

BILL NO. 123

(as passed)



*2nd Session, 62nd General Assembly
Nova Scotia
64 Elizabeth II, 2015*

Government Bill

Paramedics Act

CHAPTER 33 OF THE ACTS OF 2015

The Honourable Leo A. Glavine
Minister of Health and Wellness

[First Reading](#): November 18, 2015 (LINK TO BILL AS INTRODUCED)

Second Reading: November 19, 2015

[Third Reading](#): November 27, 2015

Royal Assent: December 18, 2015



An Act Respecting the Practice of Paramedicine

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the Paramedics Act.

2 (1) In this Act,

(a) "by-law" means a by-law of the College;

(b) "College" means the College of Paramedics of Nova Scotia;

(c) "committee" includes a committee of the Council, an investigation committee, a reinstatement committee, the Registration Committee or the Hearing Committee, as the context requires;

(d) "competence" means the ability to integrate and apply the knowledge, skills and judgement required to practise safely and ethically in a designated role and practice setting;

(e) "complaint" means a notice in writing indicating possible professional misconduct, conduct unbecoming the profession, incompetence or incapacity of a member;

(f) "conduct unbecoming the profession" means conduct in a member's personal or private capacity that tends to bring discredit upon the practice of paramedicine;

(g) "Council" means the Council of the College;

(h) "disciplinary committee" means an investigation committee or the Hearing Committee;

(i) "disciplinary matter" means any matter involving an allegation of professional misconduct, conduct unbecoming the profession or incompetence, including incompetence arising out of physical or mental incapacity;

(j) "essential competencies" means the minimum occupational skills required for each class of licence;

(k) "hearing" means a process before the Hearing Committee following the issuance of a notice of hearing, in which the parties lead evidence and make submissions to the Hearing Committee, but does not include the consideration by the Hearing Committee of a settlement proposal, an application for a consented-to revocation or any hearing or proceeding before an investigation committee;

(l) "Hearing Committee" means the Hearing Committee appointed by Council pursuant to this Act;

(m) "hearing panel" means a hearing panel appointed pursuant to subsection 64(1);

(n) "incapacity" means a medical, physical, mental or emotional condition, disorder or addiction that renders or rendered a member unable to practise with competence or that may endanger or has endangered the health or safety of individuals;

(o) "incompetence", in relation to a respondent, means the display of a lack of knowledge, skill or judgement in the respondent's practice of paramedicine that, having regard to all the circumstances,

rendered it unsafe for the respondent to practise at the time or renders it unsafe for the respondent to continue in practise without remedial assistance;

(p) "investigation committee" means an investigation committee appointed pursuant to this Act;

(q) "investigator" means a person designated by the Registrar or an investigation committee to conduct or supervise an investigation into a complaint;

(r) "judge" means a judge of the Supreme Court of Nova Scotia;

(s) "legal proceeding" means any civil proceeding, discovery, inquiry, proceeding before any tribunal, board or commission or arbitration, in which evidence is or may be given, and includes an action or proceeding for the imposition of punishment by fine, penalty or imprisonment for the contravention of a Provincial enactment, but does not include any proceeding or hearing conducted pursuant to this Act or the regulations;

(t) "licence" means a valid and subsisting licence issued in accordance with this Act and the regulations that authorizes the holder of it to practise paramedicine;

(u) "licensing sanction" means

(i) conditions or restrictions on a licence imposed,

(ii) a consensual reprimand ordered,

(iii) a reprimand issued,

(iv) a suspension of a licence, or

(v) a revocation of registration,

by a disciplinary committee or an equivalent body of another jurisdiction;

(v) "medical practitioner" means a medical practitioner as defined in the Medical Act;

(w) "member", unless the context otherwise requires, means a person whose name is entered in the Register;

(x) "Minister" means the Minister of Health and Wellness;

(y) "paramedic" means a person who is licensed to practise paramedicine under this Act;

(z) "party" means the College or a respondent, as the context requires;

(za) "practice of paramedicine" means the practices and procedures usually performed by a paramedic under the direct or indirect supervision of a medical practitioner;

(zb) "professional misconduct" includes such conduct or acts in the practice of paramedicine that, having regard to all the circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional and, without limiting the generality of the foregoing, may include breaches of

(i) the code of ethics approved by the Council,

(ii) the accepted standards of the practice of paramedicine, and

(iii) this Act, the regulations or policies approved by the Council;

(zc) "Provincial Medical Director" means the medical director responsible for emergency health services for the Province;

(zd) "public representative" means a member of the Council or of a committee of the Council who is not a member of the College;

(ze) "Register" means the Register of the College kept pursuant to this Act;

(zf) "Registrar" means the Registrar of the College appointed pursuant to this Act;

(zg) "Registration Appeal Committee" means the Registration Appeal Committee appointed pursuant to this Act;

(zh) "Registration Committee" means the Registration Committee appointed by Council pursuant to this Act;

(zi) "reinstatement committee" means a reinstatement committee appointed pursuant to this Act;

(zj) "respondent" means a person who is the subject of a complaint or an appeal pursuant to this Act or the regulations;

(zk) "roster" means the record of a class of licence or a category of licence established pursuant to this Act or the regulations;

(zl) "standards of practice" means the entry-level professional practice expectations for any member in any setting or role, approved by the Council or otherwise inherent in the profession.

(2) A person is registered if the person's name has been recorded in the Register in accordance with the regulations.

COLLEGE

3 (1) The College of Paramedics of Nova Scotia is hereby established as a body corporate.

(2) The College has perpetual succession and a common seal, with the power to acquire, hold and dispose of real and personal property and to sue and be sued.

4 (1) The objects of the College are to

(a) serve and protect the public interest in the practice of paramedicine;

(b) preserve the integrity of the paramedic profession; and

(c) maintain public and member confidence in the ability of the profession to regulate the practice of paramedicine.

(2) In order to effectively carry out the objects of the College, the College shall

- (a) regulate the practice of paramedicine and govern its members through
 - (i) the registration, licensing, professional conduct and other processes set out in this Act and the regulations,
 - (ii) the approval and promotion of a code of ethics, and
 - (iii) the establishment and promotion of
 - (A) standards for the practice of paramedicine, and
 - (B) a continuing professional development program; and
- (b) do all such other lawful acts and things as are incidental to the attainment of the objects and purpose.

COUNCIL

5 There shall be a Council of the College constituted as provided in Section 7.

6 (1) The Council shall manage and regulate the affairs and business of the College.

(2) To more effectively carry out the objects of the College and the purpose of this Act, the Council may

- (a) examine applicants applying to be licensed;
- (b) issue or cause to be issued licences to persons who by this Act and the regulations are qualified to practise paramedicine;
- (c) establish and maintain the Register;
- (d) hear complaints against members and administer disciplinary procedures through the Council's disciplinary committees;
- (e) suspend, revoke, restrict or refuse to renew licences; and
- (f) review the operation of this Act and the regulations and make recommendations thereon.

(3) In addition to any other power conferred by this or any other Act, the Council may do such things as it considers appropriate to carry out the objects of the College and, without limiting the generality of the foregoing, may

- (a) engage such agents and employees as it, from time to time, considers expedient;
- (b) expend the money of the College in the advancement of its objects in such manner as it considers expedient;
- (c) establish and maintain such offices and agencies as it considers expedient;
- (d) invest and deal with any money and funds of the College that are not immediately required, in such manner as it considers expedient;

(e) borrow money for the use of the College on its credit, limit or increase the amount to be borrowed, issue bonds, debentures, debenture stock and other securities on the credit of the College and pledge or sell such securities for such sums or at such prices as it considers expedient;

(f) secure the repayment of money borrowed, in such manner and upon such terms and conditions as it considers fit, and, in particular, by the execution and delivery of mortgages of all or any part of the real or personal property of the College, both present and future; and

(g) do such things as are incidental to or necessary for the exercise of the powers referred to in clauses (a) to (f).

7 (1) Subject to subsection 105(2), the Council consists of

(a) eight members of the College who

(i) hold active practising status as paramedics,

(ii) are elected by the members of the College,

(iii) are members in good standing, and

(iv) represent the geographical districts and classes of licence set out in the by-laws; and

(b) four public representatives appointed by the Governor in Council.

(2) A member of the Council elected pursuant to clause (1)(a) who moves to a district or class of licence other than the district or class of licence the member was elected to represent

(a) may complete the member's term on Council; and

(b) subject to subsection 8(4), may re-offer for re-election in the district or under the class of licence the member then practises in.

(3) Members of the Council must be elected or appointed to office in such manner as the by-laws set out or as set out in regulation.

8 (1) For the purpose of this Section and Section 11, two terms are consecutive if the second term commences 12 or fewer months after the first term ends.

(2) Subject to subsection 105(2), persons elected or appointed as members of the Council hold office for a term of three years.

(3) Notwithstanding anything contained in this Section, persons appointed by the Governor in Council hold office until their successors are appointed or until they are re-appointed.

(4) No person may be a member of the Council for more than two consecutive terms.

9 Every practising member in good standing is eligible to vote in an election of the Council and to be nominated as a candidate for membership on the Council.

10 A member may in such manner as the by-laws set out petition the Council against the election of a person to the Council.

11 (1) The Council shall elect annually from among its members a President and a Vice-president.

(2) The Council may elect annually such other officers for the Council and for such terms of office as the Council considers necessary to assist it in carrying out its duties pursuant to this Act.

(3) No person may be elected President or Vice-president for more than two consecutive terms.

(4) Where an officer of the Council resigns or otherwise ceases to hold office before the expiration of the officer's term, the Council shall appoint a person from among its members to hold such office for the balance of the unexpired term.

12 (1) The Council shall appoint a Registrar who must be a member of the College and holds office during the pleasure of the Council at such salary or other remuneration as the Council determines.

(2) The Registrar may delegate any functions assigned to the Registrar by this Act, the regulations or the by-laws.

(3) The Registrar is a non-voting member of the Council.

13 The Council may appoint such agents or employees at such salaries or other remuneration, and for such terms of office, as the Council considers necessary to assist it in carrying out its duties pursuant to this Act.

14 The Council may make by-laws with respect to the election of members to the Council

(a) establishing a nominations committee, its composition and duties;

(b) setting out the procedure for the nomination of candidates;

(c) setting out the number of members to be elected to represent each class of licence;

(d) providing for the appointment or designation of presiding officers for the election;

(e) setting out the forms to be used;

(f) setting out the procedure to be used for the holding of the elections and for determining the persons to be elected as members of the Council;

(g) setting out the procedure for retaining ballots and considering petitions against the election of a person to the Council;

(h) with respect to Council members elected pursuant to clause 7(1)(a), prescribing the manner in which vacancies on the Council may be filled and the manner of removing those Council members.

15 (1) A majority of the Council, other than the Registrar, constitutes a quorum.

(2) Notwithstanding subsection (1), where there is a vacancy in a position that is appointed pursuant to clause 7(1)(b), such vacancy does not count in determining a quorum.

16 (1) There must be an annual meeting of the College held at such time and place as the Council determines.

(2) An annual report must be distributed at or before the annual meeting for review by the membership and must include a financial report by an auditor.

(3) Auditors must be recommended by the Council but are subject to the approval of the College at the annual meeting.

17 The Council shall meet at least four times in each calendar year at such time and place as the Council determines.

18 Except in the event of an equal number of votes being given for and against a resolution at any meeting, the President or other presiding officer may not vote.

19 The Council may appoint from time to time such committees from among members of the Council or the College as the Council considers necessary to assist it in carrying out its duties pursuant to this Act.

20 (1) Subject to subsection (2), the President shall preside at all meetings of the Council and of the College.

(2) Where the President is absent from a meeting, the Vice-president or, in the Vice-president's absence, some other member of the Council chosen by the members present shall preside at the meeting.

21 (1) Subject to this Act, the Council shall govern, control and administer the affairs of the College and, without limiting the generality of the foregoing, may make by-laws

(a) respecting the management of the College;

(b) providing for the division of the Province into geographical districts for the election of members of the Council pursuant to subclause 7(1)(a)(iv);

(c) respecting the holding of meetings of the College or Council and the conduct of such meetings;

(d) fixing the time and place for regular meetings of the Council, determining who may call meetings, regulating the conduct of meetings, providing for emergency meetings and regulating the notice required with respect to meetings;

(e) respecting the manner in which resolutions are forwarded to the Council;

(f) respecting the appointment of such committees, in addition to committees appointed pursuant to this Act or the regulations, as the Council may consider expedient;

(g) respecting the composition, powers and duties of such committees as may be appointed by the Council, and providing for the holding and conduct of meetings of such committees, if such requirements are not otherwise set out in this Act or the regulations;

(h) establishing the quorum for meetings of committees if quorum requirements are not otherwise set out in this Act or the regulations;

(i) setting the fees payable by applicants and members and, where Council considers it advisable, designating different fees for the different classes and categories of licence set out in the regulations;

- (j) respecting the collection of fees payable by applicants and members;
 - (k) setting the fees and expenses payable to members of the Council and committees and providing for the payment of necessary expenses of the Council and committees;
 - (l) respecting examinations as prerequisites to registration;
 - (m) respecting the schedule for a member's registration;
 - (n) respecting the location of the head office of the College;
 - (o) respecting the seal of the College;
 - (p) respecting the execution of documents by the College;
 - (q) providing procedures consistent with this Act for the making, amending and revoking of by-laws;
 - (r) establishing a code of ethics and standards of practice for the practice of paramedicine;
 - (s) respecting the records and accounts to be kept by a member with respect to a member's practice, and providing for the production, inspection and examination of such records and accounts;
 - (t) respecting the essential competencies for the practice of paramedicine;
 - (u) establishing the conditions a person whose licence has expired must satisfy in order to apply for the re-issuing of a licence;
 - (v) respecting the powers, duties and qualifications of the officers, agents and employees of the College;
 - (w) respecting any other matter or thing necessary for the administration of the College.
- (2) Subject to the approval of the Governor in Council, the Council may make regulations
- (a) respecting the powers, duties and qualifications of the Registrar;
 - (b) respecting the registration and licensing of members, but not including the scheduling of a member's registration;
 - (c) prescribing the type and amount of professional liability insurance or other form of malpractice coverage a member must hold;
 - (d) respecting the information to be included in the Register;
 - (e) creating one or more rosters and prescribing rights, privileges, qualifications and obligations of the members included in the Register and each roster and the conditions for the entry and maintenance of members' names in the Register and each roster;
 - (f) respecting the recognition of paramedic programs;

- (g) respecting a continuing competency program, and requiring members to participate in any such program for continued licensure and registration, and providing for any other matter that will facilitate or give effect to such program;
- (h) respecting the direct and indirect supervision of members;
- (i) respecting the imposition of terms or conditions on a member's registration or licence;
- (j) providing for the classes of licence and categories of licence, the qualifications for classes and categories of licences and the procedure for moving to a different class or category of licence;
- (k) respecting the suspension or revocation of licences issued pursuant to this Act and the reinstatement of such licences and allowing for conditions or restrictions to be attached to a reinstated licence;
- (l) regulating, controlling and prohibiting the use of terms, titles or designations by members or groups or associations of members, with respect to the practice of those members;
- (m) providing that the licence of a member be suspended without notice or investigation upon contravention of any regulation that requires the member to pay a fee, file a document or do any other act by a specified or ascertainable date, and providing for the reinstatement of a licence so suspended;
- (n) subject to clause 7(1)(b), changing the number and characteristics of appointments to the Council;
- (o) respecting the appointment of non-members to committees;
- (p) subject to subsection 34(2), respecting the supervision of paramedic acts;
- (q) respecting the investigation of complaints;
- (r) respecting the holding of hearings concerning complaints;
- (s) respecting the resolution of complaints;
- (t) respecting the powers, authority and processes of the College, the Registrar, a disciplinary committee, a reinstatement committee, and panels of those committees, as the case may be, with respect to complaints, professional conduct matters and settlement proposals;
- (u) respecting the composition of an investigation committee, the Registration Committee, the Registration Appeal Committee, the Hearing Committee and the Fitness-to-practice Committee;
- (v) respecting the powers, authority and processes of the Registrar, the Registration Committee and the Registration Appeal Committee relevant to registration and licensing matters;
- (w) respecting the options available to the Registration Committee with respect to an application for the re-issuing of a licence;
- (x) authorizing the establishment of a fitness-to-practice program and respecting the powers, authorities and duties of the Fitness-to-practice Committee to deal with issues of incapacity;

- (y) respecting the options available to the Registrar with respect to an application for the re-issuing of a licence;
- (z) respecting the options available to the Council when hearing the applicant and the Registrar with respect to an application for the re-issuing of a licence;
- (za) respecting the procedure for the registration review process;
- (zb) providing for the audit of a member's practice;
- (zc) respecting the reporting and publication of decisions in disciplinary matters;
- (zd) respecting the annual publishing of the list of registered members;
- (ze) allowing for an award of costs on a solicitor-client or other basis;
- (zf) respecting the ability of the Registrar, an investigative panel or a hearing panel to impose a fine if a member has engaged in practice while not holding a current licence;
- (zg) respecting and governing such other subjects, matters and things as may be required to give effect to the objects of the College and this Act.

(3) The Governor in Council may make regulations

- (a) defining any word or expression used but not defined in this Act;
- (b) further defining any word or expression defined in this Act.

(4) The Council shall circulate proposed regulations to members for review and input before submitting them to the Governor in Council for approval.

(5) The exercise by the Council of the authority contained in subsection (2) or by the Governor in Council of the authority contained in subsection (3) is a regulation within the meaning of the Regulations Act.

(6) All regulations and by-laws of the College must be available for inspection by any person, free of charge, at the head office of the College during business hours and be posted on its website.

(7) A certificate purporting to be signed by the Registrar stating that a certain by-law or regulation of the College was, on a specified day or during a specified period, a duly enacted by-law or regulation of the College in full force and effect constitutes prima facie evidence in any court of that fact without proof that the person who signed it is the Registrar or that it is the Registrar's signature.

REGISTRATION AND LICENSING

22 (1) The Council shall keep a Register in which the name of every person who qualifies for registration in accordance with this Act and the regulations is recorded.

(2) The Register must include the information set out in the regulations.

(3) The classes and categories of licences to be recorded in the Register are as set out in the regulations.

(4) The Board shall cause to be maintained a roster for each category of licence as provided by the regulations.

23 The Council shall cause to be kept a record available to the public showing the information required by the regulations.

24 (1) The Council shall appoint a Registration Committee and a Registration Appeal Committee, the membership of each of which is as set out in the regulations.

(2) The Council shall designate one of the members of the Registration Committee as the Chair of that Committee and one of the members of the Registration Appeal Committee as the Chair of that Committee.

(3) A majority of the Registration Committee or the Registration Appeal Committee constitutes a quorum.

(4) The Registrar, the Registration Committee and the Registration Appeal Committee shall perform such registration and licensing functions as are set out in this Act, the regulations and the by-laws.

(5) Subject to subsections (6) to (8), the Registrar, the Registration Committee and the Registration Appeal Committee have all the powers, privileges and immunities of a commissioner appointed pursuant to the Public Inquiries Act, with the exception of the powers of contempt, arrest and imprisonment.

(6) The Registrar, the Registration Committee and the Registration Appeal Committee may only exercise a power or privilege conferred by subsection (5) if authorized to do so by the Chair of the Committee.

(7) The Registrar and each member of the Registration Committee is authorized to sign documents on behalf of the Registration Committee issued under the authority of the Public Inquiries Act, if the Chair of the Registration Committee has authorized the issuing of such documents.

(8) The Registrar and each member of the Registration Appeal Committee is authorized to sign documents on behalf of the Registration Appeal Committee issued under the authority of the Public Inquiries Act, if the Chair of the Registration Appeal Committee has authorized the issuing of such documents.

25 (1) The Registrar shall record in the Register the name of every person who satisfies the criteria for registration set out in the regulations.

(2) The Registrar shall issue a licence to a person who satisfies the criteria for the licence set out in the regulations.

(3) The Registrar may impose conditions or restrictions on the licence of a member with the consent of the member if the Registrar considers such conditions or restrictions to be necessary in the interest of the public.

(4) Where the Registrar imposes conditions or restrictions with the consent of the member pursuant to subsection (3), the conditions or restrictions are not licensing sanctions.

(5) The Registrar may impose conditions or restrictions on the licence of a member without the consent of the member in the manner described in the regulations.

(6) The Registrar shall renew a licence when the holder of the licence meets the criteria for renewal set out in the regulations.

26 (1) The Registrar shall change a member's entry in a Register if

(a) information has been entered incorrectly;

(b) the member dies;

(c) the registration of the member has been revoked;

(d) an investigation committee, as part of an informal resolution of a complaint, or the Hearing Committee authorizes the resignation of the member from a register; or

(e) the Registrar, as part of an informal resolution of a complaint or otherwise, has, at the request of the member, authorized the resignation of the member.

(2) Where a change has been made to a Register pursuant to clause (1)(b), (c), (d) or (e) to remove a member's name from the Register, the person ceases to be a member.

27 (1) The Registrar shall cause the removal of the name of a member from a roster

(a) if information has been entered incorrectly requiring the removal of the member's name;

(b) if the member no longer meets the criteria for entry on the roster;

(c) at the request of the member, if approved by the Registrar;

(d) for non-payment of fees or other assessments levied pursuant to this Act or the regulations;

(e) if the licence of the member has been suspended, for the term of the suspension;

(f) if the registration of the member has been revoked;

(g) if an investigation committee, the Hearing Committee or the Registrar authorizes the resignation of the member from the Register; or

(h) if the member dies.

(2) The name of a person removed from the appropriate roster pursuant to clause (1)(a), (b), (c), (d) or (e) must be restored upon

(a) payment of the fee set out in the by-laws; and

(b) compliance by the person with this Act and the regulations.

(3) A statement certified under the hand of the Registrar respecting the membership and entry of a person's name in a roster is admissible in evidence as prima facie proof of that person's entry on such roster.

28 (1) Where a person's name has been removed from a register pursuant to clause 26(1)(d) or (e) or from a roster pursuant to clause 27(1)(g), the person may only apply to have the person's name restored to the register and the roster if the panel or Registrar, as the case may be, when authorizing the person's resignation also authorized the person to reapply for membership.

(2) Where a person's name has been removed from a register pursuant to clause 26(1)(c) or from a roster pursuant to clause 27(1)(f), the person's name may only be restored to the register if the Reinstatement Committee determines that it may, and subject to any conditions or restrictions that the Reinstatement Committee directs.

29 (1) Every member shall pay to the Registrar, or such person as the Registrar may designate,

(a) a registration fee at the time that the member is registered; and

(b) on or before a date determined by Council in each year thereafter, an annual licence fee determined by Council.

(2) The licence of any member who fails to pay fees as required by subsection (1) or who fails to comply within the period set out in the regulations with any continuing competency requirements established in the regulations is liable to be suspended in accordance with the procedure set out in the regulations.

(3) The Registrar shall forthwith notify, in writing, any person whose licence has been suspended pursuant to this Section.

(4) Where the licence of a member has been suspended pursuant to subsection (2), or in any other case where the licence of a registered person has expired pursuant to this Act for non-payment of fees, such person may apply to the Registrar for the re-issuing of the licence.

30 A member of the College whose registration information changes shall promptly inform the Registrar, who shall enter the change in the Register.

31 Where an applicant

(a) has been refused registration;

(b) has been refused a licence; or

(c) has terms and conditions imposed on a licence without the consent of the applicant,

the Registrar shall advise the applicant of the review process set out in the regulations.

32 (1) The Registrar shall publish annually, in the manner set out in the regulations, a list that includes the names of those persons listed in the Register.

(2) Where the right of a person to practise has been limited by the imposition of conditions or restrictions pursuant to this Act or the regulations, particulars of the conditions or restrictions imposed on that person must be noted in the records of the College and may be disclosed to the public in accordance with this Act.

33 (1) Every person who employs a person in the practice of paramedicine and every agency that procures employment for a person in the practice shall

(a) ensure that the person, at the time of employment and for each year employed thereafter, holds a current licence to practise in the profession as set out in the regulations; and

(b) where the person's employment is terminated or the person resigns because of allegations of professional misconduct, conduct unbecoming the profession, incompetence or incapacity, report the matter to the Registrar forthwith and provide a copy of the report to the person whose employment is terminated.

(2) The licence of a member may only be surrendered by the member after the member gives written notice to the Council and with the consent of the Council.

PROTECTED TITLES AND PRACTICES

34 (1) Except as provided in this Act and the regulations, no person, other than a paramedic, shall

(a) publicly or privately, for hire, gain or hope of reward, practise or offer to practise paramedicine;

(b) hold himself or herself out in any way to be entitled to practise paramedicine; or

(c) assume any title or description implying or designed to lead the public to believe that the person is entitled to practise paramedicine.

(2) A paramedic may only practise paramedicine under the direct or indirect supervision of a medical practitioner.

35 (1) A member who engages in practice outside the Province and who was subject to any disciplinary findings while outside the Province or has outstanding complaints from outside the Province shall not engage in practice upon returning to the Province before providing the Registrar with notice of such disciplinary findings or complaints and receiving from the Registrar a notice authorizing the member to resume practice in the Province.

(2) Where the Registrar receives a notice pursuant to subsection (1), the Registrar may file a complaint.

36 Nothing in this Act applies to or prevents

(a) the consultation in the Province with a member by a paramedic entitled to practise paramedicine in any other province of Canada or country;

(b) the domestic administration of family remedies;

(c) the practice of the religious tenets or general beliefs of any religious organization;

(d) the furnishing of first aid or emergency assistance in the case of emergency, if such aid or assistance is given without hire, gain or hope of reward; or

(e) the practice of any profession authorized pursuant to an enactment of the Province by a professional licensed pursuant to such enactment, practising within the scope of practice for that profession.

PROFESSIONAL CONDUCT

37 In accordance with the objects of the College, the purpose of the professional conduct process is to inhibit professional misconduct, conduct unbecoming the profession or incompetence by a member or to inhibit a member from practising while incapacitated.

38 The College or a disciplinary committee may employ, at the expense of the College, such legal or other assistance as it considers necessary for the purpose of the investigation and conduct of any disciplinary matter.

39 (1) All complaints received or under investigation, all information gathered in the course of the professional conduct process and all proceedings and decisions of a disciplinary committee that are not open to or available to the public in accordance with this Act or the regulations must be kept confidential by the person who possesses such information.

(2) Notwithstanding subsection (1), where it is consistent with the objects of the College,

(a) the Registrar, on the recommendation of a disciplinary committee, may disclose to law enforcement authorities any information about possible criminal activity on the part of a member that is obtained during an investigation pursuant to this Act;

(b) a disciplinary committee may authorize the Registrar to release specific information to specific persons;

(c) the Registrar may disclose information with respect to a complaint or matter before a committee to the regulatory body of another jurisdiction if it is relevant and concerns the fitness of a member for membership in the regulatory body of the other jurisdiction; and

(d) the Registrar may disclose information with respect to a complaint for the purpose of the administration of this Act or to meet the objects of the College.

40 A person or disciplinary committee investigating a disciplinary matter concerning a member may investigate any other disciplinary matter concerning the member that arises in the course of the investigation.

41 (1) A witness in any legal proceeding, whether a party thereto or not, is excused from answering any question as to any proceedings of a disciplinary committee or reinstatement committee, and is excused from producing any report, statement, memorandum, recommendation or other document prepared for the purpose of the professional conduct process, including any information gathered in the course of an investigation or produced for a disciplinary committee or reinstatement committee.

(2) Subsection (1) does not apply to documents or records that have been made available to the public by the College.

(3) Unless otherwise determined by a court of competent jurisdiction, a decision of a disciplinary committee or reinstatement committee is not admissible in a civil proceeding other than an appeal or review pursuant to this Act.

42 (1) Notwithstanding anything contained in this Act or the regulations, where a person

(a) has been charged with, has pleaded guilty to or has been found to be guilty of any offence inside or outside of Canada that is inconsistent with the proper professional behaviour of a member, including a conviction under

- (i) the Criminal Code (Canada),
- (ii) the Controlled Drugs and Substances Act (Canada), or
- (iii) any other legislation specified in the regulations,

and no pardon has been granted;

(b) has been found guilty of a disciplinary finding in another jurisdiction;

(c) has had a licensing sanction imposed by another jurisdiction; or

(d) is the subject of an investigation or disciplinary process in any jurisdiction,

and such person is a member or applies for registration or a licence or the renewal of a licence, the Registrar may, by such notice as the Registrar specifies, require the person to attend a hearing before a disciplinary committee to fully disclose the facts and circumstances of any of the matters referred to in clauses (a) to (d).

(2) For the purpose of a hearing pursuant to subsection (1), a disciplinary committee may take any of the actions authorized to be taken by the committee pursuant to this Act or the regulations.

(3) For the purpose of subsection (1), a certificate of conviction of a member is conclusive evidence that the member has committed the offence stated therein, unless it is proven that the conviction has been quashed or set aside.

(4) Where any of the criteria set out in clauses (1)(a) to (d) apply to a person holding a licence, the person shall immediately report the matter to the Registrar.

43 The Registrar may not be a member of any disciplinary committee.

44 (1) The College shall investigate, on its own initiative or on the complaint of another, alleged instances of professional misconduct, conduct unbecoming the profession, incompetence or incapacity and, when appropriate, dispose of the matter in accordance with the regulations.

(2) Except where considered prejudicial to the attainment of the objects of the College, the professional conduct process followed by the College must take into account the potential for the rehabilitation of the respondent.

(3) A member shall co-operate with the College in the conduct of its professional conduct process.

45 Where a member ceases to be registered or licensed for any reason, such person remains subject to the jurisdiction of the College for the purpose of the professional conduct process, if the subject-matter of the professional conduct process arose out of the person's conduct while registered or licensed.

46 (1) A complaint may be initiated by

- (a) the Registrar;
- (b) a committee of the College; or
- (c) any other person.

(2) Where the Registrar and the complainant agree, a complaint may be withdrawn.

INVESTIGATION COMMITTEE

47 (1) The Council may appoint an investigation committee to investigate a complaint.

(2) An investigation committee is composed of such number of members of Council and non-members as is determined by the regulations.

(3) The Council shall appoint a chair of an investigation committee.

(4) Any two members of an investigation committee constitute a quorum.

(5) Failure of one or more investigation committee members to receive notice of a meeting does not invalidate the proceedings at the meeting, and nothing herein precludes the committee members from waiving notice of meetings.

48 (1) Subject to subsection (2), the Registrar, an investigator, an investigation committee and each member of an investigation committee has all the powers, privileges and immunities of a commissioner appointed pursuant to the Public Inquiries Act, with the exception of the powers of contempt, arrest and imprisonment.

(2) The Registrar, an investigator or a member of an investigation committee may only exercise a power or privilege if authorized to do so by the chair of the investigation committee.

49 An investigation committee shall

- (a) investigate the complaint referred to it;
- (b) investigate any other matter referred to the committee by the Registrar; and
- (c) perform such other duties as may be assigned to the committee by the Council.

50 The Registrar may refer a matter to an investigation committee notwithstanding that a written complaint has not been filed with the Registrar or the College.

51 Without receipt of a written complaint, an investigation committee may

- (a) do all things necessary to provide a full and proper investigation; and
- (b) appoint a person to conduct an investigation or a practice audit, or both.

52 (1) Upon receiving a written complaint about a member and providing the member with a copy of the complaint, an investigation committee may require the member to

- (a) submit to physical or mental examinations by such qualified persons as the committee designates;
- (b) submit to an inspection or audit of the practice of the member by such qualified persons as the committee designates;
- (c) submit to such examinations as the committee directs to determine whether the member is competent to practise paramedicine; and
- (d) produce records and accounts kept with respect to the member's practice.

(2) Where the member fails to comply with subsection (1), the investigation committee may suspend or restrict the registration or the licence, or both, of the member until the member complies.

53 Where an investigation committee has, pursuant to clause 52(1)(a), (b) or (c), required a member to submit to a physical or mental examination, inspection or audit of the member's practice or such other examination as the committee directs, the committee shall receive any resulting report and provide a copy to the member.

54 An investigation committee or person appointed to conduct an investigation pursuant to clause 51 (b) may

- (a) employ such other experts as the committee or person considers necessary;
- (b) require the member being investigated or any other member of the College who may have information relevant to the investigation to attend before the committee or the person conducting the investigation to be interviewed; and
- (c) investigate any other matter relevant to the conduct, capacity or fitness of the member to practise paramedicine that arises in the course of the investigation.

55 (1) An investigation committee may set its own procedure for meetings.

(2) An investigation committee retains jurisdiction over a matter until such time as a hearing commences before a hearing panel or the matter is otherwise resolved by a hearing panel or in accordance with this Act and regulations.

56 (1) A complaint must be disposed of in accordance with the regulations.

(2) When a complaint is forwarded to an investigation committee for disposition, the committee shall give its decision in writing and send a copy of the written decision, by registered mail or personal service, to the respondent and the complainant and may send some or all of the written decision to such other persons as the committee determines.

(3) In a proceeding before an investigative committee, a respondent has the right to

- (a) be represented by legal counsel or a union representative;
- (b) receive disclosure of the complaint;
- (c) receive notice of any other matters under investigation;

- (d) receive such other information as natural justice requires;
- (e) receive such other information as determined by the Registrar; and
- (f) be afforded a reasonable opportunity to present a response and make submissions.

57 (1) An investigation committee may, in its discretion, impose a publication ban on such portion of any decision it has issued that is available to the public pursuant to this Act or the regulations.

(2) No person may publish any portion of a decision that is the subject of a publication ban.

58 (1) Notwithstanding anything contained in this Act, where

(a) an investigation committee receives information that indicates that a member may be professionally incompetent or guilty of professional misconduct or conduct unbecoming the profession; and

(b) the investigation committee concludes that it is in the public interest to suspend the member from practice or restrict the practice of the member,

the investigation committee may, without a hearing,

(c) immediately suspend the licence of the member;

(d) immediately impose restrictions on the licence of the member; or

(e) where a person does not hold a current licence, suspend the ability of the person to obtain a licence,

until the suspension or restrictions are lifted, superseded or annulled by an investigation committee or a hearing panel.

(2) The member must forthwith be given notice in writing, with reasons, of a decision made pursuant to subsection (1).

(3) A member who receives written notice pursuant to subsection (2) may request in writing, within 30 days after receiving such notice, an opportunity to meet with the investigation committee.

(4) Where a request is received pursuant to subsection (3), the investigation committee shall

(a) provide an opportunity for the member to meet with the committee within 10 days of the written request; and

(b) after meeting with the member, confirm, vary or terminate the suspension or restrictions imposed pursuant to subsection (1).

59 All investigation committee decisions require the vote of a majority of the members of the investigation committee.

60 Where a proceeding is commenced before an investigation committee and the term of office of any person sitting on the investigation committee expires, that person remains part of the committee until the proceeding is concluded.

61 Where an investigation committee meets with a respondent pursuant to subsection 58(4), the member has the right to

- (a) be represented by legal counsel or a union representative at the member's own expense;
- (b) receive disclosure of the complaint, any written report of an investigator provided to the committee and any other document produced or received by the committee; and
- (c) be afforded a reasonable opportunity to present a response and make submissions.

62 Where an investigation committee issues an interim suspension or imposes restrictions on a respondent's licence, the committee shall provide a written copy of the decision to the complainant and the respondent and determine whether any part of the committee's decision is to be provided to other affected individuals, other regulatory bodies in other jurisdictions, any past, present or intended employer of the respondent or the public.

HEARING COMMITTEE

63 (1) The Council shall appoint a Hearing Committee composed of such number of members and non-members as determined by the regulations.

(2) The Council shall appoint a Chair and a Vice-chair of the Hearing Committee.

(3) The Vice-chair shall act as chair in the absence of the Chair.

(4) Where, for any reason, neither the Chair nor the Vice-chair is available for the purpose of Sections 70 and 71, the Council may appoint a member of the Hearing Committee as interim chair of the Hearing Committee.

(5) A quorum of the Hearing Committee consists of three persons.

64 (1) Where an investigation committee refers a complaint to the Hearing Committee, the Chair of the Hearing Committee shall appoint a hearing panel consisting of at least three persons from the Committee, at least one of whom must be a public representative and at least one of whom must be a member of the College, to act as the Hearing Committee for the purpose of the professional conduct process.

(2) The Chair of the Hearing Committee may sit on the hearing panel and shall act as the chair of the panel in this event.

(3) Where the Chair of the Hearing Committee is not appointed to the hearing panel, the Chair of the Hearing Committee shall appoint a chair for such panel.

(4) Failure of a hearing panel member to receive a notice of a meeting does not invalidate the proceedings at the meeting, and nothing precludes the hearing panel members from waiving notice of meetings.

65 No member of the Hearing Committee may be a member of any investigation committee.

66 Subject to the regulations, the Hearing Committee may do all things necessary to provide a full and proper inquiry.

67 (1) Where an investigation committee refers a matter to the Hearing Committee, the Registrar shall, within 30 days from the date of the referral, fix a date, time and place for holding a hearing, to commence not later than 90 days from the date of the referral, or such later date as the respondent and the College may agree to or the Hearing Committee may order following an opportunity for submissions from both parties as to such date.

(2) A notice of hearing, containing the information set out in the regulations, must be forwarded by the Registrar to the respondent and the complainant at least 30 days before the hearing.

(3) The College shall place the notice referred to in subsection (2) in such publications as it considers necessary in order to inform the public.

68 Where an investigation committee refers a matter to the Hearing Committee, the College, before the commencement of a hearing by the hearing panel, may enter into a settlement proposal with the respondent, which must be dealt with in accordance with the regulations.

69 (1) Subject to subsection (2), the Hearing Committee and each member of the Hearing Committee has all of the powers, privileges and immunities of a commissioner appointed pursuant to the Public Inquiries Act, with the exception of the powers of contempt, arrest and imprisonment.

(2) A member of the Hearing Committee may only exercise a power or privilege conferred by subsection (1) if authorized to do so by the Chair of the Hearing Committee.

70 (1) A proceeding held by a hearing panel must be conducted in accordance with the regulations.

(2) In a proceeding before a hearing panel, each party has the right to

(a) natural justice;

(b) be represented by legal counsel or a union representative at the party's own expense;

(c) present evidence and make submissions, including the right to cross-examine witnesses;

(d) know all the evidence considered by the panel;

(e) receive written reasons for a decision within a reasonable time.

71 Upon the application of

(a) any party to the hearing;

(b) the Chair of the Hearing Committee; or

(c) legal counsel for the College or the Hearing Committee,

the Registrar shall sign and issue a summons to a witness for the purpose of procuring the attendance and evidence of the witness before the Hearing Committee.

72 It is the duty of a member who is charged in a disciplinary matter to appear at the hearing but in the event of non-attendance by such member, a hearing panel, upon proof by affidavit, statutory declaration or other evidence acceptable to the panel of service of the notice of hearing pursuant to

Section 74, may proceed with the hearing and, without further notice to such member, render its decision and take such other action as it is authorized to take pursuant to this Act.

73 (1) Evidence is not admissible before a hearing panel unless, at least 10 days before the hearing, the opposing party has been given

- (a) in the case of written or documentary evidence, an opportunity to examine the evidence;
- (b) in the case of evidence of an expert, a copy of the expert's written report or, where there is no written report, a written summary of the evidence; and
- (c) in the case of evidence of a witness, the identity of the witness.

(2) Notwithstanding subsection (1), a hearing panel may, in its discretion, allow the introduction of evidence that is otherwise inadmissible under subsection (1) and may make such directions it considers necessary to ensure that a party is not prejudiced.

74 At any stage of the professional conduct process, any document required to be served on or provided to a respondent or any other person is deemed to be served or provided if

- (a) the intended recipient or the intended recipient's counsel acknowledges receipt of the document;
- (b) a registered mail receipt respecting the document is provided from Canada Post;
- (c) an affidavit of service of the document on the person is provided; or
- (d) the College provides evidence satisfactory to the Hearing Committee that all reasonable efforts to effect service of the document have been exhausted.

75 No member of a hearing panel holding a hearing shall communicate outside the hearing, in relation to the subject-matter of the hearing, with a party or the party's representative unless the other party has been given notice of the subject-matter of the communication and an opportunity to be present during the communication, except for communications in which the sole purpose is to make administrative arrangements.

76 Subject to the regulations, a hearing must be open to the public.

77 The Registrar shall provide the respondent, the complainant and such other persons as the Registrar considers appropriate with a copy of the decision of a hearing panel except that, where there are references identifying patients or other persons other than the complainant, those references as well as any personal information about those persons must be deleted if, in the Registrar's opinion, it is appropriate to do so.

78 (1) Where a hearing panel finds professional misconduct, conduct unbecoming the profession, incompetence or incapacity, the panel shall dispose of the matter in accordance with the regulations.

(2) A hearing panel may impose a publication ban, in its discretion, on such portion of any decision it has issued that is available to the public pursuant to this Act or the regulations.

(3) No person may publish any portion of a decision that is the subject of a publication ban.

79 A decision of a hearing panel has effect immediately upon being served on the member or from such time as the decision may direct.

80 (1) Where a hearing panel has revoked the registration or licence of a member, the panel shall determine whether the member is entitled to apply for reinstatement of the registration or licence or whether the revocation is final.

(2) Where a hearing panel determines that a member whose registration or licence has been revoked may apply for reinstatement, the panel shall determine when the member may apply for reinstatement.

81 Where a proceeding is commenced before a hearing panel and the term of office of any person sitting on the panel expires, that person remains part of the panel until the proceeding is concluded.

82 All hearing panel decisions require the vote of a majority in favour of the decision of the panel of the Committee appointed pursuant to subsection 64(1) or a majority of those panel members present and constituting a quorum of such panel in the event the full panel is not sitting.

83 (1) Subject to any publication ban in existence, where a licensing sanction has been issued by the investigative panel or a hearing panel, the Registrar shall

(a) make such entries on the Register and rosters and on the licence of the member as required by the regulations;

(b) publish such information on the website of the College and in official publications of the College as required by the regulations;

(c) notify other affected licensing bodies as required by the regulations; and

(d) provide such information to individuals or the public as is prescribed by the regulations.

(2) Where a hearing panel dismisses a matter, it shall disclose its decision in such manner as it determines.

84 (1) Subject to subsection (2), where the period of suspension of a member expires, the conditions imposed on the member are satisfied or the restrictions imposed on the member are removed, the Registrar shall restore the licence to the member in the form it existed prior to the imposition of the suspension, conditions or restrictions, if the member otherwise meets the criteria for the issuing of a licence.

(2) Where the licence has expired, the member shall pay the prescribed fee for renewal of the licence before it is reissued.

(3) Where action has been taken pursuant to subsection (1), the Registrar shall

(a) make the appropriate entries in the Register and rosters;

(b) where registering bodies in other jurisdictions had previously been informed of the suspension, conditions or restrictions, notify such registering bodies of the lifting of the suspension, conditions or restrictions; and

(c) notify such other persons as directed by the committee that initially imposed the suspension, conditions or restrictions.

REINSTATEMENT COMMITTEE

85 (1) Upon receipt of an application for reinstatement following revocation of a licence the Council shall appoint a reinstatement committee, composed of not less than three members of the Registration Committee, at least one of whom must be a public representative.

(2) The Council shall appoint the chair of the reinstatement committee.

(3) A quorum of the reinstatement committee consists of a majority of the members of the committee.

86 (1) The reinstatement committee shall, in the circumstances set out in this Act and the regulations, review applications for reinstatement of registrations and licences and perform such other duties as set out in this Act and the regulations.

(2) Applications for reinstatement must proceed in accordance with the regulations.

(3) Where a member's licence has been reinstated pursuant to this Section, the reinstatement committee, in its discretion, shall determine whether publication of the reinstatement is required in the interest of the public.

87 (1) Subject to subsection (2), the Registrar, a reinstatement committee and each member of a reinstatement committee has all the powers, privileges and immunities of a commissioner appointed pursuant to the Public Inquiries Act , with the exception of the powers of contempt, arrest and imprisonment.

(2) The Registrar or a member of a reinstatement committee may only exercise a power or privilege conferred by subsection (1) if authorized to do so by the chair of the reinstatement committee.

88 In a proceeding before a reinstatement committee, a member has the right to

(a) be represented by legal counsel or a union representative at the member's own expense;

(b) disclosure of any information to be provided to the committee; and

(c) a reasonable opportunity to present a response and make submissions.

89 (1) Evidence is not admissible before a reinstatement committee unless, at least 10 days before the hearing, the opposing party has been given

(a) in the case of written or documentary evidence, an opportunity to examine the evidence;

(b) in the case of evidence of an expert, a copy of the expert's written report or, where there is no written report, a written summary of the evidence; and

(c) in the case of evidence of any other witness, the identity of the witness.

(2) Notwithstanding subsection (1), the reinstatement committee may, in its discretion, allow the introduction of evidence that is otherwise inadmissible under subsection (1) and may make such directions it considers necessary to ensure that a party is not prejudiced.

90 (1) In this Section, "costs of the Council" include

- (a) expenses incurred by the College, the Council, an investigation committee and a hearing panel;
- (b) honoraria paid to members of an investigation committee and a hearing panel;
- (c) solicitor-and-client costs and disbursements of the College relating to the investigation and hearing of a complaint; and
- (d) additional costs resulting from a member causing the postponement of a hearing without sufficient reason.

(2) Where a hearing panel finds a member guilty of charges relating to a disciplinary matter, it may order that the member pay the costs of the Council, in whole or in part.

(3) Where a member is ordered to pay costs pursuant to subsection (2), the Council may make it a condition of the licence of the member that such costs be paid forthwith or at such time and on such terms as the Council may fix.

91 (1) A respondent may appeal on any point of law from the findings of a hearing panel to the Nova Scotia Court of Appeal.

(2) The notice of appeal must be served upon the Registrar and the complainant.

(3) The record on appeal from the findings of a hearing panel consists of a copy of the transcript of the proceedings, the decision of the panel and the evidence before the panel certified by the Chair of the Hearing Committee.

(4) The Nova Scotia Civil Procedure Rules governing appeals from the Supreme Court of Nova Scotia to the Nova Scotia Court of Appeal that are not inconsistent with this Act apply mutatis mutandis to appeals made to the Court of Appeal pursuant to this Section.

(5) Where a matter is appealed to the Nova Scotia Court of Appeal pursuant to this Section, the decision of a hearing panel takes effect immediately unless the Court of Appeal grants a stay of any order made pursuant to this Act.

OFFENCES

92 (1) A person licensed pursuant to this Act shall not practise paramedicine in contravention of any term, condition or restriction on the person's licence.

(2) A person shall not practise paramedicine

- (a) while the person's licence is suspended or revoked; or
- (b) without a licence.

93 (1) Every person who

(a) contravenes this Act or the regulations; or

(b) knowingly furnishes false information in any application pursuant to this Act or in any statement required to be furnished pursuant to this Act or the regulations,

is guilty of an offence and liable on summary conviction to a fine of not more than \$2,000 or, where the person is an individual, to imprisonment for a term of not more than six months, or to both.

(2) Where a body corporate contravenes this Act or the regulations, a director, officer or agent of the body who authorized, permitted or acquiesced in the contravention is also guilty of an offence and liable on summary conviction to the penalties set out in subsection (1), whether or not the body corporate has been prosecuted or convicted.

94 (1) In a prosecution for an offence under this Act or the regulations, the onus of proof that a person accused of an offence has the right to practise paramedicine, or that a person comes within any of the exemptions provided by this Act, is on the accused person.

(2) Where an offence pursuant to this Act or the regulations is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day that the offence is committed or continued.

(3) For the purpose of this Act and the regulations, proof of the performance by a person who is not a member of a single act in the practice of paramedicine is sufficient to establish that the person has engaged in the practice of paramedicine.

95 All fines payable as a result of a prosecution by or on behalf of the College belong to the College.

96 For greater certainty, an information may be laid by the Registrar or any person.

97 (1) In the event of a threatened or continuing contravention of this Act or the regulations, the College may apply to a judge for an injunction to restrain a person from continuing or committing a contravention, and the judge, where the judge considers it to be just, may grant such an injunction.

(2) A judge may, on application, grant an interim injunction pending the hearing of an application for an injunction pursuant to subsection (1) if the judge is satisfied that there is reason to believe that a person is likely to commit or is continuing to commit a contravention of this Act or the regulations.

(3) A judge may make such order as to costs as the judge considers appropriate in any proceedings pursuant to this Section.

GENERAL

98 (1) A member has a duty to report to the Registrar if the member has reasonable grounds to believe that another member of the College

(a) has engaged in professional misconduct or conduct unbecoming the profession;

(b) is incompetent or incapacitated; or

(c) is practising in a manner that otherwise constitutes a danger to the public.

(2) No action for damages or other relief lies against a member for any report made pursuant to subsection (1) if the report was made in good faith.

99 Any fine payable as a result of a prosecution by or on behalf of the College and any costs ordered to be paid pursuant to this Act or the regulations are debts due to the College recoverable by civil action, in addition to any other remedy available to the College for non-payment of a fine or cost.

100 (1) No action for damages lies against the College, the Council, the Provincial Medical Director, the Registrar, a member, officer, agent or employee of the College or the Council or a member of a committee or subcommittee of the College or the Council for

(a) any act or failure to act or any proceeding initiated or taken in good faith under this Act or in carrying out duties or obligations under this Act; or

(b) any decision, order or resolution made or enforced in good faith under this Act.

(2) No action lies against any person for the disclosure of any information or any document or anything therein pursuant to this Act unless such disclosure is made with malice.

(3) Without limiting the generality of subsection (2), no action for damages lies against a member or other person for disclosing any books, records, papers or other documents in that person's possession or control if done pursuant to this Act.

(4) No member, officer, agent or employee of the College and no person on the Council or a committee or subcommittee of the College or the Council is personally liable for any of the debts or liabilities of the College unless such person expressly agrees to be liable.

(5) No action for damages lies against any person for making a complaint to the College about a member if the complaint is made in good faith.

101 A certificate purporting to be signed by the Registrar stating that any person named in the certificate was or was not, on a specified day or during a specified period, registered and licensed, is prima facie evidence in any court of that fact without proof that the person signing it is the Registrar or without proof of the Registrar's signature.

102 The presence of the name of any person in a document purporting for any year to be an annual list published by the Registrar pursuant to subsection 32(1) is prima facie evidence in any court of the fact that a person whose name so appears is or was registered and licensed at the time of publication of the annual list.

103 (1) Service of any notice, order, resolution or other document pursuant to this Act or the regulations may be made

(a) upon a member by registered letter addressed to such person at the member's address as set forth in the Register; and

(b) upon any other person by registered letter.

(2) Where service is made by registered letter, service is deemed to be made on the third day after the notice, order, resolution or other document is mailed, and proof that the notice, order, resolution or other document was addressed and posted in accordance with subsection (1) is prima facie proof of service.

(3) Service of any document on the College may be made by service on the Registrar.

104 Where a member of the College voluntarily renders first aid or emergency treatment without the expectation of monetary compensation to a person outside of a hospital, or in any other place not having proper and necessary medical facilities, that member is not liable for the death of such person, or damages alleged to have been sustained by such person by reason of an act or omission in the rendering of such first aid or emergency treatment, unless it is established that such injuries were due to, or such death was caused by, conduct on the part of the member that, if committed by a person of ordinary experience, learning and skill, would constitute negligence.

TRANSITIONAL

105 (1) For the purpose of this Section, two terms are consecutive if the second term commences 12 or fewer months after the first term ends.

(2) There shall be an initial Council of the College consisting of

(a) eight members of the College appointed by the Governor in Council for the initial term of

- (i) one year for two members,
- (ii) two years for three members, and
- (iii) three years for three members;

(b) the Provincial Medical Director for a term of three years;

(c) four public representatives appointed by the Governor in Council, for the initial term of

- (i) two years for two representatives, and
- (ii) three years for two representatives;

(d) one member of the College of the Registered Nurses of Nova Scotia, as recommended by its Council, appointed by the Governor in Council for a two-year term; and

(e) one member of the College of Physicians and Surgeons of Nova Scotia, as recommended by its Council, appointed by the Governor in Council for a two-year term.

(3) For greater certainty, no person may be a member of the Council for more than two consecutive terms.

106 Until such time as the initial Council of the College is established in accordance with Section 105, the Minister is vested with the authority to make by-laws pursuant to subsection 21(1) and, with the approval of the Governor in Council, to make regulations pursuant to subsection 21(2).

107 Every person who, on the coming into force of this Act, practises paramedicine in the Province and is registered under the Emergency Health Services Act, upon payment of the relevant fees as determined by the Council, must be entered into the Register under this Act, but continues under any conditions or restrictions attached to the person's previous registration.

108 (1) For the purpose of this Section, "registered paramedic" means a paramedic registered prior to the coming into force of this Act.

(2) On the coming into force of this Act, the College is entitled to the ownership, custody and control of the records of the Department of Health and Wellness respecting

(a) current and former complaints and allegations of professional misconduct or incompetence made against registered paramedics and proceedings taken by the Department with respect to those complaints and allegations;

(b) current and former applications for registration as registered members on the EHS Paramedic Register and the educational qualifications of applicants for registration on the EHS Paramedic Register;

(c) decisions made as a result of the matters referred to in clauses (a) and (b); and

(d) registered paramedics and former registered paramedics and any registers and other material relating to their registrations and conditions or restrictions on their registrations.

(3) Notwithstanding the Freedom of Information and Protection of Privacy Act, on the coming into force of this Act, the Minister may disclose the information, including personal information, described in subsection (1) to the College, and the College may collect and use such information, including personal information, in order for the College to carry out the objects of the College and the purpose of this Act.

(4) The Minister may request and collect information and records described in subsection (1) from the College for purposes directly related to or necessary for any legal proceeding, or preparation for a legal proceeding, with respect to an action or claim or with respect to the negotiation or settlement of an action or claim before it is before a court, or while it is before a court, and the Minister may disclose the information or records collected, as the Minister considers appropriate, in carrying out those purposes.

CONSEQUENTIAL AMENDMENTS

109 Section 2 of Chapter 5 of the Acts of 2005, the Emergency Health Services Act, is amended by

(a) striking out "registered" in the fourth line of clause (d);

(b) adding immediately after clause (g) the following clause:

(ga) "paramedic" means a paramedic as defined in the Paramedics Act;

and

(c) striking out clause (i).

110 Sections 14 to 16 of Chapter 5 are repealed and the following Section substituted:

14 The Minister shall establish a Register of pre-hospital first responders.

111 Chapter 10 of the Acts of 2005, the Paramedics Act, is repealed.

112 This Act comes into force on such day as the Governor in Council orders and declares by proclamation or on April 1, 2017, if not proclaimed in force before that day.



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