

College of Occupational Therapists of Nova Scotia

General Regulations

made under Section 6 of the
Occupational Therapists Act
S.N.S. 1998, c. 21

May 19, 1999, revised May 13, 2013

1 These regulations may be cited as the College of Occupational Therapists of Nova Scotia General Regulations (the “General Regulations”).

Definitions

2 In these regulations

- (a) “Act” means An Act Respecting the Practice of Occupational Therapy;
- (b) “Board” means the Board of the College;
- (c) “College” means the College of Occupational Therapists of Nova Scotia;
- (d) “Credentials Committee” has the same meaning as defined in the *Act*;
- (e) “Permit” means a permit issued and in force pursuant to the *Act* permitting a corporation to engage in the practice of occupational therapy;
- (f) “Occupational Therapist” means an occupational therapist as defined in the *Act*;
- (g) “prescribed” means prescribed by these regulations;
- (h) “professional corporation” means a corporation issued a permit pursuant to the *Act*;
- (i) “Registrar” means the Registrar as defined in the *Act*.

Annual Meeting

3 (1) The Annual Meeting of the College shall be held within three months of the beginning of the fiscal year at such time and place as is determined by the Executive Committee.

(2) The Secretary of the Board, or his/her designate shall give notice of the time and place of the Annual Meeting to the members of the College at least 30 days before the Meeting.

Responsibilities of the Board

4 The Board shall govern the affairs of the College as required by the *Act* and these regulations. Without limiting the generality of the foregoing, the Board shall:

- (a) develop and maintain the mission, objectives and strategic plan of the College;
- (b) ensure that rules, regulations and policies are established to provide for the management of the day-to-day processes of the College, ensure accountability to the Board, and prescribe the general framework within which the Registrar and staff will function in the best interests of the College in a manner consistent with these regulations;.
- (c) provide for the administration of the College through the appointment of a Registrar to act as a Chief Administrative Officer, reporting to the Board of the College;
- (d) ensure that the Registers of the College are maintained by the Registrar;
- (e) elect officers from members of the Board pursuant to Section 15 of the *Act*;
- (f) grant registration and licensure in accordance with the *Act* and the Regulations and provide for the discipline of members;
- (g) provide for a program to ensure adequate financial support for the College;
- (h) review, and as necessary make, revoke or amend these regulations on a regular basis;
- (i) promote and support any educational and research functions endorsed by the College;
- (j) appoint such standing and special committees as is deemed necessary from time to time, in addition to the committees required by legislation;
- (k) annually recommend the appointment of an auditor in accordance with the *Act* and the Regulations;
- (l) carry on corporate functions in accordance with the *Act*; and,
- (m) perform all acts and functions not inconsistent with the *Act* or these Regulations.

Officers of the Board

5 The Chair of the Board shall:

- (a) preside at all meetings of the Board;

(b) report to each annual meeting of the College concerning the operations of the College and report to the Board at each meeting of the Board;

(c) be an ex-office member of all Committees appointed by the Board; and,

(d) perform such other duties as may from time to time be determined by the Board.

6 The Vice-Chair shall assist the Chair and shall have all the powers and perform all the duties of the Chair in the absence or disability of the Chair, together with such other duties as may from time to time be assigned by the Board.

7 The Secretary shall:

(a) ensure that minutes and attendance are taken of all meetings of the Board and all meetings of Committees of the Board;

(b) ensure that all correspondence to or from the Board is attended to in accordance with the Board's directions;

(c) ensure that all minutes, records and documents of the Board and all Committees of the Board are maintained;

(d) give such notice as required in these Regulations of meetings of the Board and the Annual Meeting of the College; and

(e) perform such other duties as ordinarily pertain to the office and as the Board may direct.

8 The Treasurer shall:

(a) ensure that licensure fees, renewals and fines are collected;

(b) oversee the management of the accounts for the College;

(c) oversee the disbursements of funds of the College;

(d) ensure that an annual budget is prepared and presented to the College;

(e) ensure that periodic financial statements are prepared and presented to the Board or the Executive Committee;

(f) ensure that a fiscal income statement, balance sheet and statement of retained earnings for the last fiscal year are prepared, audited and presented at the Annual General Meeting; and,

(g) perform such other duties as ordinarily pertain to the office and as the Board may direct.

Removal of Board Members

9 For the purposes of Section 14(b) of the *Act*, a member of the Board ceases to be a member in good standing of the College,

- (a) where the licence and/or registration of that person is suspended or revoked;
- (b) where the person is convicted of an offence pursuant to the *Criminal Code (Canada)* or the *Narcotics Control Act (Canada)*;
- (c) where the person fails to demonstrate good moral character; or
- (d) where a person breaches confidentiality with respect to the confidential affairs of the Board;
and

in that event the person may be removed from the Board by a simple majority vote of the remaining members of the Board present for the vote, subject to the requirements for a quorum.

Procedure for Meetings

10 Regular meetings of the Board shall be held at least three (3) times in each calendar year at a time and place to be determined by the Chair.

11 Notice and the Agenda of any regular meeting of the Board shall be given in writing not less than five (5) business days prior to the meeting to each member of the Board.

12 Emergency meetings of the Board may be called by the Chair by giving notice by telephone to all members of the Board at least 24 hours in advance of the meeting.

13 The Secretary shall call a special meeting of the Board when the Chair has received notice in writing from at least four (4) of the members of the Board requesting a special meeting. Notice of the special meeting shall specify the purpose of the meeting, may be given by telephone or in writing, and shall be given at least 48 hours in advance of the meeting.

14 At any emergency or special meeting of the Board, no business shall be transacted other than that referred to in the Notice of the meeting.

15 The Board may call for meetings or portions of a meeting to be held in camera in its discretion.

16 (1) Subject to subsection (2) and unless otherwise provided for in the regulations, fifty percent (50%) of the Board or a committee of the Board established under the regulations shall constitute a quorum.

(2) Ten percent (10%) of the members of the College shall constitute a quorum for the Annual General Meeting of the College.

(3) Unless the regulations provide otherwise, at every meeting of the College, each question shall be decided by a simply majority of votes.

17 No meeting of the Board or any Board committee shall be valid where notice was not given according to these regulations, except where all persons not receiving such notice and in the form required by these regulations waive the necessity of such notice.

18 Minutes shall be kept of formally constituted meetings of the Board and committees of the Board, in accordance with the practice of the Board, recognizing that Minutes shall not be required of informal discussions of members of the Board. Minutes shall be circulated among all persons entitled to attend such meetings within a reasonable time following the conclusion of such meetings.

19 Questions arising at any meeting of the Board, or at any meeting of any committee of the Board, shall be decided by a majority of votes of those persons in attendance entitled to vote unless otherwise provided for in these regulations. In the case of an equality of votes, the Chair of the meeting, who ordinarily shall have no vote, shall cast the deciding vote.

20 (1) Except for votes involving an election or appointment or where a majority of the members of the Board or of a committee of the Board present at a meeting agree, all votes at any meeting of the Board, or at any meeting of any committee of the Board, shall be taken by oral assent or dissent.

(2) Subject to Section 46, voting at an Annual General Meeting or a special meeting of the College shall be by a show of hands unless any member of the College requests that the vote be by ballot.

(3) Each member of the College in attendance at the Annual General Meeting or a special meeting of the Colleges is entitled to one vote. Only members of the College in good standing are entitled to vote.

21 Any question concerning procedure at any meeting of the Board or committee of the Board, which has not been provided for in these Regulations, shall be determined by the Chair of the meeting in accordance with *Perry's Call to Order*.

Committees

22 Subject to Section 25, the Board may appoint members of the Board to serve on standing committees of the Board and such other special committees as may be established in accordance with these regulations at the Annual General Meeting of the College or at the first regular meeting of the Board in each year.

23 Standing Committees may include, but are not limited to, the Executive Committee, Investigation Committees, Hearing Committees, the Peer Assessment Committee, the Credentials Committee, the Practice Committee and the Nominations Committee.

24 The Board may at any time create any standing or special committee of the Board, appoint its members and name the Chair and Vice-Chair of that committee.

25 (a) Persons other than members of the Board shall be eligible to serve as members of any committee established by the Board.

(b) In order for a member of the College to be eligible to serve on a committee established by the Board, the member shall be a member in good standing of the College.

26 Except as where otherwise provided by resolution of the Board, members of standing or special committees shall serve for a renewable term as determined in the terms of reference for that committee.

27 The Board shall approve terms of reference for any standing or special committee it appoints.

28 A committee shall meet at the call of the chair of that committee or of any two members of that committee or at the direction of the Chair of the Board.

29 The Board may, by resolution, dissolve any standing or special committee at any time.

Executive Committee

30 The Executive Committee shall:

(a) unless provided otherwise by resolution of the Board, consist of the Chair of the Board, the Vice-Chair of the Board, the Treasurer of the Board, and the Secretary of the Board;

(b) be chaired by the Chair of the Board;

(c) subject to the *Act* and these Regulations, perform those duties and functions described in the terms of reference for the Executive Committee as established by the Board from time to time;

(d) carry out such other functions as directed by the Board; and

(e) meet as required.

Nominations Committee

31 The Board may appoint a Nominations Committee composed of such persons as the Board may select, except that any Nominations Committee appointed by the Board shall be composed of at least one member of the Board and one member of the College.

Expenses

32 Members of the Board and committees of the Board shall be reimbursed those reasonable expenses incurred in the performance of their duties in accordance with the policies of the Board.

The Registrar

33 Pursuant to Section 15(3) of the *Act*, for the purpose of appointing a Registrar, an occupational therapist is a person who holds a degree or diploma in occupational therapy approved by the Board.

34 The Registrar shall be responsible to the Board for the planning and implementation of all aspects of the management and operation of the College and shall be the Officer responsible for carrying out such policies and directives as may from time to time be established by the Board.

35 The Registrar shall have and may exercise such power and authority as is conferred upon that position by the *Act*, by these Regulations and by any rules, directives or resolutions of the Board.

36 Without limiting the generality of Section 35, the Registrar shall:

- (a) unless excused by the Board, attend meetings of the Board;
- (b) unless these Regulations or a resolution of the Board provides otherwise, be an ex-officio member, without a vote, of all committees of the Board and of all standing and special Committees of the Board;
- (c) subject to the authority of the Board, be responsible for the selection, employment, control, discipline, suspension and discharge of all employees;
- (d) exercise those powers of discipline as set out in the *Act* and the Regulations;
- (e) maintain the Registers of the College; and,
- (f) perform such other duties as directed from time to time by the Board.

Seal of the College

37 There shall be a seal of the College which shall be maintained by the Secretary of the Board or the Registrar.

Execution of Contracts

38 The Board shall designate the person(s) authorized to execute contracts, agreements and documents, whether in the general or the particular, and subject to such restrictions and limitations as the Board may require.

Registers

39 In addition to the requirements of Section 18(1) and 19(2) of the *Act*, each register maintained by the College shall include the practicing status of the occupational therapist, the type of registration he or she has been granted, the effective dates of such registration and the existence of any conditions or restrictions on his or her ability to practice.

Code of Ethics

40 Unless otherwise determined by resolution of the College at an Annual General or special meeting, the Code of Ethics of the College shall be those approved by the Board.

Vacancy

41 The Board shall notify the Governor-in-Council of any vacancy relating to any position appointed by Governor-in-Council pursuant to the *Act*.

42 Elections may be held at the Annual General Meeting of the Board or at such other times as is necessary to fill vacancies.

Elections

43 (1) The Nominations Committee shall receive nominations for election to the Board which shall be supported by an application in the form approved by the Board and two written recommendations prior to the Annual General Meeting of the College.

(2) The Nominations Committee may receive nominations from the floor at the Annual General Meeting of the College.

(3) Nominations shall be called for from the floor three times for each position before nominations are closed.

(4) This section applies *mutatis mutandis* to elections conducted other than at the Annual General Meeting of the College.

44 The Board may appoint such person or persons to act as presiding officers for the election.

45 Nomination forms, ballots, and such other forms as may be required to conduct elections shall be those approved by the Board from time to time.

46 A separate vote by ballot shall be conducted for each vacancy on the Board.

47 The presiding officer(s) appointed by the Board shall designate two members of the College present at the election to act as scrutineers and to count the ballots.

Amendments

48 Regulations pursuant to Section 6(2) of the *Act* may be made, revoked or amended with the approval of a two-thirds majority of the members of the Board present at a special meeting of the Board called for the purpose of considering any amendment.

49 Proposed regulations or amendments pursuant to Section 6(3) of the *Act* shall be tabled for discussion at an Annual General or special meeting of the College. Any such proposed regulations or amendments shall not be submitted to the Governor-in-Council for approval unless the proposed regulation or amendment has been approved by the Board.

50 Each member of the Board shall be given 15 days notice, in writing, of any regular or special meeting called for the purpose of considering any amendments to the regulations.

51 Any member of the College may make a proposal to the Board that a regulation be made, revoked or amended; however, no regulation made pursuant to Section 6(3) of the *Act* may be tabled for discussion at an Annual General or special meeting of the College without the prior consent of the Executive Committee.