

Chiropractic Act

CHAPTER 4 OF THE ACTS OF 1999 (2nd Session)

as amended by

2008, c. 3, s. 2; 2012, c. 48, s. 28



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CHAPTER 4 OF THE ACTS OF 1999 (2nd Session)
amended 2008, c. 3, s. 2; 2012, c. 48, s. 28

**An Act Respecting
the Practice of Chiropractic**

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Short title

- 1 This Act may be cited as the *Chiropractic Act*. 1999 (2nd Sess.), c. 4, s. 1.

Interpretation

- 2 In this Act,
- (a) “Association” means the Nova Scotia Chiropractic Association established pursuant to the former Act;
 - (b) “Board” means the Board of the College;
 - (c) “chiropractic” means professional services usually performed by or under the supervision of a chiropractor and includes
 - (i) diagnosis, examination and treatment of persons principally by hand and without the use of drugs or surgery of the spinal column, pelvis, extremities and associated tissues, and
 - (ii) such services as approved by the regulations;
 - (d) “chiropractor” means a person who is licensed to practise chiropractic under this Act;
 - (e) “College” means the Nova Scotia College of Chiropractors;
 - (f) “committee” includes a committee of the Board, an investigation committee or a hearing committee, as the context requires;
 - (g) “complaint” means any complaint, report or allegation in writing and signed by a person regarding the conduct, actions, competence, character, fitness, health or ability of a member, former member, professional corporation or the employees thereof, or any similar complaint, report or allegation initiated by the Registrar or referred pursuant to subsection 46(7);
 - (h) “Council” means the Council of the College;
 - (i) “court” means the Supreme Court of Nova Scotia;
 - (j) “Credentials Committee” means the committee appointed by the Board that deals with the registration and licensing of members and applicants for registration and such other matters as provided by the regulations;
 - (k) “disciplinary committee” means an investigation committee or a hearing committee;
 - (l) “disciplinary matter” means any matter involving an allegation of professional misconduct, conduct unbecoming a chiropractor or professional incompetence including incompetence arising out of physical or mental incapacity;

- (m) “former Act” means Chapter 69 of the Revised Statutes, 1989;
- (n) “hearing committee” means a hearing committee appointed pursuant to this Act;
- (o) “investigation committee” means an investigation committee appointed pursuant to this Act;
- (p) “licence” means a valid and subsisting licence issued pursuant to this Act;
- (q) “mediation” means any form of alternative dispute resolution;
- (r) “member” means a person who is registered in the Register and holds a licence;
- (s) “Peer Assessment Committee” means a committee appointed by the Board that deals with peer assessment;
- (t) “permit” means a permit issued to a professional corporation pursuant to this Act;
- (u) “prescribed” means prescribed by regulations;
- (v) “professional corporation” means a company incorporated pursuant to the *Companies Act* and this Act for the purpose of carrying on the practice of chiropractic;
- (w) “Register” means the Register of the College kept pursuant to this Act;
- (x) “registered” means registered pursuant to this Act;
- (y) “Registrar” means the person holding the office of Registrar pursuant to this Act;
- (z) “spouse” means
 - (i) a person married to another person,
 - (ii) a man and a woman who, not being married to each other, live together as husband and wife and have so lived for at least one year, or
 - (iii) as otherwise defined by the regulations. 1999 (2nd Sess.), c. 4, s. 2.

PART I

Use of “chiropractor” or like words

3 The word “chiropractor” or any like words or expressions implying a person recognized by law as a chiropractor in the Province, when used in any regulation, rule, order or by-law made pursuant to an Act of the Legislature enacted or made before, at or after the coming into force of this Act, or when used in any public document, means a person registered in the Register who holds a licence. 1999 (2nd Sess.), c. 4, s. 3.

NOVA SCOTIA COLLEGE OF CHIROPRACTORS

Objects and powers

4 (1) The Nova Scotia College of Chiropractors is hereby created and established as a body corporate and is composed of the members on the register created under the former Act.

(2) The College 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.

(3) In order that the public interest may be served and protected, the objects of the College are to

(a) regulate the practice of chiropractic and govern its members in accordance with this Act and the regulations;

(b) establish, maintain and develop standards of knowledge and skill among its members;

(c) establish, maintain and develop standards of qualification and practice for the practice of chiropractic;

(d) establish, maintain and develop standards of professional ethics among its members; and

(e) administer this Act and perform such other duties and exercise such other powers as are imposed or conferred on the College by or under any Act.

(4) In addition to any other power conferred by this or any other Act, 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 or otherwise 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, deems expedient;

(d) expend the moneys of the College in the advancement of its objects and the interests of the profession of chiropractic in such manner as it deems expedient;

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

(f) invest and deal with any moneys and funds of the College that are not immediately required, in such manner as it deems 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 may be deemed expedient;

(i) do such things as are incidental or necessary to the exercise of the powers referred to in clauses (a) to (h). 1999 (2nd Sess.), c. 4, s. 4.

Annual meetings

5 (1) There shall be an annual meeting of the College at such time and place as prescribed.

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

(3) Auditors shall be recommended by the Board but shall be subject to the approval of the College at the annual meeting. 1999 (2nd Sess.), c. 4, s. 5.

BOARD

Powers

6 (1) There shall be a Board of the College to be constituted as provided in Section 7.

(2) The Board shall, subject to this Act, govern, control and administer the affairs of the College and, without limiting the generality of the foregoing, may make regulations

(a) providing for the management of the College, including the keeping of the registers to be kept pursuant to this Act;

(b) providing for the holding of meetings of the College or the Board, quorum requirements and the conduct of such meetings;

(c) fixing the time and place for regular meetings of the Board, determining by whom meetings may be called, regulating the conduct of meetings, providing for emergency meetings and regulating the notice required in respect of meetings;

(d) providing for the appointment of such committees as the Board deems expedient;

(e) respecting the composition, 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;

(f) respecting the powers, duties and qualifications of the Registrar and the officers, agents and employees of the College;

(g) prescribing fees payable pursuant to this Act by applicants and members and, where the Board deems it advisable, designating different classes of applicants and members and prescribing different fees for different classes;

(h) prescribing the fees and allowances of members of the Board and committees and providing for the payment of necessary expenses of the Board and committees;

(i) respecting the recognition of schools and examinations as prerequisites to registration and licensing;

(j) respecting the educational qualifications of applicants for registration as members;

(k) prescribing the seal of the College;

(l) providing for the execution of documents by the College;

(m) prescribing examinations to be written by applicants for registration;

(n) respecting residential qualifications of applicants for registration as members and associate members;

(o) prescribing forms and providing for their use;

(p) providing procedures not inconsistent with this Act for the making, amending and revoking of regulations;

(q) respecting the information to be included in the Register;

(r) prescribing a code of ethics, subject to approval by the College at an annual or special meeting;

(s) governing elections of members of the Board.

(3) The Board may, with the approval of the Governor in Council, make regulations

(a) respecting the registration and licensing of members;

(b) respecting continuing-competency requirements, including continuing-education requirements or practice-hour requirements of members for registration;

(c) respecting the limiting or qualifying of a member's licence including, but not limited to, procedures and interventions;

(d) respecting the evaluation of, and licensing requirements of, members and applicants for registration who have not practised chiropractic for at least one year;

(e) respecting a peer-assessment program in accordance with this Act and programs of continuing education, including requiring members to participate in any such programs and providing for any other matter that will facilitate or give effect to such programs;

(f) respecting supervised practice, monitoring supervised practice and the delegation of acts of chiropractic and any other ancillary matters, and providing for the establishment of a committee or committees to deal with such matters;

(g) respecting the disciplining of members and the revocation or suspension of licences issued pursuant to this Act;

(h) respecting the reporting and publication of decisions in disciplinary matters;

(i) regulating, controlling and prohibiting the use of terms, titles or designations by members or groups or associations of members in respect of their practice;

(j) prescribing the records and accounts to be kept by members and professional corporations with respect to their practice, and providing for the production, inspection and examination of such records and accounts;

(k) 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;

(l) notwithstanding subsection 7(1), changing the number and characteristics of appointments to the Board;

(m) determining the procedure to be followed at hearings by a disciplinary committee;

(n) prescribing the type of professional liability insurance or other form of malpractice coverage a member shall hold;

(o) respecting supervised practice and the delegation of acts of chiropractic and any other ancillary matters;

(p) prescribing the manner of proof as to matters required to be proven by applicants for permits;

(q) fixing reasonable fees payable for the issuance and renewal of permits;

(r) providing that the permit of a professional corporation is suspended without notice or investigation upon contravention of any regulation that requires the corporation to pay a fee or assess-

ment, file a document or do any other act by a specified or ascertainable date, and providing for the reinstatement of a permit so suspended;

(s) prescribing the grounds upon which the Board may review a decision of the Registrar pursuant to subsection 78(7) and the procedures to be followed in reviewing any such decision;

(t) providing for the re-instatement or re-issuance of any permit suspended or revoked pursuant to this Act and prescribing the terms and conditions upon which re-instatement or re-issuance of a permit may be granted;

(u) providing for the creation and maintenance of a register of professional corporations;

(v) providing for the filing of periodic returns by professional corporations;

(w) providing for the annual renewal of permits and prescribing the terms and conditions upon which renewals may be granted;

(x) prescribing the types of names and business names by which

(i) a member as a sole proprietor,

(ii) a professional corporation,

(iii) a partnership with one or more chiropractors,

(iv) a partnership of two or more professional corporations, or

(v) a partnership of one or more professional corporations and one or more individual chiropractors,

may be known;

(y) prescribing the nature of communications with the public, including advertising, that may be undertaken by a member as a sole proprietor, a partnership or a professional corporation;

(z) prescribing access to the minute book records of a professional corporation by the Registrar;

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

(ab) further defining any word or expression defined in this Act;

(ac) respecting and governing such other subjects, matters and things as may be required to give effect to the objects of the College and this Act.

(4) All the regulations of the College shall be available for inspection by any person, free of charge, at the head office of the College at all reasonable times during business hours.

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

(6) A resolution in writing, or counterparts of a resolution, signed by two thirds of all members entitled to vote thereon at a meeting of the College is as valid and effective as if duly passed at a meeting of the members of the College.

(7) A member of the Board, or of a committee of the Board or of the College, may participate in any meeting of the Board or committee of the Board or of the College, with the exception of the hearing committee when it is conducting a hearing, as the case may be, by telephone or other communications facilities that permit all persons participating in a meeting to communicate with each other, and a member participating in a meeting by such means is deemed to be present at the meeting.

(8) A meeting of the Board, or of a committee of the Board, with the exception of the hearing committee when it is conducting a hearing, or of the College, may be held by conference telephone call or other communications facilities that permit all persons participating in the meeting to communicate with each other, and all members participating in the meeting by such means are deemed to have been present at the meeting.

(9) Where ten per cent of the membership of the College request in writing, whether by petition or otherwise, that a special general meeting be held, the Board shall hold such meeting within fifteen working days of determining that ten per cent of the members have requested such a meeting. 1999 (2nd Sess.), c. 4, s. 6.

Constitution of Board and terms of office

- 7 (1) The Board consists of
- (a) six members of the College elected in the manner provided by this Act;
 - (b) the Registrar elected in the manner provided by this Act;
 - (c) the immediate past Chair of the Board; and
 - (d) two persons appointed by the Governor in Council, both of whom are persons who
 - (i) are not members of the College, and
 - (ii) have shown an interest in serving on the Board.

(2) Members of the Board shall be elected or appointed to office for a term of two years.

(3) Notwithstanding subsection (2), the terms of office of members of the Board upon the first election or appointment of members of the Board shall be

- (a) three members of the College elected for a term of one year;
- (b) three members of the College elected for a term of two years;
- (c) two persons appointed by the Governor in Council for a term of two years;
- (d) the Registrar elected for a term of two years; and
- (e) the past Chair of the Board under the former Act for a term of two years.

(4) Notwithstanding subsections (2) and (3), persons appointed by the Governor in Council hold office until such time as they are re-appointed, or until their successors are appointed, even if such appointment or re-appointment does not occur until after their specified term of office has expired.

(5) Notwithstanding subsection (1), the persons who, at the coming into force of this Act, make up the Board of Chiropractors pursuant to the former Act constitute the Board until the election or appointment of members pursuant to subsection (3).

(6) Elections required by this Section shall be held no later than six months after the coming into force of this Act.

(7) Only members of the College who practise chiropractic in the Province are eligible to vote in an election of the Board. 1999 (2nd Sess.), c. 4, s. 7.

Selection of Board members

8 (1) Every member in good standing who is not a member of the Council is eligible to be nominated as and vote for a candidate for membership on the Board and for the Registrar.

(2) Elected members of the Board, the Registrar and members appointed by the Governor in Council to the Board shall not be members of the Board for more than four consecutive terms.

(3) In this Section, “consecutive” means that twelve months or less occurred between the end of one term and the commencement of the next. 1999 (2nd Sess.), c. 4, s. 8.

Regulations of Board

9 The Board may make regulations governing elections of members of the Board and the Registrar and in those regulations may

- (a) provide for the procedure for the nomination of candidates;
- (b) provide for the appointment or designation of presiding officers for the election;
- (c) prescribe the forms to be used;
- (d) prescribe the procedure to be used for the holding of the elections and for determining the persons elected as members of the Board. 1999 (2nd Sess.), c. 4, s. 9.

Secret ballot

10 Members of the Board and the Registrar shall be elected by secret ballot. 1999 (2nd Sess.), c. 4, s. 10.

Destruction of ballots

11 The ballots used at an election shall not be destroyed until all petitions pursuant to Section 12 in respect of the election have been decided and, until that time, the ballots shall be retained by the Registrar together with all other papers in connection with the election. 1999 (2nd Sess.), c. 4, s. 11.

Petition against election

12 (1) A person may petition the Board against the election of a person to the Board by filing a petition with the Registrar within fifteen days after the election.

(2) The petitioner shall state in the petition the grounds on which the election is disputed.

(3) The petitioner shall serve a copy of the petition upon the person whose election is disputed.

(4) Where a petition is filed with the Registrar pursuant to subsection (1), the Board shall hold an inquiry and, where

- (a) the election is found to be illegal; or
- (b) the person is found not to be eligible to be nominated as a candidate for membership on the Board,

shall order that a new election be held. 1999 (2nd Sess.), c. 4, s. 12.

Elections

13 (1) The Registrar

- (a) in case of failure in an election to elect the required number of duly qualified members of the Board; or

(b) in case of a vacancy occurring from the death or resignation of a member of the Board or from any other cause,

shall cause an election to be held within sixty days for the purpose of filling the vacancy.

(2) Notwithstanding subsection (1), where a vacancy occurs for any reason within six months before the date of an election of members of the Board, the vacancy shall be filled at such election.

(3) Where an election is held pursuant to subsection (1) to fill a vacant Board position, the term of office for the vacant Board position shall be the remainder of the unexpired term of such position. 1999 (2nd Sess.), c. 4, s. 13.

End of term of office

14 An elected member of the Board ceases to hold office where

(a) the member resigns by notice in writing delivered to the Registrar;

(b) the member ceases to be a member in good standing of the College, as defined in the regulations; or

(c) the member is absent from three consecutive meetings of the Board, unless excused by the Board. 1999 (2nd Sess.), c. 4, s. 14.

Executive Committee and officers

15 (1) The Board shall elect annually from its members a Chair, a Vice-chair, a Secretary and a Treasurer and those persons along with the Registrar and the immediate Past-chair constitute the Executive Committee.

(2) The Executive Committee

(a) may exercise all of the powers; and

(b) shall perform all the duties,

of the Board with respect to any matters that the Board may delegate to it or that, in the opinion of the Executive Committee, require immediate attention.

(3) The College shall elect a Registrar, who must be a chiropractor as defined by the regulations and who shall be elected or re-elected, as the case may be, for a term of two years and shall not serve as Registrar for more than four consecutive terms.

(4) The Board may appoint an Acting Registrar who shall exercise the powers and duties of the Registrar in the event of the death or incapacity of the Registrar or the Registrar's absence from the Province until the election of a new Registrar can be held.

(5) The Board may appoint such other officers, agents or employees at such salary or other remuneration, and for such term of office, as the Board considers necessary to assist it in carrying out its duties pursuant to this Act.

(6) The Board shall meet at least three times in each calendar year. 1999 (2nd Sess.), c. 4, s. 15.

Committees

16 The Board may appoint annually such committees from among members of the Board or the College as the Board considers necessary to assist it in carrying out its duties pursuant to this Act. 1999 (2nd Sess.), c. 4, s. 16.

Chair of meetings

17 (1) Subject to subsection (2), the Chair shall preside at all meetings of the Board and of the College.

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

(3) Except in the event of an equal number of votes being given for and against a resolution at any meeting, the Chair or other presiding officer shall not vote. 1999 (2nd Sess.), c. 4, s. 17.

REGISTER OF THE NOVA SCOTIA COLLEGE OF CHIROPRACTORS

Registration

18 (1) The Board shall keep a Register in which shall be entered the name, address and qualifications of all persons who are entitled pursuant to this Act to be registered in the Register.

(2) The name, address and qualifications of every person who, at the coming into force of this Act, is registered pursuant to the former Act, shall be entered in the Register, but shall continue under any stipulations or limitations attached to the persons previous registration.

(3) The Registrar shall issue a licence to every person who, at the coming into force of this Act, is registered pursuant to Section 5 of the former Act.

(4) Every licence issued pursuant to subsection (3) is subject to any conditions or limitations attached to the registration pursuant to the former Act. 1999 (2nd Sess.), c. 4, s. 18.

Entries to be made in Register

19 (1) The Board shall direct the Registrar to enter in the Register the name, address and qualifications of any person who

- (a) has successfully completed the certification exam if prescribed by the regulations;
- (b) has successfully completed a chiropractic program prescribed by the regulations;
- (c) satisfies the Board that the person possesses the qualifications required in the regulations for registration in the Register;
- (d) complies with this Act and the regulations and any conditions imposed by the Registrar and the Board; and
- (e) complies with Section 25.

(2) Upon receiving a direction from the Board pursuant to subsection (1), the Registrar shall

- (a) enter the name, address and qualifications of the person named in the direction in the Register; and
- (b) issue a licence to the person. 1999 (2nd Sess.), c. 4, s. 19.

PROVISIONAL REGISTRATION

Effect of provisional registration

20 (1) Notwithstanding anything contained in this Act, where a person applies to be registered pursuant to this Act and the Registrar is satisfied that the person

- (a) meets
 - (i) in a manner that would be satisfactory to the Board, the requirements for registration in the relevant register with such exceptions as may be required by regulations, and
 - (ii) the requirements of Section 25; and
- (b) has paid the prescribed fees,

the Registrar may, before the matter is brought to the Credentials Committee for its direction,

- (c) enter the name, address and qualifications of the person in the relevant register; and
- (d) issue a licence to the person, subject to such terms and conditions as may be prescribed by the regulations, including the maximum period of validity of the registration and the licence.

(2) Every registration made and every licence issued pursuant to this Section is valid and remains in full force and effect until ratified, varied or vacated by the Credentials Committee at a meeting requested by such person or the Registrar, or held at the instigation of the Credentials Committee itself.

(3) Subject to subsection (7), where the registration or licence of a person is varied or vacated pursuant to subsection (2), the Registrar shall give notice to such person forthwith in accordance with Section 69, and the registration or licence of that person is deemed to be varied or vacated as of the date on which service was made or deemed to have been made on the person.

(4) Where the registration or licence of a person is varied or vacated pursuant to subsection (2), the person may request the opportunity to appear before the next scheduled meeting of the Board, with or without legal counsel, where the Board shall consider the application in accordance with this Act.

(5) No member of the Board who considered the application pursuant to subsection (2) shall participate in the Board's consideration of the application.

- (6) After hearing the applicant and the Registrar, the Board may
- (a) direct the Registrar to issue to the applicant a licence;
 - (b) direct the Registrar to issue to the applicant a licence subject to such conditions, limitations or restrictions as the Board considers appropriate;
 - (c) adjourn further consideration of the application, pending completion by the applicant of such training, upgrading, clinical examinations or other examinations as the Board may designate; or
 - (d) direct the Registrar to refuse the application where the Board is not satisfied that the applicant meets the criteria set out in subsection (1).

(7) Where a hearing is requested pursuant to subsection (4), the registration or licence of the person requesting the hearing shall not be varied or vacated until the Board has completed its consideration of the application. 1999 (2nd Sess.), c. 4, s. 20.

Referral to Credentials Committee

21 (1) Where the Registrar is not satisfied with the evidence presented by a person applying for registration, the Registrar

- (a) may; or
- (b) where the applicant so requests in writing, shall,

refer the matter to the Credentials Committee.

(2) Upon a referral pursuant to subsection (1), the Credentials Committee, in consultation with the Registrar, shall consider the eligibility of the application and may make such inquiries or demand such further information as the Committee sees fit, and the Committee shall consider the application in accordance with this Act.

(3) Where the person requests the opportunity to appear before the Credentials Committee, this request shall be granted within thirty days of the receipt of the request and the person may appear with legal counsel. 1999 (2nd Sess.), c. 4, s. 21.

DEFINED REGISTER

Method of maintaining Defined Register

22 (1) The Board may keep a register, called the Defined Register, in which shall be entered the name, address, qualifications and terms and conditions of registration of all persons who may be entitled pursuant to this Act and the regulations to be registered therein.

(2) The Board may make regulations, which shall take effect upon approval by a general meeting of the College and by the Governor in Council,

(a) governing the persons or classes of persons who may be registered in the Defined Register;

(b) dividing the Defined Register into parts representing the classes of persons who may be registered;

(c) prescribing the qualifications required for registration in the Defined Register;

(d) prescribing the extent to which and terms and conditions under which persons registered in the Defined Register may engage in the practice of chiropractic; and

(e) prescribing by whom applications may be made pursuant to this Section, and the procedure on such applications.

(3) The Board may direct the Registrar to register in the Defined Register the name, address and qualifications and terms and conditions of registration of any person who

(a) satisfies the Board that that person possesses the qualifications required for registration in the Defined Register; and

(b) complies with Section 25. 1999 (2nd Sess.), c. 4, s. 22.

Consequences of direction

23 Upon receiving a direction from the Board pursuant to subsection 22(3), the Registrar shall enter in the Defined Register the name, address and qualifications and any terms and conditions of registration of the person named therein, and issue a licence to the person. 1999 (2nd Sess.), c. 4, s. 23.

Consequences of certain convictions

24 Notwithstanding anything contained in this Act, where a person has been convicted or found to be guilty by a court in or out of Canada of any offence

that is inconsistent with the proper professional behavior of a chiropractor, including a conviction under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada), and such person applies for registration, the Registrar and the Board may refuse to register the person, but the Board may, at any time, permit such person to be registered or to remain registered upon such terms and conditions as the Board may direct. 1999 (2nd Sess.), c. 4, s. 24.

Prerequisites for application

- 25** Any person who applies for registration pursuant to this Act shall
- (a) apply in the prescribed manner;
 - (b) satisfy the Board that that person is the person named in any diploma or documentation submitted in support of the application;
 - (c) satisfy the Board that that person is of good character;
 - (d) provide such information as the Board may require; and
 - (e) pay the prescribed fee. 1999 (2nd Sess.), c. 4, s. 25.

Change of address

26 A member of the College who changes address shall promptly inform the Registrar who shall enter the change in the Register. 1999 (2nd Sess.), c. 4, s. 26.

ANNUAL FEES

Manner of payment and consequences of non-payment

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

- (a) at the time that the member is registered; and
- (b) on or before a date or dates prescribed by the Board in each year thereafter,

the prescribed annual registration or licence fee.

(2) The licence of any member who fails to pay prescribed annual fees as required by subsection (1) or who fails to comply within the prescribed period with any continuing competence requirements established in regulations shall be suspended in accordance with the procedure prescribed by the regulations.

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

(4) The prescribed annual licence fees payable by members of the College pursuant to subsection (1) shall be determined by the College at the annual meeting of the College. 1999 (2nd Sess.), c. 4, s. 27.

Re-licensing

28 (1) Where the licence of a member has been suspended pursuant to subsection 27(2) or where there has been non-compliance with continuing competency requirements, or in any other case where the licence of a registered person has expired or lapsed pursuant to this Act or the former Act for non-payment of fees, such person may apply to the Registrar for re-licensing.

(2) Where a person referred to in subsection (1) satisfies the Registrar

(a) of the persons intention to practise chiropractic in the Province;

(b) as to the persons activities since the date of the suspension or expiry or lapsing of the persons licence;

(c) that the person has maintained and possesses an appropriate level of skill and knowledge in chiropractic;

(d) as to the persons good standing in all jurisdictions in which the person has practised chiropractic since the date of the suspension or expiry or lapsing of the persons licence;

(e) that the person has paid all fees or any other amount owing to the College and such administrative fees as may be prescribed; and

(f) that the person has complied with continuing competency requirements,

the Registrar may issue a licence to such person.

(3) Where the Registrar is not satisfied with the evidence presented pursuant to subsection (2), the Registrar

(a) may; or

(b) where the applicant so requests in writing, shall,

refer the matter to the Credentials Committee.

(4) Upon a referral pursuant to subsection (3), the Credentials Committee, in consultation with the Registrar, shall consider the eligibility of the application and may make such inquiries or demand such further information as the Committee sees fit, and the Committee shall consider the application in accordance with this Act.

(5) Where the person requests the opportunity to appear before the Credentials Committee, this request shall be granted within thirty days of receipt of the request and the person may appear with legal counsel.

(6) Where the registration or licensing of a person is refused pursuant to subsection (4), the person may request the opportunity to appear before the

next scheduled meeting of the Board, with or without legal counsel, where the Board shall consider the application in accordance with this Act.

(7) No member of the Board who considered the application pursuant to subsection (4) shall participate in the Board's consideration of the application.

- (8) After hearing the applicant and the Registrar, the Board may
- (a) direct the Registrar to issue to the applicant a licence;
 - (b) direct the Registrar to issue to the applicant a licence subject to such conditions, limitations or restrictions as the Board considers appropriate;
 - (c) adjourn further consideration of the application, pending completion by the applicant of such training, upgrading, clinical examinations or other examinations as the Board may designate; or
 - (d) direct the Registrar to refuse the application if the Board is not satisfied that the applicant meets the criteria set out in subsection (2). 1999 (2nd Sess.), c. 4, s. 28.

Restrictions on licences

29 Every licence issued pursuant to Section 28 is subject to any conditions, limitations or restrictions contained in the licence that had expired, lapsed or been suspended pursuant to subsection 27(2), unless the Board orders otherwise. 1999 (2nd Sess.), c. 4, s. 29.

ANNUAL LIST

Publication of List

30 The Registrar shall, in each year, cause to be published in the manner prescribed, an annual list that includes

- (a) the names of those persons who hold a licence; and
- (b) the names of those persons listed in the Defined Register. 1999 (2nd Sess.), c. 4, s. 30.

PRIVILEGES

Surrender and preservation of jurisdiction

31 (1) The licence of a member may only be surrendered by the member after notice in writing to the Board and with the consent of the Board.

(2) Where a member ceases to be a member for any reason or where a person ceases to be registered or licensed for any reason, such person remains subject to the jurisdiction of the College in respect of any disciplinary mat-

ter arising out of the person's conduct while a member or while registered. 1999 (2nd Sess.), c. 4, s. 31.

PROHIBITIONS

Violation of condition or limitation in licence

32 (1) A person licensed pursuant to this Act who practises chiropractic in violation of any condition or limitation contained in the person's licence is guilty of an offence.

- (2)** A person who practises chiropractic
- (a) while the person's licence is suspended or revoked; or
 - (b) without a licence,

is guilty of an offence. 1999 (2nd Sess.), c. 4, s. 32.

Offence

33 (1) A member of the College who leaves the Province and upon the member's return practises chiropractic before providing the Registrar with a certificate of good standing from all jurisdictions in which the member had practised during such absence is guilty of an offence.

(2) The Board may waive the requirements of subsection (1) and may make regulations exempting members from the requirements of subsection (1) where members have been absent from the Province for a period shorter than the maximum period prescribed in the regulations. 1999 (2nd Sess.), c. 4, s. 33.

Prohibition

34 (1) Except as provided in this Act or the regulations, no person, other than a chiropractor who holds a licence, shall

- (a) publicly or privately, for hire, gain or hope of reward, practise or offer to practise chiropractic;
- (b) hold himself or herself out in any way to be entitled to practise chiropractic; or
- (c) assume any title or description implying or designed to lead the public to believe that that person is entitled to practise chiropractic.

(2) No person is entitled to receive a fee, reward or remuneration for

- (a) professional services rendered to any person in the practice of chiropractic; or
- (b) chiropractic appliances supplied to any person in the practice of chiropractic,

unless registered and licensed at the time the services were provided or the appliances were rendered. 1999 (2nd Sess.), c. 4, s. 34.

Offence

35 A person who knowingly furnishes false information in an application pursuant to this Act, or in any statement or return required to be furnished pursuant to this Act or the regulations, is guilty of an offence. 1999 (2nd Sess.), c. 4, s. 35.

Onus and continuing offence

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

(2) Where a violation of this Act or the regulations by a person who does not have the right to practise chiropractic continues for more than one day, the offender is guilty of a separate offence for each day that the violation continues.

(3) For the purpose of this Act, proof of the performance of one act in the practice of chiropractic on one occasion is sufficient to establish that a person has engaged in the practice of chiropractic. 1999 (2nd Sess.), c. 4, s. 36.

Offences and penalties

37 (1) A person who violates

- (a) this Act, except for Sections 74 to 86;
- (b) a regulation made pursuant to clause 6(3)(i) or (j); or
- (c) a regulation made pursuant to clause 23(2)(d),

is guilty of an offence, and the *Summary Proceedings Act* applies in addition to any penalty otherwise provided for in this Act or the regulations.

(2) All fines and penalties payable under this Act as a result of a prosecution by or on behalf of the College belong to the College.

(3) Any information to be laid pursuant to this Act may be laid by the Registrar or any member of the College authorized by the Board, with the consent of the Minister of Health. 1999 (2nd Sess.), c. 4, s. 37.

EXEMPTIONS

Restrictions on application of Act

38 Nothing in this Act applies to or prevents

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

- (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) the practice of medicine by a person who is registered pursuant to the *Medical Act*;
- (d) the practice of optometry by a person who is licensed pursuant to the *Optometry Act*;
- (e) the practice of nursing by a person who is registered pursuant to the *Licensed Practical Nurses Act*;
- (f) the practice of dentistry or dental surgery by a person who is registered pursuant to the *Dental Act*;
- (g) the practice of dispensing optician by a person who is registered pursuant to the *Dispensing Opticians Act*;
- (h) the practice of denturology by a person who is licensed pursuant to the *Denturist Act*;
- (i) the practice of psychology by a person who is licensed pursuant to the *Psychologists Act*;
- (j) the practice of occupational therapy by a person who is registered pursuant to the *Occupational Therapists Act*;
- (k) the practice of pharmacy by a person who is registered pursuant to the *Pharmacy Act*;
- (l) the practice of dietetics by a person who is registered pursuant to the *Professional Dietitians Act*;
- (m) the practice of radiological technology by a person registered pursuant to the *Medical Radiation Technologists Act*;
- (n) the practice of dental technology by a person registered pursuant to *Dental Technicians Act*;
- (o) the practice of nursing by a person registered pursuant to the *Registered Nurses Act*; or
- (p) the practice of physiotherapy by a person registered pursuant to the *Physiotherapy Act*. 1999 (2nd Sess.), c. 4, s. 38.

PATIENT RECORDS

Custodian

39 (1) In this Section, “patient records”, includes all documents, charts, x-rays, photographic film or any other form of record relating to the patients of a member.

(2) Where

- (a) a member
 - (i) dies, disappears, is imprisoned, leaves the Province or surrenders the members licence,
 - (ii) is struck off a register or is the subject of suspension of licence,
 - (iii) has been found to be an incapacitated or unfit member, or
 - (iv) neglects the practice of chiropractic; and
- (b) adequate provision has not been made for the protection of the members patients interests,

the College may, with or without notice as the court directs, request the court to appoint a custodian who is a chiropractor to take possession of the patient records of the member.

- (3)** A custodian appointed pursuant to subsection (2) shall
 - (a) hold and protect all patient records taken into custody; and
 - (b) distribute copies of the patient records, as may be appropriate, to the chiropractors of the patients concerned, including the member referred to in subsection (2), and to the duly appointed representatives of the patients, or the patients themselves unless there are reasonable grounds to believe it would not be in the best interest of the patient to make that information available, subject to such fees as the court may direct or the regulations may prescribe.
- (4)** In an order made pursuant to subsection (2), or in a subsequent order made on the application of the College or the custodian, with or without notice as the court directs, the court may
 - (a) authorize the custodian to employ professional assistance to carry out the custodians duties;
 - (b) direct any sheriff to seize, remove and place in the possession of the custodian, patient records;
 - (c) where there are reasonable grounds to believe that any patient records may be found in any premises, safety deposit box or other receptacle, direct the sheriff to enter the premises or open the safety deposit box or other receptacle;
 - (d) direct the owner of any premises, or person in possession of any premises, or any bank or other depository of patient records to deal with, hold, deliver or dispose of such patient records as the court directs;
 - (e) give directions to the custodian as to the disposition of patient records;

(f) make provision for the remuneration, disbursements and indemnification of the custodian in the course of the custodian's duties;

(g) make provision for the discharge of a custodian either before or after completion of the responsibilities imposed upon the custodian by any order made pursuant to this Section; and

(h) give such further directions as the court considers are required in the circumstances.

(5) Unless the court otherwise directs, it shall be sufficient for the custodian to give notice by newspaper advertisement, to patients, chiropractors or the general public, that the custodian has possession of the patient records of a member.

(6) Subject to any order of the court, where one year has passed from the date of the court order appointing the custodian, the custodian shall report to the Board, which may discharge the custodian or make any order it deems appropriate regarding any patient records remaining in the hands of the custodian, and the custodian's compliance with the order of the Board discharges the custodian in respect of those patient records affected.

(7) Unless otherwise ordered pursuant to subsection (6), upon discharge of a custodian pursuant to subsections (6) and (9), the College shall take into permanent custody patient records and assume the responsibilities of a custodian as provided in subsection (3).

(8) The College may destroy records after the passage of a minimum period of time as ordered by the court or as set by regulations.

(9) The court may, upon the application of the College made either *ex parte* or on such notice as the court directs, remove a custodian from office and, where the court deems it expedient, appoint another custodian in the custodian's place, and may include in such order such further directions as are required in the circumstances.

(10) A member in respect of whom an order has been made pursuant to this Section may, after giving notice to the College and to the custodian, apply to the court to vary or set aside an order made pursuant to this Section and to direct the custodian to place all or part of the patient records back into the possession of the member upon such terms as may be just.

(11) The court may give directions as to service of any notice required or order made pursuant to this Section.

(12) No action for damages lies against the College, the Board or any committee, member, officer or employee of the College for anything done or omitted to be done in good faith pursuant to this Section, or against a custodian or

any other person acting in good faith pursuant to this Section or an order issued pursuant to this Section.

(13) This Section applies *mutatis mutandis* to former members of the College. 1999 (2nd Sess.), c. 4, s. 39.

INJUNCTION

Circumstances for order

40 (1) Where a member, whose licence to practise has been suspended pursuant to this Act or the regulations, does or attempts to do anything contrary to this Act or the regulations, the doing of such thing may be restrained by an injunction of the court at the instance of the Board.

(2) Where a person other than a member does or attempts to do anything contrary to this Act, the doing of such thing may be restrained by an injunction of the court at the instance of the Board. 1999 (2nd Sess.), c. 4, s. 40.

DISCIPLINE

Method of initiating complaint

- 41** Complaints may be initiated by
- (a) any official body corporate or association;
 - (b) the Registrar; or
 - (c) any other person. 1999 (2nd Sess.), c. 4, s. 41.

Power to employ assistance

42 The College or a disciplinary committee may employ, at the expense of the College, such legal or other assistance as it considers necessary for the purpose of the investigation of any disciplinary matter. 1999 (2nd Sess.), c. 4, s. 42.

Duty to maintain confidentiality

43 Every person involved in the administration of this Act and any member of the Board, or a committee of the Board or the College, shall maintain confidentiality with respect to all health information that comes to that person's knowledge regarding patients, and with respect to all matters that come to that person's knowledge relating to a peer assessment, except

- (a) in connection with the administration of Sections 41 to 63 and the regulations or proceedings thereunder;
- (b) to one's own legal counsel;
- (c) as otherwise required by law; or
- (d) with the consent of the person to whom the information relates. 1999 (2nd Sess.), c. 4, s. 43.

Power to investigate other matters

44 A person or disciplinary committee investigating a disciplinary matter concerning a member may investigate any other disciplinary matter concerning the member that arises in the course of the investigation. 1999 (2nd Sess.), c. 4, s. 44.

Prerequisite for action

45 (1) Where a disciplinary committee

(a) learns that the registration or licence of a member has been suspended or revoked for reasons of professional misconduct, conduct unbecoming or incompetence by another licensing or regulatory authority;

(b) has provided the member with such notice as it may prescribe, of a hearing, together with a copy of the relevant decision of the other licensing or regulatory authority; and

(c) has heard such evidence as is offered by the member, if any, at the hearing as to why the member should not be subject to disciplinary action,

the disciplinary committee may take any of the actions contemplated by clause 60(2)(e).

(2) Where a member has been convicted of an offence pursuant to the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) or has been convicted of an offence as referred to in Section 24, the disciplinary committee may, by such notice as it prescribes, require the member to attend a hearing to establish why the member should not be subject to disciplinary action.

(3) For the purpose of subsection (2), a certificate of conviction of a member is conclusive evidence that a person has committed the offence stated therein unless it is shown by the member that the conviction has been quashed or set aside.

(4) When a disciplinary committee is conducting a hearing pursuant to this Section, it may, if it deems proper, take any of the actions contemplated by clause 60(2)(e).

(5) The Registrar shall not be a member of any disciplinary committee, investigation committee or hearing committee. 1999 (2nd Sess.), c. 4, s. 45.

INVESTIGATION COMMITTEE**Duties and powers of committee**

46 (1) The Board shall appoint a committee or committees, each to be known as an investigation committee.

(2) An investigation committee shall be composed of at least three persons.

- (3) A committee shall
- (a) have a chair appointed by the Board who is a member or former member of the Board;
 - (b) have as a member, at least one person who is a member or former member of the Board and a member of the College; and
 - (c) have as a member, at least one person who does not hold a degree of chiropractic or equivalent, who may be a member or former member of the Board.
- (4) Notwithstanding subsection (3),
- (a) any two members of the committee constitute a quorum; and
 - (b) no member of the Council shall be a member of the committee.
- (5) The Board may appoint additional members to the committee who are members of the College but who need not be members or former members of the Board.
- (6) The committee shall
- (a) investigate complaints regarding a disciplinary matter concerning any member of the College;
 - (b) investigate any matter referred to the committee by the Registrar; and
 - (c) perform such other duties as may be assigned to it by the Board.
- (7) The Registrar may refer a matter to the committee notwithstanding that a written complaint has not been filed with the Registrar.
- (8) Without receipt of a written complaint, the committee may
- (a) do all things necessary to provide a full and proper investigation;
 - (b) appoint a person or persons to conduct an investigation or practice audit, or both.
- (8A) The investigation committee and each member of the investigation committee or a person or persons appointed by the investigation committee to conduct an investigation or a practice audit have all of the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*, with the exception of the powers of contempt, arrest and imprisonment.
- (9) Upon receipt of a written complaint and upon giving to the member a copy of the complaint, the committee may require the member to

(a) submit to physical or mental examinations by such qualified persons as the committee designates;

(b) submit to an inspection or audit of the practice of the member by such qualified persons as the committee designates;

(c) submit to such examinations as the committee directs to determine whether the member is competent to practise chiropractic;

(d) produce records and accounts kept with respect to the member's practice.

(10) Where the member fails to comply with subsection (9), the committee may suspend or restrict the registration or licence, or both, of the member until the member complies.

(11) Where the committee has, pursuant to clause (9)(a), (b) or (c), required a member to submit to physical or mental examinations or submit to inspection or audit of the practice by a qualified person designated by the committee, the committee shall deliver to the member any report it receives from the designated qualified person.

(12) The committee or person appointed to conduct an investigation pursuant to clause (8)(b) may

(a) employ such other experts as the committee or person deems necessary;

(b) require the member or any other member of the College, who may have information relevant to the investigation, to attend before the committee or the person conducting the investigation to be interviewed;

(c) investigate any other matter relevant to the conduct, capacity or fitness of a member to practise chiropractic that arises in the course of the investigation.

(13) The committee may

(a) dismiss the complaint;

(b) attempt to resolve the matter informally;

(c) with the consent of both parties, refer the matter, in whole or in part, for mediation;

(d) refer the matter, in whole or in part, to a hearing committee;

(e) counsel the member;

(f) caution the member;

(g) counsel and caution the member;

- (h) reprimand the member with the member's consent; or
- (i) with the consent of the member, require the member to undergo such treatment or re-education as the committee considers necessary.

(14) Where the committee is considering a decision to counsel, caution or counsel and caution a member pursuant to clause (13)(e), (f) or (g), the committee shall give notice to the member and the member shall be given the opportunity to appear, with or without legal counsel, before the committee prior to the committee making a decision.

(15) A member who has consented to a requirement for treatment or re-education pursuant to clause (13)(i) may consent to such requirement in principle, while reserving the right to appeal the actual content of the requirement for treatment or re-education to a hearing committee within fifteen days of receiving notice thereof.

(16) A member who appeals pursuant to subsection (15) shall bear the member's costs of the appeal and the hearing committee may order costs in the manner prescribed in Section 61.

(17) An appeal pursuant to subsection (15) shall be conducted without oral testimony and a hearing committee shall review an agreed statement of facts supplied by the legal counsel for the College and signed by the member.

(18) Where an agreed statement of facts is not filed within thirty days of filing the notice of appeal, the consent of the member is deemed to have been withdrawn and the matter referred back to the investigation committee which may consider other actions or dispositions as authorized by this Act.

(19) When making findings pursuant to clauses (13)(e), (f), (g), (h) or (i), a committee may make any combination of the dispositions that are set out in those clauses, or the committee may make such other dispositions as it considers appropriate, in accordance with the objects of this Act.

(20) The member and the complainant shall be advised in writing of the disposition of the committee. 1999 (2nd Sess.), c. 4, s. 46; 2012, c. 48, s. 28.

Further duties and powers

- 47 (1) Notwithstanding anything contained in this Act, where
- (a) an investigation committee receives information that indicates that a member may be incompetent or guilty of professional misconduct or conduct unbecoming; and
 - (b) the investigation committee concludes that it is in the public interest to suspend from practice or restrict the practice of the member,

the investigation committee may, without a hearing,

(c) immediately suspend the registration or licence of the member on a temporary basis; or

(d) immediately impose restrictions on the registration or licence, or both, of the member on a temporary basis.

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

(3) Subject to a determination pursuant to subsection (5), a decision pursuant to subsection (1) continues in force until final resolution by a hearing committee which shall occur without undue delay.

(4) The member who receives written notice pursuant to subsection (2) may request, in writing, an opportunity to meet with the investigation committee.

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

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

(b) after meeting with the member, may confirm, vary or terminate the suspension or restrictions imposed pursuant to subsection (1). 1999 (2nd Sess.), c. 4, s. 47.

Hearing committee

48 Notwithstanding anything contained in this Act, where a decision is made pursuant to subsection 47(1), subject to any disposition made pursuant to subsection 47(5), a hearing committee shall be appointed pursuant to subsection 52(1) to proceed with a hearing to determine whether the member is guilty of charges relating to a disciplinary matter. 1999 (2nd Sess.), c. 4, s. 48.

Continuation of powers of former member

49 Notwithstanding that a member or members of an investigation committee or a hearing committee have ceased to hold office by reason of the lapse of their appointments, such member or members are seized with the jurisdiction to complete any matter the committees have commenced if necessary to retain a quorum and, for this purpose, such member or members continue to have the same powers, privileges, immunities and duties as are provided by this Act and the regulations. 1999 (2nd Sess.), c. 4, s. 49.

SETTLEMENT AGREEMENT

Method of dealing with proposed agreement

50 (1) After an investigation committee refers a matter to a hearing committee pursuant to clause 46(13)(d), the member complained of may, at any time before the commencement of the hearing, tender to the investigation committee a proposed settlement agreement, in writing, consented to by legal counsel for the College, that includes an admission of a disciplinary matter violation or violations and the member's consent to a specified disposition, conditional upon the acceptance of the agreement by a hearing committee.

(2) The investigation committee may, in its discretion, recommend or refuse to recommend acceptance of the proposed settlement agreement by the hearing committee.

(3) Where the investigation committee recommends the acceptance of the proposed settlement agreement, it shall instruct legal counsel for the College to advise the hearing committee hearing the complaint of its recommendation.

(4) Where the investigation committee refuses to recommend the proposed settlement agreement, the hearing shall proceed without reference to the proposed settlement agreement.

(5) Where the hearing committee appointed to hear the complaint accepts the recommendation of the investigation committee, it shall confirm such acceptance by written decision that incorporates the settlement agreement.

(6) Where the hearing committee appointed to hear the complaint rejects the recommendation of the investigation committee,

- (a)** it shall advise the Registrar of its decision;
- (b)** it shall proceed no further with the hearing of the complaint;
- (c)** a new hearing committee shall be appointed to hear the complaint and no member of the committee that considered the proposed settlement agreement shall be a member of the new committee; and
- (d)** the investigation committee retains jurisdiction over a complaint until the commencement of the hearing by a hearing committee. 1999 (2nd Sess.), c. 4, s. 50.

INVESTIGATION COMMITTEE AND NON-MEMBERS

Investigation of non-member

51 The Registrar may request the committee to investigate the activities of a non-member but the committee has no compulsory powers in relation to the

investigation of the non-member, except that the committee may require a member who may have information relevant to the investigation to attend before the committee or the person conducting the investigation to be interviewed. 1999 (2nd Sess.), c. 4, s. 51.

HEARING COMMITTEE

Composition and functions

52 (1) A hearing committee shall be appointed for the purpose of hearing any charges relating to a disciplinary matter against a member when a disciplinary matter is referred, in whole or in part, to a hearing committee.

(2) A hearing committee shall be composed of at least three persons who are not members of the investigative committee.

(3) The committee shall have as members

- (a) at least one person who does not hold a degree in chiropractic or equivalent, who is a member of the Board; and
- (b) at least two members of the Board.

(4) Notwithstanding subsection (3),

- (a) any two members of the committee constitute a quorum; and
- (b) no member of the Council shall be a member of the committee.

(5) Subject to the regulations, the hearing committee may do all things necessary to provide a full and proper inquiry.

(6) In a matter over which a hearing committee has jurisdiction, the hearing committee and each member of the committee has all the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*.

(7) Upon the application of

- (a) any party to the hearing;
- (b) the chair of the hearing committee; or
- (c) legal counsel for the College or hearing committee,

the Registrar of the College shall sign and issue a summons to witness for the purpose of procuring the attendance and evidence of witnesses before the hearing committee.

(8) It is the duty of the member who is charged in a disciplinary matter to appear at the hearing, but in the event of non-attendance by such member,

the hearing committee, upon proof by affidavit, statutory declaration or other evidence acceptable to the hearing committee of service of the notice, pursuant to subsection (9), may proceed with the hearing and, without further notice to such member, render its decision and take such other action as it is authorized to take pursuant to this Act.

(9) Unless the member has agreed to a shorter notice period, a notice of hearing shall be served at least thirty days before the holding of the hearing upon the member whose disciplinary matter is being heard.

(10) A notice of a hearing shall state the details of the charges and the time and place of the holding of the hearing, and shall be signed by the Registrar.

(11) The College shall place the notice as provided for in subsection (10) in such publications as it deems necessary in order to inform the public. 1999 (2nd Sess.), c. 4, s. 52.

Inadmissible evidence

53 (1) The following evidence is not admissible before a hearing committee unless the opposing party has been given, at least ten days before the 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) in the case of evidence of a witness, the identity of the witness.

(2) Notwithstanding subsection (1), a hearing committee may, in its discretion, allow the introduction of evidence that would be otherwise inadmissible under subsection (1) and may make directions it considers necessary to ensure that a party is not prejudiced. 1999 (2nd Sess.), c. 4, s. 53.

Prohibition of communication

54 No member of a hearing committee holding a hearing shall communicate outside the hearing, in relation to the subject-matter of the hearing, with a party or the party's representative unless the other party has been given notice of the subject-matter of the communication and an opportunity to be present during the communication, with the exclusion of communications where the sole purpose is to make administrative arrangements. 1999 (2nd Sess.), c. 4, s. 54.

Expert opinions

55 Where a hearing committee obtains expert opinion regarding chiropractic with respect to a hearing, it shall make the nature of the opinion known to

the parties and the parties may make submissions with respect to the opinion. 1999 (2nd Sess.), c. 4, s. 55.

Access of public to hearings

56 (1) Subject to subsection (2), a hearing shall be open to the public.

(2) The hearing committee may make an order that the public, in whole or in part, be excluded from a hearing or any part of it if the hearing committee is satisfied that

(a) matters involving public security may be disclosed;

(b) financial or personal or other matters may be disclosed at the hearing of such a nature that the desirability of avoiding public disclosure of those matters is in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public; or

(c) the safety of a person may be jeopardized.

(3) Where it thinks fit, the hearing committee may make orders it considers necessary to prevent the public disclosure of matters disclosed at a hearing, including orders prohibiting publication or broadcasting of those matters.

(4) No order shall be made under subsection (3) that prevents the publication of anything that is contained in the Register and available to the public.

(5) The hearing committee may make an order that the public be excluded from the part of a hearing dealing with a motion of an order pursuant to subsection (2).

(6) The hearing committee may make any order necessary to prevent the public disclosure of matters disclosed in the submission relating to any motion described in subsection (5), including prohibiting the publication or broadcasting of those matters.

(7) Subject to any orders pursuant to this Section, the hearing committee shall state, at the hearing, its reasons for any order made pursuant to this Section. 1999 (2nd Sess.), c. 4, s. 56.

Right to attend

57 Where a hearing committee makes an order pursuant to subsection 56(2), wholly or partly, because of the desirability of avoiding disclosure of matters in the interest of a person affected

(a) the committee shall allow the parties, the complainant and their legal and personal representatives; and

(b) the committee may allow such other persons as the committee considers appropriate, to attend the hearing. 1999 (2nd Sess.), c. 4, s. 57.

Publication ban

58 A hearing committee shall, on the request of a witness, other than the member, whose testimony is in relation to allegations of misconduct of a sexual nature by a member involving the witness, make an order that no person shall publish the identity of the witness or any information that could disclose the identity of the witness. 1999 (2nd Sess.), c. 4, s. 58.

Treatment of evidentiary material

59 (1) The hearing committee holding a hearing shall ensure that

- (a) the oral evidence is recorded;
- (b) copies of the transcript of the hearing are available to a party at the party's request and expense, the complainant at the complainant's request and expense and other persons the hearing committee or the Registrar considers appropriate at those persons request and expense; and
- (c) copies of the transcript of any part of the hearing that is not closed nor the subject of an order prohibiting publication are available to any person at that person's expense.

(2) Where a transcript of a part of a hearing that is the subject of an order for a closed hearing or an order prohibiting publication is filed with a court in respect of proceedings, only the court, the parties to the proceedings and the complainant may examine it unless the court or the hearing committee orders otherwise. 1999 (2nd Sess.), c. 4, s. 59.

Procedure at hearing

60 (1) At a hearing of the hearing committee, a member is entitled to all the rights of natural justice, including the right to be represented by legal counsel, to know all the evidence considered by the hearing committee, to present evidence and to cross-examine witnesses.

- (2)** A hearing committee
 - (a) shall hear each case in such manner as it deems fit;
 - (b) may require the member to
 - (i) submit to physical or mental examinations by such qualified persons as the committee designates,
 - (ii) submit to an inspection or audit of the members practice by such qualified persons as the committee designates,

- (iii) undergo such examinations as the hearing committee directs to determine whether the member is competent to practise chiropractic, and
- (iv) produce records and accounts kept with respect to the members practice;
- (c) where the member fails to comply with clause (b), may resolve that the registration or licence of the member be suspended until the member does;
- (d) where the committee has, pursuant to subclause (b)(i), (ii) or (iii), required a member to submit to physical or mental examinations, or submit to inspection or audit of the practice by a qualified person designated by the committee, shall deliver to the member any report it receives from the designated qualified person;
- (e) shall determine whether the member is guilty of charges relating to a disciplinary matter, and
 - (i) where there is a guilty finding, may determine that
 - (A) the registration or licence of the member be revoked and that member's name be stricken from the registers in which it is entered,
 - (B) the licence of the member be suspended
 - (I) for a fixed period, or
 - (II) for an indefinite period until the occurrence of some specified future event or until compliance with conditions prescribed by the committee,
 - (C) conditions, limitations or restrictions be imposed on the licence of the member,
 - (D) the member undergo such treatment or re-education as the committee considers necessary,
 - (E) such fine as the committee considers appropriate to a maximum of fifteen thousand dollars be paid by the member to the College for the purpose of funding chiropractic education and research and peer assessment as determined by the Board,
 - (F) the member be reprimanded,
 - (G) such other disposition as it considers appropriate be imposed, or
 - (ii) where there is a not guilty finding, the committee may dismiss the charges; and

(f) shall file its decision, including reasons, at the offices of the College.

(3) When making dispositions pursuant to clause (2)(e), the committee may impose one or more of the penalties that are set out therein, or the committee may make such other dispositions as it considers appropriate, in accordance with the objects of this Act.

(4) The Registrar shall provide the member, the complainant and such other persons as the Registrar considers appropriate with a copy of the decision of the hearing committee except that, where there are references identifying patients or other persons other than the complainant, those references as well as other personal information about those persons shall be deleted if, in the Registrar's opinion, it is appropriate.

(5) The decision of a hearing committee has effect immediately upon service on the member or from such time as the decision may direct.

(6) The hearing committee shall release documents and things put into evidence at a hearing to the person who produced them, on request, within a reasonable time after the matter in issue has been finally determined. 1999 (2nd Sess.), c. 4, s. 60.

Inadmissibility of evidence in legal proceeding

60A (1) In this Section,

(a) "civil proceeding" means any proceeding of a civil nature other than an arbitration proceeding or a proceeding before an adjudicative tribunal, board or commission or inquiry; and

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

(2) A witness in any legal proceeding, whether a party to the proceeding or not, is excused from answering any question as to any proceedings of an investigation committee or a hearing committee, and is excused from producing any report, statement, memorandum, recommendation, document or information prepared for the purpose of the investigative, disciplinary and hearing processes of the College, including any information gathered in the course of an investigation or produced for an investigation committee, a hearing committee or staff members of the College.

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

(4) Unless otherwise determined by a court of competent jurisdiction, a decision of an investigation committee or a hearing committee is not admissible in a civil proceeding other than in an appeal or a review pursuant to this Act. 2008, c. 3, s. 2.

COSTS

Contents of order for costs

61 (1) When a hearing committee finds a member guilty of charges relating to a disciplinary matter, it may order that the member pay the costs of the Board, in whole or in part.

(2) When a member is ordered to pay costs pursuant to subsection (1), the Board may make it a condition of the registration or licence of the member that such costs be paid forthwith, or at such time and on such terms as the Board may fix.

- (3) For the purpose of this Section, “costs of the Board” include
- (a) expenses incurred by the College, the Board, the investigation committee and the hearing committee;
 - (b) honoraria paid to members of the investigation committee and the hearing committee; and
 - (c) solicitor and client costs and disbursements of the College relating to the investigation and hearing of the complaint. 1999 (2nd Sess.), c. 4, s. 61.

APPEAL

Procedure on appeal

62 (1) The member complained against may appeal on any point of law from the findings of the hearing committee to the Nova Scotia Court of Appeal.

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

(3) The record on appeal from the findings of a hearing committee shall consist of a copy of the transcript of the proceedings, the decision of the committee and the evidence before the hearing committee certified by the chair of the hearing committee.

(4) The *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 Nova Scotia 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 Nova Scotia Court of Appeal has jurisdiction to, pending a decision by the Nova Scotia Court of Appeal, grant a stay of any order made pursuant to this Act where, in its discretion, it deems it fit. 1999 (2nd Sess.), c. 4, s. 62.

REINSTATEMENT

Procedure for making application

63 (1) A person whose licence has been revoked by a resolution of a hearing committee pursuant to subclause 60(2)(e)(i), may apply to the Board for

- (a) the entering of the person's name, address and qualifications on the Register or Defined Register; and
- (b) the issuance of a licence.

(2) An application pursuant to subsection (1) shall not be made earlier than

- (a) two years after the revocation; and
- (b) six months after the previous application.

(3) The Board, upon

- (a) being satisfied that the interest of the public has been adequately protected;
- (b) being satisfied as to the intention of such person to practise chiropractic in the Province;
- (c) being satisfied as to the activities of such person since the time of the resolution of the hearing committee;
- (d) such person producing a letter of good standing from all jurisdictions in which the person had practised chiropractic since the date of such resolution of the hearing committee; and
- (e) such person undergoing such clinical or other examinations as the Board may designate,

may direct the Registrar to

- (f) enter the name, address and qualifications of such person in the Register or Defined Register; and
- (g) issue a licence to such person,

upon such terms and conditions as the Board may direct. 1999 (2nd Sess.), c. 4, s. 63.

PEER ASSESSMENT

Peer Assessment Committee

64 (1) In this Section and in Sections 65 and 73,

(a) “assessment” means an assessment pursuant to a peer-assessment program established pursuant to this Section;

(b) “assessors” means the assessors appointed by the Peer Assessment Committee pursuant to subsection (4).

(2) The Board shall establish a Peer Assessment Committee in accordance with the regulations.

(3) The Board may, by regulation or otherwise,

(a) authorize the Peer Assessment Committee to do or cause to be done, on behalf of the parties, any or all such things as the parties thereto are otherwise empowered to do and deem necessary for the development and administration of a peer-assessment program, subject to the approval of the Board;

(b) provide for the financing of the operations of the Peer Assessment Committee and for cost-sharing arrangements;

(c) provide for the preparation of an annual budget and its approval by the Board;

(d) provide for the incorporation of the Peer Assessment Committee if considered advisable to achieve the objectives of the Committee; and

(e) do such other things as may be necessary or desirable to provide for the administration of the Peer Assessment Committee and for its operations.

(4) The Peer Assessment Committee may appoint members of the College or persons licensed as chiropractors in other provinces as assessors for the purpose of the application of the peer-assessment program to members of the College.

(5) Subject to the approval of the Board, the Peer Assessment Committee shall develop and administer a peer-assessment program including

(a) the assessment of the standards of practice of members including, but not limited to,

(i) standards for the clinical assessment and care of patients, and

(ii) standards for the maintenance of records of care administered to patients;

- (b) the selection and education of assessors;
- (c) communication with chiropractors;
- (d) budgetary and expense arrangements;
- (e) the preparation of assessment reports;
- (f) the development of policy and procedures of the Peer Assessment Committee and their delegation to subcommittees, assessors or employees as the Committee deems appropriate; and
- (g) such further activities, including the establishment of other committees or subcommittees, for the better administration of the peer-assessment program.

(6) Every member whose standards of practice are the subject of an assessment shall co-operate fully with the Peer Assessment Committee and assessors.

(7) Without limiting the generality of the co-operation required by subsection (6), a member shall

- (a) permit assessors to enter and inspect the premises where the member engages in the practice of chiropractic;
- (b) permit the assessors to inspect the member's records of care administered to patients;
- (c) provide to the Peer Assessment Committee and assessors, in the form required, information requested by the Committee or assessors, as the case may be, in respect of the clinical assessment and care of patients by the member or the member's records of care administered to patients;
- (d) confer with the Peer Assessment Committee or assessors when required to do so by the Committee or assessors;
- (e) permit the re-assessments the Peer Assessment Committee or assessors deem necessary for the proper administration of a peer-assessment program; and
- (f) comply with the remedial recommendations of the Peer Assessment Committee.

(8) Upon completion of an assessment, an assessor shall report to the Peer Assessment Committee which may

- (a) receive the report of the assessor and make no recommendations to the member assessed; or
- (b) confer with the member assessed and make any remedial recommendations to the member as the Committee considers appropriate, and direct the member to comply with the recommendations.

(9) Costs incurred by the member in implementing the remedial recommendations made by the Peer Assessment Committee are payable by the member and are not the responsibility of the Committee, the Board or the College.

(10) Where an assessor or a member of the Peer Assessment Committee learns, in the course of an assessment, that a member of the College may be guilty of a disciplinary matter, the assessment shall be terminated, the member shall be advised and the matter shall be referred to the College to be dealt with as a complaint.

(11) The assessor or a member of the Peer Assessment Committee shall not provide any information to the College, except the information necessary to identify the nature of the complaint with sufficient particularity to enable an investigation committee to identify the matter it is required to investigate.

(12) Nothing in this Section prevents any other person from providing evidence of a disciplinary matter relating to a member.

(13) Each year the Peer Assessment Committee shall prepare and publish a report on its activities for the preceding year. 1999 (2nd Sess.), c. 4, s. 64.

Witnesses

65

(1) In this Section,

(a) “legal proceeding” means

(i) a proceeding in any court, including a proceeding for the imposition of punishment by fine, penalty or imprisonment to enforce an Act of the Legislature or a regulation made under that Act, or any civil proceeding, and

(ii) a disciplinary proceeding pursuant to this Act;

(b) “witness” means any member or officer or employee of the College, any assessor or former assessor and any other person who, in connection with, or in the course of, a legal proceeding is called upon to provide information, to answer, orally or in writing, a question or to produce a document, whether under oath or not.

(2) A witness in a legal proceeding, whether a party or not, is excused from

(a) providing any information obtained by the witness in the course of or in relation to an assessment; and

(b) producing any document made by the Peer Assessment Committee, an assessor appointed under this Act or any other document which was prepared pursuant to or in relation to an assessment.

(3) Subsection (2) does not apply to

(a) records maintained by hospitals as required by the *Hospitals Act* or regulations made pursuant to that Act; or

(b) medical records maintained by attending physicians pertaining to a patient.

(4) Notwithstanding that a witness

(a) is or has been an assessor or a member of a subcommittee of;

(b) has participated in the activities of; or

(c) has prepared a document for or has provided information to,

the Peer Assessment Committee, the witness is not, subject to subsection (2), excused from answering any question or producing any document that the witness is otherwise bound to answer or produce.

(5) An assessor or a member of the Peer Assessment Committee shall not provide evidence against a member in a disciplinary matter with respect to information given by the member to the assessor or a member of the Peer Assessment Committee in the course of an assessment of the member unless the member has knowingly given false information during the assessment or the disciplinary matter.

(6) Nothing in subsection (5) prevents any other person from providing evidence against a member in a disciplinary matter with respect to the information given by the member in the course of the member's assessment. 1999 (2nd Sess.), c. 4, s. 65.

Application of certain Sections and regulations

66 Sections 41 to 63, 67 to 88 and 94 and all regulations pursuant to this Act that are applicable to members of the College apply with all necessary modifications to former members, unless otherwise expressly provided by this Act or the regulations. 1999 (2nd Sess.), c. 4, s. 66.

EVIDENCE

Certificate as evidence

67 A certificate purporting to be signed by the Registrar stating that any person named therein was or was not, on a specified day or during a specified period, registered and licensed, is *prima facie* evidence in any court of that fact without proof, that the person signing it is the Registrar or that it is the Registrar's signature. 1999 (2nd Sess.), c. 4, s. 67.

Effect of presence of name in document

68 The presence of the name of any person in a document purporting for any year to be an annual list published by the Registrar pursuant to Section 30 is

prima facie evidence in any court of the fact that a person whose name so appears is or was registered and licensed at the time of publication of such annual list. 1999 (2nd Sess.), c. 4, s. 68.

NOTICES

Service

69 Service of any notice, order, resolution or other document pursuant to this Act or the regulations may be made upon

- (a) a member by registered letter addressed to such person at the member's address as set forth in the Register; and
- (b) any other person by registered letter. 1999 (2nd Sess.), c. 4, s. 69.

Deemed day of service

70 Where service is made by registered letter, service is deemed to be made on the third day after the notice, order, resolution or other document is mailed, and proof that the notice, order, resolution or other document was addressed and posted in accordance with Section 69 is proof of service. 1999 (2nd Sess.), c. 4, s. 70.

Service on College

71 Service of any document on the College may be made by service on the Registrar. 1999 (2nd Sess.), c. 4, s. 71.

LIMITATIONS OF ACTIONS

Exemption from liability

72 Where a chiropractor entitled to practise chiropractic in the Province, or any other province or country, voluntarily renders first aid or emergency treatment without the expectation of monetary compensation, to a person outside of a hospital or chiropractor's office, or in any other place not having proper and necessary medical facilities, that chiropractor is not liable for the death of such person, or damages alleged to have been sustained by such person by reason of an act or omission in the rendering of such first aid or emergency treatment, unless it is established that such injuries were, or such death was caused by, conduct on the part of such chiropractor that, if committed by a person of ordinary experience, learning and skill, would constitute negligence. 1999 (2nd Sess.), c. 4, s. 72.

Further exemption from liability

73 (1) No action for damages lies against the Peer Assessment Committee, the College, the Board, the Registrar, an officer or employee the Peer Assessment Committee or College or Board, an assessor, a member of a committee or subcommittee of the Peer Assessment Committee or the College or the Board, or a member of the Board or committee of the Board, or a member of the College

(a) for any act or failure to act, or any proceeding initiated or taken, in good faith under this Act, or in carrying out their duties or obligations as an officer, employee or member under this Act; or

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

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

(3) Without limiting the generality of subsection (2), no action for damages lies against a member or other person for disclosing any books, records, papers and other documents in their possession or control when done pursuant to this Act, including clause 46(9)(d). 1999 (2nd Sess.), c. 4, s. 73.

INCORPORATION

Professional corporation

74 Subject to this Act and the regulations, a professional corporation may engage in the practice of chiropractic and chiropractors may be employed by a professional corporation for the purpose of engaging in the practice of chiropractic. 1999 (2nd Sess.), c. 4, s. 74.

Shareholding in professional corporation

75 (1) A majority of the issued shares of a professional corporation shall be legally and beneficially owned by one or more chiropractors.

(2) A majority of the issued voting shares of a professional corporation shall be legally and beneficially owned by one or more chiropractors.

(3) Subject to subsection (1) and (2), the spouse or child of a chiropractor or any other person may own, beneficially or legally, shares of a professional corporation.

(4) Notwithstanding subsection (2), a person resident in Canada may hold legal title to issued shares of a professional corporation solely as trustee for the exclusive benefit of a chiropractor, or the spouse or child of a chiropractor, or a group of such individuals so long as no one other than a chiropractor, or the spouse or child of a chiropractor, acts as such a trustee without the written consent of the Registrar. 1999 (2nd Sess.), c. 4, s. 75.

Qualifications for directors and president

76 (1) A majority of the directors of a professional corporation shall be chiropractors.

(2) The president of a professional corporation shall be a chiropractor. 1999 (2nd Sess.), c. 4, s. 76.

Permit for professional corporation

77 A professional corporation shall not engage in the practice of chiropractic unless the professional corporation is issued a permit under this Act and is in compliance with this Act and the regulations. 1999 (2nd Sess.), c. 4, s. 77.

Restriction on professional corporations

78 (1) Notwithstanding anything contained in this Act, a professional corporation to which a permit is issued pursuant to this Section may practise chiropractic in its own name.

(2) Notwithstanding subsection (1), no professional corporation shall be registered as a chiropractor under this Act.

(3) The Registrar shall issue a permit to any professional corporation that fulfills the following conditions:

(a) files all required applications in the form prescribed by the regulations;

(b) pays all fees prescribed by the regulation;

(c) satisfies the Registrar that it is a professional corporation limited by shares that is in good standing with the Registrar of Joint Stock Companies under the *Companies Act* and the *Corporations Registration Act* and that it is a private company as defined by the *Securities Act*;

(d) satisfies the Registrar that the name of the professional corporation is not objectionable and is in accordance with the regulations;

(e) satisfies the Registrar that the requirements of Sections 75 and 76 have been met;

(f) satisfies the Registrar that the professional corporation holds such liability insurance as may be prescribed by the regulations;

(g) satisfies the Registrar that the persons who will carry on the practice of chiropractic for or on behalf of the professional corporation are chiropractors; and

(h) satisfies the Registrar that the professional corporation is in compliance with this Act and the regulations.

(4) A permit issued pursuant to subsection (3), or any renewal of a permit pursuant to subsection (5), expires on December 31st of the year for which it was issued or renewed.

(5) The Registrar may renew a permit upon such application and payment of such fee as may be required by the regulations where the Registrar

determines that the requirements of subsection (3) are satisfied by the professional corporation.

(6) A permit issued pursuant to subsection (3), or renewed pursuant to subsection (5), may be suspended or revoked at any time by the Registrar if a professional corporation fails to satisfy any of the requirements prescribed in subsection (3).

(7) The Board may, in its discretion, review a decision of the Registrar to suspend or revoke a permit pursuant to subsection (6)

(8) For the purpose of this Act, the practice of chiropractic shall not be carried on by or be deemed to be carried on by clerks, secretaries and other persons employed by the professional corporation to perform services that are not usually and ordinarily considered by law, custom and practice to be services that may be performed only by a chiropractor. 1999 (2nd Sess.), c. 4, s. 78.

Deemed revocation of permit

79 (1) Where a professional corporation practices chiropractic only through the services of one chiropractor and that chiropractor dies, retires, becomes incompetent or is no longer licensed pursuant to this Act, or is suspended under this Act, the permit of such professional corporation is deemed to be revoked and such professional corporation shall cease to practise chiropractic.

(2) Where a professional corporation practises chiropractic through the services of more than one chiropractor and such professional corporation ceases to fulfil any requirement prescribed in subsection 78(3) by reason of

- (a) the death of a chiropractor;
- (b) the incompetency of a chiropractor;
- (c) the revocation of the licence of a chiropractor pursuant to this Act;
- (d) the suspension of the licence of a chiropractor pursuant to this Act; or
- (e) the retirement from practice by a chiropractor,

such professional corporation shall forthwith notify the Registrar and shall fulfil the requirements in question within one hundred and twenty days from the date of death, incompetency, revocation, retirement or other removal or the suspension, as the case may be, of the chiropractor, failing which the permit is deemed to be revoked and such professional corporation shall cease to practise chiropractic effective upon the expiration of the one hundred and twenty day period.

(3) Where the permit of a professional corporation is deemed to be revoked under this Section and thereafter the professional corporation is able to demonstrate that it is in compliance with subsection 78(3), the professional corporation may apply to the Registrar to have its permit re-instated and the Registrar may,

in the Registrar's discretion, re-instate the permit subject to such conditions as the Registrar may direct. 1999 (2nd Sess.), c. 4, s. 79.

Notification of change in professional corporation

80 Where the shares of a professional corporation engaged in the practice of chiropractic are transferred or where there is a change in the shareholders, directors or officers of the professional corporation, or any change in the location where the professional corporation carries on business, the professional corporation shall, within fifteen calendar days, notify the Registrar of such change. 1999 (2nd Sess.), c. 4, s. 80.

Effect of relationship to corporation

81 The relationship of a chiropractor to a professional corporation whether as a shareholder, director, officer or employee, does not affect, modify or diminish the application of this Act and the regulations to the chiropractor. 1999 (2nd Sess.), c. 4, s. 81.

Liability and restriction on transfer

82 (1) All persons who carry on the practice of chiropractic by, through or on behalf of a professional corporation are liable in respect of acts or omissions done or omitted to be done by them in the course of the practice of chiropractic to the same extent and in the same manner as if such practice were carried on by them as an individual or a partnership, as the case may be, carrying on the practice of chiropractic.

(2) No owner of voting shares of a professional corporation shall pledge, hypothecate, enter into a voting trust, proxy or any other type of agreement vesting in any other person who is not a chiropractor the authority to exercise the voting rights attached to any or all of the owner's shares. 1999 (2nd Sess.), c. 4, s. 82.

Status of relationships

83 (1) Nothing contained in this Act affects, modifies or limits any law applicable to the confidential or ethical relationships between a chiropractor and a patient.

(2) The relationship between a professional corporation and a patient of the professional corporation is subject to all applicable laws relating to the confidential and ethical relationships between a chiropractor and a patient.

(3) All rights and obligations pertaining to communications made to or information received by a chiropractor apply to the shareholders, directors, officers and employees of a professional corporation. 1999 (2nd Sess.), c. 4, s. 83.

Compellable witnesses

84 All shareholders, directors, officers and employees of a professional corporation are compellable witnesses in any proceedings under this Act. 1999 (2nd Sess.), c. 4, s. 84.

Certificate as evidence

85 A certificate purporting to be signed by the Registrar stating that a named professional corporation was or was not, on a specified day or during a specified period, a professional corporation entitled to practise chiropractic according to the records of the Registrar, shall be admitted in evidence as *prima facie* proof of the facts stated therein without proof of the Registrar's appointment or signature. 1999 (2nd Sess.), c. 4, s. 85.

Liability of directors and officers

86 Where a professional corporation commits an offence contrary to this Act or the regulations, every person who, at the time of the commission of the offence, was a director or officer of the corporation is guilty of the same offence and subject to the same penalties unless the act or omission constituting the offence took place without the person's knowledge or consent or the person exercised all due diligence to prevent the commission of the offence. 1999 (2nd Sess.), c. 4, s. 86.

Offences and penalties

87 (1) Every person who contravenes Sections 74 to 86 or the associated regulations is guilty of an offence and liable, on summary conviction, for a first offence to a fine not exceeding five hundred dollars and for a second or any subsequent offence to a fine not exceeding one thousand dollars.

(2) Where a professional corporation is convicted of an offence contrary to Sections 74 to 86 or the associated regulations, the permit of the corporation is suspended in default of paying any fine ordered to be paid until such time as the fine is paid.

(3) Where a professional corporation is convicted of a second or subsequent offence, the permit of the corporation may be revoked. 1999 (2nd Sess.), c. 4, s. 87.

Publication of decision

88 (1) Subject to any publication bans, the College shall publish a hearing committee's decision or summary of the decision in its annual report and may publish the decision or summary in any other publication.

(2) Where the registration or licence of a member has been revoked or suspended or where conditions, limitations or restrictions are imposed on the licence of a member, the College shall place a notice in such publications as it deems necessary in order to inform the public. 1999 (2nd Sess.), c. 4, s. 88.

PART II

Council of the College

89 (1) There shall be a Council of the College composed of

(a) the President, the Vice-president, the Treasurer, the Secretary and two members-at-large elected at the annual meeting of the College in the manner provided by this Act;

(b) the immediate past President of the Council; and

(c) a member of the Board, other than the Chair of the Board, chosen by the Board who shall sit as a non-voting member of the Council.

(2) Notwithstanding subsection (1), the persons who, on the coming into force of this Act, are the officers of the Association constitute the Council until the election or appointment of members pursuant to subsection (1).

(3) Members of the Council shall be elected or appointed to office for a term of two years.

(4) Elected members of the Council shall not be members of the Council for more than four consecutive terms.

(5) In subsection (4), “consecutive” means that twelve months or less occurred between the end of one term and the commencement of the next term. 1999 (2nd Sess.), c. 4, s. 89.

Objects of Council

90 The objects of the Council are to

(a) promote and improve proficiency of chiropractors in all matters relating to the practice of chiropractic;

(b) maintain the integrity and honour of the chiropractic profession;

(c) improve chiropractic service, however rendered; and

(d) perform such other lawful things as are incidental or conducive to chiropractic. 1999 (2nd Sess.), c. 4, s. 90.

Election of Council

91 (1) The elections required to establish the first Council shall be held no later than six months after the coming into force of this Act.

(2) Only members of the College who practice chiropractic in the Province are eligible to vote in an election for members of the Council.

(3) Every member in good standing who is not a member of the Board is eligible to be nominated as and vote for a candidate for membership on the Council.

(4) The Council may make by-laws governing elections of members of the Council and those by-laws may

(a) provide for the procedure for the nomination of candidates;

(b) provide for the appointment or designation of presiding officers for the election;

(c) prescribe the forms to be used;

(d) prescribe the procedure to be used for the holding of the elections and for determining the persons elected as members of the Council.

(5) Members of the Council shall be elected by secret ballot. 1999 (2nd Sess.), c. 4, s. 91.

Meeting of Council

92 (1) The Council shall meet twice yearly, except as required by a special meeting, at a time and place to be determined by the Council and shall report annually to the College at the time of the annual meeting of the College.

(2) The Council may call additional meetings of the College to consider matters relating to the objects of the Council. 1999 (2nd Sess.), c. 4, s. 92.

Power of Council to make by-laws

93 (1) The Council may make by-laws consistent with this Act that are necessary or desirable for the attainment of its objects or for the proper implementation of its powers.

(2) A by-law or an amendment or revocation of a by-law may be made by the Council if

(a) notice of the by-law, amendment or revocation is given in writing, at least one month prior to the vote, to every member eligible to vote; and

(b) it is in compliance with the procedures prescribed in the by-laws. 1999 (2nd Sess.), c. 4, s. 93.

PART III - GENERAL

Regulations Act

94 All regulations made pursuant to this Act, with the exception of those regulations made pursuant to subsection 6(2), are regulations within the meaning of the *Regulations Act*. 1999 (2nd Sess.), c. 4, s. 94.

Treatment of complaint under former Act

95 (1) For greater certainty,

(a) a complaint made pursuant to the former Act shall continue to be proceeded with in accordance with this Act as nearly as circumstances permit; and

(b) in respect of that complaint, an investigative committee appointed pursuant to the former Act and its regulations and by-laws is deemed to be an investigation committee appointed pursuant to this Act.

(2) Nothing in subsection (1) precludes a complaint made pursuant to the former Act being investigated by an investigation committee appointed pursuant to this Act and, in such case, an investigative committee appointed pursuant to the former Act ceases to have any jurisdiction respecting that complaint. 1999 (2nd Sess.), c. 4, s. 95.

Matters pending under former Act

96 (1) Upon the coming into force of this Act, any matter pending before the Discipline Committee pursuant to the former Act shall, where not set down for a hearing to commence within sixty days of the coming into force of this Act, be transferred to a hearing committee appointed pursuant to this Act for hearing and determination, but otherwise shall be heard and determined by the Discipline Committee pursuant to the former Act.

(2) Notwithstanding subsection (1), the parties may agree that a matter pending be transferred to a hearing committee appointed pursuant to this Act.

(3) The Discipline Committee pursuant to the former Act shall be continued until all matters pending before it at the coming into force of this Act and not transferred to a hearing committee appointed pursuant to this Act have been finally decided. 1999 (2nd Sess.), c. 4, s. 96.

Repeal

97 The former Act is repealed. 1999 (2nd Sess.), c. 4, s. 97.

Proclamation

98 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 1999 (2nd Sess.), c. 4, s. 98.

Proclaimed	-	June 16, 2000
In force	-	June 16, 2000
