

Audiologists and Speech-Language Pathologists Act

CHAPTER 3 OF THE ACTS OF 2015



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**An Act Respecting the Practice
of Audiology and Speech-Language Pathology**

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Short title

1 This Act may be cited as the *Audiologists and Speech-Language Pathologists Act*. 2015, c. 3, s. 1.

Interpretation

2 In this Act,

- (a) “approved education program” means a degree program in the profession for which a licence is sought, that is approved by the Board;
- (b) “Association” means the Speech and Hearing Association of Nova Scotia;
- (c) “audiologist” means a person who holds a licence to practise audiology and, for greater certainty, includes an audiologist who is practising audiology in a health-care or education setting, private practice or another setting;

- (d) “by-law” means a by-law of the College;
- (e) “Board” means the Board of the College;
- (f) “Cerumen Management Committee” means the Cerumen Management Committee established pursuant to Section 70;
- (g) “client” means an individual, student, patient, group, community or population that is the recipient of audiology or speech-language pathology services and, where the context requires, includes a substitute decision-maker for the recipient of any such services;
- (h) “College” means the Nova Scotia College of Audiologists and Speech-Language Pathologists;
- (i) “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;
- (j) “complaint” means a notice in writing indicating possible professional misconduct, conduct unbecoming the profession, incompetence or incapacity of a member;
- (k) “conduct unbecoming the profession” means conduct in a member’s personal or private capacity that tends to bring discredit upon the profession;
- (l) “electronic means” means the use of telephone, facsimile, television, video conferencing, cable, internet, intranet or any other form of electronic or computerized communication;
- (m) “hearing”, when not used to describe the human faculty or sense by which sound is perceived, means a process, before a professional conduct panel following the issuance of a notice of hearing, in which the parties lead evidence and make submissions to a professional conduct panel, but does not include the consideration by a professional conduct panel of a settlement proposal, an application for a consented-to revocation or any hearing or proceeding before an investigative panel;
- (n) “incapacity” means the status whereby a member has or had a medical, physical, mental or emotional condition, disorder or addiction that renders or rendered the 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 lack of knowledge, skill or judgement in the respondent’s care of a client or delivery of professional services that, having regard to all the circumstances, rendered it unsafe for the respondent to practise at the time of such care of the client or delivery of professional services or renders it unsafe for the respondent to continue in practice without remedial assistance;
- (p) “individual scope of practice” means the roles, functions and accountabilities that an individual is educated in and competent and authorized to perform;

- (q) “Investigative Committee” means the Investigative Committee established by this Act;
- (r) “investigative panel” means an investigative panel established by this Act;
- (s) “investigator” means a person designated by the Registrar to conduct or supervise an investigation into a complaint;
- (t) “judge” means a judge of the Supreme Court of Nova Scotia;
- (u) “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;
- (v) “licence” means a licence issued in accordance with this Act and the regulations that authorizes the holder of it to practise audiology or speech-language pathology, as the case may be;
- (w) “licensing sanction” means
- (i) the imposition of conditions or restrictions on a licence by an investigative panel or a professional conduct panel or an equivalent body from another jurisdiction,
 - (ii) a consensual reprimand ordered by an investigative panel or an equivalent body from another jurisdiction,
 - (iii) a reprimand issued by a professional conduct panel or an equivalent body from another jurisdiction,
 - (iv) a suspension of a licence by an investigative panel, a professional conduct panel or an equivalent body from another jurisdiction, or
 - (v) a revocation of registration by a professional conduct panel or an equivalent body from another jurisdiction;
- (x) “member” means a person whose name is entered in a register and, for the purpose of the provisions respecting professional conduct and the related regulations, includes a person who holds a temporary licence or temporary licence (graduate) at the time of an incident giving rise to a complaint;
- (y) “party” means the College or a respondent, as the context requires;
- (z) “practice” means the practice of audiology or the practice of speech-language pathology, as the context requires;
- (za) “practice of audiology” is the application of specialized knowledge, taught in an approved education program, of

(i) hearing and the peripheral and central auditory system, normal vestibular processes and disorders of the vestibular system, and

(ii) audiologic procedures, including behavioural audiological tests, electrophysiological tests and amplification and other rehabilitation practices,

in order to

(iii) assess hearing, vestibular function and tinnitus across the life span of a person, which may involve screening, identification, evaluation and diagnosis,

(iv) plan, implement and evaluate behavioural interventions for hearing and vestibular disorders and tinnitus,

(v) plan, implement, dispense and evaluate the use of technical devices for managing hearing loss, including hearing aids and surgically implanted devices,

(vi) provide cerumen management, if the individual has successfully completed a cerumen-management training program approved by the Cerumen Management Committee,

(vii) provide counselling to clients about hearing health, hearing and vestibular disorders and tinnitus,

(viii) conduct prevention, education and advocacy activities related to hearing health, hearing and vestibular disorders and tinnitus,

(ix) collaborate with others, including caregivers, educators and health-care providers, regarding management, teaching and rehabilitative strategies for children and adults who have hearing or vestibular disorders or tinnitus,

(x) develop and evaluate policies and systems related to hearing health, hearing and vestibular disorders and tinnitus, and

(xi) conduct research and provide education, consultation, management, administration and regulation in relation to the matters described in subclauses (i) through (x);

(zb) “practice of speech language pathology” is the application of specialized knowledge, taught in an approved education program, of

(i) normal processes of human communication and swallowing,

(ii) differences, atypical development and disorders of communication involving speech sound production, resonance, voice, fluency, cognition and language, including oral and written comprehension and expression, and

(iii) disorders of swallowing and the mechanics of feeding,

in order to

(iv) assess communication and swallowing disorders across the life span of a person, which may involve screening, identification, evaluation and diagnosis,

(v) plan, implement and evaluate behavioural interventions for disorders of communication and swallowing,

(vi) plan, implement and evaluate the use of prosthetic and adaptive devices for communication and swallowing, including tracheoesophageal prostheses, speaking valves, electrolarynges, and augmentative and alternative communication systems,

(vii) provide education, consultation and counselling about communication and swallowing disorders to clients, families, colleagues, health-care providers, schools and government,

(viii) conduct prevention, promotion and advocacy activities related to swallowing disorders and communication,

(ix) collaborate with others, including caregivers, educators and health-care providers, regarding speech and language facilitation, communication strategies and teaching strategies for children and adults who have communication disorders, and regarding management and rehabilitative strategies for children and adults who have swallowing disorders,

(x) develop and evaluate policies and systems related to communication and swallowing disorders, and

(xi) conduct research and provide education, consultation, management, administration and regulation in relation to the matters referred to in subclauses (iv) to (x);

(zc) “profession” means the practice of audiology or speech-language pathology, or both, as the context requires;

(zd) “Professional Conduct Committee” means the Professional Conduct Committee appointed pursuant to this Act;

(ze) “professional conduct panel” means a professional conduct panel appointed pursuant to this Act;

(zf) “professional conduct process” means the process set out in the professional- conduct provisions of this Act and any related regulations;

(zg) “professional misconduct” includes such conduct or acts relevant to a profession 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

(i) failing to maintain the standards of practice,

(ii) failing to uphold any codes of ethics adopted by the College,

- (iii) abusing a person verbally, physically, emotionally or sexually,
 - (iv) misappropriating personal property, drugs or other property belonging to a client or a member's employer,
 - (v) wrongfully abandoning a client,
 - (vi) neglecting to provide care to a client,
 - (vii) failing to exercise appropriate discretion in respect of the disclosure of confidential information,
 - (viii) falsifying records,
 - (ix) inappropriately using professional status for personal gain,
 - (x) promoting for personal gain any drug, device, treatment, procedure, product or service that is unnecessary, ineffective or unsafe,
 - (xi) publishing, or causing to be published, any advertisement that is false, fraudulent, deceptive or misleading,
 - (xii) engaging or assisting in fraud, misrepresentation, deception or concealment of a material fact when applying for or securing registration or a licence or taking any examination provided for in this Act, including using fraudulently procured credentials, and
 - (xiii) taking or using a protected title or describing the person's activities as a profession in any advertisement or publication, including business cards, websites or signage, unless the referenced activity falls within the definition of the relevant profession;
- (zh) "professional services" means audiology or speech-language pathology services, as the context requires;
- (zi) "protected title" means any of the titles or designations set out in subsections 19(2) and (3);
- (zj) "register" means a register established pursuant to this Act;
- (zk) "Registrar" means the Registrar of the College appointed pursuant to this Act;
- (zl) "Registration Appeal Committee" means the Registration Appeal Committee appointed pursuant to this Act;
- (zm) "Registration Committee" means the Registration Committee appointed pursuant to this Act;
- (zn) "Reinstatement Committee" means the Reinstatement Committee appointed pursuant to this Act;
- (zo) "respondent" means the person who is the subject of a complaint or an appeal pursuant to this Act or the regulations;

(zp) “roster” means the record of a category of licence established pursuant to this Act or the regulations;

(zq) “settlement proposal” means a proposal for the settlement of a complaint as prescribed by the regulations;

(zr) “speech-language pathologist” means a person who holds a licence to practise speech-language pathology and, for greater certainty, includes a speech-language pathologist who is practising speech-language pathology in a health care or education setting, private practice or another setting;

(zs) “standards of practice” means the entry-level professional practice expectations for any member in any setting or role, approved by the Board or otherwise inherent in the profession;

(zt) “witness” includes every person who, in the course of a legal proceeding, is examined for discovery, is cross-examined upon an affidavit made by that person, answers any interrogatories, makes an affidavit as to documents or is called upon to answer any question or produce any document, whether under oath or not, and includes the College or any representative of the College. 2015, c. 3, s. 2.

COLLEGE

Body corporate

3 (1) The Speech and Hearing Association of Nova Scotia is hereby continued as a body corporate under the name of the Nova Scotia College of Audiology and Speech-Language Pathology and composed of the Association’s members.

(2) All assets, property and liabilities held by the Association are hereby vested in the College.

(3) The College has perpetual succession and a common seal, with the power to acquire, hold, lease, mortgage and otherwise dispose of real and personal property and to sue and be sued. 2015, c. 3, s. 3.

Duties of College

4 In order to

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

(b) subject to clause (a), preserve the integrity of the professions;
and

(c) maintain public confidence in the ability of the professions to regulate themselves,

the College shall

- (d) regulate the practices of audiology and speech-language pathology and govern its members through
 - (i) the registration, licensing, professional conduct and other processes set out in this Act and the regulations,
 - (ii) the establishment and promotion of standards of practice among its members,
 - (iii) the establishment and promotion of a code of ethics for its members, and
 - (iv) subject to clauses (a) to (c) and in the public interest, the advancement and promotion of the practice of the professions; and
- (e) do such other lawful acts and things as are incidental to the attainment of the purposes and objects set out in this Section. 2015, c. 3, s. 4.

Powers of College

5 In addition to any other power conferred by this or any other enactment, the College may do such things as it considers appropriate to advance the objects of the College and, without limiting the generality of the foregoing, may

- (a) purchase, take in, lease, exchange, hire, construct and otherwise acquire and hold, sell, mortgage, hypothecate, lease out and deal with any real or personal property;
- (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 it, from time to time, considers expedient;
- (d) expend the money of the College in the advancement of its objects in such manner as it considers expedient;
- (e) establish and maintain such offices and agencies as it considers expedient;
- (f) invest and deal with any money and funds of the College that are not immediately required, in such manner as it considers expedient;
- (g) improve, manage, develop, exchange, dispose of, turn to account or otherwise deal with the real or personal property of the College;
- (h) 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;
- (i) 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

(j) do such things as are incidental or necessary to the exercise of the powers referred to in clauses (a) to (i). 2015, c. 3, s. 5.

Annual general meeting

6 There shall be an annual general meeting of the College at such time and place as the Board prescribes. 2015, c. 3, s. 6.

Board

7 (1) There shall be a Board of the College constituted as provided by Section 8.

(2) The Board shall govern the College and manage its affairs and may take any action consistent with this Act and the regulations that it considers necessary for the promotion, protection, interest or welfare of the College, including

(a) the setting of fees payable by applicants and members;

(b) approving the processes for establishing, revising and monitoring the annual budget;

(c) submitting to each annual general meeting of the College an audited financial statement of the College's operations for the past fiscal year;

(d) appointing an auditor for the College;

(e) proposing changes to this Act and the regulations; and

(f) approving changes to the by-laws.

(3) The Board may take any action consistent with this Act by resolution passed by the Board. 2015, c. 3, s. 7.

Composition of Board

8 (1) The Board is composed of a minimum of six persons,

(a) of whom at least two are members who are audiologists and at least two are members who are speech-language pathologists;

(b) including such additional number of members as is prescribed by the by-laws; and

(c) of whom at least one third are persons appointed by the Governor in Council who

(i) are not, at present or formerly, members, and

(ii) are able and willing to serve impartially, in the public interest.

(2) Notwithstanding subsection (1), the persons referred to in clauses (1)(a) and (b) must include at least two members who are practising in an education setting and at least two members who are practising in a health-care setting.

(3) The criteria for the election or appointment of persons referred to in clause (1)(a) or (b) to the Board must be prescribed in the by-laws.

(4) Persons referred to in clause (1)(a) or (b) must be elected or appointed or succeed to office on the Board in the manner prescribed by the by-laws and hold office for such terms as prescribed in the by-laws.

(5) Persons appointed pursuant to clause (1)(c) hold office for a two-year term.

(6) Notwithstanding subsection (5), persons appointed pursuant to clause (1)(c) continue to hold office until their successors are appointed or until they are re-appointed.

(7) Notwithstanding the other provisions of this Section, upon the coming into force of this Act, the executive members of the Association are deemed to be the Board members referred to in clauses (1)(a) and (b) until the first elections are held pursuant to this Act.

(8) Notwithstanding the by-laws, upon the coming into force of this Act, the president of the Association is the president of the College until the first elections are held pursuant to this Act.

(9) The first elections held pursuant to this Act must take place no later than one year after this Act comes into force. 2015, c. 3, s. 8.

Quorum

9 (1) A majority of the Board constitutes a quorum.

(2) Notwithstanding subsection (1), where there is a vacancy in a position referred to in clause 8(1)(c), such vacancy does not count in determining a quorum. 2015, c. 3, s. 9.

Registrar of College

10 (1) The Board shall appoint a Registrar of the College and determine the term of office and the duties of the Registrar.

(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 Board and does not form part of the quorum. 2015, c. 3, s. 10.

By-laws

11 The Board may make by-laws not inconsistent with this Act or the regulations

- (a) respecting the holding of the annual general meeting and special meetings of the College, including the notice for such meetings, the content of such meetings, the quorum, the procedures to be followed and the manner of voting;
- (b) respecting fees and expenses payable to persons sitting on the Board and any other committees established for the purpose of attending to the business of the College;
- (c) establishing a nominations committee, including its composition and duties;
- (d) establishing the composition and number of the Board members referred to in clause 8(1)(a) or (b), and the eligibility for election or appointment to the Board pursuant to that clause;
- (e) establishing the timing and manner of the elections or appointments to the Board pursuant to clauses 8(1)(a) and (b);
- (f) respecting the terms of office of the persons sitting on the Board pursuant to clause 8(1)(a) or (b), the manner in which vacancies on the Board may be filled and the manner of removing Board members;
- (g) prescribing the manner in which resolutions are forwarded to the Board;
- (h) prescribing the powers, duties and qualifications of the officers of the College;
- (i) respecting the holding of Board meetings, including required meetings, the notice for such meetings, the procedure to be followed and the manner of voting;
- (j) respecting the establishment of, quorum for, and powers and duties of such committees as may be appointed by the Board and providing for the holding and conduct of meetings of such committees;
- (k) respecting the maintenance of a list of individuals authorized to provide cerumen management as approved by the Cerumen Management Committee;
- (l) respecting the seal of the College;
- (m) respecting the location of the head office of the College;
- (n) respecting the approval of forms required for the conduct of the business of the College;
- (o) approving a code of ethics and standards of practice for the professions;
- (p) creating categories of affiliation with the College, including honorary and student categories, and prescribing the rights, privileges, quali-

fications and obligations of the persons so affiliated and the conditions for the entry and maintenance of such persons' names in these categories; and

(q) respecting all other things necessary for the administration of the affairs of the College. 2015, c. 3, s. 11.

Regulations

12 (1) With the approval of the Governor in Council, the Board may make regulations

(a) respecting the registration and licensing of members and applicants for registration and licences, and regulating the professional conduct and reinstatement of members, including the educational preparation and training and other criteria required for registration and licensing, the titles and designations authorized for use by audiologists and speech-language pathologists and the investigative and hearing processes of the College;

(b) respecting the powers, authority and processes of the Registrar, the Registration Committee and the Registration Appeal Committee relevant to registration and licensing matters;

(c) respecting the membership of the Registration Committee and the Registration Appeal Committee;

(d) prescribing categories of licences, the criteria for each category and the designations authorized for use by each category;

(e) respecting the renewal of licences;

(f) respecting the imposition of terms or conditions on a member's registration or licence;

(g) creating one or more registers and rosters and prescribing the rights, privileges, qualifications and obligations of the members included in each register and roster and the conditions for the entry and maintenance of members' names in each register and roster;

(h) respecting the information to be included in a register;

(i) prescribing tasks authorized to be performed under supervision, and the degree of supervision required;

(j) prescribing additional educational, experiential or other prerequisites necessary for a member to engage in practice;

(k) respecting the powers, authority and processes of the College, the Registrar, the Investigative Committee, the Professional Conduct Committee and panels of those committees, as the case may be, relevant to complaints, professional conduct matters and settlement proposals;

(l) respecting the appointment of non-members to committees;

- (m) respecting the investigation of complaints;
- (n) respecting the resolution of complaints;
- (o) respecting the holding of hearings concerning complaints;
- (p) respecting the revocation or suspension of licences and the reinstatement of such licences and allowing for conditions, limitations or restrictions to be attached to a reinstated licence;
- (q) allowing for an award of costs on a solicitor-client or other basis;
- (r) authorizing the establishment of a Fitness to Practice Program, including the creation of a Fitness to Practice Committee, with such powers, authorities and duties as set out in the regulations to deal with issues of incapacity;
- (s) 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 upon payment of such fee as the Board determines;
- (t) respecting the ability of the Registrar, an investigative panel and a professional conduct panel to impose a fine if a member has engaged in practice while not holding a current licence;
- (u) respecting the reporting and publication of decisions in disciplinary matters;
- (v) providing for the audit of any person who holds a licence and of the person's practice environment;
- (w) prescribing legislation, the contravention of which may, pursuant to Section 41 require a member to attend a hearing;
- (x) prescribing the requirements, processes and obligations regarding incorporation of a practice;
- (y) defining any word or expression used but not defined in this Act;
- (z) further defining any word or expression defined in this Act;
- (za) governing such other matters as the Board considers necessary or advisable for the effective discharge of its functions or the exercise of its powers.

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

(3) All regulations and by-laws of the Board must be available for inspection by any person, free of charge, at the head office of the College at all reasonable times during business hours. 2015, c. 3, s. 12.

REGISTRATION AND LICENSING

Board duties

13 (1) The Board shall keep such registers as are required by the regulations, in which the names of those persons who qualify for registration according to this Act and the regulations are recorded.

(2) The registers must include such other information required by the regulations.

(3) The Board shall cause to be kept a record available to the public showing such information required by the regulations.

(4) The Board shall appoint a Registration Committee and a Registration Appeal Committee, the membership of each of which must be as set out in the regulations.

(5) The Board shall appoint the Chair of the Registration Committee and the Chair of the Registration Appeal Committee.

(6) 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.

(7) Subject to subsections (8) and (9), the Registrar, the Registration Committee and the Registration Appeal Committee have all the rights, powers and privileges of a commissioner appointed pursuant to the *Public Inquiries Act*, with the exception of the powers of contempt, arrest and imprisonment.

(8) 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.

(9) The Registrar and each person on the Registration Appeal Committee is authorized to sign documents on behalf of the Registration Appeal Committee issued pursuant to the authority of the *Public Inquiries Act*, if the Chair of the Registration Appeal Committee has authorized the issuing of such documents. 2015, c. 3, s. 13.

Categories of licence

14 (1) The categories of licences to be issued under each register are as set out in the regulations.

(2) The Board shall cause to be maintained a roster for each category of licence as provided by the regulations. 2015, c. 3, s. 14.

Conditions or restrictions on licence

15 (1) The Registrar shall register and issue a licence to every person who meets the criteria for registration and a licence as set out in the regulations.

(2) 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.

(3) Where the Registrar imposes conditions or restrictions with the consent of the member pursuant to subsection (2), the conditions or restrictions are not licensing sanctions.

(4) Conditions or restrictions may be imposed on the licence of a member without the consent of the member in such manner as is set out in the regulations. 2015, c. 3, s. 15.

Renewal of licences

16 The Registrar shall renew a licence when the holder of the licence meets the criteria for renewal as set out in the regulations. 2015, c. 3, s. 16.

Registration or licence review

17 Where an applicant

- (a) has been refused registration;
- (b) has been refused a licence; or
- (c) has had terms or conditions imposed on a licence without the consent of the applicant,

the Registrar shall advise the applicant of the review processes set out in the regulations. 2015, c. 3, s. 17.

Notice to surrender licence

18 The licence of an audiologist or speech-language pathologist may only be surrendered by the audiologist or speech-language pathologist after notice in writing to the Registrar and with the Registrar's consent. 2015, c. 3, s. 18.

PROTECTED TITLES AND PRACTICES

Protected titles and practices

19 (1) No person shall engage in the practice of audiology or speech-language pathology unless the person

- (a) holds a licence endorsing the person as eligible to practise in that profession;

(b) is a student in an approved education program in that profession, and is engaging in training authorized by that program; or

(c) is otherwise authorized to engage in the practice of that profession as set out in this Act or the regulations.

(2) No person shall describe the person's activities as the "practice of audiology" or take or use the designation "Audiologist", "Hearing Aid Audiologist" or "Audiology Specialist", or any derivation, translation or abbreviation thereof, either alone or in combination with other words, unless that person

(a) holds a current licence in the profession of audiology; or

(b) is otherwise authorized to use such description or designation as set out in this Act or the regulations.

(3) No person shall describe the person's activities as the "practice of speech-language pathology" or take or use the designation "Speech-Language Pathologist", "Speech (language) Therapist", "Speech and Language Therapist" or "Speech and Language Clinician", or any derivation, translation or abbreviation thereof, either alone or in combination with other words, unless that person

(a) holds a current licence in the profession of speech-language pathology; or

(b) is otherwise authorized to use such description or designation as set out in this Act or the regulations.

(4) In any advertisement or publication, including business cards, websites or signage, no person shall describe the person's activity as "audiology" or take or use the designation "Audiologist", "Hearing Aid Audiologist" or "Audiology Specialist", or any derivation, translation or abbreviation thereof, either alone or in combination with other words, unless the person's activity falls within the definition of the "practice of audiology".

(5) In any advertisement or publication, including business cards, websites or signage, no person shall describe the person's activity as "speech-language pathology" or take or use the designation "Speech-Language Pathologist", "Speech (language) Therapist", "Speech and Language Therapist" or "Speech and Language Clinician", or any derivation, translation or abbreviation thereof, either alone or in combination with other words, unless the person's activity falls within the definition of the "practice of speech-language pathology". 2015, c. 3, s. 19.

Scope of practice

20 No member shall engage in practice that falls outside that member's individual scope of practice. 2015, c. 3, s. 20.

Practice in and outside the Province

21 For the purpose of this Act and the regulations,

(a) a member in the Province who is engaged in practice by electronic means with clients outside of the Province is deemed to be in practice in the Province;

(b) a person, other than a member, who resides in a jurisdiction outside of the Province and who engages in practice by electronic means with clients within the Province is not in practice in the Province if the person is licensed pursuant to an enactment of the other jurisdiction;

(c) a person, other than a member, who resides in a jurisdiction outside of the Province and who engages in practice by electronic means with clients within the Province, while not holding a licence in the other jurisdiction, is deemed to be in practice in the Province; and

(d) nothing in this Act prohibits the practice of a profession in the Province or the recovery of fees or compensation for professional services rendered by a person registered in another jurisdiction and whose engagement requires that person to accompany and temporarily care for a client during the period of the engagement, if that person does not represent or hold himself or herself out as a person registered pursuant to this Act. 2015, c. 3, s. 21.

Action to collect fees

22 Subject to clause 21(d), no person may bring an action in any court to collect fees, compensation or other remuneration for professional services, unless that person was the holder of the licence required pursuant to this Act at the time the professional services were performed. 2015, c. 3, s. 22.

Certified statement of membership

23 A statement certified under the hand of the Registrar respecting the membership and entry in the appropriate roster of a person's name is admissible in evidence as *prima facie* proof of that person's entry on such roster. 2015, c. 3, s. 23.

Public notice of conditions or restrictions

24 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. 2015, c. 3, s. 24.

Changes to member's registration

- 25 (1)** The Registrar shall change a member's entry in a register if
- (a) information has been entered incorrectly;
 - (b) notification is received of the member's death;
 - (c) the registration of the member has been revoked;

(d) an investigative panel, as part of an informal resolution of a complaint, or a professional conduct panel 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. 2015, c. 3, s. 25.

Removal and restoration of name on roster

26 (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 member has been suspended, for the term of the suspension;

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

(g) if an investigative panel, a professional conduct panel or the Registrar authorizes the resignation of the member from a register; or

(h) upon the member's death.

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

(a) payment of the prescribed fee; and

(b) compliance by the person with this Act and the regulations. 2015, c. 3, s. 26.

Procedure to restore name on register

27 (1) Where a person's name has been removed from a register pursuant to clause 25(1)(d) or (e) or from a roster pursuant to clause 26(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 25(1)(c) or from a roster pursuant to clause 26(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. 2015, c. 3, s. 27.

Employer to ensure licences to practise current

28 (1) Every person, other than a client, who employs a person in the practice of a profession and every agency that procures employment for a person in the practice of a profession 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) Every person, other than a client, who employs a body corporate engaged in the practice of a profession and every agency that procures employment for a body corporate engaged in the practice of a profession shall comply with subsection (1) with respect to each person engaged in practice who is in the employ of the body corporate. 2015, c. 3, s. 28.

Disciplinary findings for practice outside Province

29 (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. 2015, c. 3, s. 29.

PROFESSIONAL CONDUCT

Purpose and procedure

30 (1) In accordance with the objects of the College, the purpose of the professional conduct process followed by the College is to inhibit professional misconduct, conduct unbecoming the profession, incompetence and incapacity.

(2) The College shall investigate, on its own initiative or on the complaints of others, alleged instances of professional misconduct, conduct unbecoming the profession, incompetence and incapacity.

coming the profession, incompetence or incapacity and, when appropriate, dispose of the matter in accordance with the regulations.

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

(4) A member shall co-operate with the College in the conduct of its professional conduct process. 2015, c. 3, s. 30.

Jurisdiction of College

31 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. 2015, c. 3, s. 31.

Investigative Committee

32 (1) The Board shall appoint an Investigative Committee composed of such number of members and non-members as the Board determines.

(2) The Board shall appoint a Chair and a Vice-chair of the Investigative 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 purposes of Section 33, the Board may, for such purposes, appoint a member of the Investigative Committee as interim chair of the Investigative Committee. 2015, c. 3, s. 32.

Investigative panel

33 (1) The Chair of the Investigative Committee shall appoint an investigative panel of three persons from the Investigative Committee, one of whom must be a non-member and one of whom must be a member from the same profession as the respondent, to act as the Investigative Committee for purpose of the professional conduct process.

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

(3) Where the Chair of the Investigative Committee is not appointed to the panel, the Chair shall appoint a chair for an investigative panel.

(4) A quorum of an panel consists of two persons, at least one of whom must be a member from the same profession as the respondent.

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

(6) All investigative panel decisions require the vote of a majority of the panel members.

(7) Where a proceeding is commenced before an investigative panel and the term of office of any person sitting on the investigative panel expires, that person may remain part of the panel until the proceeding is concluded. 2015, c. 3, s. 33.

Complaint

34 (1) A complaint may be initiated by

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

(2) Where the College and the complainant agree, a complaint may be withdrawn. 2015, c. 3, s. 34.

Public Inquiries Act

35 An investigative panel and each of its members have the rights, 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. 2015, c. 3, s. 35.

Investigative panel procedure

36 (1) An investigative panel may set its own procedure for meetings.

(2) An investigative panel retains jurisdiction over a matter until such time as a hearing commences before a professional conduct panel or the matter is otherwise resolved by a professional conduct panel or in accordance with this Act or the regulations. 2015, c. 3, s. 36.

Complaint procedure

37 Subject to subsection 34(2), upon receipt of a complaint, the complaint must be processed in accordance with the regulations. 2015, c. 3, s. 37.

Publication ban on decision

38 With respect to any decision issued by an investigative panel that is available to the public pursuant to this Act or the regulations, the panel may impose a publication ban on such portions of its decision as considered necessary by the panel. 2015, c. 3, s. 38.

Written decision and rights of respondent

39 (1) Where a complaint is forwarded to an investigative panel for disposition, the panel shall give its decision in writing, shall 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 panel determines.

(2) In a proceeding before an investigative panel, a respondent has the right to

- (a) be represented by legal counsel or a union representative;
- (b) disclosure of the complaint;
- (c) notice of any other matters under investigation;
- (d) such other information as natural justice requires;
- (e) such other information as determined by the Registrar;

and

- (f) a reasonable opportunity to present a response and make submissions. 2015, c. 3, s. 39.

Procedure following a finding that intervention required

40 (1) Where an investigative panel finds that there are reasonable and probable grounds to believe that

- (a) a member is exposing or likely to expose the public, clients, the profession or the member to harm or injury; and
- (b) intervention is required prior to the disposition of the matter by the investigative panel or a professional conduct panel,

the investigative panel may, at its discretion, direct the Registrar

- (c) to suspend a licence;
- (d) to impose restrictions or conditions on a respondent's licence; or
- (e) where the person does not hold a current licence, to suspend the ability of the person to obtain a licence,

pending or following the completion of an investigation and lasting until the suspension, restrictions or conditions are lifted, superseded or annulled by an investigative panel or a professional conduct panel, as the case may be.

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

(3) Within 30 days of receiving written notice pursuant to subsection (2), the member may request, in writing, an opportunity to meet with the investigative panel.

(4) Where a request is received pursuant to subsection (3), the investigative panel

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

(b) after meeting with the member, may confirm, vary or terminate the suspension or imposition of restrictions or conditions made pursuant to subsection (1).

(5) Where a meeting is held pursuant to subsection (4), the member has the right to

(a) be represented by legal counsel or a union representative;

(b) disclosure of the complaint, any written report of an investigator provided to the panel and any other document produced or received by the panel; and

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

(6) Where an investigative panel makes a decision pursuant to subsection (1), the panel shall provide a copy of the decision to the complainant and the respondent and determine whether any portion of the panel'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. 2015, c. 3, s. 40.

Hearing for a person convicted of offence

41 (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 pursuant to

(i) the *Criminal Code* (Canada),

(ii) the *Controlled Drugs and Substances Act* (Canada), or

(iii) such other legislation as is prescribed by the regulations,

unless a pardon has been issued or a record suspension has been ordered;

(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 prescribes, require the person to attend a hearing before an investigative panel 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), the investigative panel may take any of the actions authorized to be taken by an investigative panel 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 report the matter to the Registrar immediately. 2015, c. 3, s. 41.

Confidential information, proceedings and decisions

42 (1) All complaints received or under investigation, all information gathered in the course of the professional conduct process and all proceedings and decisions of an investigative panel and a professional conduct panel 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) where an investigative panel or professional conduct panel has reasonable grounds to believe that a member has committed, is committing or is about to commit a criminal offence, the panel may direct the Registrar to disclose to law enforcement authorities such limited information as is necessary to alert the authorities to the suspected activity;

(b) the Registrar, an investigative panel or a professional conduct panel may authorize the release of specific information to a specific person;

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

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

(3) A witness in any legal proceeding, whether a party thereto or not, shall not answer any question as to any proceedings of an investigative panel, a professional conduct panel or the Reinstatement Committee, and shall not produce any report, statement, memorandum, recommendation, document or information prepared for purpose of the professional conduct process, including any information gathered in the course of an investigation or produced for an investigative panel, a professional conduct panel or the Reinstatement Committee.

(4) Subsection (3) does not apply to documents or records that have been made available to the public by the College.

(5) Unless otherwise determined by a court of competent jurisdiction, a decision of an investigative panel or a professional conduct panel is not admissible in a legal proceeding other than an appeal or review pursuant to this Act. 2015, c. 3, s. 42.

Professional Conduct Committee

43 (1) The Board shall appoint a Professional Conduct Committee composed of such number of members and non-members as the Board determines.

(2) The Board shall appoint a Chair and a Vice-chair of the Professional Conduct Committee.

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

(4) Where, for any reason, neither the Chair nor the Vice-chair is available for the purposes of Section 44, the Board may, for such purposes, appoint a member of the Professional Conduct Committee as interim chair of the Committee. 2015, c. 3, s. 43.

Professional conduct panel

44 (1) Where an investigative panel refers a complaint to the Professional Conduct Committee, the Chair of the Professional Conduct Committee shall appoint a professional conduct panel consisting of at least three persons from the Committee, at least one of whom must be a non-member and at least one of whom must be a member of the same profession as the respondent, to act as the Professional Conduct Committee for the purpose of the professional conduct process.

(2) The Chair of the Professional Conduct Committee may sit on the professional conduct panel and shall act as the chair of the panel in this event.

(3) Where the Chair of the Professional Conduct Committee is not appointed to the professional conduct panel, the Chair shall appoint a chair for such panel.

(4) A quorum of the Professional Conduct Committee consists of three persons, at least one of whom must be a member from the same profession as the respondent.

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

(6) All professional conduct panel decisions require the vote of a majority of the panel members appointed pursuant to subsection (1) or of a majority of those panel members present and constituting a quorum of such panel if the full panel is not sitting.

(7) Where a proceeding is commenced before a professional conduct panel and the term of office of any person sitting on the Professional Conduct Committee expires, that person may remain part of the professional conduct panel until the proceeding is concluded. 2015, c. 3, s. 44.

Hearing before professional conduct panel

45 (1) Where the investigative panel refers a matter to a professional conduct panel the Registrar shall, within 30 days after the date of the referral, fix a date, time and place for holding a hearing, which must commence not later than 90 days from the date of the referral by the investigative panel, or such later date as the respondent and the College may agree upon or the professional conduct panel may order following an opportunity for submissions from both parties as to such date.

(2) A notice of hearing, containing such information as required by the regulations, must be forwarded by the Registrar to the respondent and the complainant at least 30 days prior to the hearing. 2015, c. 3, s. 45.

Service

46 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 person's counsel acknowledges receipt of the document;
- (b) a registered mail receipt is provided from Canada Post;
- (c) an affidavit of service on the person is provided; or
- (d) the College provides evidence satisfactory to a professional conduct panel that all reasonable efforts to effect service have been exhausted. 2015, c. 3, s. 46.

Settlement proposal

47 Where the investigative panel refers a matter to the Professional Conduct Committee, the College, before the commencement of a hearing by a profes-

sional conduct panel, may agree on a settlement proposal with the respondent, which proposal must be dealt with in accordance with the regulations. 2015, c. 3, s. 47.

Public Inquiries Act

48 Each person on the Professional Conduct Committee has all the rights, 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. 2015, c. 3, s. 48.

Professional conduct panel procedure

49 (1) A proceeding held by a professional conduct panel must be conducted in accordance with the regulations.

(2) In a proceeding before a professional conduct panel, the parties have the right to

- (a) natural justice;
- (b) be represented by legal counsel or a union representative;
- (c) present evidence and make submissions, including the right to cross-examine witnesses;
- (d) know all the evidence considered by the panel; and
- (e) receive written reasons for a decision within a reasonable time.

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

- (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; or
- (c) the identity of any other witness.

(4) Notwithstanding subsection (3), a professional conduct panel may, in its discretion, allow the introduction of evidence that would be otherwise inadmissible pursuant to subsection (3) and may make directions it considers necessary to ensure that a party is not prejudiced. 2015, c. 3, s. 49.

Powers of professional conduct panel

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

(2) Where a professional conduct panel has revoked the registration of a member, the panel shall determine whether the member is entitled to apply for reinstatement of registration or whether the revocation is final.

(3) Where a professional conduct panel determines that a member whose registration has been revoked may apply for reinstatement, the panel shall determine the time when the member may apply for reinstatement, which may not be earlier than two years after the date of the panel's decision. 2015, c. 3, s. 50.

Reinstatement Committee

51 (1) The Board shall appoint a Reinstatement Committee, composed of not less than three and not more than five members of the Board, at least one of whom must be a public representative.

(2) The Board shall appoint the Chair of the Reinstatement Committee. 2015, c. 3, s. 51.

Procedure

52 (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 shall perform such other duties as set out in this Act and the regulations.

(2) A quorum of the Reinstatement Committee consists of any three members of the Committee, regardless of whether such members are members or non-members.

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

(4) 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.

(5) The Reinstatement Committee has 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) In a proceeding before the Reinstatement Committee, a member has the right to

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

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

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

(7) Evidence adduced by a party is not admissible before the 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) the identity of any other witness.

(8) Notwithstanding subsection (7), the Reinstatement Committee may, in its discretion, allow the introduction of evidence that is otherwise inadmissible pursuant to subsection (7) and may make directions it considers necessary to ensure that a party is not prejudiced. 2015, c. 3, s. 52.

Publication of licensing sanction or dismissal of matter

53 (1) Subject to any publication bans in existence, where a licensing sanction has been issued by the investigative panel or a professional conduct panel, the Registrar shall

(a) make such entries on the records of the College and on the licence of the member as set out in the regulations;

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

(c) notify other affected licensing bodies as set out in the regulations; and

(d) provide such information to individuals or the public as set out in the regulations.

(2) Where a professional conduct panel dismisses a matter, it shall disclose its decision in such manner as it determines. 2015, c. 3, s. 53.

Restoration and renewal of licence

54 (1) Where the period of suspension of a member has expired, the conditions imposed on the member have been satisfied or the restrictions imposed on the member have been 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, but where the licence has expired, the member shall pay the prescribed fee for renewal of the licence before it is reissued.

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

- (a) make the appropriate entries in the records of the college;
- (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 such suspension, conditions or restrictions; and
- (c) notify such other persons as directed by the committee that initially imposed the suspension, conditions or restrictions. 2015, c. 3, s. 54.

Legal assistance

55 (1) For the purpose of the execution of their duties pursuant to this Act, the College and any committee of the College may retain such legal or other assistance as the College or the committee considers necessary or proper.

(2) Where authorized by this Act or the regulations, the costs of such legal or other assistance may be included, in whole or in part, as costs ordered by the committee. 2015, c. 3, s. 55.

Appeal to Nova Scotia Court of Appeal

56 (1) A party may appeal on any question of law from the findings of a professional conduct panel to the Nova Scotia Court of Appeal.

(2) The notice of appeal must be filed at the Nova Scotia Court of Appeal and served upon the other party not later than 30 days after service of the decision of the professional conduct panel.

(3) The record on appeal from the findings of a professional conduct 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 panel.

(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 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 professional conduct panel takes effect immediately unless the Court of Appeal grants a stay of any order made pursuant to this Act. 2015, c. 3, s. 56.

PROFESSIONAL CORPORATIONS**Incorporation of practice**

57 Subject to any regulations made pursuant to subsection 12(1), nothing in this Act prevents the incorporation of a practice, but every member continues

to be personally responsible for compliance with this Act and the regulations notwithstanding any such incorporation. 2015, c. 3, s. 57.

Liability

58 Any person who carries on practice as, by, through or on behalf of a body corporate is liable in respect of acts done or omitted to be done by the person in the course of the person's practice to the same extent and in the same manner as if such practice were carried on by the person as an individual or partnership carrying on the practice of the relevant profession. 2015, c. 3, s. 58.

Relationship between member and client not affected

59 Where a member is engaged in practice as a body corporate, the existence of the body corporate does not affect, modify or limit any law or standard applicable to the confidential or ethical relationship between the member and a client. 2015, c. 3, s. 59.

Compellable witnesses

60 All shareholders, directors, officers and employees of a body corporate engaged in practice are compellable witnesses in any proceedings pursuant to this Act. 2015, c. 3, s. 60.

Power of inspection, investigation and inquiry

61 Where the conduct of a member is the subject of a complaint, investigation or inquiry and the member was an officer, director, shareholder or employee of a body corporate at the time the conduct occurred, any power of inspection, investigation or inquiry that may be exercised in respect of the member or the member's records may be exercised in respect of the body corporate or its records. 2015, c. 3, s. 61.

OFFENCES

Offence

- 62** (1) Every person who
- (a) 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;
 - (b) contravenes Section 19;
 - (c) contravenes any condition or restriction on the person's licence; or
 - (d) otherwise contravenes 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.

~~(4)~~(3) All fines and penalties payable as a result of a prosecution by or on behalf of the College belong to the College.

~~(5)~~(4) For greater certainty, an information may be laid by the Registrar or any other person.

~~(6)~~(5) In a prosecution of an offence pursuant to this Act or the regulations, the onus to prove that a person accused of the offence has the right to practise, or that a person comes within any of the exemptions provided by this Act, is on the accused person.

~~(7)~~(6) 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.

~~(8)~~(7) 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 audiology or speech-language pathology is sufficient to establish that the person has engaged in practice. 2015, c. 3, s. 62.

Injunction

63 (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 the person from committing or continuing the 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 proceeding pursuant to this Section. 2015, c. 3, s. 63.

GENERAL

Duty to report

64 (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, incompetence or conduct unbecoming the profession;
- (b) is 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. 2015, c. 3, s. 64.

Fine payable to College

65 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. 2015, c. 3, s. 65.

No action lies

66 (1) No action for damages or other relief lies against the College, the Board, the persons on the Board, the committees or subcommittees of the College or the Board, the persons on such committees or subcommittees or the Registrar, officers, agents or employees of the College,

- (a) for any act or failure to act or any proceeding initiated or taken in good faith pursuant to this Act, or in carrying out the duties or obligations pursuant to this Act; or
- (b) for any decision, order or resolution made or enforced in good faith pursuant to this Act.

(2) No action for damages or other relief lies against any person for the disclosure of any information or any document or anything therein pursuant to this Act if such disclosure was made in good faith.

(3) No member, officer, agent or employee of the College and no person on the Board or a committee or subcommittee of the College or the Board is personally liable for any of the debts or liabilities of the College unless such person expressly agrees to be liable. 2015, c. 3, s. 66.

Members on coming into force of Act

67 Notwithstanding any provision of this Act or the regulations, for a period of one year following proclamation of this Act, every person who, on the coming into force of this Act,

- (a) has engaged in the practice of audiology or speech-language pathology for at least 1,000 hours in the past five years; and
- (b) is either

- (i) a Full Member or Reduced Hours Member in the Speech and Hearing Association of Nova Scotia, or
- (ii) eligible for certification by Speech-Language and Audiology Canada;

is deemed to be eligible for registration with the College and must be issued a licence upon payment of the appropriate fee and the submission of the appropriate application. 2015, c. 3, s. 67.

Additional members for quorum

68 Where, for any reason, a quorum of members of any committee may not be available for a meeting or hearing, the Board may, for the purpose of such meeting or hearing, appoint to the committee such additional members as are needed for a quorum. 2015, c. 3, s. 68.

Permitted activities

69 (1) In this Section,

- (a) “hearing screening” means the administration of testing to determine the possibility of a hearing loss, but does not include the identification or diagnosis of the cause of the hearing loss; and
- (b) “threshold” means the intensity at which a sound is detectable.

(2) Subject to subsection (3), nothing in this Act prohibits

- (a) the private care of a person without remuneration;
- (b) 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;
- (c) employees from engaging in a lawful strike;
- (d) 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 of that profession, if such a person does not describe his or her practice as “audiology”, “speech-language pathology” or words of similar meaning, or call himself or herself any of the protected titles;
- (e) the carrying out of specific tasks constituting part of the practice of audiology by a person under the supervision and control of an audiologist; or
- (f) the carrying out of specific tasks constituting part of the practice of speech-language pathology by a person under the supervision and control of a speech-language pathologist; or
- (g) a person authorized to fit or sell hearing aids pursuant to the *Direct Sellers’ Regulation Act* from

(i) prescribing, dispensing, fitting and verifying hearing aids for clients, other than hearing aids that are surgically implanted under the skin, for the purpose of addressing

(A) sensory hearing loss, with or without tinnitus,

(B) conductive hearing loss, with or without tinnitus, following clearance by a medical practitioner, or

(C) retrocochlear hearing loss, with or without tinnitus, if the client is concurrently managed by an audiologist or an otolaryngologist,

and assessing hearing in clients for those purposes,

(ii) conducting hearing screenings for clients,

(iii) assessing hearing of clients to establish hearing thresholds,

(iv) providing cerumen management, if the person has successfully completed a cerumen-management training program approved by the Cerumen Management Committee,

(v) providing hearing aid maintenance, counselling and aural rehabilitation to the person's clients respecting the services listed in subclauses (i) to (iv), or

(vi) providing prevention, education and advocacy activities regarding hearing loss.

(3) Nothing in clause (2)(g) may be construed to allow a person with authority to fit or sell hearing aids pursuant to the *Direct Sellers' Regulation Act* to assess hearing or prescribe, dispense, fit or verify hearing aids for persons under the age of 18 years. 2015, c. 3, s. 69.

Cerumen Management Committee

70 (1) The College shall establish a Cerumen Management Committee composed of

(a) one hearing instrument practitioner appointed by the Hearing Aid Society of Nova Scotia;

(b) one audiologist appointed by the College; and

(c) one otolaryngologist appointed by the College.

(2) The Cerumen Management Committee shall approve a cerumen-management training program for the purpose of subclause 69(2)(g)(iv). 2015, c. 3, s. 70.

Effective date

71 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2015, c. 3, s. 71.

Proclaimed - August 13, 2019
In force - November 5, 2019
