diagnostic and Therapeutics Committee;
  - (b) vary the decision of the Diagnostics and Therapeutics Committee; or
  - (c) quash or confirm the decision of the Diagnostic and Therapeutics Committee.
- (7) The decision of the Diagnostic and Therapeutics Committee together with any information submitted to the Diagnostic and Therapeutics Committee shall constitute the record of proceeding in an appeal before the Diagnostic and Therapeutics Appeal Committee.
- (8) Costs shall not be awarded in connection with any appeal to the Diagnostic and Therapeutics Appeal Committee.

**Professional Conduct****Preliminary investigation**

- 31 (1) The Executive Director shall forward copies of a complaint to
- (a) the respondent; and
  - (b) an investigator.

- (2) Upon receipt of a complaint pursuant to subsection (1), an investigator may do one or more of the following
- (a) request additional written or oral explanations from the complainant, the respondent, or third parties;
  - (b) request an interview of the complainant, the respondent, or third parties;
  - (c) take action to informally resolve the complaint in the interests of the respondent, the complainant, the public and the College.
- (3) While conducting an investigation, an investigator may investigate any other matter that may constitute professional misconduct, conduct unbecoming the profession, incompetence, or incapacity relating to the respondent that arises in the course of the investigation.
- (4) A respondent may submit medical and any other information relevant to the complaint to an investigator.
- (5) When an investigator forwards the report of an investigation to the Complaints Committee pursuant to subsection 34(2) of the Act, the investigator, where appropriate, shall also prepare a statement to the Complaints Committee and the respondent advising that the circumstances of the complaint are such that the Complaints Committee may wish to consider the exercise of powers pursuant to subsection 32(5).
- (6) The failure of an investigator to prepare a statement pursuant to subsection (5) shall not affect the jurisdiction of the Complaints Committee to exercise its power under subsection 32(5).

#### **Powers of Complaints Committee**

- 32 (1) The Complaints Committee may at any time direct an investigator to conduct such further or other investigation as the Complaints Committee considers necessary or advisable.
- (2) The Complaints Committee may at any time before or during a meeting receive additional information relevant to the matters before it.
- (3) If the Complaints Committee receives additional information pursuant to subsection (1) or (2), the information shall be provided to the respondent, who shall be given a sufficient opportunity to respond to the information.
- (4) The Complaints Committee shall
- (a) if an investigator has proposed an informal resolution of the complaint in accordance with clause 31(2)(c), either accept and approve the informal resolution and take no further action, or process the complaint in accordance with clauses (b) or (c);
  - (b) if a determination is made that the complaint is not within the jurisdiction of the College or is otherwise incapable of substantiation, or is frivolous or vexatious,
    - (i) dismiss the complaint, and

- (ii) if considered useful by the Complaints Committee, provide guidance to the complainant, the respondent, or any other person associated with the complaint; or
  - (c) provide the complainant, the respondent, or other persons a reasonable opportunity to appear before the Complaints Committee and to submit representations or explanations, and then shall
    - (i) dismiss the complaint,
    - (ii) counsel the respondent,
    - (iii) caution the respondent,
    - (iv) counsel and caution the respondent,
    - (v) with the consent of the respondent, order that the respondent receive a reprimand and that the reprimand be communicated to the respondent and the complainant, and such other persons as the Complaints Committee considers appropriate,
    - (vi) if a determination is made that the matter or matters before the Complaints Committee warrant a hearing, refer the matter or matters to the Professional Conduct Committee, or
    - (vii) informally resolve the complaint.
- (5) In addition to the powers outlined in subsection (4), and after providing the respondent the opportunity to appear before the Complaints Committee and to submit representations, explanations or documentation, including medical and other information relevant to the complaint, the Complaints Committee may require the respondent to do one or more of the following:
- (a) submit to physical or mental examinations by a qualified person or persons designated by the Complaints Committee, and to authorize the provision of the reports from the examinations to the Complaints Committee;
  - (b) submit to a review of the practice of the respondent by a qualified person or persons designated by the Complaints Committee, and to authorize the provision of a copy of the review to the Complaints Committee;
  - (c) submit to an assessment or examination to determine whether the respondent is competent to practise nursing, and to authorize the provision of the assessment or the report of the examination to the Complaints Committee;
  - (d) produce records kept with respect to the respondent's practice.

- (6) If a respondent fails to comply with subsection (5), the Complaints Committee may suspend or restrict the respondent's licence to practise nursing or the respondent's nurse practitioner's licence or both until the suspension or restriction is lifted, superseded or annulled by the Complaints Committee or Professional Conduct Committee, as the case may be.
- (7) If the Complaints Committee requires a respondent to take action in accordance with subsection (5), the costs of complying with the requirements shall be initially borne by the College, and may be awarded as costs against the respondent pursuant to Section 46.
- (8) If the Complaints Committee issues a reprimand in accordance with subclause (4)(c)(v), the reprimand shall be considered a disciplinary finding against the respondent and shall be dealt with in the same manner as a finding made pursuant to Section 44 of the Act.
- (9) Nothing in this Section prevents the Complaints Committee from issuing a suspension in accordance with Section 36 of the Act.

#### **Request for referral to Professional Conduct Committee**

- 33** If a respondent has been suspended by the Complaints Committee pursuant to Section 36 of the Act, the Complaints Committee shall, upon receipt of a written request from the respondent and despite clause 32(4)(c), refer the matter directly to the Professional Conduct Committee.

#### **Settlement proposals**

- 34** (1) A settlement proposal tendered in writing to the other party shall include an admission or admissions by the respondent to one or more of the allegations set out in the notice of hearing and the respondent's consent to a specified disposition, conditional upon the acceptance of the settlement proposal by the Complaints Committee and the Professional Conduct Committee.
- (2) If both parties are in agreement with a settlement proposal tendered pursuant to subsection (1), the College shall forward the settlement proposal to the Complaints Committee for consideration.
  - (3) In preparing a settlement proposal, the parties, if agreeable, may use a mediator, and the costs of the mediator shall be divided equally between the College and the respondent, unless otherwise agreed by the parties.
  - (4) The Complaints Committee may, in its discretion, recommend acceptance of a settlement proposal if satisfied that
    - (a) the public is protected;
    - (b) the conduct or its causes can be, or has been, successfully remedied or treated, and if appropriate, the respondent is likely to successfully pursue remediation or treatment; and
    - (c) settlement is in the best interests of the public and the profession.
  - (5) If the Complaints Committee does not recommend acceptance of a settlement proposal, the Complaints Committee shall
    - (a) recommend changes to the settlement proposal that

- (i) if agreed upon by the parties will result in acceptance by the Complaints Committee, or
- (ii) if not agreed upon by the parties, will result in rejection by the Complaints Committee; or
- (b) reject the settlement proposal and forward the matter referred to the Complaints Committee to the Professional Conduct Committee for hearing.
- (6) The Complaints Committee retains jurisdiction over a complaint until the commencement of a hearing or the acceptance of a settlement proposal by the Professional Conduct Committee.
- (7) If the Complaints Committee recommends acceptance of a settlement proposal, the Complaints Committee shall refer the settlement proposal to the Professional Conduct Committee.
- (8) If the Professional Conduct Committee accepts a settlement proposal,
  - (a) the settlement proposal shall form part of the order of the Professional Conduct Committee disposing of the matter; and
  - (b) subject to subsection (13), there shall be no hearing before the Professional Conduct Committee.
- (9) If the Professional Conduct Committee does not accept a settlement proposal, it shall
  - (a) suggest amendments to the settlement proposal and return it to the parties for review and
    - (i) if both parties do not agree with the amendments to the settlement proposal, the settlement proposal shall be deemed to be rejected and the matter shall be referred to another panel of the Professional Conduct Committee for a hearing, or
    - (ii) if both parties agree with the amendments to the settlement proposal, the settlement proposal shall be sent back to the Complaints Committee who may
      - (A) accept the settlement proposal, or
      - (B) reject the settlement proposal and refer the matter to another panel of the Professional Conduct Committee for a hearing; or
  - (b) reject the settlement proposal, in which case the matter shall be forwarded to another panel of the Professional Conduct Committee for a hearing.
- (10) Where a settlement proposal is rejected by the Professional Conduct Committee, the hearing shall proceed without reference to the settlement proposal or any admissions contained in the settlement

proposal until such time as the Professional Conduct Committee has determined whether professional misconduct, conduct unbecoming a nurse, incompetence or incapacity has been proven.

- (11) The persons who sat on the Professional Conduct Committee that reviewed a rejected settlement proposal shall not sit on the Professional Conduct Committee that conducts the hearing.
- (12) Prior to reaching a decision to award costs in a hearing, the Professional Conduct Committee may be given a copy of any settlement proposals exchanged between the parties.
- (13) Any alleged breach by a respondent of an undertaking given in, or a condition of, a settlement proposal that is accepted by the Professional Conduct Committee, shall be referred to a Professional Conduct Committee and may form the subject of a hearing before the Professional Conduct Committee.
- (14) A settlement proposal may include any disposition that could be ordered by the Professional Conduct Committee pursuant to Sections 38 or 44.

#### Consent for revocation

- 35 (1) A respondent who does not wish to contest, or who wishes to admit to allegations set out in a complaint or the notice of hearing, may seek the consent of the Professional Conduct Committee to the revocation of the respondent's licence to practise nursing or nurse practitioner's licence or both.
- (2) The Professional Conduct Committee may consent to the revocation of the respondent's licence in accordance with subsection (1) with or without conditions, or may refuse consent.
- (3) Following consent to the revocation of the respondent's licence to practise nursing or nurse practitioner's licence or both, the respondent shall, in all respects, be treated as though the respondent is a person whose licence has been revoked by the Professional Conduct Committee.
- (4) Notification of the revocation shall be given in accordance with Section 44 of the Act.

#### Notice of hearing

- 36 (1) Service of the notice of hearing required by subsection 38(2) of the Act shall be either by personal service or by registered mail at the respondent's or the complainant's last known address.
- (2) A notice of hearing sent by mail shall be deemed to have been served on the date it was posted.
- (3) The notice of hearing shall state the details of the charges, and shall specify the time and place of the hearing and state that the respondent may be represented by legal counsel, a union representative or another representative.

#### Amendment of notice of hearing

- 37 (1) The Professional Conduct Committee, at any time before or during a hearing, on its own motion, or on receipt of motion from a party to the hearing, may amend or alter any notice of hearing to correct an alleged defect in substance or form, or to make the notice conform to the evidence where there appears to be a variance between the evidence and the notice, or where the evidence discloses potential professional misconduct, conduct unbecoming a nurse, incapacity or incompetence that is not alleged in the notice.
- (2) If an amendment or alteration is made by the Professional Conduct Committee pursuant to subsection (1), a respondent shall be provided sufficient opportunity to prepare an answer to the amendment or alteration.
- (3) If the Professional Conduct Committee determines that an amendment or alteration to the notice of hearing sought by a party is not appropriate, the Professional Conduct Committee may refuse to make the amendment or alteration, and if considered appropriate, may refer any new allegations of potential professional misconduct, conduct unbecoming a nurse, incapacity or incompetence that are included in the amendment or alteration, to the Executive Director for processing in accordance with Section 31.

#### Attendance at a hearing

- 38 (1) A complainant shall not be entitled to participate as a party at a hearing.
- (2) Subject to subsection (3), a hearing shall be open to the public.
- (3) Upon application, the Professional Conduct Committee may make an order that the public, in whole or in part, be excluded from a hearing or any part of it if the Professional Conduct Committee is satisfied that
  - (a) personal, medical, financial or other matters may be disclosed at the hearing of such a nature that the desirability of avoiding public disclosure of those matters in the interest of any person affected or in a public interest outweighs the desirability of adhering to the principal that hearings be open to the public; or
  - (b) the safety of any person may be jeopardized.
- (4) Where it considers appropriate, the Professional Conduct Committee may make orders it considers necessary to prevent the public disclosure of the matters disclosed at a hearing, including orders prohibiting publication or broadcasting of those matters.
- (5) The Professional Conduct Committee may make an order that the public be excluded from a part of a hearing dealing with an application for an order pursuant to subsection (3).
- (6) The Professional Conduct Committee may make any order necessary to prevent the public disclosure of matters disclosed in a hearing or a part of a hearing dealing with an order pursuant to subsection (5), or the submissions relating to any application described in subsection (3), including prohibiting the publication or broadcasting of those matters.

- (7) Subject to any order made pursuant to this Section, the Professional Conduct Committee shall state at the hearing its reasons for any order made pursuant to this Section.

#### Hearing procedures

- 39** (1) Subject to the payment of costs in accordance with Section 46, a respondent shall be responsible for all expenses incurred in his or her defence.
- (2) The Professional Conduct Committee may determine any additional rules of procedure for hearings not covered by the Act or these regulations.
- (3) The testimony of witnesses at a hearing shall be taken under oath or affirmation.
- (4) Any oath or affirmation required may be administered by any member of the Professional Conduct Committee or other person in attendance authorized by law to administer oaths or affirmations.
- (5) The Professional Conduct Committee may require the respondent to
- submit to physical or mental examinations by a qualified person or persons designated by the Professional Conduct Committee and to authorize the provision of reports from the examinations to the Professional Conduct Committee;
  - submit to a review of the practice of the registrant by a qualified person or persons designated by the Professional Conduct Committee, and to authorize the provision of a copy of the review to the Professional Conduct Committee;
  - submit to an assessment or examination to determine whether the respondent is competent to practise nursing, and to authorize the provision of the assessment or the report of the examination to the Professional Conduct Committee; and
  - produce records kept with respect to the registrant's practice.
- (6) If a respondent fails to comply with subsection (5), the Professional Conduct Committee may order that the respondent be suspended until the respondent complies.
- (7) The costs of complying with the requirements described in subsection (5) shall be initially borne by the College, and may be awarded as costs against a respondent pursuant to Section 46.

#### Failure to attend

- 40** If a respondent does not attend a hearing, the Professional Conduct Committee, upon proof of service of the notice, may proceed with the hearing in the respondent's absence and, without further notice to the respondent, take such action as it is authorized to take under the Act and these regulations.

#### Witness fees

- 41** Witnesses present under subpoena at a hearing pursuant to this Act are entitled to the same allowances as witnesses attending a trial of an action in the Supreme Court of Nova Scotia.

#### Recording of evidence

- 42** (1) All evidence submitted to the Professional Conduct Committee shall be reduced to writing, taken down in shorthand or mechanically recorded by a person authorized by the College.
- (2) Evidence may be given before the Professional Conduct Committee in any manner that the committee considers appropriate, and the committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.

#### Preservation of evidence

- 43** Evidence obtained by the Professional Conduct Committee and information obtained by the Complaints Committee or an investigator regarding a complaint that has not been dismissed by the Complaints Committee shall be preserved for a period of not less than 5 years from the date of the presentation of the evidence or information.

#### Disposition by Professional Conduct Committee

- 44** If the Professional Conduct Committee finds professional misconduct, conduct unbecoming a nurse, incompetence or incapacity on the part of a respondent, the Professional Conduct Committee may
- revoke the licence to practise nursing or the nurse practitioner's licence of the respondent or both and order that the respondent's name be removed from the appropriate classes;
  - with respect to a respondent who held a temporary licence at the time of the incident giving rise to the complaint, deny entry to the Register until such time as the respondent can prove to the satisfaction of the Council through the process established under Section 47 that the objects of the professional conduct process will be served by allowing licensing in a class pursuant to these regulations;
  - suspend the respondent from the practice of nursing or the practice of a nurse practitioner or both for a specific period of time during which the respondent shall have his or her name removed from the appropriate classes in which the respondent's name is entered;
  - suspend the respondent from the practice of nursing or the practice of a nurse practitioner or both pending the satisfaction and completion of such conditions as may be ordered by the Professional Conduct Committee;
  - impose such restrictions or conditions or both on the respondent for such a period of time as the Professional Conduct Committee designates and record these restrictions and conditions in accordance with subsection 44(1) of the Act;
  - reprimand the registrant and direct that the fact of the reprimand be recorded in the records of the College;
  - direct the respondent to pass a particular course of study or satisfy the Professional Conduct Committee or any other committee established under this Act as to her or his competence generally or in a particular field of practice;
  - direct the respondent to obtain medical treatment;

- (i) direct the respondent to obtain counseling that, in the opinion of the Professional Conduct Committee is appropriate;
- (j) publish its findings in a manner it considers appropriate;
- (k) inform such persons as it considers appropriate of its findings; or
- (l) carry out any combination of the above.

**Written decision of Professional Conduct Committee**

**45** The Professional Conduct Committee shall prepare a written report of a decision and the reasons for the decision, and serve a copy of it by registered mail or personal service within a reasonable time frame on

- (a) the respondent;
- (b) the complainant; and
- (c) any other persons considered appropriate by the Professional Conduct Committee.

**Costs**

**46 (1)** For purposes of this Section, “costs” include

- (a) expenses incurred by the College in the investigation of a complaint;
  - (b) expenses incurred by the College for the role of the Complaints Committee and the Professional Conduct Committee;
  - (c) expenses incurred pursuant to subsection 32(5) or 39(5);
  - (d) solicitor and client costs, including disbursements and HST, of the College relating to the investigation and hearing of the complaint, including the solicitor and client costs, including disbursements and HST, of College counsel and counsel for the Professional Conduct Committee;
  - (e) fees for retaining a reporter and preparing transcripts of the proceedings; and
  - (f) travel costs and reasonable expenses of any witnesses, including expert witnesses, required to appear at the hearing.
- (2) If the Professional Conduct Committee finds professional misconduct, conduct unbecoming a nurse, incompetence or incapacity on the part of a respondent, the Professional Conduct Committee may order that the respondent pay costs in whole or in part.
- (3) If the Professional Conduct Committee is of the opinion that the commencement of a hearing was unwarranted, it may make an order requiring the College to pay some or all of the respondent’s legal costs.
- (4) If a respondent fails to pay the costs within the time ordered, the Executive Director may suspend the licence of the respondent until payment is made or satisfactory arrangements for payment have been established.

**Application for reinstatement**

- 47 (1)** An application for reinstatement pursuant to subsection 43(5) of the Act or clause 44(b) shall be directed in writing to the Executive Director together with an application fee as determined by Council.
- (2) An application shall include information that will assist the Reinstatement Committee in determining that the objects of the professional conduct process will be met if reinstatement is granted.
- (3) Upon receipt of an application for reinstatement, the Executive Director may request that an investigation be conducted to gather relevant and appropriate information concerning the application.
- (4) Where an investigation is ordered pursuant to subsection (3), the person who investigates shall provide a written report to the Reinstatement Committee and the applicant including all material relevant to the application including the decision of the Professional Conduct Committee and any relevant information gathered during the investigation.
- (5) The Reinstatement Committee shall set a date for the hearing of the application for reinstatement and shall advise the applicant of the date.
- (6) Evidence before the Reinstatement Committee shall be taken under oath and recorded, and shall be subject to cross examination.
- (7) Following consideration of the evidence and representations from the applicant and the College representative, the Reinstatement Committee shall render a decision concerning the application for reinstatement and the decision shall be communicated in writing to the applicant and to the Executive Director.
- (8) If the application is accepted, the Reinstatement Committee may impose such terms and conditions as it considers appropriate relating to the reinstatement of the applicant, and in addition to the terms and conditions, the applicant must satisfy all criteria required for the issuance of a licence to practise nursing or a nurse practitioner’s licence, as applicable.
- (9) Whether the application is accepted or rejected, the Reinstatement Committee may recover costs from the applicant, including
- (a) expenses incurred by the College and the Reinstatement Committee in investigating the application for reinstatement;
  - (b) expenses incurred by the College and the Reinstatement Committee for the role of the College or the Reinstatement Committee in the reinstatement application process;
  - (c) solicitor and client costs, including disbursements and HST, of the College and the Reinstatement Committee relating to the investigation and hearing of the application for reinstatement, including the solicitor and client costs, including disbursements and HST, of College counsel;
  - (d) fees for retaining a report or in preparing any necessary transcripts of the proceedings; and



- (e) travel costs and reasonable expenses of any witnesses required to appear before the Reinstatement Committee.
- (10) A decision of the Reinstatement Committee concerning applications for reinstatement shall be final.
- (11) Despite subsection (10), if an application is rejected the applicant may resubmit an application for reinstatement after 1 year has elapsed following the decision of the Reinstatement Committee, or at such later time as may be determined by the Reinstatement Committee that has rejected the application.

N.S. Reg. 1/2002

Made: December 21, 2001

Filed: January 3, 2002

Human Rights Commission Delegation of Powers Regulations

Order in Council 2001-607 made December 21, 2001  
Repeal of regulations made by the Governor in Council  
pursuant to subsection 42(2)  
of the *Human Rights Act*

The Governor in Council on the report and recommendation of the Minister responsible for the administration of the *Human Rights Act* dated October 16, 2001, and pursuant to subsection 42(2) of Chapter 214 of the Revised Statutes of Nova Scotia, 1989, the *Human Rights Act*, is pleased to repeal the *Human Rights Commission Delegation of Powers Regulations* made by the Governor in Council by Order in Council 2000-288 dated June 1, 2000, effective on and after December 21, 2001.



N.S. Reg. 2/2002

Made: December 21, 2001

Filed: January 3, 2002

*Workers' Compensation General Regulations*

Order in Council 2001-612 made December 21, 2001  
Amendment to regulations made by the Governor in Council  
pursuant to clause 41(c) and subsection 184(3)  
of the *Workers' Compensation Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated December 5, 2001, and pursuant to clause 41(c) and subsection 184(3) of Chapter 10 of the Acts of 1994-95, the *Workers' Compensation Act*, is pleased, effective on and from January 1, 2002, to

- (a) order that the maximum amount for a worker's gross annual earnings be held at the 2001 rate of \$41,100.00 pending review of recommendations in this regard by the Worker's Compensation Statutory Review Committee;
- (b) determine, for the purpose of clause 41(c) of the Act, that 140.2% of the average industrial wage for the Province shall be the maximum amount for a worker's gross annual earnings for the purpose of Part 1 of the Act; and
- (c) make amendments to the *Workers' Compensation General Regulations* approved by Order in Council 96-59 dated January 31, 1996, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

**Schedule "A"**

**Amendments to the *Workers' Compensation General Regulations*  
made by the Governor in Council pursuant to  
subsection 184(3) of Chapter 10 of the Acts of 1994-95,  
the *Workers' Compensation Act***

Subsections 22(2) and (3) of the *Workers' Compensation General Regulations* made by the Workers' Compensation Board of Nova Scotia and approved by the Governor in Council by Order in Council 96-59 dated January 31, 1996, are amended by striking out "152%" wherever it appears and substituting "140.2%".