



# **BILL NO. 256**

*Government Bill*

---

*1st Session, 64th General Assembly  
Nova Scotia  
1 Charles III, 2023*

---

## **An Act to Reduce Administrative Barriers to the Provision of Health Care**

CHAPTER 3  
ACTS OF 2023

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 12, 2023**

The Honourable Michelle Thompson  
*Minister of Health and Wellness*

---

*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*

This page is intentionally blank.

## **An Act to Reduce Administrative Barriers to the Provision of Health Care**

Be it enacted by the Governor and Assembly as follows:

**1** This Act may be cited as the *Patient Access to Care Act*.

**2** The purpose of this Act is to improve patient access to care by further opening the Province to out-of-province health professionals, ensuring all health professionals can work to the full extent of their training and continuing the reduction of administrative burdens in health care, including incenting companies to reduce their administrative demands on health professionals.

**3** In this Act,

“authority” means any college, board, committee, registrar or other person or body responsible for making decisions respecting the registration, licensing or renewal of registration or licensing of a regulated health profession;

“expanded scope of practice area” means an area of practice for a particular regulated health profession that is not provided for in the enactment listed in the definition of “regulated health profession” for that profession but that is within a practitioner’s professional competence;

“practitioner” means a person who practises a regulated health profession;

“regulated health profession” means a health profession regulated under

- (a) the *Audiologists and Speech-Language Pathologists Act*;
- (b) the *Chiropractic Act*;
- (c) the *Counselling Therapists Act*;
- (d) the *Dental Act*;
- (e) the *Dental Hygienists Act*;
- (f) the *Dental Technicians Act*;
- (g) the *Denturists Act*;
- (h) the *Dietitians Act*;
- (i) the *Dispensing Opticians Act*;
- (j) the *Medical Act*;
- (k) the *Medical Imaging and Radiation Therapy Professionals Act*;
- (l) the *Medical Laboratory Technology Act*;
- (m) the *Midwifery Act*;
- (n) the *Nursing Act*;
- (o) the *Occupational Therapists Act*;
- (p) the *Optometry Act*;

- (q) the *Paramedics Act*;
- (r) the *Pharmacy Act*;
- (s) the *Physiotherapy Act*;
- (t) the *Psychologists Act*; or
- (u) the *Respiratory Therapists Act*.

4 In the event of a conflict between this Act and any other enactment, this Act prevails.

5 (1) Where an authority receives an application from a practitioner licensed in another province of Canada, the authority shall waive any requirement for registration, licensing or renewal of registration or licensing in accordance with the *Fair Registration Practices Act*, the *Canadian Free Trade Agreement Implementation Act* or any agreement entered into between the Government and the government of that other province of Canada.

(2) An authority shall waive any requirement for registration, licensing or renewal of registration or licensing for any applicant who is registered or licensed and who is in good standing in any jurisdiction prescribed by the regulations.

(3) Where an applicant is eligible for a waiver under subsection (1) or (2), an authority shall issue a licence and any other approval issued by that authority required to practise in the Province within five business days following receipt by the authority of a completed application.

(4) An authority may waive any requirement for registration, licensing or renewal of registration or licensing if the authority determines it is in the public interest to do so.

6 An authority may not charge any fee respecting an application for registration or licensing if the applicant is currently registered and licensed in the same profession in another province of Canada or any other jurisdiction prescribed by the regulations.

7 A practitioner may practise in an expanded scope of practice area within the practitioner's profession if allowed by the regulations.

8 (1) Where in the opinion of the Governor in Council it is in the public interest, the Governor in Council may make regulations

- (a) respecting expanded scope of practice areas, including setting out areas of practice that are to be included in an expanded scope of practice for a regulated health profession;
- (b) allowing practitioners to practise in expanded scope of practice areas;
- (c) allowing an authority to prescribe requirements for practice in an expanded scope of practice area, including requirements for qualifications, experience or examination;
- (d) prescribing jurisdictions for the purpose of subsection 5(2) and Section 6;

(e) in relation to requests from any company, employer, association, organization or person who is not a health-care provider or a patient requiring a practitioner to complete forms and to set fees payable by the requesting company, employer, association, organization or person for the completion of those forms;

(f) expanding the scope of any regulated health profession to include additional health-care professionals who are not within the scope of another regulated health profession;

(g) defining any term used but not defined in this Act;

(h) further defining any term defined in this Act;

(i) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) A regulation made under this Act may apply to all regulated health professions, to a class of regulated health professions or to a particular regulated health profession and there may be different regulations for different regulated health professions or classes of regulated health professions.

(3) The Governor in Council shall consult with any relevant regulated health profession before making a regulation under subsection (1).

(4) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

9 Schedule A, *An Act to Amend Chapter 38 of the Acts of 2008, the Fair Registration Practices Act*, has effect upon this Act receiving Royal Assent.

10 Schedule B, the *Medical Certificates for Employee Absence Act*, comes into force as provided in that Schedule.

11 Schedule C, *An Act to Amend Chapter 10 of the Acts of 1994-95, the Workers' Compensation Act*, has effect upon this Act receiving Royal Assent.

## SCHEDULE A

### **An Act to Amend Chapter 38 of the Acts of 2008, the Fair Registration Practices Act**

1 Subsection 22(3) of Chapter 38 of the Acts of 2008, the *Fair Registration Practices Act*, is repealed and the following subsections substituted:

(3) A regulation may apply to all regulating bodies, to a class of regulating bodies or to a particular regulating body, and there may be different regulations for different regulating bodies or classes of regulating bodies.

(3A) A regulation may be limited as to time and place.

**2** Section 23 of Chapter 38 is amended by striking out “The public” in the first line and substituting “A regulating body that will be affected by any new regulations or any substantive amendment to the regulations”.

## SCHEDULE B

### **An Act Respecting Medical Certificates for Employee Absences Due to Sickness or Injury**

- 1** This Act may be cited as the *Medical Certificates for Employee Absence Act*.
- 2** In this Act,  
     “Board” means the Labour Board established under the *Labour Board Act*;  
     “Director” has the same meaning as in the *Labour Standards Code*;  
     “employee” has the same meaning as in the *Labour Standards Code*;  
     “employer” has the same meaning as in the *Labour Standards Code*;  
     “individual scope of practice” means the services for which a member of a regulated health profession is educated, authorized and competent to perform;  
     “qualified health professional” means  
         (a) subject to the regulations, a person who holds a licence to practise in a regulated health profession in the Province;  
         (b) a physician or surgeon entitled to practise medicine in any other province of Canada; and  
         (c) a person or class of persons prescribed by the regulations;  
     “regulated health profession” means a health profession regulated by any of the organizations listed in the Schedule to the *Regulated Health Professions Network Act*;  
     “scope of practice of the profession” means the roles and functions authorized for a member of a regulated health profession by that profession’s governing statute.
- 3** This Act applies to all matters within the legislative jurisdiction of the Province, including the Crown in right of the Province and the employees of the Crown except those exempted by the regulations made under the *Labour Standards Code*.
- 4** The Minister of Labour, Skills and Immigration has the general supervision and management of this Act.
- 5** (1) An employer may not require a certificate with respect to an employee’s absence from work due to the employee’s sickness or injury unless  
     (a) the absence continues for more than five consecutive working days; or  
     (b) the employee has had at least two non-consecutive absences of five or fewer working days due to sickness or injury in the preceding 12 months.
- (2) A certificate permitted to be required under subsection (1) may be issued by a qualified health professional who is providing a diagnosis, treatment or care to the employee  
     (a) with respect to the sickness or injury that is causing the employee’s absence from work;  
     (b) that falls within the scope of practice of the profession of the qualified health professional; and  
     (c) that falls within the individual scope of practice of the qualified health professional.
- 6** (1) An employee may make a complaint to the Director alleging there has been a failure to comply with this Act and the Director shall inquire into the complaint, endeavour to effect a settlement and may make an order in accordance with Section 21 of the *Labour Standards Code* and the regulations under that Act.

(2) The Director may, with respect to the enforcement of this Act, exercise any of the powers the Director has with respect to enforcement under the *Labour Standards Code* with any necessary changes.

(3) An employee has, with respect to this Act, the same protections as under the *Labour Standards Code* with any necessary changes.

7 An appeal to the Board under subsection 6(2) must be proceeded with in accordance with Sections 22 to 27 of the *Labour Standards Code* and the regulations under that Act.

8 (1) Subject to Section 9, where the Director is of the opinion that an employer has failed to comply with an order of the Director or the Board within the period specified in the order, the Director may issue a written notice requiring the employer to pay an administrative penalty in accordance with the regulations.

(2) Notice of an administrative penalty may only be issued after the period for appealing an order has expired or, where an appeal has been filed, after the decision has been made on the appeal.

(3) The notice of administrative penalty must be served on the employer required to pay the penalty.

9 No penalty may be issued by the Director more than three years after the act or omission that renders the employer liable to a penalty first came to the knowledge of the Director.

10 (1) The Governor in Council may make regulations

(a) excluding classes of persons for the purpose of the definition of “qualified health professional” in Section 2;

(b) prescribing classes of persons for the purpose of the definition of “qualified health professional” in Section 2;

(c) excluding persons or classes of persons from the application of this Act;

(d) for the purpose of Section 8, respecting administrative penalties for contraventions of this Act, including

(i) prescribing the form and content of the notice of an administrative penalty,

(ii) respecting the determination of amounts of administrative penalties, which may vary according to the nature or frequency of the contravention, and

(iii) respecting any other matter necessary for the administration of the system of administrative penalties provided for under this Act;

(e) defining any word or expression used but not defined in this Act;

(f) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

11 This Act has effect on and after July 1, 2023.

## SCHEDULE C

### **An Act to Amend Chapter 10 of the Acts of 1994-95, the Workers’ Compensation Act**

1 Section 169 of Chapter 10 of the Acts of 1994-95, the *Workers’ Compensation Act*, is amended by striking out “The” in the first line and substituting “Subject to Section 169A, the”.

**2 Chapter 10 of the Acts of 1994-95 is further amended by adding immediately after Section 169 the follow Section:**

- 169A (1) The Governor in Council may make regulations prescribing
- (a) the form and use of any document or form used pursuant to this Act;
  - (b) the person or class of persons authorized to complete any document or form prescribed pursuant to this Act.
- (2) In the event of a conflict, a regulation made under clause (1)(a) takes precedence over any provision of this Act.
- (3) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.
-