

# **Doctors Nova Scotia Act**

CHAPTER 12 OF THE ACTS OF 1995-96

*as amended by*

2012, c. 26



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CHAPTER 12 OF THE ACTS OF 1995-96  
amended 2012, c. 26

**An Act Respecting Doctors Nova Scotia**

title amended 2012, c. 26, s. 1.

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**Short title**

**1** This Act may be cited as the *Doctors Nova Scotia Act*. 1995-96, c. 12, s. 1; 2012, c. 26, s. 2.

**“Society” defined**

**2** In this Act, “Society” means Doctors Nova Scotia. 1995-96, c. 12, s. 2; 2012, c. 26, s. 3.

**Continuation of existing body**

**3** The Medical Society of Nova Scotia constituted by Chapter 69 of the Acts of 1861, *An Act to incorporate the Medical Society of Nova Scotia*, is hereby continued as a body corporate under the name Doctors Nova Scotia. 1995-96, c. 12, s. 3; 2012, c. 26, s. 4.

**Perpetual succession and seal**

**4** The Society 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 or be sued. 1995-96, c. 12, s. 4.

**Objects**

- 5 The objects of the Society are
- (a) the promotion of health and the prevention of disease;
  - (b) the improvement of medical service, however rendered;
  - (c) the maintenance of the integrity and honour of the medical profession;
  - (d) the performance of such other lawful things as are incidental or conducive to the welfare of the public and the medical and allied professions;
  - (e) the promotion of harmony and unity of purpose between the medical profession and the various bodies assuming responsibility for the care of the sick or injured persons; and
  - (f) to represent, act on behalf of and to enter into agreements for and on behalf of its members. 1995-96, c. 12, s. 5.

**Powers**

- 6 In addition to any other power conferred by this or any other Act, the Society may do such things as it considers appropriate to advance the objects of the Society and, without limiting the generality of the foregoing,
- (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 the Society may, from time to time, deem expedient;
  - (d) expend the monies of the Society in the advancement of its objects and the interests of the medical profession in such manner as the Society may deem expedient;
  - (e) establish and maintain such offices and agencies as the Society may deem expedient;
  - (f) invest and deal with any monies and funds of the Society that are not immediately required, in such a manner as the Society may deem expedient;
  - (g) improve, manage, develop, exchange, dispose of, turn to account or otherwise deal with the real or personal property of the Society;
  - (h) borrow money for the use of the Society on its credit, limit or increase the amount to be borrowed, issue bonds, debentures, debenture stock and other securities on the credit of the Society and pledge or sell such

securities for such sums or at such prices as the Society may deem expedient;

- (i) fix and collect fees payable to it by its members;
- (j) publish or promote the publications of journals, newsletters, reports, brochures or other papers relative to its interests;
- (k) act as agent within the Province for the Canadian Medical Association or other associations representing medical practitioners, and collect and remit fees levied by such an association;
- (l) receive gifts and bequests from any person and may make gifts to promote its interests;
- (m) act on behalf of any and all of its members;
- (n) do such things as are incidental or necessary to exercise the foregoing powers. 1995-96, c. 12, s. 6.

#### **Certain agreements binding on members**

**7 (1)** The Society may enter into agreements with Her Majesty in right of the Province that bind its members and for that purpose is constituted the sole bargaining agent for any and all duly qualified medical practitioners and, without limiting the generality of the foregoing, the Society may enter agreements with respect to

- (a) the tariff of fees, other systems of payment and the management of the delivery of medical services;
- (b) the availability, supply and distribution of medical practitioners in the Province or any part thereof;
- (c) remuneration for non-clinical management services provided by physicians;
- (d) physician resource-management issues including, but not limited to, billing number issuance, restriction and revocation and other physician resource-management issues;
- (e) provincial standards for measuring and providing quality care including evaluation and performance measures;
- (f) management mechanisms including, but not limited to, the development of integrated information systems, peer review, clinical practice guidelines and evaluation;
- (g) any other matter that may be agreed between the Society and the Minister of Health or the Minister's agents.

**(2)** For greater certainty,

- (a) nothing in this Section requires Her Majesty in right of the Province to enter into any agreement with the Society; and

(b) this Section does not apply with respect to duly qualified medical practitioners who are employed by the Department of Health, including medical officers of health, medical consultants and advisers to the Department. 1995-96, c. 12, s. 7.

### **Membership**

**8 (1)** A person, who is a medical practitioner as defined by the *Medical Act*, or such other person who may be admitted by the Society, shall be a member of the Society and have full voting rights and benefits therein upon payment of the prescribed fees.

**(2)** Subject to the by-laws, the Society may admit persons to different classes of membership in the Society.

**(3)** The Society may withdraw, suspend, withhold or terminate any right, privilege or benefit to which a member of the Society is entitled, including the right to receive any payment owed by the Society to the member, if the member fails to pay the prescribed fees, until all such fees are paid by the member to the Society. 1995-96, c. 12, s. 8; 2012, c. 26, s. 5.

### **Existing agreement**

**9** The Agreement of May 29, 1992, and the Agreement of March 13, 1995, between the Society and Her Majesty in right of the Province are ratified, confirmed and deemed to have been executed under the authority granted pursuant to this Act. 1995-96, c. 12, s. 9.

### **Board of Directors**

**10 (1)** There shall be a Board of Directors to be elected from Society members who shall, subject to this Act, govern, control and administer the affairs of the Society.

**(2)** The persons who at the coming into effect of this Act are the officers and directors of the Society shall continue to hold office until new officers and directors are elected under this Act. 1995-96, c. 12, s. 10.

### **Annual general meeting**

**11** There shall be an annual general meeting of the Society at such time and place as the Board of Directors may determine. 1995-96, c. 12, s. 11.

### **By-laws**

**12 (1)** The Society 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 Society where

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

(b) the procedures prescribed in by-laws are complied with. 1995-96, c. 12, s. 12.

**Immunity from liability**

13 No action for damages lies against the Society, an officer or employee of the Society, or a member of the Board of Directors or a committee appointed by the Board for

(a) any act or proceedings taken or entered into in good faith under this Act; or

(b) any order made or enforced in good faith under this Act. 1995-96, c. 12, s. 13.

**Repeal of former Act**

14 **Chapter 69 is repealed.** 1995-96, c. 12, s. 14.

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