

# **[Insert Name of Regulator of Occupational Therapy in and for Nova Scotia]**

## **By-Laws**

**Property of:**

[Insert Name of Regulator of Occupational Therapy in and for Nova Scotia]

202-1597 Bedford Hwy

Bedford, NS, B4A 1E7

Board Approved:

Implemented:

Revised:

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## 1. DEFINITIONS

1.1 All words used in these by-laws that are not otherwise defined in the by-laws have the same meaning as set out in the Act or regulations.

1.2 In these by-laws, unless the context requires:

“additional practice competency” means an advanced practice that

1.2.1 has been identified by the Board as necessitating additional education, training or other requirements beyond those identified in practice standards, and

1.2.2 requires approval of the Registrar before a registrant may engage in the advanced practice;

“advanced practice” means a professional activity, procedure, or service identified by the Board as requiring competencies beyond entry to practice competencies;

“Board,” when used in these by-laws includes the Initial Board and Subsequent Boards, unless the Initial Board or Subsequent Board is specifically identified;

“Board Code of Conduct” means the Code approved by the Board governing the conduct of Board members;

“Board Composition Matrix” means the list of competencies, qualities and other criteria approved by the Board to describe the collective desired composition of the Board;

“Chair” means the Chair of the initial Board or the Chair of a subsequent Board, as the context requires;

“employee” means an individual employed on a full or part-time basis by the Regulator, but does not include an independent contractor, consultant or facilitator who otherwise provides services to the Regulator;

"good standing" for purposes of appointment as a registrant Board member, means the status of a registrant who:

holds a practising licence or a conditional licence, unless there is a condition on the licence restricting the registrant from eligibility to serve on the Board;

is current in their continuing competence requirements;

does not owe any outstanding fees or costs to the Regulator; and

is not subject to any licensing sanction or ongoing regulatory process that in the opinion of the Board, impacts their ability to ethically and competently serve as a member of the Board, or would otherwise be contrary to the objects of the Regulator;

“Initial Board” means the Board of the Regulator continued from the legacy Board following the date of repeal of the *Occupational Therapists Act*;

“Legacy Board” means the Board of the College of Occupational Therapists of Nova Scotia in existence immediately prior to the repeal of the *Occupational Therapists Act*.

“Meeting Rules” means such rules approved by the Board that govern the conduct of Board meetings that are not inconsistent with these By-laws;

"officer" or "officers" mean respectively, any 1 or more of the Chair, Vice-Chair, Treasurer or Secretary;

“*Occupational Therapy Regulations*” means the Occupational Therapy Regulations approved by Order in Council under the authority of the Act;

“regulations” include the *Regulated Health Professions General Regulations* and the *Occupational Therapy Regulations*;

“Subsequent Board” includes each Board appointed after the expiry of the term of the Initial Board.

## **2. CORPORATE SEAL**

2.1 The seal of the Regulator shall have the words “[Insert Name of Regulator of Occupational Therapy in and for Nova Scotia]” endorsed thereon.

## **3. HEAD OFFICE**

3.1 The head office of the Regulator shall be maintained within the province of Nova Scotia and located as to reasonably carry on the business of the Regulator.

## **4. FORMS**

4.1 Any forms required pursuant to the Act, regulations or by-laws shall be as approved by the Registrar.

## **5. NOTICES**

5.1 All notices or materials that are required to be issued pursuant to the Act, regulations or by-laws that are not otherwise required by the Act, regulations or by-laws to be served in a specified manner, shall be deemed to be issued on the date such notices or materials are sent by the most appropriate method, as determined by the Registrar; to include mail, courier, electronic communication or any other form of issuance.

## **6. INITIAL BOARD**

6.1 The Initial Board shall consist of the members of the Legacy Board.

6.2 Subject to Sub-Article 6.8, the term of all members of the initial Board, and the term of the Initial Board, shall be no more than 12 months after the coming into force of the

*Occupational Therapy Regulations*, or such earlier time as may be determined by the Initial Board.

- 6.3 The officers of the Initial Board are the Chair, Vice-Chair, Treasurer, and Secretary who occupied those positions in the Legacy Board.
- 6.4 The Chair of the Initial Board shall be the same person as the Chair of the Legacy Board.
- 6.5 The Vice-Chair of the Initial Board shall be the same person as the Vice-Chair of the Legacy Board.
- 6.6 The quorum for the Initial Board is a majority of its members, which must include at least one public representative.
- 6.7 Where a vacancy occurs due to the resignation, removal or otherwise of a registrant member of the Initial Board who is not an officer, prior to the expiration of the term of the Initial Board, that vacancy may be filled with a registrant in good standing appointed by the Initial Board.
- 6.8 A registrant appointed by the Initial Board to fill a vacant position of a registrant member on the Initial Board pursuant to Sub-Article 6.7 shall serve for the duration of the Initial Board's term.
- 6.9 Where a vacancy occurs due to the resignation, removal or otherwise of the Chair of the Initial Board, the Vice-Chair shall assume the role of Chair for the duration of the Initial Board's term.
- 6.10 Where a vacancy occurs due to the resignation, removal or otherwise of the Vice-Chair of the Initial Board, that vacancy may be filled by the Initial Board with a member from amongst their number for the duration of the Initial Board, in such manner as determined by the Initial Board.
- 6.11 The Initial Board shall develop and approve the Board Composition Matrix for the Subsequent Board prior to the expiry of the term of the Initial Board.

## **7. BOARD MEETINGS**

- 7.1 The Chair of the Board shall call general meetings of the Board, with no less than 4 general meetings in a fiscal year.
- 7.2 The Registrar shall ensure notice of the Board meetings is given to Board members at least 14 days in advance of the meeting, stating the time and whether the meeting is in-person, virtual, or hybrid.
- 7.3 The Chair of the Board may call a special Board meeting at any time required by the Chair or upon the written request of one-third of Board members indicating the subject(s) to be considered.
- 7.4 At least 3 days prior to a special Board meeting, notice shall be issued to each Board member. The notice shall state the purpose of the meeting. No matter shall be discussed at any special Board meeting apart from that specified in the Notice.

- 7.5 Meetings may be conducted by such electronic means as determined by the Board.
- 7.6 Notice of and voting at Board meetings may take place by such electronic means as determined by the Board.
- 7.7 Accidental omission to deliver notice of meetings does not invalidate proceedings at the meeting.
- 7.8 Notice requirements for meetings may be waived by unanimous vote of those participating in the meeting.
- 7.9 Board meetings will be conducted in accordance with these By-laws and any Meeting Rules approved by the Board.
- 7.10 Where not inconsistent with the By-laws or Meeting Rules, the Chair may make procedural rulings or determinations on any matter relevant to the meeting.

## **8. REMOVAL OF MEMBERS OF BOARD AND OFFICERS**

- 8.1 Notwithstanding any other provisions of the By-laws, the Board may, by a two-thirds majority vote of the Board participating at a special meeting called for the purpose, remove any registrant Board member or officer before the expiration of their term of office, where the Board believes it is consistent with the objects of the Regulator to do so.
- 8.2 Circumstances where the Board may believe it consistent with the objects of the Regulator to remove a registrant Board member or officer include, but are not limited to:
  - 8.2.1 failing to attend 3 consecutive Board meetings, without sufficient cause accepted by the Board; and
  - 8.2.2 acting contrary to the Board's Code of Conduct.
- 8.3 A decision of the Board under this Article is final.

## **9. COMPOSITION OF SUBSEQUENT BOARDS**

- 9.1 Each Subsequent Board following the expiry of the term of the Initial Board shall consist of 7 persons, including:
  - 9.1.1 4 registrant members; and
  - 9.1.2 3 public representatives.
- 9.2 The officers of each Subsequent Board are the Chair and the Vice-Chair, Treasurer and Secretary.
- 9.3 The quorum for Subsequent Boards is a majority of its members, which must include at least one public representative.
- 9.4 Registrant Board members of Subsequent Boards shall be appointed in accordance with a process to be set out in By-laws to be approved by the Initial Board prior to the expiry of its term.

9.5 Officers of Subsequent Boards shall be appointed in accordance with a process to be set out in By-laws to be approved by the Initial Board prior to the expiry of its term.

## **10. CHAIR**

10.1 The Chair shall:

10.1.1 unless otherwise delegated, preside at all meetings of the Board;

10.1.2 act as the official spokesperson for the Board, unless this function is otherwise delegated;

10.1.3 perform all acts related to the office; and

10.1.4 perform such other functions as identified in a policy approved by the Board.

10.2 The Chair shall not vote at any meeting of the Board, except in the case of a tie, where the Chair shall cast the deciding vote.

## **11. VICE-CHAIR**

11.1 The Vice-Chair shall:

11.1.1 perform the duties of the Chair in the absence of the Chair; and

11.1.2 perform other duties as identified in a policy approved by the Board.

## **12. TREASURER**

12.1 The Treasurer shall perform the duties as identified in a policy approved by the Board.

## **13. SECRETARY**

13.1 The Secretary shall perform the duties as identified in a policy approved by the Board.

## **14. CURRENCY OF PRACTICE REQUIREMENTS**

14.1 An applicant for a licence must provide satisfactory proof to the registration and licensing decision maker that the applicant meets at least one of the following currency of practice requirements, unless exempted from these requirements in accordance with a policy approved by the Board:

14.1.1 current licensure in an equivalent category of licence in another Canadian jurisdiction;

14.1.2 engaged in practice for a minimum of 600 hours in the 3 year period prior to application for a licence or renewal of a licence;

14.1.3 Graduated from an approved education program within the previous 18 months prior to applying to the Regulator for a licence or renewal of a licence;

- 14.1.4 successfully completed a competence assessment and/or bridging education within the previous 18 months prior to applying to the Regulator for a licence or renewal of a licence.
- 14.2 In addition to the criteria in Sub-Article 14.1, before changing to a clinical area of practice after an absence of 3 years or longer from clinical practice, a person must notify the Registrar in writing of their intention to change between a non-clinical area of practice and a clinical area of practice, and satisfy the Registrar they have the competence to practise in the clinical area of practice.
- 14.3 A person who disagrees with the Registrar's decision under Sub-Article 14.2 may, no later than 15 business days after the date of the Registrar's decision, request the decision be reviewed by the Registration and Licensing Review Committee, and the procedure set out in sections 51-58 of the Act shall be followed as nearly as possible with necessary adaptation.

## **15. LICENSING AND RENEWAL CRITERIA**

- 15.1 If proof of registration or licensing criteria was not submitted at the time of application for registration, licensing or renewal, a registration and licensing decision maker may request the registrant submit proof that they meet the criteria for registration, licensing or renewal, upon applying for a licence or renewal.

## **16. TRANSCRIPTS**

- 16.1 A registrant who requests that a transcript be made of a regulatory process is responsible for paying the full cost of the transcript.

## **17. FINES AND PENALTIES**

- 17.1 The fine that may be imposed for the reinstatement of a suspended licence in accordance with section 154 of the Act shall be the equivalent of double the annual licensing fee.
- 17.2 The fine that may be imposed by the Registrar under section 155 of the Act for a registrant who has practised without a licence shall be the equivalent of double the annual licensing fee for each month, or a portion thereof, the registrant practised without a licence.

## **18. CODE OF ETHICS**

- 18.1 The Code of the Ethics approved under the Act is the Code approved by the existing regulator prior to the establishment of the [Insert Name of Regulator of Occupational Therapy in and for Nova Scotia].

## **19. STANDARDS OF PRACTICE**

- 19.1 The Standards of Practice approved under the Act are those approved by the existing regulator prior to the establishment of the [Insert Name of Regulator of Occupational Therapy in and for Nova Scotia] under the Act.

## **20. COMPETENCIES**

- 20.1 The Competencies approved under the Act are those approved by the existing regulator prior to the establishment of the [Insert Name of Regulator of Occupational Therapy in and for Nova Scotia] under the Act.

## **21. SALE OF APPLIANCES**

- 21.1 A registrant may only sell or promote the sale of equipment or any appliance, including any splint or other assistive or supportive device, to a client for profit, if done in accordance with the standards of practice.

## **22. CORPORATIONS**

- 22.1 In Articles 22 to 44:

“permit” means a permit issued and in force pursuant to these bylaws that authorizes one or more registrants to engage in the practice of occupational therapy as a professional corporation;

“professional corporation” means the corporate structure through or on behalf of which one or more registrants engage in practice;

## **23. REQUIREMENT FOR PERMIT**

- 23.1 Subject to Sub-Article 23.2, no registrant may engage in practice as, through, or on behalf of a professional corporation unless that professional corporation has been issued a permit in accordance with these By-Laws.
- 23.2 The Registrar may waive the requirement for a permit when the Registrar determines it is consistent with the objects of the Act to do so.

## **24. APPLICATION FOR PERMIT**

- 24.1 An application for a permit or to renew a permit shall be made to the Registrar.

## **25. ISSUANCE OF PERMIT**

- 25.1 The Registrar may issue a permit to a professional corporation that
- 25.1.1 files a completed application in accordance with a form approved by the Registrar under seal of the professional corporation;
  - 25.1.2 pays the permit fee or permit renewal fee approved by the Board;
  - 25.1.3 provides the Registrar with a certificate of incorporation of the company pursuant to the *Companies Act*, and satisfies the Registrar that the professional corporation is a company limited by shares in good standing under the *Companies Act* and the *Corporations Registration Act*, and that it is a private company as defined by the *Securities Act*;

- 25.1.4 satisfies the Registrar that the name of the professional corporation is a fit and proper name for a professional corporation engaged in the practice of occupational therapy;
  - 25.1.5 satisfies the Registrar that the majority of issued shares of the professional corporation are beneficially owned by one or more occupational therapists;
  - 25.1.6 satisfies the Registrar that the majority of the issued voting shares of the professional corporation are legally and beneficially owned by one or more occupational therapists;
  - 25.1.7 satisfies the Registrar that the majority of the directors of the professional corporation are registered occupational therapists;
  - 25.1.8 provides the Registrar with written confirmation stating that the persons who will carry on the practice of occupational therapy for or on behalf of the professional corporation are occupational therapists.
- 25.2 The Registrar may waive or vary any of the criteria under sub-sub-articles 25.1.1. to 25.1.8 when the Registrar determines it is consistent with the objects of the Act to do so.

## **26. TERM OF PERMIT**

- 26.1 A permit issued pursuant to Sub-Article 22.4 is valid for the licensing year in which it is issued.

## **27. RENEWAL OF PERMIT**

- 27.1 A permit may be renewed upon application to the Registrar in accordance with a form approved by the Registrar. under seal of the professional corporation and upon satisfying the Registrar that the professional corporation continues to meet the conditions specified in Sub-Article 22.4.
- 27.2 An application to renew a permit shall be made not earlier than 90 days and not later than 30 days prior to the expiry date of the permit.

## **28. PUBLICATION OF LIST OF PERMITS**

- 28.1 The Registrar shall publish on the Regulator's website or in such other public manner as the Registrar determines, a list of all current permits issued under these by-laws and shall include the name of the corporation and such other information as the Registrar may determine.

## **29. CONTRAVENTION OF SUB-ARTICLE 22.4**

- 29.1 Despite Sub-Article 22.12, where it appears to the Registrar that the professional corporation fails to meet any of the requirements specified in Sub-Article 22.4, the Registrar may, after giving written notice, suspend, revoke, or refuse to renew a permit issued under Sub-Article 22.4.

29.2 Reference to the specific requirements of Sub-Article 22.4 that appear to the Registrar to have been contravened by the professional corporation shall be included in the notice.

### **30. REVIEW OF DECISION TO SUSPEND**

30.1 Where the permit of a professional corporation is suspended, revoked, or not renewed, the Registrar shall provide reasons in writing to the professional corporation and the professional corporation may, within 15 calendar days, request that the Registration and Licensing Review Committee review the Registrar's decision.

30.2 Where a professional corporation requests a review by the Registration and Licensing Review Committee pursuant to Sub-Article 22.9 the procedure set out in sections 51-58 of the Act shall be followed as nearly as possible with necessary adaptation.

30.3 Where the Registration and Licensing Review Committee re-instates or re-issues a permit suspended, revoked or not renewed pursuant to Sub-Article 22.8, the Board may prescribe terms and conditions upon which re-instatement or re-issuance of a permit may be granted.

### **31. FEES PAYABLE TO TRUSTEE**

31.1 No fees or other remuneration shall be paid to any individual or company holding a non-voting share in a professional corporation or holding company as trustee except for fees payable to the trustee solely for services rendered as trustee in an amount not exceeding the fees which might be fixed by the Supreme Court of Nova Scotia pursuant to the Trustee Act, and in any such trust arrangement it shall be stipulated that such fees shall be subject to review by the court for the purpose of determining whether the fees are reasonable in the circumstances.

### **32. DISPLAY OF PERMIT**

32.1 The professional corporation shall at all times display the current permit issued to it in a conspicuous place at its premises.

### **33. PROPOSED CHANGE OF NAME**

33.1 Where a professional corporation holding a permit proposes to change its name or operate under a business name other than its own name, it shall first satisfy the Registrar that the proposed name or business name is a fit and proper name for use by a professional corporation engaged in the practice of occupational therapy.

### **34. CHANGES TO MEMORANDUM OF ASSOCIATION**

34.1 The Memorandum of Association of the professional corporation shall not be changed without the written consent of the Registrar.

### **35. DEEMED REVOCATION OF PERMIT**

35.1 Where a professional corporation practices occupational therapy only through the services of one occupational therapist and that occupational therapist 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 occupational therapy.

35.2 Where a professional corporation practises occupational therapy through the services of more than one occupational therapist and such professional corporation ceases to fulfil any requirement prescribed in Sub-Article 22.17 by reason of

35.2.1 the death of an occupational therapist;

35.2.2 the incompetency of an occupational therapist;

35.2.3 the revocation of the licence of an occupational therapist pursuant to this Act;

35.2.4 the suspension of the licence of an occupational therapist pursuant to this Act; or

35.2.5 the retirement from practice by an occupational therapist, 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 occupational therapist, failing which the permit is deemed to be revoked and such professional corporation shall cease to practise occupational therapy effective upon the expiration of the one hundred and twenty day period.

35.3 Where the permit of a professional corporation is deemed to be revoked under Sub-Article 22.18 and thereafter the professional corporation is able to demonstrate that it is in compliance with Sub-Article 22.4, 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.

## **36. NOTIFICATION OF CHANGE IN PROFESSIONAL CORPORATION**

36.1 Where the shares of a professional corporation engaged in the practice of occupational therapy 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 15 calendar days, notify the Registrar of such change and satisfy the Registrar that it will continue to fulfill the requirements for the issuance of a permit.

## **37. CONFLICT OF INTEREST**

37.1 No occupational therapist shall cause or commit a professional corporation or a holding company to engage in or invest in any business that is contrary to the proper and ethical practice of occupational therapy or that creates a conflict of interest for the professional corporation or its employees.

## **38. SUSPENSION OF PERMIT**

38.1 The Registrar may suspend the permit of a professional corporation without notice or investigation where the Registrar believes that it has contravened any regulation that requires it to pay a fee or assessment, file a document, or do any other act by a specified or ascertainable date.

**39. RE-INSTATEMENT OF PERMIT**

- 39.1 A permit suspended by the Registrar may be re-instated by the Registrar upon payment of the fee or assessment, or upon receipt of a document required to be filed, or upon any other required act being performed by the professional corporation.

**40. REGISTER OF PROFESSIONAL CORPORATIONS**

- 40.1 The Registrar shall maintain a Register of Professional Corporations and enter the name and address of the professional corporation upon issuance or re-issuance of a permit.

**41. RECORDS**

- 41.1 Every professional corporation shall

41.1.1 maintain current financial records in accordance with generally accepted accounting principles;

41.1.2 cause financial statements to be prepared at the end of each fiscal year;

41.1.3 maintain current patient records; and

41.1.4 maintain, in accordance with generally accepted business standards, records with respect to its employees.

**42. NAMES**

- 42.1 The names and business names by which a professional corporation, a partnership of 2 or more professional corporations or a partnership of 1 or more professional corporations and 1 or more individual occupational therapists may be known shall

42.1.1 be in good taste;

42.1.2 not imply superiority of qualifications, experience or education over that of other occupational therapists.

**43. ACCESS TO MINUTE BOOK RECORDS**

- 43.1 Upon 7 days' written notice, a professional corporation shall provide the Registrar with access to the minute book records and such other business and financial records as may be reasonably required.

**44. NOTICE**

- 44.1 Any notice required to be given to a professional corporation pursuant to the Act, regulations or these by-laws may be by prepaid registered mail to the address indicated on the Register of Professional Corporations and shall be deemed to have been received on the 3rd day after the notice is sent.

- 44.2 Where notice of any act or thing is required to be given to the Registrar or the Board pursuant to the Act or these regulations, it shall be in writing by prepaid registered mail

and shall be deemed to have been received by the Registrar or Board, as the case may be, on the 3rd day after the notice is sent.

**45. ADVANCED PRACTICE AND ADDITIONAL PRACTICE COMPETENCIES**

45.1 The Board shall:

45.1.1 identify whether any professional activity, procedure or service within the scope of practice of occupational therapy constitutes advanced practice, and

45.1.2 determine if practice standards are required to establish expectations for registrants in the performance of such advanced practice.

45.2 Where the Board determines that practice standards are required under sub-sub-sub article 45.1.2, the Board shall approve such practice standards.

45.3 The Board shall decide whether any advanced practice identified under sub-sub-article 45.1.1 should be designated as an additional practice competency.

45.4 Where an additional practice competency has been identified by the Board under Sub-Article 45.3, the Board must approve the additional education, training, or other requirements beyond entry to practice competencies that must be completed by a registrant before the registrant is allowed to engage in the additional practice competency.

45.5 A registrant must seek the approval of the Registrar prior to engaging in an additional practice competency.

45.6 The Registrar shall establish the procedure for applying for approval to engage in an additional practice competency.

45.7 If the Registrar denies an application from a registrant to engage in an additional practice competency, the Registrar shall advise the applicant of a right to seek review of the Registrar's decision by the Registration and Licensing Review Tribunal, if the registrant provides a notice in writing to the Registrar to this effect within 30 days of the Registrar's decision.

45.8 The procedure for a review shall be conducted as set out in sections 51-58 of the Act.

45.9 The decision of the Registration and Licensing Review Tribunal is final.