

Veterinary Medical Act

CHAPTER 13 OF THE ACTS OF 2001

as amended by

2018, c. 23, ss. 25, 26



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CHAPTER 13 OF THE ACTS OF 2001
amended 2018, c. 23, ss. 25, 26

**An Act to Continue the Nova Scotia
Veterinary Medical Association
and to Regulate the Practice
of Veterinary Medicine**

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Short title

1 This Act may be cited as the *Veterinary Medical Act*. 2001, c. 13, s. 1.

Interpretation

2 In this Act,

(a) “accreditation certificate” means a certificate issued by the Accreditation Committee in accordance with Part IV and the regulations;

(b) *repealed 2018, c. 23, s. 25.*

(c) “animal” means a living being of the animal kingdom other than a human being;

(d) “animal-health technician” means a person who has completed a course of formal study or training approved by the Council;

(e) “approved veterinary college” means a university, college or school recognized by the Canadian Veterinary Medical Association;

(f) “Association” means the Nova Scotia Veterinary Medical Association;

(g) “by-laws” means by-laws made by the Council pursuant to this Act;

(ga) “Canadian Free Trade Agreement” means the Canadian Free Trade Agreement between the Government of Canada and the governments of all the provinces of Canada signed in 2017, as amended from time to time;

- (h) “client” means the owner of an animal or the agent of the owner of an animal;
- (i) “Council” means the Council of the Association;
- (j) “electronic means” means the use of telephone, television, video conferencing, cable, internet or any form of electronic or computerized communication for the delivery of the practice of veterinary medicine or for the conduct of meetings pursuant to this Act, the regulations or the by-laws;
- (k) “facility” means the place at or from which a person is engaging in the practice of veterinary medicine;
- (l) “former Act” means Chapter 490 of the Revised Statutes, 1989, the *Veterinary Medical Act*;
- (m) “general-practice licence” means a general-practice licence issued pursuant to this Act;
- (n) “inspector” means an inspector appointed by the Council pursuant to Part IV to conduct inspections of facilities;
- (o) “interim accreditation certificate” means an interim certificate issued by the Accreditation Committee in accordance with the provisions of Part IV and the regulations;
- (p) “licence” means a general-practice licence, a non-practicing licence or a temporary licence, as the context requires;
- (q) “member” means a person whose name appears on the Register and, for purposes of the professional-conduct process, includes persons who were members of the Association at the time when the conduct in question in the professional-conduct process occurred;
- (r) “patient” means the animal who is the recipient or intended recipient of the practice of veterinary medicine from a member;
- (s) “practice of veterinary medicine” means the practice of veterinary medicine, surgery and dentistry, including the examining, diagnosing, manipulating and treating of patients for the prevention, alleviation or correction of a disease, injury, condition, deformity, defect or lesion in an animal with or without the use of any instrument, appliance, drug or biologics, and includes prescribing and dispensing medications, research, teaching and the giving of advice by electronic or any means, with respect to any of the foregoing, but does not include
- (i) the furnishing, without remuneration, of first aid or temporary assistance to an animal in an emergency,
 - (ii) in an agricultural setting, the treatment of an animal by its owner, by a member of the owner’s household or by a person regularly employed by the owner in agriculture,
 - (iii) the treatment of an animal by an animal-health technician or a non-member employee of a licensed member, either of whom

are acting under the supervision of a member who holds a general-practice licence,

(iv) the castration of calves, pigs and lambs and the caponizing of poultry,

(v) the dehorning of cattle,

(vi) the artificial insemination of any species of animal,

(vii) the non-surgical implantation of an embryo, other than the synchronization of donor and recipient animals, superovulation and the collection, evaluation and processing of embryos,

(viii) for greater certainty, the drawing of blood from animals by trained technical personnel employed by the Government of the Province or the Government of Canada,

(ix) the use of an animal in research that is carried out using acceptable veterinary procedures if the use of the animal has been approved by an animal care committee acting in accordance with the guidelines of the Canadian Council of Animal Care, at least one member of which is a licensed veterinarian,

(x) the dispensing of medicines by pharmacists pursuant to the *Pharmacy Act*;

(t) “preceptor” means a member who holds a general-practice licence and who is approved by the Council to supervise a qualified person;

(u) “qualified person” means

(i) a student who is entitled to enroll in the final year of study at an approved veterinary college, or

(ii) an applicant for registration who is a graduate of a veterinary college who has been accepted by the Canadian Veterinary Medical Association to write such qualifying examinations as determined by the Council;

(v) “Registrar” means the Registrar who is appointed by the Council pursuant to this Act;

(w) “regulations” means the regulations approved by the Governor in Council pursuant to this Act. 2001, c. 13, s. 2; 2018, c. 23, s. 25.

PART I

NOVA SCOTIA VETERINARY MEDICAL ASSOCIATION

Continuation of Association

3 The Nova Scotia Veterinary Medical Association, a body corporate, is hereby continued. 2001, c. 13, s. 3.

Objects of Association

4 The objects of the Association are to serve and protect the public interest by

- (a) regulating the practice of veterinary medicine through the establishment of registration, professional-conduct and facilities-inspection processes as set out in this Act, the regulations and the by-laws;
- (b) establishing and promoting standards of professional practice and a Code of Ethics; and
- (c) subject to clauses (a) and (b), advancing and promoting the practice of veterinary medicine. 2001, c. 13, s. 4.

Council

5 (1) The Association shall be governed by a Council composed of such number of persons as determined by the by-laws.

(2) Notwithstanding subsection (1), at least one position on the Council shall be held by a non-veterinarian who shall be appointed by the Governor in Council.

(3) Members of the Council shall be elected or appointed in the manner prescribed by the by-laws.

(4) A majority of the Council constitutes a quorum.

(5) Persons appointed by the Governor in Council hold office until their successors are appointed or until such time as they are re-appointed, notwithstanding that such appointment or re-appointment does not occur until after their specified term of office is expired.

(6) The persons on the Council immediately before the coming into force of this Act and the officers of the Council in office immediately before the coming into force of this Act continue in office until their successors are elected or appointed pursuant to the by-laws. 2001, c. 13, s. 5.

Council regulations

6 (1) Subject to the approval of the Governor in Council, the Council may make regulations not inconsistent with this Act to

- (a) regulate the registration, licensing, professional-conduct and facilities-inspection processes;
- (b) create one or more categories of membership and prescribe the rights, privileges, qualifications and obligations of the members of each category and the conditions for the entry and maintenance of members' names in each category;
- (c) develop, establish and maintain standards for the practice of veterinary medicine;

- (d) prescribe procedures related to the professional-conduct process and the reinstatement process, including prescribing powers of the Complaints Committee, the Professional Conduct Committee and the Reinstatement Committee and the authority to award such costs as are designated in the regulations;
- (e) provide for the creation or adoption of a Code of Ethics;
- (f) provide for the supervision of animal-health technicians by members who hold a general-practice licence;
- (g) provide for the establishment of a register of animal-health technicians and for the governance and professional conduct of animal-health technicians;
- (h) create one or more categories of facilities in or from which members may practise veterinary medicine;
- (i) prescribe requirements for the issue of a corporate permit that will allow a corporation to carry on the practice of veterinary medicine in the Province, including regulations that
 - (i) prescribe the requirements for the renewal of such permit,
 - (ii) provide for the refusal, suspension, revocation, cancellation or reinstatement of such permit by the Council,
 - (iii) prescribe forms necessary or desirable to carry out the procedures relevant to corporations pursuant to this Act and the regulations,
 - (iv) regulate the practice of veterinary medicine carried on by a corporation,
 - (v) regulate the name under which a corporation may carry on the practice of veterinary medicine;
- (j) govern such other matters as the Council considers necessary or advisable for the effective discharge of its functions or the exercise of its powers.

(2) The exercise by the Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 2001, c. 13, s. 6.

Council by-laws

7 (1) The Council may make by-laws not inconsistent with this Act or the regulations to

- (a) set out the composition of the Council and the manner of election or appointment of the Council members other than members appointed by the Governor in Council;

(b) fix the method of setting registration, licensing and other fees payable to the Association and the penalty for default of payment thereof;

(c) fix and regulate the time, place and conduct of annual and special meetings of the Association;

(d) prescribe fees and expenses payable to persons sitting on the Council and other committees approved by the Council;

(e) establish standards for each category of facility in or from which a member may engage in the practice of veterinary medicine;

(f) define the duties of the officers of the Council;

(g) govern the acquisition, management and disposal of the property and affairs of the Association, including the borrowing of money for the purposes of the Association, the giving of security for any monies so borrowed on any of the real, personal or mixed property of the Association by way of mortgage, pledge, charge or otherwise, and the acquisition, holding and disposal of real and personal property or any part thereof;

(h) prescribe the terms of office of the persons sitting on the Council and the manner in which vacancies on the Council may be filled;

(i) make such by-laws as the Council considers necessary or advisable to carry out effectively the intent and purpose of this Act relating to corporations;

(k) do all other things necessary for the administration of the affairs of the Association.

(2) No by-law or amendment thereof comes into force unless and until it is approved by a two-thirds majority of the members who vote at a duly constituted annual general meeting of the Association. 2001, c. 13, s. 7.

PART II

REGISTRATION AND LICENSING

Deemed practice and non-practice

8 (1) A person in the Province who is engaged in the practice of veterinary medicine by electronic means to clients outside of the Province, is deemed to be practicing veterinary medicine in the Province.

(2) A person, other than a member, who resides outside of the Province and who engages in the practice of veterinary medicine by electronic means to clients within the Province is deemed not to be practicing veterinary medicine in the Province. 2001, c. 13, s. 8.

Registrar

9 (1) The Council shall appoint a Registrar who shall perform the duties as set out in this Act, the regulations and the by-laws, together with such other duties as are assigned by the Council.

(2) The Registrar shall be a member of the Council but is not entitled to vote. 2001, c. 13, s. 9.

Register

10 (1) The Registrar shall keep and maintain, in accordance with this Act and the regulations, a Register.

(2) The Registrar shall enter in the Register the names of all persons who qualify for registration pursuant to this Act and the regulations.

(3) The Council may cause any name or entry in the Register to be removed in the circumstances set out in the regulations. 2001, c. 13, s. 10.

Licences

11 In order to satisfy the labour-mobility provisions of the Canadian Free Trade Agreement, and to otherwise satisfy the objects of the Association,

(a) an applicant whose name is entered in the Register shall be issued a general-practice licence to practise veterinary medicine if the applicant meets the criteria set out in the regulations for such licence;

(b) an applicant whose name is entered in the Register shall be issued a non-practicing licence if the applicant meets the criteria set out in the regulations for such licence;

(c) an applicant whose name is entered in the Register shall be issued a licence as a life member if the applicant meets the criteria set out in the regulations for such licence; and

(d) an applicant who meets the criteria set out in the regulations for the issuing of a temporary licence shall be issued a temporary licence to practise veterinary medicine in accordance with the conditions or limitations set out in the temporary licence. 2001, c. 13, s. 11; 2018, c. 23; s. 26.

Appeals

12 (1) The Registrar shall give to an applicant who is refused registration or a licence or a corporate permit the reasons for the refusal in writing and the applicant may, by written notice, appeal the Registrar's decision to the Council.

(2) Upon receipt of an appeal pursuant to subsection (1), the Council shall

(a) set a date for the hearing of the appeal which shall not be later than sixty days following receipt of the written notice of appeal;

(b) serve written notice of the date, time and place of the hearing of the appeal upon the applicant and the Registrar; and

(c) advise the applicant of the right to be represented by counsel at the expense of the applicant.

(3) When hearing an appeal, the Council, in accordance with the information it receives, may make any determination that, in its opinion, ought to have been made by the Registrar.

(4) The Council shall give its decision in writing and shall send to the applicant a copy of the written decision by registered mail or personal service.

(5) The decision of the Council is final. 2001, c. 13, s. 12.

Preceptors

13 (1) Upon receipt of an application from a qualified person, the Council shall appoint a preceptor for such qualified person, for a period not to exceed six months, unless otherwise determined by the Council.

(2) The preceptor shall supervise the practice of veterinary medicine by the qualified person.

(3) Such supervision shall include the monitoring of the competence of the qualified person, the assignment of tasks to the qualified person and the assumption of the responsibility for the actions of the qualified person while under the supervision of the preceptor. 2001, c. 13, s. 13.

Prohibitions

14 (1) Subject to subsection (2), no person shall engage in the practice of veterinary medicine or purport to engage in the practice of veterinary medicine, or hold out that such person is entitled to engage in the practice of veterinary medicine,

(a) through or in the name of a corporation;

(b) through or in the name of a partnership or association consisting of two or more members;

(c) as an employee of a corporation or a partnership or an association; or

(d) as a sole proprietor,

unless that person holds a general-practice licence.

(2) Subsection (1) does not apply to

(a) a qualified person who is engaging in the practice of veterinary medicine under the supervision of a preceptor;

(b) for greater certainty, a person who is employed as a veterinarian by the Government of Canada who is not required by the Government of Canada to be registered in the Province, while engaged in the practice of veterinary medicine in the Province to the extent required by such employment; or

(c) a person who holds a temporary licence to practise veterinary medicine pursuant to the terms and conditions set out in the regulations.

(3) No person shall hold out that such person is a specialist in any particular field of veterinary medicine unless that person is approved as such a specialist by the Council in accordance with criteria established by resolution of the Council.

(4) A person who does not hold a general-practice licence shall not engage in the practice of veterinary medicine in the public service of the Province. 2001, c. 13, s. 14.

Corporations

15 (1) Notwithstanding Section 14 and subject to subsections (2) to (5), a corporation may engage in the practice of veterinary medicine if the corporation holds a corporate permit issued in accordance with the regulations.

(2) The majority of the issued voting shares of a corporation engaged in the practice of veterinary medicine, which shares represent a majority of the voting control of a corporation, must be beneficially owned by one or more members who hold a general-practice licence.

(3) A majority of the directors and officers of a corporation engaged in the practice of veterinary medicine must each hold a general-practice licence.

(4) Notwithstanding subsection (2), issued voting shares may be legally and beneficially owned by a corporation of which

(a) all of the issued voting shares are legally and beneficially owned by one or more members who each hold a general-practice licence, or by a trust of which all of the trustees and beneficiaries each hold a general-practice licence; and

(b) the majority of the officers and directors each hold a general-practice licence.

(5) Notwithstanding any other Section of this Act or the regulations, in the event that a member dies, becomes incompetent, ceases to hold a general-practice licence or is suspended at any time while such member holds shares in a corporation referred to in subsection (1), the corporation is authorized to continue to engage in the practice of veterinary medicine for a period not exceeding one year, unless otherwise determined by the Council. 2001, c. 13, s. 15.

Individual liability unaffected

16 (1) The relationship of a member to a corporation that is engaged in the practice of veterinary medicine, whether as a shareholder, director, officer or employee, does not affect, modify or diminish the application to the member of this Act, the regulations and the by-laws.

(2) The liability of an individual arising from that individual or any other individual engaging in the practice of veterinary medicine, or any other practices authorized under this Act, is not affected by reason only that the services are provided by a corporation.

(3) Nothing in this Act affects, modifies or limits any law, standard of practice or the Code of Ethics applicable to or required of members. 2001, c. 13, s. 16.

Limits on practice

17 (1) Where the right of a member to engage in the practice of veterinary medicine has been limited by the imposition of conditions or restrictions pursuant to this Act or the regulations, particulars of all conditions or restrictions imposed on such member shall be noted on the member's licence during any time when such conditions or restrictions apply.

(2) Where, pursuant to the laws of another jurisdiction, conditions or restrictions have been placed on the licence of an applicant for registration and licensing in the Province, such conditions or restrictions shall continue to apply in the Province until the expiry of such conditions or restrictions. 2001, c. 13, s. 17.

Duty to revoke

18 The Registrar shall cause the revocation of the licence of a member in such circumstances as are set out in the regulations. 2001, c. 13, s. 18.

Offence and penalty

19 (1) In this Section and Section 20, "person" includes a corporation, partnership or association consisting of two or more members, or a sole proprietor.

(2) Every person who

(a) knowingly furnishes false information on any application or any statement required to be furnished under this Act or the regulations; or

(b) otherwise contravenes this Act, the regulations or the by-laws,

is guilty of an offence and liable on summary conviction to a fine of not more than two thousand dollars or to imprisonment for a term of not more than six months, or to both.

(3) The *Summary Proceedings Act* applies in addition to any penalty otherwise provided for in this Act and the regulations.

(4) All fines and penalties payable under this Act or under the *Summary Proceedings Act* as a result of a prosecution by or on behalf of the Association belong to the Association.

(5) Any information to be laid pursuant to this Act or the *Summary Proceedings Act* may be laid by the Registrar or any member of the Association authorized by the Council.

(6) In a prosecution for an offence contrary to this Act, the regulations or the by-laws, the onus to prove that a person accused of an offence has the right to engage in the practice of veterinary medicine, or that a person comes within any of the exemptions provided by this Act, is on the person accused.

(7) Where a violation of this Act, the regulations or the by-laws by a person continues for more than one day, the person is guilty of a separate offence for each day that the violation continues.

(8) For the purpose of this Act, proof of the performance of one act in the practice of veterinary medicine on one occasion is sufficient to establish that a person has engaged in the practice of veterinary medicine. 2001, c. 13, s. 19.

Injunctions

20 (1) In the event of a threatened or continuing violation of this Act, the regulations or the by-laws, the Council may apply to a judge of the Supreme Court of Nova Scotia for an injunction to restrain the person from continuing or committing the violation and the judge, where the judge deems it to be just, may grant such an injunction.

(2) A judge of the Supreme Court of Nova Scotia may, on application, grant an interim injunction pending the hearing of an application for an injunction pursuant to subsection (1) where the judge is satisfied that there is reason to believe that a person is likely to commit or is continuing to commit a violation of this Act or the regulations.

(3) A judge may make such order as to costs as the judge considers proper in any proceedings pursuant to this Section. 2001, c. 13, s. 20.

PART III

PROFESSIONAL CONDUCT

Interpretation

21 In this Part,

(a) “complainant” means a person who has submitted a complaint against a member;

(b) “complaint” means a notification in writing to the Association from any person indicating potential professional misconduct, conduct unbecoming the profession, incompetence or incapacity by a member or a person holding a temporary licence;

(c) “disciplinary finding” means a finding against a respondent of professional misconduct, conduct unbecoming the profession, incompetence or incapacity;

(d) “incapacity” means the status whereby a respondent is suffering, or at the time of the matters giving rise to the complaint, was suffering from a physical or emotional condition, disorder or addiction that may endanger the health or safety of animals or clients, or that makes it desirable in the interest of the public to involve the respondent in the professional conduct process;

(e) “incompetence” means the display of lack of knowledge, skill or judgement in the respondent’s practice of veterinary medicine services that, having regard to all of the circumstances, renders the respondent unsafe to practise or unsafe to practise without remedial assistance, or that makes it desirable in the interest of the public to involve the member in the professional-conduct process;

(f) “investigator” means a person designated by the Chair of the Complaints Committee to conduct an investigation into a complaint;

(g) “party” means the Association or the respondent, as the context requires;

(h) “professional-conduct process” means the processes and procedures set out in this Part and in such of the regulations that deal with professional-conduct issues;

(i) “professional misconduct” includes such conduct or acts relevant to the practice of veterinary medicine that, having regard to all of the circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional and, without limiting the generality of the foregoing, may include

- (i) failing to maintain standards of practice,
- (ii) failing to uphold the Code of Ethics adopted by the Association,
- (iii) abusing a person verbally, physically, emotionally or sexually,
- (iv) abusing an animal,
- (v) falsifying records,
- (vi) publishing or causing to be published any advertisement that is false, fraudulent, deceptive or misleading,
- (vii) engaging or assisting in fraud, misrepresentation, deception or concealment of a material fact when applying for or

securing registration or a licence, or the taking of any examinations provided for in this Act or the regulations, including using fraudulently procured credentials;

(j) “respondent” means the person who is the subject of a complaint;

(k) “settlement proposal” means a proposal for the settlement of a complaint as prescribed in the regulations. 2001, c. 13, s. 21.

Complaints Committee

22 (1) The Council shall appoint a Complaints Committee comprised of such number of members and non-members as determined by Council.

(2) The Council shall appoint a Chair and a Vice-chair of the Complaints Committee.

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

(4) Whenever for any reason neither the Chair nor the Vice-chair are available for a meeting, the Council may, for purpose of such meeting, appoint a member of the Complaints Committee as Acting Chair of the Complaints Committee.

(5) The Chair of the Complaints Committee shall appoint a panel from the Complaints Committee, in accordance with the regulations, to act as the Complaints Committee for purposes of the professional-conduct process with respect to a particular complaint.

(6) Where a proceeding is commenced before the Complaints Committee and the term of office of any person sitting on the panel of the Complaints Committee has expired, such person shall remain part of the Complaints Committee until the proceeding is concluded.

(7) Failure of one or more members of the Complaints Committee to receive any notice of a meeting shall not invalidate the proceedings thereat, and nothing herein shall preclude members of the Complaints Committee from waiving notice of meetings. 2001, c. 13, s. 22.

Investigations

23 (1) Upon receipt of a complaint, the Registrar shall advise the Chair of the Complaints Committee of the complaint.

(2) The Chair of the Complaints Committee shall appoint an investigator to conduct an investigation in accordance with the regulations.

(3) Upon concluding the investigation, the investigator shall prepare a written report of the investigation and forward it to a panel of the Complaints Committee. 2001, c. 13, s. 23.

Procedure by panel

24 (1) Upon receipt of the results of an investigation from an investigator, a panel of the Complaints Committee shall dispose of the matter in accordance with the regulations.

(2) The panel of the Complaints Committee shall give its decision in writing and shall send a copy of the written decision, by registered mail or personal service, to the respondent, the complainant, the Registrar and such other persons as the panel determines.

(3) In a proceeding before a panel of the Complaints Committee, the member has the right to

(a) be represented by legal counsel at the member's expense;

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

(c) a reasonable opportunity to present a response and make submissions. 2001, c. 13, s. 24.

Suspension pending investigation

25 A panel of the Complaints Committee, acting in good faith and in the public interest, may, at its discretion, direct the Registrar to suspend a member from the practice of veterinary medicine pending or following the completion of the investigation until the suspension is lifted, superseded or annulled by a panel of the Complaints Committee or the Professional Conduct Committee, as the case may be. 2001, c. 13, s. 25.

Professional Conduct Committee

26 (1) The Council shall appoint a Professional Conduct Committee comprised of such number of members and non-members as determined by the Council.

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

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

(4) Whenever for any reason neither the Chair nor the Vice-chair are available for a meeting or a hearing, the Council may, for purposes of such meeting or hearing, appoint a member of the Professional Conduct Committee as Acting Chair of the Professional Conduct Committee.

(5) The Chair of the Professional Conduct Committee shall appoint a panel from the Professional Conduct Committee, in accordance with the regulations, to act as the Professional Conduct Committee for purposes of the professional-conduct process with respect to a particular complaint.

(6) No person on the Professional Conduct Committee may concurrently serve on the Complaints Committee.

(7) Where a proceeding is commenced before the Professional Conduct Committee and the term of office of any person sitting on the Professional Conduct Committee has expired, such person may remain part of the Professional Conduct Committee until the proceeding is concluded.

(8) Failure of one or more Professional Conduct Committee members to receive any notice of a meeting shall not invalidate the proceedings thereat, and nothing herein shall preclude Committee members from waiving notice of meetings or hearings. 2001, c. 13, s. 26.

Power of Committee

27 (1) Where the Complaints Committee refers a matter to the Professional Conduct Committee, the Chair of the Professional Conduct Committee shall appoint the panel pursuant to subsection 26(5).

(2) The panel of the Professional Conduct Committee shall, within thirty days from the date of the referral, fix a date, time and place for holding the hearing, which shall commence not later than ninety days from the date of the referral by the Complaints Committee, or such later date as the respondent and the Association may agree or the Professional Conduct Committee may order.

(3) A notice of hearing, containing such information as required by the regulations, shall be forwarded to the respondent and the complainant at least thirty days before the hearing. 2001, c. 13, s. 27.

Settlement proposals

28 Where the Complaints Committee refers a matter to the Professional Conduct Committee, the Complaints Committee, before the commencement of a hearing by the Professional Conduct Committee, may enter into a settlement proposal with the respondent, and the proposal shall be dealt with in accordance with the regulations. 2001, c. 13, s. 28.

Public Inquiries Act powers

29 Each person on the Professional Conduct Committee has all the rights, powers and privileges of a commissioner appointed pursuant to the *Public Inquiries Act*. 2001, c. 13, s. 29.

Conduct of hearings

30 (1) A hearing held by the Professional Conduct Committee shall be conducted in accordance with the regulations.

(2) In a proceeding before the Professional Conduct Committee, the parties have the right to

- (a) be represented by legal counsel;

(b) present evidence and make submissions, including cross-examine witnesses; and

(c) receive written reasons for a decision within a reasonable time.

(3) Evidence is not admissible before the Professional Conduct 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, if 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.

(4) Notwithstanding subsection (3), the Professional Conduct Committee may, in its discretion, allow the introduction of evidence that would be otherwise inadmissible by virtue of subsection (3) and may make directions it considers necessary to ensure that a party is not prejudiced. 2001, c. 13, s. 30.

Manner of disposing of matter

31 Where the Professional Conduct Committee finds professional misconduct, conduct unbecoming the profession, incompetence or incapacity, the Professional Conduct Committee shall dispose of the matter or matters in accordance with the regulations. 2001, c. 13, s. 31.

Reinstatement

32 (1) The Council shall appoint a Reinstatement Committee, comprised of not less than three and not more than five members of Council, at least one of whom shall be a non-member.

(2) The Council shall appoint the Chair of the Reinstatement Committee.

(3) The Reinstatement Committee shall perform such duties as set out in this Act and the regulations.

(4) The quorum of the Reinstatement Committee shall consist of three members of such Committee, regardless of whether such persons are members or non-members of the Association.

(5) Unless otherwise ordered by the Professional Conduct Committee, any member whose licence or registration has been revoked by the Professional Conduct Committee may apply to the Reinstatement Committee in writing for reinstatement, at any time following two years from the date of the revocation,

and the burden of proof is on the respondent to prove to the satisfaction of the Reinstatement Committee that the objects of the professional-conduct process will be served by terminating the order for revocation.

(6) Applications for reinstatement shall proceed in accordance with the regulations.

(7) Where a member's licence has been reinstated pursuant to this Section, the Reinstatement Committee, in its discretion, shall determine whether publication of the reinstatement is required in the interest of the public. 2001, c. 13, s. 32.

Effect of revocation or limitations

33 (1) Where the registration of a respondent is revoked, or a licence is suspended, restricted, reinstated, or where conditions are imposed on a licence,

(a) the Registrar shall make the appropriate entries in the Register, in the records of the Association and on the licence, where applicable;

(b) the respondent's name, address, provision of this Act or the regulations under which the disciplinary finding has been made, the date of the decision and the decision or summary of the decision shall be published in an official publication of the Association or such other publication as may be determined by the Professional Conduct Committee;

(c) the Registrar shall notify registering bodies in other Canadian jurisdictions, as well as the original jurisdiction and other known jurisdictions where the respondent has worked;

(d) the Registrar shall notify the current employer or partners of the respondent, and such other members who work with the respondent, if deemed necessary by the Professional Conduct Committee or Reinstatement Committee, as applicable; and

(e) the Professional Conduct Committee or Reinstatement Committee, as applicable, may inform or direct the Registrar to inform other persons of the respondent's name and the decision of the Professional Conduct Committee or Reinstatement Committee.

(2) Where a reprimand has been issued and the time for filing of an appeal has expired or the appeal has been disposed of, the Professional Conduct Committee, in its discretion, may inform, or direct the Registrar to inform, other persons of the respondent's name and the reasons for the reprimand. 2001, c. 13, s. 33.

Restoration of licence

34 (1) Where the period of suspension of a member has expired, or the conditions imposed on the member have been satisfied, or the restrictions imposed on the member have been removed, the Registrar shall restore the licence

to the member in the form it existed prior to the decision of the Professional Conduct Committee, if the member otherwise meets the criteria for the issuing of a licence, but, where the license has expired, the member shall pay the prescribed fee and meet all requirements for renewal of the licence prior to its re-issue.

- (2) Where action has been taken pursuant to subsection (1),
 - (a) the Registrar shall make the appropriate entries in the records of the Association;
 - (b) where registering bodies in other Canadian jurisdictions had previously been informed of the suspension, conditions or restrictions, the Registrar shall notify such registering bodies of the lifting of such suspension, conditions or restrictions;
 - (c) the Registrar shall notify the current employer or partners of the respondent, or such other veterinarians who work with the respondent, if deemed necessary by the Professional Conduct Committee; and
 - (d) the Professional Conduct Committee, in its discretion, may inform or direct the Registrar to inform other persons of the lifting of the suspension, conditions or restrictions. 2001, c. 13, s. 34.

Expert assistance

35 For the purpose of the execution of their duties under this Act, the Association, the Complaints Committee, the Professional Conduct Committee or the Reinstatement Committee may retain such legal or other assistance as the Association or the committee may think necessary or proper, and the costs of such legal or other assistance may be included in whole or in part, in an award of costs by the Professional Conduct Committee or the Reinstatement Committee. 2001, c. 13, s. 35.

Appeal to Court of Appeal

36 (1) A party may appeal on any point of law from the findings of a Professional Conduct Committee to the Nova Scotia Court of Appeal.

(2) The notice of appeal shall be filed at the Nova Scotia Court of Appeal and served upon the other party not later than thirty days after service of the decision of the Professional Conduct Committee .

(3) The record on appeal from the findings of the Professional Conduct Committee consists of a copy of the transcript of the proceedings, the decision of the Committee and the evidence before the Committee certified by the Chair of the 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 Court of Appeal may, pending a decision by the Court of Appeal, grant a stay of any order made pursuant to this Act where, in its discretion, it deems it fit. 2001, c. 13, s. 36.

PART IV

ACCREDITATION OF FACILITIES

Limitation on right to practice

37 (1) Subject to subsection (2), a member may only engage in the practice of veterinary medicine in or from a facility that holds a current accreditation certificate or an interim accreditation certificate.

(2) Subsection (1) and Section 38 do not apply to

(a) for greater certainty, a member employed by the Government of the Province while in the course of such employment;

(b) a member employed in an animal care facility of such educational institutions as may be approved by Council; or

(c) a person who is employed as a veterinarian by the Government of Canada who is not required by the Government of Canada to be registered in the Province, while engaged in the practice of veterinary medicine in the Province to the extent required by such employment. 2001, c. 13, s. 37.

Approval

38 (1) A member may only engage in the scope of practice of veterinary medicine that is approved for the particular category of facility or facilities in or from which the member is practicing.

(2) The categories of facilities and the scopes of practice of veterinary medicine within each category of facility shall be as set out in the regulations. 2001, c. 13, s. 38.

Accreditation Committee

39 (1) The Council shall appoint an Accreditation Committee composed of such number of members as determined by Council, none of whom shall be serving members of Council.

(2) The Council shall appoint the Chair of the Accreditation Committee.

(3) The term of office of members of the Accreditation Committee shall be determined by the Council.

(4) The Accreditation Committee shall perform such functions as are set out in this Act, the regulations and the by-laws.

(5) A quorum of the Accreditation Committee shall consist of three persons. 2001, c. 13, s. 39.

Inspector

40 (1) The Accreditation Committee shall appoint an inspector to conduct an inspection of a facility which is seeking an accreditation certificate or an interim accreditation certificate.

(2) The inspector shall perform such duties as are set out in this Act, the regulations and the by-laws.

(3) The inspector may be a member of the Accreditation Committee. 2001, c. 13, s. 40.

Accreditation Appeal Committee

41 (1) The Council shall appoint an Accreditation Appeal Committee which shall consist of three members of Council.

(2) The Accreditation Appeal Committee shall perform such duties as are set out in this Act, the regulations and the by-laws.

(3) A member or members practising or seeking to practise in or from a facility for which an accreditation certificate or an interim accreditation certificate has been denied, may, within ten days from the date of receipt of notification of such denial, file an appeal with the Registrar.

(4) The Registrar shall immediately forward the appeal to the Accreditation Appeal Committee.

(5) Upon receipt of an appeal pursuant to subsection (4), the Accreditation Appeal Committee shall determine a date for the hearing of the appeal and provide notification of the date and place of the appeal to the parties to the appeal.

(6) The parties to the appeal shall be the Accreditation Committee and the member or members bringing the appeal. 2001, c. 13, s. 41.

Coming into effect of decision

42 (1) Where a matter is appealed to the Accreditation Appeal Committee pursuant to this Act, the decision of the Accreditation Committee takes effect immediately unless the Accreditation Appeal Committee grants a stay of the decision of the Accreditation Committee where, in its discretion, it deems it fit to do so.

(2) In the event the Accreditation Appeal Committee grants a stay of the decision of the Accreditation Committee, it shall immediately notify the Registrar of such decision. 2001, c. 13, s. 42.

Effect of appeal

43 (1) In the case of an appeal from a denial of an accreditation certificate, upon the expiration of the ten-day appeal period set out in subsection 41(3), and if no notice of appeal has been filed, the Registrar shall publish notification of the withdrawal of the accreditation certificate in such newspaper or other publication as deemed appropriate by the Accreditation Committee in order to inform the public of the withdrawal of the accreditation certificate.

(2) Where the Registrar has received a notice of appeal pursuant to subsection 41(3), the Registrar shall refrain from publishing the notification of the withdrawal of the accreditation certificate in such newspaper or other publication as deemed appropriate, until such time as the Accreditation Appeal Committee has determined whether to grant a stay of the decision of the Accreditation Committee.

(3) Where no stay is granted, the Registrar shall publish such notification in such newspaper or other publication as deemed appropriate by the Accreditation Committee in order to inform the public of the withdrawal of the accreditation certificate.

(4) Where a stay is granted, no publication concerning the decision of the Accreditation Committee shall be made until such time as the appeal has been heard and disposed of. 2001, c. 13, s. 43.

Process and procedures

44 The process and procedures regarding application for accreditation certificates and interim accreditation certificates, and the expiration of such certificates, shall be as set out in the regulations. 2001, c. 13, s. 44.

PART V

GENERAL

Immunity from liability

45 The Association, the Council and all committees of the Council are not liable for any loss or damage suffered by any person as a result of anything done by it or them in good faith in the administration of this Act, the regulations or the by-laws. 2001, c. 13, s. 45.

Immunity from liability

46 No member of the Association is personally liable for any of the debts or liabilities of the Association unless such member expressly agrees to be so liable. 2001, c. 13, s. 46.

Transitional provisions

47 (1) A complaint made pursuant to the former Act shall continue to be processed in accordance with this Act as nearly as circumstances permit.

(2) Upon the coming into force of this Act, any matter pending before the Council as a complaint, if not set down for hearing to commence within sixty days of the coming into force of this Act, shall be transferred to the Professional Conduct Committee appointed pursuant to this Act for hearing and determination, but otherwise shall be heard and determined in accordance with the former Act.

(3) Notwithstanding subsection (2), the parties may agree that a matter pending may be transferred to the Professional Conduct Committee appointed pursuant to this Act.

(4) The Council pursuant to the former Act continues in existence until all matters pending before it at the coming into force of this Act and not transferred to the Professional Conduct Committee appointed pursuant to this Act have been finally decided. 2001, c. 13, s. 47.

Repeal of former Act

48 The former Act is repealed. 2001, c. 13, s. 48.

Proclamation

49 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2001, c. 13, s. 49.

Proclaimed - February 17, 2006
In force - March 1, 2006
