



# **BILL NO. 459**

*Government Bill*

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*1st Session, 64th General Assembly  
Nova Scotia  
3 Charles III, 2024*

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## **An Act Respecting the Continuation of Certain Health Professional Associations**

CHAPTER 7  
ACTS OF 2024

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
SEPTEMBER 20, 2024**

The Honourable Michelle Thompson  
*Minister of Health and Wellness*

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

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# **An Act Respecting the Continuation of Certain Health Professional Associations**

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Health Professional Associations Continuation Act*.

## DENTAL ASSOCIATION ACT

- 2 Schedule A, the *Dental Association Act*, comes into force as provided in that Schedule.

## OPTOMETRISTS ASSOCIATION ACT

- 3 Schedule B, the *Optometrists Association Act*, comes into force as provided in that Schedule.

## SCHEDULE A

### **An Act Respecting the Nova Scotia Dental Association**

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Dental Association Act*.

- 2 In this Act,

“Association” means the Nova Scotia Dental Association;

“bylaw” means a bylaw of the Association;

“Executive Director” means the Executive Director of the Association;

“former Act” means Chapter 3 of the Acts of 1992, the *Dental Act*;

“licensed dentist” means a person licensed under the *Regulated Health Professions Act* to practise dentistry;

“Registrar” means the person appointed under the *Regulated Health Professions Act* as the registrar for the regulatory body of the profession of dentistry.

- 3 The Nova Scotia Dental Association continued under the former Act is continued as a body corporate.

- 4 The objects of the Association are to

- (a) advance the art and science of dentistry;

- (b) inform and educate the general public with respect to the advantages and maintenance of good oral health;

- (c) initiate and sustain measures designed to improve the oral health of the public;

- (d) hold meetings, clinics and seminars to increase the knowledge and abilities of those engaged in dentistry in the Province;

- (e) support publications for communication with and between members of the Association;

- (f) maintain communications with other health professions and with other health agencies, both public and private; and
- (g) promote the welfare of its members.

**5** The Association may

- (a) buy, sell, mortgage, lease or otherwise deal with real or personal property;
- (b) manage the business and other activities of the Association and invest funds of the Association not immediately required;
- (c) determine its annual membership fees;
- (d) publish journals and other publications to advance the objects of the Association;
- (e) elect or appoint members to serve as representatives of the Association at or on national, regional or local associations or groups;
- (f) negotiate on behalf of its members with persons or agencies, including government agencies, in matters respecting the practice of dentistry;
- (g) assist individual members in matters respecting the practice of dentistry;
- (h) make bylaws not inconsistent with this Act or any other enactment for the conduct and management of its affairs, including, without restricting the generality of the foregoing, bylaws respecting membership in the Association, including membership of persons who are not licensed dentists; and
- (i) exercise such powers as are necessary or conducive to achieve its objects and exercise its powers.

**6** (1) The Association may enter into agreements with the Crown in right of the Province that bind its members and, for that purpose, is constituted the sole bargaining agent for any and all licensed dentists.

(2) Without limiting the generality of subsection (1), the Association may enter into agreements with respect to

- (a) the tariff of fees, other systems of payment and the management of the delivery of dentistry services; and
- (b) any other matter that may be agreed between the Association and the Minister of Health and Wellness or the Minister's agents.

(3) For greater certainty,

- (a) nothing in this Section requires the Crown in right of the Province to enter into any agreement with the Association; and
- (b) this Section does not apply with respect to dentists who are employed by the Department of Health and Wellness, including dentistry consultants and advisers to the Department.

**7** (1) The Association shall appoint an Executive Director of the Association, upon such terms and conditions of employment and for such term of office as the Association determines.

(2) The Executive Director has such functions and duties as are provided by this Act and the bylaws.

**8** Every licensed dentist is a member of the Association and shall remit annual membership fees to the Executive Director on or before such date as is prescribed by the bylaws.

**9** (1) The Association shall elect, in the manner set forth in the bylaws, an Executive Committee from among its members in good standing.

(2) The Executive Committee shall carry on the general management of the business and other activities of the Association in accordance with this Act and the bylaws and has such functions and duties as are imposed on it by this Act and the bylaws.

**10** (1) The Association shall hold an annual meeting in each calendar year and shall hold other general meetings in accordance with the bylaws.

(2) The Executive Committee shall determine the time and place of the meetings of the Association.

(3) Thirty members of the Association constitute a quorum.

11 Any person who, immediately before the coming into force of this Act, was a member of the Association continues to be a member of the Association until that membership expires, lapses or otherwise is terminated in accordance with this Act.

12 Any person who, immediately before the coming into force of this Act, was a member of the Executive Committee continues to hold office until the expiration of the term for which the person was elected.

13 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

## SCHEDULE B

### **An Act Respecting the Nova Scotia Association of Optometrists**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Optometrists Association Act*.

2 In this Act,

“Association” means the Nova Scotia Association of Optometrists;

“Council” means the Council of the Association;

“former Act” means Chapter 43 of the Acts of 2005, the *Optometry Act*;

“licensed optometrist” means a person licensed under the *Regulated Health Professions Act* to practise optometry.

3 (1) The Nova Scotia Association of Optometrists continued under the former Act is continued as a body corporate.

(2) The Association has perpetual succession and a common seal, with power to acquire, hold, lease, mortgage and otherwise dispose of real and personal property, and may sue and be sued.

4 The objects of the Association are to

(a) promote the professional interests of members;

(b) foster relations with associations of optometrists in other provinces of Canada and with other professional bodies within the Province;

(c) inform and educate the general public with respect to the advantages of maintaining good ocular health and the prevention of eye disease;

(d) represent, act on behalf of and enter into agreements for and on behalf of its members; and

(e) improve the proficiency of optometrists in all matters of professional practice through the dissemination of information and by providing and encouraging continuing education.

5 (1) The Association, in addition to all powers vested in corporations, may

(a) borrow money for the purpose of carrying on the affairs of the Association and give security for any money so borrowed on any of the real or personal property of the Association by way of mortgage, pledge, charge or otherwise;

(b) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, warrants and other negotiable and transferable instruments;

(c) engage such agents and employees as the Association may, from time to time, deem expedient;

(d) expend the money of the Association in the advancement of its objects and the interests of the profession of optometry in such manner as the Association deems expedient;

(e) establish and maintain such offices and agencies as the Association deems expedient;

(f) invest and deal with any money and funds of the Association not immediately required in such manner as the Association deems expedient;

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

(h) publish or promote the publication of journals, newsletters, reports, brochures or other papers relative to its interests;

(i) act, as it deems expedient, as agent within the Province for the Canadian Association of Optometrists or other associations representing optometrists, and collect and remit fees levied by any such association;

(j) receive gifts and bequests from any person and make gifts to promote its interests;

(k) act on behalf of any and all of its members; and

(l) do all other things as are incidental or necessary in furtherance of its objects or in the exercise of the foregoing powers.

(2) The Association may, subject to this Act and the bylaws, delegate the exercise of any of its powers to the Council or any committee of the Association or Council.

**6** (1) The Association may enter into agreements with the Crown in right of the Province that bind its members and, for that purpose, is constituted the sole bargaining agent for any and all licensed optometrists.

(2) Without limiting the generality of subsection (1), the Association may enter into agreements with respect to

(a) the tariff of fees, other systems of payment and the management of the delivery of optometric services; and

(b) any other matter that may be agreed between the Association and the Minister of Health and Wellness or the Minister's agents.

(3) For greater certainty,

(a) nothing in this Section requires the Crown in right of the Province to enter into any agreement with the Association; and

(b) this Section does not apply with respect to optometrists who are employed by the Department of Health and Wellness, including optometric consultants and advisers to the Department.

**7** (1) Every licensed optometrist is a member of the Association.

(2) Subject to the bylaws, the Association may admit persons to different classes of membership in the Association.

(3) All members have full voting rights upon the payment of the prescribed membership fees.

**8** (1) There is a Council of the Association consisting of the President, the Vice-president, the Secretary-treasurer and no fewer than four other members of the Association, who are elected by the membership of the Association in accordance with the bylaws and who, subject to this Act, control, govern and administer the affairs of the Association.

(2) The President holds office until a successor is elected and shall act as the presiding officer at the meetings of the Council and of the Association, voting only when the votes are evenly divided, and the President shall perform the duties assigned to the President by this Act and the bylaws of the Association.

(3) The Vice-president has all the powers of the President in the absence of the President.

(4) The Secretary-treasurer shall perform the duties assigned to that position by this Act or the bylaws of the Association.

(5) The members of the Council shall be paid such fees and expenses as may be prescribed by the bylaws of the Association.

9 The Association shall hold an annual meeting in each calendar year, at such time and place as the Council may determine.

10 (1) The Council may, subject to the approval of the members, make, amend and revoke bylaws, not inconsistent with this Act, relating to the management of the Association and, without limiting the generality of the foregoing, respecting

- (a) membership fees;
- (b) the assessment of members for any ordinary or extraordinary expenditure that may be considered necessary or expedient in the exercise of the powers of the Association;
- (c) the election of officers of the Association and their terms of office, duties and remuneration;
- (d) the procedures for calling and conducting meetings of the Association or the Council;
- (e) the establishment of committees of the Association;
- (f) the engagement of persons whom the Association may employ;
- (g) the procedure for enacting, amending or revoking any bylaw of the Association;
- (h) any other matter necessary or desirable for the attainment of its objects or the proper implementation of its powers.

(2) A bylaw may be enacted, amended or revoked by the Association if

- (a) notice of the bylaw, amendment or revocation is given in writing to every member eligible to vote at least one month prior to the vote; and
- (b) the procedures in the bylaws are complied with.

11 No action for damages lies against the Association, an officer or employee of the Association or a member of the Council or a committee appointed by the Council for any act or proceeding taken or entered into in good faith under this Act.

12 Any person who, immediately before the coming into force of this Act, was a member of the Association continues to be a member of the Association until that membership expires, lapses or otherwise is terminated in accordance with this Act.

13 Any person who, immediately before the coming into force of this Act, was a member of the Council continues to hold office until the expiration of the term for which the person was elected.

14 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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