

Royal



Gazette

Part II

Regulations under the Regulations Act

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Erratum: On the title page and the headers of each page of the issue of the Royal Gazette Part II dated May 25, 2007, the volume and issue number should read “Vol. 31, No. 11” instead of “Vol. 31, No. 12”.

In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 273/2007

Made: May 17, 2007

Filed: May 18, 2007

Prescribed Petroleum Products Prices

Order dated May 17, 2007

Regulations made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act***In the Matter of Section 14 of Chapter 11 of the Acts of 2005
the *Petroleum Products Pricing Act***

- and -

**In the Matter of Sections 14 to 18 of the *Petroleum Products Pricing Regulations*
made by the Governor in Council
pursuant to Section 14 of the *Petroleum Products Pricing Act***

- and -

**In the Matter of an Order Prescribing Prices for Petroleum Products
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 14 to 18 of the *Petroleum Products Pricing Regulations*****Order**

I, Jamie Muir, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, and Sections 14 to 18 of the *Petroleum Products Pricing Regulations*, hereby

- (a) repeal the Order dated May 10, 2007, which prescribed prices for petroleum products in the Province effective on and after 12:01 a.m. on May 11, 2007; and
- (b) prescribe prices for petroleum products in the Province as set forth in the tables in Schedule "A".

This Order is effective on and after 12:01 a.m. on May 18, 2007.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on May 17, 2007.

Sgd.: *Jamie Muir*
Honourable Jamie Muir
Minister of Service Nova Scotia and Municipal Relations

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on May 18, 2007**

Table 1: Benchmark Prices for Regulated Petroleum Products (cents/litre)	
Regular unleaded gasoline	69.4
Mid-grade unleaded gasoline	72.4
Premium unleaded gasoline	75.4
Ultra low sulfur diesel oil	58.9

Table 2: Fixed Wholesale Prices, Retail Mark-ups and Retail Prices for Regulated Petroleum Products (cents/litre)									
		Retail Mark-up				Retail Price (includes all taxes)			
		Self-Service		Full-Service		Self-Service		Full-Service	
	Fixed Wholesale Price (excludes GST)	Min	Max	Min	Max	Min	Max	Min	Max
Zone 1									
Regular Unleaded	101.2	4.0	5.5	4.0	99.9	119.9	121.6	119.9	999.9
Mid-Grade Unleaded	104.2	4.0	5.5	4.0	99.9	123.3	125.1	123.3	999.9
Premium Unleaded	107.2	4.0	5.5	4.0	99.9	126.8	128.5	126.8	999.9
Ultra Low-Sulfur Diesel	84.6	4.0	5.5	4.0	99.9	101.0	102.7	101.0	999.9
Zone 2									
Regular Unleaded	101.6	4.0	5.5	4.0	99.9	120.4	122.1	120.4	999.9
Mid-Grade Unleaded	104.6	4.0	5.5	4.0	99.9	123.8	125.5	123.8	999.9
Premium Unleaded	107.6	4.0	5.5	4.0	99.9	127.2	128.9	127.2	999.9
Ultra Low-Sulfur Diesel	85.0	4.0	5.5	4.0	99.9	101.5	103.2	101.5	999.9
Zone 3									
Regular Unleaded	102.1	4.0	5.5	4.0	99.9	121.0	122.7	121.0	999.9
Mid-Grade Unleaded	105.1	4.0	5.5	4.0	99.9	124.4	126.1	124.4	999.9
Premium Unleaded	108.1	4.0	5.5	4.0	99.9	127.8	129.5	127.8	999.9
Ultra Low-Sulfur Diesel	85.5	4.0	5.5	4.0	99.9	102.0	103.7	102.0	999.9
Zone 4									
Regular Unleaded	102.1	4.0	5.5	4.0	99.9	121.0	122.7	121.0	999.9
Mid-Grade Unleaded	105.1	4.0	5.5	4.0	99.9	124.4	126.1	124.4	999.9
Premium Unleaded	108.1	4.0	5.5	4.0	99.9	127.8	129.5	127.8	999.9
Ultra Low-Sulfur Diesel	85.5	4.0	5.5	4.0	99.9	102.0	103.7	102.0	999.9

Zone 5									
Regular Unleaded	102.1	4.0	5.5	4.0	99.9	121.0	122.7	121.0	999.9
Mid-Grade Unleaded	105.1	4.0	5.5	4.0	99.9	124.4	126.1	124.4	999.9
Premium Unleaded	108.1	4.0	5.5	4.0	99.9	127.8	129.5	127.8	999.9
Ultra Low-Sulfur Diesel	85.5	4.0	5.5	4.0	99.9	102.0	103.7	102.0	999.9
Zone 6									
Regular Unleaded	102.9	4.0	5.5	4.0	99.9	121.9	123.6	121.9	999.9
Mid-Grade Unleaded	105.9	4.0	5.5	4.0	99.9	125.3	127.0	125.3	999.9
Premium Unleaded	108.9	4.0	5.5	4.0	99.9	128.7	130.4	128.7	999.9
Ultra Low-Sulfur Diesel	86.3	4.0	5.5	4.0	99.9	102.9	104.7	102.9	999.9

N.S. Reg. 274/2007

Made: May 18, 2007

Filed: May 22, 2007

Ferriage Charges Regulations

Order in Council 2007-272 dated May 18, 2007
Amendment to regulations made by the Governor in Council
pursuant to subsection 6(3) of the *Ferries Act*

The Governor in Council on the report and recommendation of the Minister of Transportation and Public Works dated April 30, 2007, and pursuant to subsection 6(3) of Chapter 168 of the Revised Statutes of Nova Scotia, 1989, the *Ferries Act*, is pleased to amend the *Ferriage Charges Regulations*, N.S. Reg. 235/2006, made by the Governor in Council by Order in Council 2006-575 dated December 20, 2006, to change the fees for ferriage charges for trucks weighing one ton or more, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after May 18, 2007.

Schedule "A"

**Amendment to the *Ferriage Charges Regulations*
made by the Governor in Council pursuant to Section 6 of Chapter 168 of
the Revised Statutes of Nova Scotia, 1989, the *Ferries Act***

Sections 3 of the *Ferriage Charges Regulations*, N.S. Reg. 235/2006, made by the Governor in Council by Order in Council dated December 20, 2006, is repealed and the following Section substituted:

- 3 Ferry passes valid for 1 calendar year may be issued to a person who owns 1 or more trucks weighing 1 ton or more each at the rates set out in the following table for the applicable number of trucks owned by the person:

Number of Trucks	Cost of Annual Pass			
	Purchased Jan. 1 - Mar. 31	Purchased Apr. 1 - June 30	Purchased July 1 - Sept. 30	Purchased Oct. 1 - Dec. 31
1	\$600	\$500	\$400	\$250
2	\$800	\$650	\$500	\$300

3	\$1000	\$800	\$600	\$350
4	\$1200	\$950	\$700	\$400
5	\$1400	\$1100	\$800	\$450
6	\$1600	\$1250	\$900	\$500
7	\$1800	\$1400	\$1000	\$550
8	\$2000	\$1550	\$1100	\$600
9	\$2200	\$1770	\$1200	\$650
10	\$2400	\$1900	\$1300	\$700

N.S. Reg. 275/2007

Made: May 18, 2007

Filed: May 22, 2007

Proclamation, S. 44(1) & 44(7), S.N.S. 2007, c. 9

Order in Council 2007-274 dated May 18, 2007
 Proclamation made by the Governor in Council
 pursuant to subsections 44(1) and 44(7) of the
Financial Measures (2007) Act

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated May 2, 2007, pursuant to subsections (1) and (7) of Section 44 of Chapter 9 of the Acts of 2007, the *Financial Measures (2007) Act*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Sections 2, 3, 42 and 43 of Chapter 9 of the Acts of 2007, the *Financial Measures (2007) Act*, do come into force on and not before May 18, 2007, with said Sections 42 and 43 having effect on and after January 12, 2007.

PROVINCE OF NOVA SCOTIA

sgd: Mayann Francis

G/S

ELIZABETH THE SECOND, by the Grace of God,
 of the United Kingdom, Canada and Her Other
 Realms and Territories, Queen, Head of the
 Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
 CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by subsections (1) and (7) of Section 44 of Chapter 9 of the Acts of 2007, the *Financial Measures (2007) Act*, it is enacted as follows:

- 44 (1) This Act, except Sections 4 to 7, 13 to 19, 21, 23, 25 to 27, 29, 30, 33 to 37, 39 and 41 to 43, come into force on such day as the Governor in Council orders and declares by proclamation.
- (7) Sections 42 and 43 have effect on and after January 12, 2007, upon the Governor in Council so ordering and declaring by proclamation.

AND WHEREAS it is deemed expedient that Sections 2, 3, 42 and 43 of Chapter 9 of the Acts of 2007, the *Financial Measures (2007) Act*, do come into force on and not before May 18, 2007, with said Sections 42 and 43 having effect on and after January 12, 2007;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Sections 2, 3, 42 and 43 of Chapter 9 of the Acts of 2007, the *Financial Measures (2007) Act*, do come into force on and not before May 18, 2007, with said Sections 42 and 43 having effect on and after January 12, 2007, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour
the Honourable Mayann E. Francis, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 18th day of May in the year of
Our Lord two thousand and seven and in the fifty-
sixth year of Our Reign.

BY COMMAND:

sgd: Murray K. Scott
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 276/2007

Made: May 18, 2007

Filed: May 22, 2007

Proclamation, S. 2, S.N.S. 2007, c. 21

Order in Council 2007-275 dated May 18, 2007

Proclamation made by the Governor in Council

pursuant to Section 2 of

An Act to Amend Chapter 302 of the Revised Statutes, 1989, the Municipal Grants Act

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated May 2, 2007, pursuant to Section 2 of Chapter 21 of the Acts of 2007, *An Act to Amend Chapter 302 of the Revised Statutes, 1989, the Municipal Grants Act*, is pleased to order and declare by proclamation that Chapter 21 of the Acts of 2007, *An Act to Amend Chapter 302 of the Revised Statutes, 1989, the Municipal Grants Act*, do come into force on and not before May 18, 2007.

PROVINCE OF NOVA SCOTIA

sgd: Mayann Francis

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 2 of Chapter 21 of the Acts of 2007, *An Act to Amend Chapter 302 of the Revised Statutes, 1989, the Municipal Grants Act*, it is enacted as follows:

- 2 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 21 of the Acts of 2007, *An Act to Amend Chapter 302 of the Revised Statutes, 1989, the Municipal Grants Act*, do come into force on and not before May 18, 2007;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 21 of the Acts of 2007, *An Act to Amend Chapter 302 of the Revised Statutes, 1989, the Municipal Grants Act*, do come into force on and not before May 18, 2007, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour
the Honourable Mayann E. Francis, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 18th day of May in the year of Our Lord two thousand and seven and in the fifty-sixth year of Our Reign.

BY COMMAND:

sgd: Murray K. Scott
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 277/2007

Made: April 23, 2007 and May 18, 2007

Filed: May 22, 2007

Insured Dental Services Tariff Regulations

Order in Council 2007-282 dated May 18, 2007
Amendment to regulations made by the Governor in Council and by the Minister of Health pursuant to Section 13 and subsection 17(2) of the *Health Services and Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Health dated April 23, 2007, and pursuant to subsection 17(2) of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*, is pleased, effective on and after April 1, 2007, to:

- (a) amend the *Insured Dental Services Tariff Regulations*, N.S. Reg. 87/2001, made by the Minister of Health and the Governor in Council by Order in Council 2001-327 dated July 5, 2001, in accordance with the increased tariff amounts established by the Minister of Health pursuant to clause 13(1)(a), in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) approve the authorization by the Minister of Health of payments in respect of the increased tariff amounts referred to in clause (a).

**In the matter of the *Insured Dental Services Tariff Regulations*
made pursuant to Section 13 and subsection 17(2) of the
*Health Services Insurance Act***

- and -

**In the matter of an increase to the tariff of fees established by
the Minister of Health pursuant to clause 13(1)(c) of
Chapter 197 of the Revised Statutes of Nova Scotia,
the *Health Services Insurance Act*
with respect to insured dental services**

Order

I, Chris d'Entremont, Minister of Health for the Province of Nova Scotia, pursuant to clause 13(1)(c) of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*, hereby establish that the tariff to be paid in respect of the *Insured Dental Services Tariff Regulations*, N.S. Reg. 87/2001, are

increased as set forth in Schedule "A" and I hereby authorize payment in respect of the tariff in accordance with the amendments set forth in Schedule "A".

This Order is effective on and after the making by the Governor in Council of the amendments to the *Insured Dental Services Tariff Regulations* set forth in Schedule "A".

Dated and made April 23, 2007, at Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Chris d'Entremont*
Honourable Chris d'Entremont
Minister of Health

Schedule "A"

**Amendment to the *Insured Dental Services Tariff Regulations*
made by the Minister of Health and the Governor in Council
pursuant to Section 13 and subsection 17(2)
of Chapter 197 of the Revised Statutes of Nova Scotia, 1989,
the *Health Services and Insurance Act***

- 1 The *Insured Dental Services Tariff Regulations*, N.S. Reg. 87/2001, made by the Minister of Health and the Governor in Council by Order in Council 2001-327 dated July 5, 2001, are amended by adding the following subsection immediately after subsection 2(4):
 - (5) The tariff of fees referred to in subsection (1) shall be increased effective April 1 of each year from 2007 to 2010, as follows:
 - (a) effective on and after April 1, 2007, an increase of 5%, except for the Schedule "B" Children's Oral Health Plan Restorative Fee Codes 20111 to 23515 inclusive which increase by 10%;
 - (b) effective on and after April 1, 2008, a further increase of 5%, except for the Schedule "B" Children's Oral Health Plan Restorative Fee Codes 20111 to 23515 inclusive which increase by 10%;
 - (c) effective on and after April 1, 2009, a further increase of 5%, except for the Schedule "B" Children's Oral Health Plan Restorative Fee Codes 20111 to 23515 inclusive which increase by 10%.
- 2 Schedule "E" to the regulations is amended by striking out the first and second paragraphs and replacing them with the following paragraphs:

The Mentally Challenged Program provides the insured dental services set out for the Children's Oral Health Program in Schedule "B" for residents (as defined in the *M.S.I Regulations*) who are considered by a physician to be mentally handicapped.

The fee for an insured dental service provided under this Schedule to a mentally handicapped resident is the fee set out in the Nova Scotia Dental Association Schedule of Fees at the general practitioner rate, unless the service is provided in a hospital, in which case the fee is the fee set out in the Nova Scotia Dental Association Schedule of Fees at the general practitioner rate, plus 30%.
- 3 Schedule "F" to the regulations is repealed.

N.S. Reg. 278/2007

Made: May 18, 2007

Filed: May 22, 2007

Proclamation, S. 5, S.N.S. 2007, c. 19

Order in Council 2007-283 dated May 18, 2007

Proclamation made by the Governor in Council

pursuant to Section 5 of

An Act to Amend Chapter 8 of the Acts of 2001, the Livestock Health Services Act

The Governor in Council on the report and recommendation of the Minister of Agriculture dated May 2, 2007, pursuant to Section 5 of Chapter 19 of the Acts of 2007, *An Act to Amend Chapter 8 of the Acts of 2001, the Livestock Health Services Act*, is pleased to order and declare by proclamation that Chapter 19 of the Acts of 2007, *An Act to Amend Chapter 8 of the Acts of 2001, the Livestock Health Services Act*, do come into force on and not before May 18, 2007.

PROVINCE OF NOVA SCOTIA

sgd: **Mayann Francis**

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 5 of Chapter 19 of the Acts of 2007, *An Act to Amend Chapter 8 of the Acts of 2001, the Livestock Health Services Act*, it is enacted as follows:

- 5 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 19 of the Acts of 2007, *An Act to Amend Chapter 8 of the Acts of 2001, the Livestock Health Services Act*, do come into force on and not before May 18, 2007;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 19 of the Acts of 2007, *An Act to Amend Chapter 8 of the Acts of 2001, the Livestock Health Services Act*, do come into force on and not before May 18, 2007, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour
the Honourable Mayann E. Francis, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 18th day of May in the year of Our Lord two thousand and seven and in the fifty-sixth year of Our Reign.

BY COMMAND:

sgd: Murray K. Scott
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 279/2007

Made: May 18, 2007

Filed: May 22, 2007

Withdrawal of Petroleum Products from the Act Regulations

Order in Council 2007-286 dated May 18, 2007
Regulations made by the Governor in Council
pursuant to Section 8 of the *Petroleum Resources Act*

The Governor in Council on the report and recommendation of the Minister of Energy dated April 11, 2007, is pleased, effective on and after the May 18, 2007, to

- (a) repeal the Order exempting certain petroleum products in the offshore area from the *Petroleum Resources Act*, N.S. Reg. 154/84, made by the Governor in Council by Order in Council 84-891 dated July 26, 1984; and
- (b) make new regulations withdrawing certain petroleum products in the offshore area from the *Petroleum Resources Act* in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Regulations Withdrawing Certain Petroleum Products in the Offshore
Area from the Application of the Act
made by the Governor in Council pursuant to Section 8 of
Chapter 342 of the Revised Statutes of Nova Scotia, 1989,
the *Petroleum Resources Act***

Citation

1 These regulations may be cited as the *Withdrawal of Petroleum Products from the Act Regulations*.

Definitions

2 In these regulations,

- (a) "Act" means the *Petroleum Resources Act*;

- (b) “offshore area” means the lands and submarine areas within the limits described in Schedule I to the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*.

Petroleum products withdrawn from application of Act

3 The following petroleum products that are found in the offshore area are withdrawn from the application of the Act:

- (a) natural gas and all substances, other than oil, that are produced in association with natural gas;
- (b) crude petroleum, regardless of gravity, produced at a wellhead in liquid form;
- (c) any hydrocarbons, except coal and coal gas associated with the development or operation of a coal mine, including hydrocarbons that may be extracted or recovered from surface or subsurface deposits, such as deposits of oil sand, bitumen, bituminous sand, oil shale and other types of deposits.

N.S. Reg. 280/2007

Made: May 18, 2007

Filed: May 22, 2007

Withdrawal of Energy Resources from the Act Regulations

Order in Council 2007-287 dated May 18, 2007
Regulations made by the Governor in Council
pursuant to Section 5 of the *Energy Resources Conservation Act*

The Governor in Council on the report and recommendation of the Minister of Energy dated April 11, 2007, is pleased, effective on and after the May 18, 2007, to

- (a) repeal the Order exempting certain petroleum products in the offshore area from the application of the *Energy Resources Conservation Act*, N.S. Reg. 155/84, made by the Governor in Council by Order in Council 84-821 dated July 26, 1984; and
- (b) make new regulations withdrawing certain energy resources in the offshore area from the application of the *Energy Resources Conservation Act* in the form set forth in Schedule “A” attached to and forming part of the report and recommendation.

Schedule “A”

**Regulations Withdrawing Certain Energy Resources in the Offshore Area
from the Application of the Act
made by the Governor in Council pursuant to Section 5 of
Chapter 147 of the Revised Statutes of Nova Scotia, 1989,
the *Energy Resources Conservation Act***

Citation

1 These regulations may be cited as the *Withdrawal of Energy Resources from the Act Regulations*.

Definitions

2 In these regulations,

- (a) “Act” means the *Energy Resources Conservation Act*;
- (b) “offshore area” means the lands and submarine areas within the limits described in Schedule I to the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*.

Energy resources withdrawn from application of Act

3 The following energy resources found in the offshore area are withdrawn from the application of the Act:

- (a) natural gas and all substances, other than oil, that are produced in association with natural gas;
- (b) crude petroleum, regardless of gravity, produced at a wellhead in liquid form;
- (c) any other hydrocarbons, except coal and coal gas associated with the development or operation of a coal mine, including hydrocarbons that may be extracted or recovered from surface or subsurface deposits, such as deposits of oil sand, bitumen, bituminous sand, oil shale and other types of deposits.

N.S. Reg. 281/2007 to 282/2007

Made: May 18, 2007

Filed: May 22, 2007

Fish Buyers’ Licensing and Enforcement Regulations
and Fish Inspection Regulations

Order in Council 2007-288 dated May 18, 2007
Amendments to regulations made by the Governor in Council
pursuant to Section 25 of the *Fisheries and Coastal Resources Act*

The Governor in Council on the report and recommendation of the Minister of Fisheries and Aquaculture dated April 30, 2007, and pursuant to Chapter 25 of the Acts of 1996, the *Fisheries and Coastal Resources Act*, is pleased, effective on and after May 18, 2007, to

- (a) amend the *Fisheries Buyers’ Licensing and Enforcement Regulations*, N.S. Reg. 99/2000, made by the Governor in Council by Order in Council 2000-286 dated June 1, 2000 by striking out “\$213.00” in subsection 15(3) and substituting “213.60”; and **[N.S. Reg. 281/2007]**
- (b) amend the *Fish Inspection Regulations*, N.S. Reg. 286/84, made by the Governor in Council by Order in Council 84-1404 dated December 4, 1984, by striking out “\$213.00” in subsection 6B(3) and substituting “\$213.60”. **[N.S. Reg. 282/2007]**

N.S. Reg. 283/2007

Made: May 25, 2007

Filed: May 25, 2007

Proclamation, S. 6, S.N.S. 2007, c. 12

Order in Council 2007-291 dated May 25, 2007
Proclamation made by the Governor in Council
pursuant to Section 6 of the
Medal of Bravery Act

The Governor in Council on the report and recommendation of the President of the Executive Council dated May 2, 2007, pursuant to Section 6 of Chapter 12 of the Acts of 2007, the *Medal of Bravery Act*, is pleased to order and declare by proclamation that Chapter 12 of the Acts of 2007, the *Medal of Bravery Act*, do come into force on and not before May 25, 2007, with effect on and after January 1, 2007.

PROVINCE OF NOVA SCOTIA

sgd: J. Michael MacDonald

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 6 of Chapter 12 of the Acts of 2007, the *Medal of Bravery Act*, it is enacted as follows:

- 6 This Act has effect on and after January 1, 2007, upon the Governor in Council so ordering and declaring by proclamation.

AND WHEREAS it is deemed expedient that Chapter 12 of the Acts of 2007, the *Medal of Bravery Act*, do come into force on and not before May 25, 2007, with effect on and after January 1, 2007;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 12 of the Acts of 2007, the *Medal of Bravery Act*, do come into force on and not before May 25, 2007, with effect on and after January 1, 2007, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour
the Honourable J. Michael MacDonald,
Administrator of the Government of the Province
of Nova Scotia.

AT Our Law Courts in the Halifax Regional Municipality, this 25th day of May in the year of Our Lord two thousand and seven and in the fifty-sixth year of Our Reign.

BY COMMAND:

sgd: Murray K. Scott
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 284/2007

Made: May 25, 2007

Filed: May 25, 2007

Forest Sustainability Regulations

Order in Council 2007-299 dated May 25, 2007
Amendment to regulations made by the Governor in Council
pursuant to Section 40 of the *Forests Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated May 2, 2007, and pursuant to Section 40 of Chapter 179 of the Revised Statutes of Nova Scotia, 1989, the *Forests Act*, is pleased to amend the *Forest Sustainability Regulations* made by the Governor in Council by Order in Council 2001-570 dated December 7, 2001, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Amendment to the *Forest Sustainability Regulations*
made by the Governor in Council
pursuant to Section 40 of Chapter 179
of the Revised Statutes of Nova Scotia, 1989, the *Forests Act***

- 1 Section 2 of the *Forest Sustainability Regulations*, N.S. Reg. 148/2001, made by the Governor in Council by Order in Council 2001-570 dated December 7, 2001, is amended by
 - (a) re-lettering clause (a) as clause (aa); and
 - (b) adding the following clause immediately before clause (aa):
 - (a) "commercial" means, in reference to trees, having potential value for commerce or trade;
- 2 Section 13 of the regulations is amended by
 - (a) striking out "If the total value" and substituting "Subject to subsection (4), if the total value"; and
 - (b) repealing subsection (4) and substituting the following subsection:
 - (4) Whether their volume of primary forest products is acquired from an industrial landowner or a private landowner, a registered buyer shall not

- (a) have a deficiency greater than 20% of their respective required values; or
 - (b) carry forward a deficiency for longer than 1 year.
- 3 Section 19 of the regulations is repealed.
- 4 Schedule 1 - Technical Standards to the regulations is repealed and the attached Schedule 1 - Technical Standards is substituted.

Schedule 1
Technical Standards
Forest Sustainability Regulations

General requirements for all silviculture categories

- 1 No site where silviculture has been conducted can be submitted under more than one silviculture category in any given year, except for any of the following silviculture category combinations, which can be submitted for the same year:
 - (a) 1 and 3;
 - (b) 2 and 3;
 - (c) 6 and 7(b);
 - (d) 7(a) and (b);
 - (e) 7(b) and (c);
 - (f) 1(b) and 7(c).
- 2 Only silviculture undertaken after January 1, 1998, is eligible.
- 3
 - (1) No site where silviculture has been conducted and the credit has been claimed can be reclaimed in the same silviculture category during the life of the forest stand on that same site, except for categories 7(a) and (c) where minimum reclaim periods apply.
 - (2) Sites claimed for categories 7(a) and 7(c) are not subsequently eligible for categories 1 to 6.
- 4 For a silviculture program to be considered as a softwood or hardwood program, the following conditions apply:

Hardwood silviculture program

 - 25% or more of the trees on each site claimed in the program must be commercial hardwood trees
 - limited to silviculture categories 1, 3, 5, 6, and 7

Softwood silviculture program

 - 25% or more of the trees on each site in the program must be commercial softwood trees
 - all silviculture categories apply to the softwood silviculture program.

Technical Standard for Completed Silviculture		
Silviculture Category 1: Natural Regeneration Establishment		
(a) Regeneration and fill plant less than 300/ha		
<u>Minimum</u>	<u>Maximum</u>	<u>Limitations</u>
<ul style="list-style-type: none"> the site must contain at least 1500 commercial crop trees per hectare the minimum acceptable stocking level of commercial crop trees on the site is equivalent to 80% at 2.4 x 2.4 m spacing the height of commercial crop trees must be 10 cm or greater 	<ul style="list-style-type: none"> the average height of commercial softwood species for the site must be 2 m or less the average height of commercial hardwood species for the site must be 6 m or less 	<ul style="list-style-type: none"> commercial crop tree species must be listed by percent for each site average height in metres of the listed commercial crop tree species must be submitted for each site
(b) Regeneration and fill plant 300/ha or greater		
<u>Minimum</u>	<u>Maximum</u>	<u>Limitations</u>
<ul style="list-style-type: none"> the site must contain at least 1500 commercial crop trees per hectare the minimum acceptable stocking level of commercial crop trees on the site is equivalent to 80% at 2.4 x 2.4 m spacing the height of commercial crop trees must be 10 cm or greater the site must contain at least 300 living planted trees per hectare 		<ul style="list-style-type: none"> commercial crop tree species must be listed by percent for each site average height in metres for up to 2 height classes of the listed commercial crop tree species must be submitted for each site
Silviculture Category 2: Plantation		
(a) Plantation Establishment		
<u>Minimum</u>	<u>Maximum</u>	<u>Limitations</u>
<ul style="list-style-type: none"> the site must contain at least 1500 living planted/natural softwood commercial crop trees per hectare the minimum acceptable stocking level of commercial softwood crop trees on the site is equivalent to 85% at 2.4 x 2.4 m spacing the site must contain at least 900 living planted trees per hectare 	<ul style="list-style-type: none"> the maximum acceptable stocking level of naturally regenerated commercial softwood crop trees on the site is equivalent to 50% at 2.4 x 2.4 m spacing 	<ul style="list-style-type: none"> commercial softwood crop tree species must be listed by percent for each site a plantation establishment site may be submitted for a silviculture credit in the year in which it was planted this category can only be claimed for softwood species
(b) Intensive Plantation		
<u>Minimum</u>	<u>Maximum</u>	<u>Limitations</u>
<ul style="list-style-type: none"> the site must contain at least 2000 living planted/natural softwood commercial crop trees per hectare the minimum acceptable stocking level of commercial softwood crop trees on the site is equivalent to 90% at 2.1 x 2.1 m spacing the average height of the softwood crop trees must be at least 1.2 m the site must contain at least 1500 softwood crop trees per hectare that are released on the site 	<ul style="list-style-type: none"> the maximum acceptable stocking level of naturally regenerated commercial softwood crop trees on the site is equivalent to 50% at 2.4 x 2.4 m spacing 	<ul style="list-style-type: none"> commercial softwood crop tree species must be listed by percent for each site this category can only be claimed for softwood species successful claim for category 2 or 2(a) required

Silviculture Category 3: Early Competition Control		
<u>Minimum</u>	<u>Maximum</u>	<u>Limitations</u>
<ul style="list-style-type: none"> the site must contain at least 1500 living planted/natural commercial softwood and/or hardwood crop trees per hectare that are released on the site the minimum acceptable stocking level of commercial crop trees on the site must be equivalent to 80% for natural stands and 85% for plantations, at 2.4 x 2.4 m spacing plantation sites must contain a minimum of 900 planted trees per hectare that are released on each site 		<ul style="list-style-type: none"> commercial softwood and/or hardwood crop tree species must be listed by percent for each site this category applies to both natural stands and plantations evidence of manual or chemical treatment is required average height in metres of the listed commercial crop tree species must be submitted for each site
Silviculture Category 4: Density Control and Release in Plantations		
<u>Minimum</u>	<u>Maximum</u>	<u>Limitations</u>
<ul style="list-style-type: none"> the average height of softwood crop trees on the site must be at least 2 m the number of commercial softwood crop trees on the site must be at least 1500/ha the minimum acceptable stocking level for commercial softwood crop trees is equivalent to 85% at 2.4 x 2.4 m spacing 	<ul style="list-style-type: none"> the average height of trees on the site must not be greater than 6 m the number of commercial softwood crop trees on the site must not be more than 3500/ha 	<ul style="list-style-type: none"> commercial softwood crop tree species must be listed by percent for each site this category can be claimed for a silviculture credit for softwood plantations only average height in metres of the listed commercial crop tree species must be submitted for each site
Silviculture Category 5: Density Control and Release in Natural Stands		
<u>Minimum</u>	<u>Maximum</u>	<u>Limitations</u>
<ul style="list-style-type: none"> the average height of commercial softwood crop trees on the site must be at least 2 m the average height of commercial hardwood crop trees on the site must be at least 6 m the number of commercial crop trees on the site must be at least 1500/ha the acceptable minimum level of stocking of commercial crop trees on the site must be equivalent to 80% at 2.4 x 2.4 m spacing 	<ul style="list-style-type: none"> the average height of commercial softwood crop trees on the site must be no greater than 7 m the average height of commercial hardwood crop trees on the site must be no greater than 9 m the number of commercial crop trees on the site must not be more than 3500/ha 	<ul style="list-style-type: none"> commercial crop tree species must be listed by percent for each site this category can be claimed for a silviculture credit for naturally established stands only, not previously claimed plantation sites average height in metres of the listed commercial crop tree species must be submitted for each site
Silviculture Category 6: Commercial Thinning		
<u>Minimum</u>	<u>Maximum</u>	<u>Limitations</u>
<ul style="list-style-type: none"> the post-treatment residual basal area must be at least 16 m²/ha 	<ul style="list-style-type: none"> the post-treatment residual basal area for softwood silviculture sites must not be larger than 30 m²/ha the post-treatment residual basal area for hardwood silviculture sites must not be larger than 24 m²/ha 	<ul style="list-style-type: none"> commercial crop tree species must be listed by percent for each site the basal area of remaining commercial crop trees must be made up of no more than 50% of balsam fir, and no more than 25% of poplar and red maple combined average height in metres of the listed commercial crop tree species must be submitted for each site

Silviculture Category 7: Forest Quality Improvement		
(a) Crop tree release		
<u>Minimum</u>	<u>Maximum</u>	<u>Limitations</u>
<ul style="list-style-type: none"> the number of commercial crop trees released must be at least 100 the average diameter measured at 1.3 m from ground of released commercial crop trees must be at least 15 cm with no crop tree smaller than 10 cm in diameter the total post-treatment residual basal area must be at least 15 m²/ha 	<ul style="list-style-type: none"> the number of commercial crop trees released must not be more than 125/ha 	<ul style="list-style-type: none"> commercial crop tree species must be listed by percent for each site acceptable commercial crop tree species include sugar maple, yellow birch, white ash, red oak, eastern white pine, red pine, white birch, red spruce, red maple and eastern hemlock crop tree crowns must be released on at least 3 sides a silviculture credit cannot be claimed for the same site more than once in a 10-year period released crop trees must be marked for identification on each site average height in metres of the listed commercial crop tree species must be submitted for each site
(b) Crop tree pruning		
<u>Minimum</u>	<u>Maximum</u>	<u>Limitations</u>
<ul style="list-style-type: none"> the number of commercial crop trees pruned must be at least 125/ha the pruned height of a crop tree must be at least 5 m the average height of commercial crop trees must be at least 8 m 		<ul style="list-style-type: none"> commercial crop tree species must be listed by percent for each site acceptable commercial crop tree species include sugar maple, yellow birch, white ash, red oak, eastern white pine, red pine, white birch and red maple average height in metres of the listed commercial crop tree species must be submitted for each site
(c) Selection management for tolerant softwood, mixed wood or hardwood stands		
<u>Minimum</u>	<u>Maximum</u>	<u>Limitations</u>
<p>Total post-treatment basal area:</p> <ul style="list-style-type: none"> must be at least 16 m²/ha must contain at least 5 m²/ha basal area of the following tolerant species: red spruce, white pine, eastern hemlock, eastern cedar, balsam fir, sugar maple, yellow birch, beech, red oak, white ash <p>Number of height classes post-treatment:</p> <ul style="list-style-type: none"> there must be 3 height classes or more on the site with a minimum difference of 3 m in average height between height classes, and one height class must have an average height of greater than 10 m <p>Stocking of crop trees:</p> <ul style="list-style-type: none"> the minimum acceptable stocking level for commercial crop trees is 80% at 2.4 x 2.4 m or equivalent spacing for each site 	<p>Total post-treatment basal area:</p> <ul style="list-style-type: none"> must be smaller than 30 m² /ha 	<ul style="list-style-type: none"> commercial crop tree species must be listed by percent for each site a silviculture credit cannot be claimed on the same site more than once in a 10-year period average height in metres of the listed commercial crop tree species in the upper canopy must be submitted for each site

<p>Spacing of crop trees:</p> <ul style="list-style-type: none"> • the minimum acceptable spacing for softwood species with a height of 3 m to 7 m is 1.5 m • the minimum acceptable spacing for hardwood species with a height of 6 m to 9 m is 1.5 m 		
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N.S. Reg. 285/2007

Made: May 25, 2007

Filed: May 25, 2007

Tobacco Access Regulations

Order in Council 2007-300 dated May 25, 2007
Amendment to regulations made by the Governor in Council
pursuant to Section 13 of the *Tobacco Access Act*

The Governor in Council on the report and recommendation of the Minister of Health Promotion and Protection dated May 17, 2007, and pursuant to Section 13 of Chapter 14 of the Acts of 1993, the *Tobacco Access Act*, is pleased to amend the regulations respecting tobacco access, N.S. Reg. 9/96, made by the Governor in Council by Order in Council 96-29 dated January 16, 1996, to prohibit the advertising of tobacco products to youth at point of sale, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after July 1, 2007.

Schedule "A"

**Amendment to the Regulations Respecting Tobacco Access
made by the Governor in Council pursuant to Section 13
of Chapter 14 of the Acts of 1993, the *Tobacco Access Act***

- 1 Subsection 1(1) of the regulations respecting tobacco access, N.S. Reg. 9/96, made by the Governor in Council by Order in Council 96-29 dated January 16, 1996, is amended by
 - (a) adding the following clause immediately after clause (b):
 - (ba) "opaque" means, with respect to material used to conceal tobacco and tobacco products, impenetrable enough to sight so that the tobacco and tobacco products are not visible to the public;
 - (b) striking out the period at the end of clause (d) and substituting a semi-colon; and
 - (c) adding the following clause immediately after clause (d):
 - (e) "tobacconist" means
 - (a) a vendor who manufactures, blends, sells or distributes only tobacco or tobacco products at their vending premises, or

- (b) a vendor who only manufactures, blends, sells or distributes tobacco or tobacco products and sells tickets for a licensed lottery scheme within the meaning of the *Gaming Control Act* at their vending premises;

2 Subsection 1(2) of the regulations is repealed and the following subsection substituted:

(2) In the Act and these regulations,

- (a) “establishment” includes an outdoor area or a temporary or moveable location;
- (b) “test purchases” as referred to in clause 10(a) of the Act includes purchases made using an agent under 19 years old, with the consent of the agent’s parent or guardian, to test a vendor’s compliance with the Act or these regulations;
- (c) “tobacco product” is further defined as including all of the following:
 - (i) devices for rolling cigarettes,
 - (ii) cigarette or tobacco carrying or storage cases,
 - (iii) pipe loaders,
 - (iv) cigar cutters,
 - (v) specialty tobacco publications,
 - (vi) lighters and matches that display or depict logos, trademarks or colours of tobacco manufacturers.

3 The regulations are further amended by adding the following Sections immediately after Section 2:

Designated establishments prohibited from selling tobacco

2A The following are designated establishments for the purpose of clause 9B(c) of the Act:

- (a) a recreational facility where the primary activity is physical recreation, including all of the following facilities:
 - (i) a bowling alley,
 - (ii) a fitness centre,
 - (iii) a gymnasium,
 - (iv) a pool,
 - (v) a rink;
- (b) a community college or university;
- (c) a library, art gallery or museum;
- (d) a cinema or theatre;

- (e) an amusement park, a video arcade or pool hall;
- (f) a gaming premises, as defined in the *Gaming Control Act*;
- (g) an office of any of the following or of an agency of any of the following:
 - (i) the Government of Nova Scotia,
 - (ii) a municipality, as defined in the *Municipal Government Act*,
 - (iii) a village, as defined in the *Municipal Government Act*,
 - (iv) a school board, as defined in the *Education Act*;
- (h) a multi-service centre, community centre or hall, arena, fire hall or church hall;
- (i) any of the following care facilities:
 - (i) a facility as defined in the *Hospitals Act*,
 - (ii) a nursing home or residential care facility licensed under the *Homes for Special Care Act*,
 - (iii) a home for aged or disabled persons to which the *Homes for Special Care Act* applies,
 - (iv) a part of a health-care facility used for the acute or long-term care of veterans;
- (j) a restaurant, lounge or beverage room, as defined in the *Smoke-Free Places Regulations*, or any other place licensed to serve alcoholic beverages;
- (k) an outdoor area or a moveable or temporary location.

3 (1) Section 3 of the regulations is amended by

(a) striking out “awareness information” in the heading and substituting “awareness, health warning and information signs”; and

(b) repealing subsection (1) and substituting the following subsection:

(1) Point of sale awareness, health warning and information signs required by subsection 9(1) of the Act must meet the following specifications and be displayed in accordance with the following:

(2) Section 3 is further amended by adding “Promotion and Protection” immediately after “Health” in subsection (2).

4 The regulations are further amended by adding the following Sections immediately after Section 3:

Storing tobacco and tobacco products

3A (1) A vendor, other than a tobacconist, shall store tobacco and tobacco products so that all of the following conditions are met:

- (a) the tobacco and tobacco products are not visible to the public from outside the vendor's premises;
 - (b) the tobacco and tobacco products are stored at the point of purchase under an opaque front counter, above the front counter in an opaque cabinet or behind the front counter.
- (2) If tobacco or tobacco products are stored behind the front counter in accordance with clause (1)(b), all of the following conditions must be met:
- (a) the cabinet space used for storing the tobacco or tobacco products must have an area of no greater than 15 720 square centimeters (131 cm x 120 cm);
 - (b) the cabinet space used for storing tobacco or tobacco products must have a permanent opaque concealing device that automatically closes without the assistance of the vendor or an employee;
 - (c) a vendor or an employee shall not open the concealing device to show what is available to the public;
 - (d) tobacco must be stored in such a manner that only the Health Canada emissions panel is visible when the permanent concealing device is opened;
 - (e) tobacco or tobacco products must not be stored in such a manner that a tobacco manufacturer's colours, logos and any other product-identifying symbols are visible to the public.
- (3) Once a consumer has indicated to a vendor or an employee an intention to purchase tobacco or tobacco products, they may view and examine only the specific number of units requested of the products before purchasing.
- (4) Despite the storage requirements of these regulations, it is not an offence under the Act if a consumer is able to view tobacco, tobacco products or containers used for storing or transporting tobacco or tobacco products in any of the following circumstances:
- (a) a vendor, an employee or a representative of a manufacturer of tobacco or tobacco products is restocking tobacco or tobacco products;
 - (b) a vendor or an employee is conducting an inventory of tobacco or tobacco products;
 - (c) a vendor or an employee is receiving a delivery of or unpacking tobacco or tobacco products;
 - (d) a vendor is in the process of selling tobacco or tobacco products to a consumer.

Tobacconists' displays of tobacco and advertising

- 3B (1)** A tobacconist may display tobacco or tobacco products that are visible to the public from outside the tobacconist's premises, but must not display any sign or material promoting or advertising the sale of or otherwise respecting tobacco or tobacco products, other than a point of awareness sign described in subsection 3(1).
- (2) Tobacco must be stored or displayed in such a manner that only the Health Canada emissions panel is visible.

Signs listing types of tobacco for sale

3C (1) A vendor may display signs listing the types of tobacco offered for sale and their prices in accordance with the following conditions:

- (a) no more than 1 sign may be displayed at a till;
- (b) no more than 3 signs may be posted in the vendor's premises;
- (c) a sign that is posted must be fixed to the counter or wall near a till;
- (d) a sign may be kept under the counter and available for reference by a cashier;
- (e) a sign must not be readable from outside the vendor's premises.

(2) A sign listing the types of tobacco for sale shall meet all of the following criteria:

- (a) the maximum size for a sign is 968 square centimetres;
- (b) a sign must be white with only black lettering;
- (c) the maximum height for the lettering on a sign is 18 millimetres;
- (d) the lettering size and style must be consistent and shall not contain italics, bold type or underlining;
- (e) the text on a sign shall not identify or reflect a brand of tobacco or any element of a brand;
- (f) the text on a sign may use only the following words, or an abbreviation or an equivalent in another language, to describe the types of tobacco for sale:
 - (i) full price cigarettes,
 - (ii) mid price cigarettes,
 - (iii) budget price cigarettes,
 - (iv) smokeless tobacco,
 - (v) cigars,
 - (vi) loose tobacco by pouch or tub;
- (g) the text on a sign must not contain any words, phrases or figures additional to those set out in Schedule "F" or instructed to be inserted on the sign in Schedule "F", other than an abbreviation of them or an equivalent in another language.

(3) A sign listing the types of tobacco for sale and their prices may be in the form set out in Schedule "F".

5 (1) Schedules "A", "B", "C", "D" and "E" to the regulations are amended by striking out "Department of Health" and substituting "Department of Health Promotion and Protection" wherever it appears.

- (2) Schedules "D" and "E" to the regulations are amended by striking out "- More Deaths Than Accidents, Alcohol, AIDS, Homicides & Suicides Combined." wherever it appears.
- (3) The regulations are further amended by adding Schedule "F" in the form attached immediately after Schedule "E".

Schedule "F"

Tobacco Pricing		20s	25s	Carton
Cigarettes				
full price		\$(x)	\$(x)	\$(x)
mid price		\$(x)	\$(x)	\$(x)
budget price		\$(x)	\$(x)	\$(x)
Smokeless tobacco	\$(x)	to	\$(x)	
Cigars	\$(x)	to	\$(x)	
Loose tobacco				
pouch	\$(x)	to	\$(x)	
tub	\$(x)	to	\$(x)	

TOBACCO KILLS [STATISTIC AS SUPPLIED BY THE DEPARTMENT OF HEALTH PROMOTION AND PROTECTION] NOVA SCOTIANS EACH YEAR

BECAUSE TOBACCO IS AN ADDICTIVE DRUG, IT IS AGAINST THE LAW FOR THIS STORE TO SELL OR GIVE TOBACCO OR TOBACCO PRODUCTS TO PERSONS UNDER 19. IF ANY DOUBT, A PHOTO I.D. IS REQUIRED.

Notes: Vendor must insert price for "(x)" wherever "\$ (x)" occurs.
The maximum height for the lettering on a sign is 18 mm.

N.S. Reg. 286/2007

Made: April 23, 2007 and May 25, 2007

Filed: May 25, 2007

Insured Optometric Services Tariff Regulations

Order in Council 2007-301 dated May 25, 2007

Amendment to regulations made by the Governor in Council and by the Minister of Health pursuant to Section 13 and subsection 17(2) of the *Health Services and Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Health dated April 23, 2007, and pursuant to subsection 17(2) of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*, is pleased to, effective on and after April 1, 2007,

- (a) amend the *Insured Optometric Services Tariff Regulations*, N.S. Reg. 68/2002, made by the Minister of Health and the Governor in Council by Order in Council 2002-255 dated May 31, 2002, in accordance with the increased tariff amounts established by the Minister of Health pursuant to clause 13(1)(c) of the Act, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) approve the authorization by the Minister of Health of payments in respect of the increased tariff amounts referred to in clause (a).

**In the matter of the *Insured Optometric Services Tariff Regulations*
made pursuant to Section 13 and subsection 17(2) of Chapter 197 of the
Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act***

-and-

**In the matter of a tariff of fees established by the Minister of Health
pursuant to clause 13(1)(c) of the *Health Services and Insurance Act*
with respect to insured optometric services**

Order

I, Chris d'Entremont, Minister of Health for the Province of Nova Scotia, pursuant to clause 13(1)(c) of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act* hereby establish that the tariff of fees to be paid in respect of insured optometric services is increased as set forth in Schedule "A" and I hereby authorize payments in respect of the tariff.

This Order is effective on and after the date specified for the amendments to the *Insured Optometric Services Tariff Regulations*, N.S. Reg. 68/2002, set forth in Schedule "A" to come into effect.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, April 23, 2007.

Sgd.: *Chris d'Entremont*
Honourable Chris d'Entremont
Minister of Health

Schedule "A"

**Amendment to the *Insured Optometric Services Tariff Regulations*
made by the Minister of Health and the Governor in Council
pursuant to Section 13 and subsection 17(2) of Chapter 197 of the
Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act***

The *Insured Optometric Services Tariff Regulations* made by the Minister of Health and the Governor in Council by Order in Council 2002-255 dated May 31, 2002, are amended by repealing Section 3 and substituting the following Section:

Tariff of fees

- 3 (1)** The tariff of fees for insured optometric services is as follows:
- (a) effective April 1, 2007, the Medical Service Unit (MSU) is \$2.37;
 - (b) effective April 1, 2008, the MSU is increased to \$2.49; and
 - (c) effective April 1, 2009, the MSU is increased to \$2.62.
- (2)** The tariff of fees for insured optometric services is in effect from April 1, 2007 to March 31, 2010.

N.S. Reg. 287/2007

Made: May 24, 2007

Filed: May 29, 2007

Prescribed Petroleum Products Prices

Order dated May 24, 2007

Regulations made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act*

**In the Matter of Section 14 of Chapter 11 of the Acts of 2005
the *Petroleum Products Pricing Act***

- and -

**In the Matter of Sections 14 to 18 of the *Petroleum Products Pricing Regulations*
made by the Governor in Council
pursuant to Section 14 of the *Petroleum Products Pricing Act***

- and -

**In the Matter of an Order Prescribing Prices for Petroleum Products
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 14 to 18 of the *Petroleum Products Pricing Regulations***

Order

I, Jamie Muir, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, and Sections 14 to 18 of the *Petroleum Products Pricing Regulations*, hereby

- (a) repeal the Order dated May 18, 2007, which prescribed prices for petroleum products in the Province effective on and after 12:01 a.m. on May 17, 2007; and
- (b) prescribe prices for petroleum products in the Province as set forth in the tables in Schedule "A".

This Order is effective on and after 12:01 a.m. on May 25, 2007.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on May 24, 2007.

Sgd.: *Jamie Muir*
Honourable Jamie Muir
Minister of Service Nova Scotia and Municipal Relations

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on May 25, 2007**

Product	Price (cents/litre)
Regular unleaded gasoline	67.2
Mid-grade unleaded gasoline	70.2
Premium unleaded gasoline	73.2
Ultra low-sulfur diesel oil	58.9

		Retail Mark-up				Retail Price (includes all taxes)			
		Self-Service		Full-Service		Self-Service		Full-Service	
	Fixed Wholesale Price (excludes GST)	Min	Max	Min	Max	Min	Max	Min	Max
Zone 1									
Regular Unleaded	99.0	4.0	5.5	4.0	999.9	117.4	119.1	117.4	999.9
Mid-Grade Unleaded	102.0	4.0	5.5	4.0	999.9	120.8	122.6	120.8	999.9
Premium Unleaded	105.0	4.0	5.5	4.0	999.9	124.3	126.0	124.3	999.9
Ultra Low-Sulfur Diesel	84.6	4.0	5.5	4.0	999.9	101.0	102.7	101.0	999.9
Zone 2									
Regular Unleaded	99.4	4.0	5.5	4.0	999.9	117.9	119.6	117.9	999.9
Mid-Grade Unleaded	102.4	4.0	5.5	4.0	999.9	121.3	123.0	121.3	999.9
Premium Unleaded	105.4	4.0	5.5	4.0	999.9	124.7	126.4	124.7	999.9
Ultra Low-Sulfur Diesel	85.0	4.0	5.5	4.0	999.9	101.5	103.2	101.5	999.9

Zone 3									
Regular Unleaded	99.9	4.0	5.5	4.0	999.9	118.4	120.2	118.4	999.9
Mid-Grade Unleaded	102.9	4.0	5.5	4.0	999.9	121.9	123.6	121.9	999.9
Premium Unleaded	105.9	4.0	5.5	4.0	999.9	125.3	127.0	125.3	999.9
Ultra Low-Sulfur Diesel	85.5	4.0	5.5	4.0	999.9	102.0	103.7	102.0	999.9
Zone 4									
Regular Unleaded	99.9	4.0	5.5	4.0	999.9	118.4	120.2	118.4	999.9
Mid-Grade Unleaded	102.9	4.0	5.5	4.0	999.9	121.9	123.6	121.9	999.9
Premium Unleaded	105.9	4.0	5.5	4.0	999.9	125.3	127.0	125.3	999.9
Ultra Low-Sulfur Diesel	85.5	4.0	5.5	4.0	999.9	102.0	103.7	102.0	999.9
Zone 5									
Regular Unleaded	99.9	4.0	5.5	4.0	999.9	118.4	120.2	118.4	999.9
Mid-Grade Unleaded	102.9	4.0	5.5	4.0	999.9	121.9	123.6	121.9	999.9
Premium Unleaded	105.9	4.0	5.5	4.0	999.9	125.3	127.0	125.3	999.9
Ultra Low-Sulfur Diesel	85.5	4.0	5.5	4.0	999.9	102.0	103.7	102.0	999.9
Zone 6									
Regular Unleaded	100.7	4.0	5.5	4.0	999.9	119.4	121.1	119.4	999.9
Mid-Grade Unleaded	103.7	4.0	5.5	4.0	999.9	122.8	124.5	122.8	999.9
Premium Unleaded	106.7	4.0	5.5	4.0	999.9	126.2	127.9	126.2	999.9
Ultra Low-Sulfur Diesel	86.3	4.0	5.5	4.0	999.9	102.9	104.7	102.9	999.9

N.S. Reg. 288/2007

Made: February 19, 2007

Filed: May 29, 2007

Off-highway Vehicles Designated Trails

Order dated February 19, 2007

Designation made by the Minister of Natural Resources
pursuant to subsection 12D(1) of the *Off-highway Vehicles Act***Designation of Snow Vehicle Trails****Pursuant to subsection 12D(1) of Chapter 323 of the Revised Statutes of Nova
Scotia, 1989, the *Off-highway Vehicles Act*****and****the *Off-highway Vehicles Designated Trails and Trail Permits Regulations*
made under Section 25 of Chapter 323 of the Revised Statutes of Nova
Scotia, 1989, the *Off-highway Vehicles Act***

I hereby designate the trails located on lands under the administration and control of the Minister of Natural Resources at various locations in the Province of Nova Scotia and shown in bold line on maps attached hereto as Schedule "A" and filed at the Crown Land Information Management Centre as C.L.R. No. E-15-66 (1 to 4), as snow vehicle trails, pursuant to subsection 12D(1) of Chapter 323 of the Revised Statutes of Nova Scotia, 1989, the *Off-highway Vehicles Act* (the "Act") and the *Off-highway Vehicles Designated Trails and Trail Permits Regulations* made under the Act. This designation is effective annually from December 1 to March 31.

Dated at Halifax, Halifax Regional Municipality, Nova Scotia, February 19, 2007.

Minister of Natural Resources

Sgd.: *David Morse*

The Honourable David M. Morse

Minister of Natural Resources

Schedule "A"

[Note: Schedule "A", consisting of the following maps, was not provided to the Registry of Regulations in an electronic format:

C.L.R. No. E-15-66 (1 of 4)

C.L.R. No. E-15-66 (2 of 4)

C.L.R. No. E-15-66 (3 of 4)

C.L.R. No. E-15-66 (4 of 4)

Publication of Schedule "A" has been dispensed with by the Registrar of Regulations under subsection 3(5) of the *Regulations Act*. Contact the Registry of Regulations or the Department of Natural Resources for more information or to obtain a hard copy.]

N.S. Reg. 289/2007

Made: April 11, 2007

Approved: April 11, 2007

Filed: May 29, 2007

District Health Authorities Medical Staff (Disciplinary) By-laws

Order dated April 11, 2007

Bylaws made and approved by the Minister of Health
pursuant to Section 23 of the *Health Authorities Act*
and Section 6 of the *Hospitals Act*

Certificate of Approval**Medical Staff (Disciplinary) Bylaws
for the District Health Authorities**

**Pursuant to Section 23 of the *Health Authorities Act*
and Section 6 of the *Hospitals Act***

I, the Honourable Chris d'Entremont, hereby approve the attached Medical Staff (Disciplinary) Bylaws for all the District Health Authorities pursuant to the *Health Authorities Act* and the *Hospitals Act* and hereby revoke any previous approvals with respect to the Medical Staff (Disciplinary) Bylaws. Such approval and revocation shall be effective May 1, 2007.

Dated at Halifax, Nova Scotia, this 11 day of April, 2007.

Sgd.: *Chris d'Entremont*

Honourable Chris d'Entremont

**Medical Staff (Disciplinary) Bylaws for the
District Health Authorities pursuant to
Section 23 of the *Health Authorities Act*****Part I****1 Definitions**

1.1 In these bylaws

1.1.1 **Act** means the *Health Authorities Act*;

- 1.1.2 **Board** means the Board of Directors of the DHA or a committee of the Board which may have delegated authority, under the DHA's Corporate By-laws made pursuant to subsection 22(1) of the Act, to carry out all or part of the DHA's Board of Directors' role under these by-laws;
- 1.1.3 **Capital Health** means the Capital District Health Authority, the QEII Health Sciences Centre, and the Nova Scotia Hospital;
- 1.1.4 **CEO** means the person appointed by the Board to be the Chief Executive Officer of the DHA;
- 1.1.5 **Credentials Committee** means the committee of physicians having privileges granted by the Board whose members and chair are appointed by the District MAC; the committee carries out those functions assigned to it by these bylaws;
- 1.1.6 **Dentist** means a person who, under the *Dental Act*, is registered in the Dentists' Register and holds a licence to practise dentistry;
- 1.1.7 **DHA** means a District Health Authority established pursuant to the Act and for the purposes of these bylaws includes Capital Health;
- 1.1.8 **District** means a health district established pursuant to the Act;
- 1.1.9 **District Chief of Staff** means a person who is the senior medical administrator (including a Medical Director; Vice President, Medical Services; or in Capital Health, the VP Medicine) for the district, appointed by the CEO;
- 1.1.10 **District Department Chief** means a person appointed by the DHA (or the CEO, if the DHA so directs) and who reports to the DHA through the District Chief of Staff (or in Capital Health, the VP Medicine) and the CEO;
- 1.1.11 **District MAC** means the committee as defined by subsection 4.1;
- 1.1.12 **District MAC ISC** means the District MAC Investigation Sub-Committee defined by Section 4;
- 1.1.13 **District Medical Staff Association** means the District Medical Staff Association as defined in the DHA's Medical Staff (General) Bylaws;
- 1.1.14 **Hospital site** means a hospital as defined by the *Hospitals Act* and allocated to the DHA pursuant to the Act;
- 1.1.15 **Investigation** means examinations of materials and documentation provided by the parties and does not include the holding of a hearing;
- 1.1.16 **Medical Staff** means those physicians and dentists who have privileges granted by a Board;
- 1.1.17 **Member** means a member of the Medical Staff;
- 1.1.18 **Party** means
- 1.1.18.1 the DHA and its representatives, or
 - 1.1.18.2 the Member;

- 1.1.19 **Physician** means a person who, under the *Medical Act*, is registered in the Medical Register and holds a licence to practise medicine;
- 1.1.20 **PRC** means the Privileges Review Committee appointed by the Board;
- 1.1.21 **Proposed Agreement** means a settlement agreement between the Parties as mediated by the PRC;
- 1.1.22 **Provincial Appeal Board** means a board constituted pursuant to clause 23(b) of the Act and carries out those functions assigned to it by these bylaws;
- 1.1.23 **Site-based Medical Leader** means a person appointed by the DHA (or the CEO, if the DHA so directs) and who reports to the DHA through the District Chief of Staff and the CEO;
- 1.1.24 **Site Manager** means a person who is appointed by the DHA (or the CEO, if the DHA so directs) and reports to the DHA through the CEO and is responsible for the administration of a hospital site;
- 1.1.25 **working day** means those days of the week excluding weekends and statutory holidays.

2 Privileges review committee (PRC)

- 2.1 For the purposes of these bylaws, the PRC shall have the composition as described in the DHA's Corporate Bylaws.
- 2.2 In presenting submissions to the PRC, a Member may be represented by legal counsel, if the Member so wishes.
- 2.3 Notwithstanding that the appointment of a member or members of the PRC expires prior to the completion of any matter before the PRC pursuant to these bylaws, such member or members shall continue to be seized with the jurisdiction to complete such matter and, for this purpose, such member or members shall continue to have the same powers, privileges, immunities and duties as are granted to members of the PRC pursuant to these bylaws.

3 Composition of the provincial appeal board

- 3.1 For the purposes of these bylaws, the Provincial Appeal Board shall be composed of
- 3.1.1 a Chair and a Vice-Chair who shall be lawyers and are appointed by the Minister of Health,
- 3.1.2 9 members consisting of one member appointed by each DHA, who may or may not be members of the board of the DHA, and who shall not be physicians or dentists,
- 3.1.3 9 physicians appointed by Doctors Nova Scotia, and
- 3.1.4 9 dentists appointed by the Nova Scotia Dental Association.
- 3.2 Members of the Provincial Appeal Board shall be appointed to office for a term of three years.
- 3.3 Notwithstanding subsection 3.2, the terms of office of members of the Provincial Appeal Board upon the first appointment of members to the Provincial Appeal Board shall be
- 3.3.1 the Chair appointed for a term of three years,
- 3.3.2 the Vice-Chair appointed for a term of two years,

- 3.3.3 9 members appointed by DHAs pursuant to clause 3.1.2, as may be determined by the DHAs, provided that no term exceeds 3 years,
- 3.3.4 9 members appointed by the Medical Society pursuant to clause 3.1.3, as may be determined by the Medical Society, provided that no term exceeds 3 years, and
- 3.3.5 9 members appointed by the Dental Association pursuant to clause 3.1.4, as may be determined by the Dental Association, provided that no term exceeds 3 years.
- 3.4 Notwithstanding subsections 3.2, 3.3, and 3.4, persons appointed to the Provincial Appeal Board hold office until such time as they are re-appointed, or until their successors are appointed, even if such re-appointment or appointment does not occur until after their specified term of office has expired.
- 3.5 Notwithstanding that the appointment of a member or members of the Provincial Appeal Board expires prior to the completion of any matter before the Provincial Appeal Board pursuant to subsections 7.15, 7.16, 8.11 or 8.12 of the Medical Staff (Disciplinary) Bylaws, such member or members shall continue to be seized with the jurisdiction to complete such matter and, for this purpose, such member or members shall continue to have the same powers, privileges, immunities and duties in relation to such matter as are granted to members of the Provincial Appeal Board pursuant to these bylaws.
- 3.6 Where the Provincial Appeal Board receives notice pursuant to clauses 7.15.1, 7.16.1, 8.11.1 or 8.12.1 regarding a physician's privileges, the Provincial Appeal Board shall conduct an appeal or a hearing, as applicable, with the following composition:
- 3.6.1 the Chair or the Vice Chair, who shall sit as Chair of the Provincial Appeal Board,
- 3.6.2 2 members selected by the Chair from those members who have been appointed by the DHAs to the Provincial Appeal Board pursuant to clause 3.1.2, and
- 3.6.3 2 members selected by the Chair from those members appointed by the Doctors Nova Scotia to the Provincial Appeal Board pursuant to clause 3.1.3.
- 3.7 Where the Provincial Appeal Board receives notice pursuant to clauses 7.15.1, 7.16.1, 8.11.1 or 8.12.1 regarding a dentist's privileges, the Provincial Appeal Board shall conduct an appeal or a hearing, as applicable, with the following composition:
- 3.7.1 the Chair or the Vice Chair, who shall sit as Chair of the Provincial Appeal Board,
- 3.7.2 2 members selected by the Chair from those members who have been appointed by the DHAs to the Provincial Appeal Board pursuant to clause 3.1.2, and
- 3.7.3 2 members selected by the Chair from those members appointed by the Dental Association to the Provincial Appeal Board pursuant to clause 3.1.4.
- 3.8 No DHA members selected by the Chair pursuant to clauses 3.6.2 or 3.7.2 shall reside within the boundaries of or be a member of the Board of the DHA that is a party to the hearing.
- 3.9 No Doctors Nova Scotia members selected by the Chair pursuant to clause 3.6.3 shall engage in the ~~practise~~ [practice] of medicine within the boundaries of or be a member of the Medical Staff of the DHA that is a party to the hearing.

- 3.10 No Dental Association members selected by the Chair pursuant to clause 3.7.3 shall engage in the ~~practise~~ [practice] of dentistry within the boundaries of the DHA that is a party to the hearing.
- 3.11 The Provincial Appeal Board may seek such specialized or expert advice as it sees fit in a particular case and any reports generated by such specialists or experts for the Provincial Appeal Board must be disclosed to all parties.
- 3.12 In proceedings of the Provincial Appeal Board, a Member may be represented by legal counsel if the Member so wishes.

4 Composition of District MAC & District MAC ISC

- 4.1 The District MAC is hereby established for the purpose of these bylaws and shall have such composition as the DHA determines in the DHA's Medical Staff (General) Bylaws.
- 4.2 The District MAC ISC is a sub-committee of the District MAC whose purpose is to deal with
- 4.2.1 appointments or re-appointments where the Credentials Committee's recommendation is at variance with the requested privileges, or
- 4.2.2 discipline processes under Sections 8 and 9; and
- members of the District MAC ISC are to sit on the committee on an independent basis and not as representatives of any interests, services, or specialities that they may be viewed as representing under subsection 4.5 or the Departments that they represent on District MAC.
- 4.3 For the purposes of these bylaws, the District MAC ISC shall be composed of
- 4.3.1 a Chair and a Vice-Chair appointed by the District MAC and who may or may not be members of the District MAC; and
- 4.3.2 no less than 3 and no more than 8 members appointed by the District MAC and who may or may not be members of the District MAC.
- 4.4 Notwithstanding subsection 4.3, at least one half of the members appointed pursuant to clause 4.3.2 shall not be members of the District MAC.
- 4.5 In making appointments pursuant to clause 4.3.2, the District MAC shall take into consideration
- 4.5.1 the services offered by the DHA;
- 4.5.2 the nature of the facilities in the DHA; and
- 4.5.3 the nature of the medical practice of the potential member.
- 4.6 The District Chief of Staff and the President of the District Medical Staff Association are not eligible for appointment to the District MAC ISC.
- 4.7 Members of the District MAC ISC shall be appointed to office for a term of three years.
- 4.8 Notwithstanding subsection 4.7, the terms of office of members of the District MAC ISC upon the first appointment of members shall be
- 4.8.1 the Chair appointed for a term of three years;

- 4.8.2 the Vice-Chair appointed for a term of two years;
- 4.8.3 50% of the members appointed pursuant to clause 4.3.2 for a term of 3 years; and
- 4.8.4 50% of the members appointed pursuant to clause 4.3.2 for a term of 2 years.
- 4.9 Notwithstanding subsections 4.7 and 4.8, persons appointed to the District MAC ISC hold office until such time as they are re-appointed, or until their successors are appointed, even if such re-appointment or appointment does not occur until after their specified term of office has expired.
- 4.10 Notwithstanding that the appointment of a member or members of the District MAC ISC expires prior to the completion of any matter before the District MAC ISC, such member or members shall continue to be seized with the jurisdiction to complete such matter and, for this purpose, such member or members shall in relation to such matter continue to have the same powers, privileges, immunities and duties as are granted to members of District MAC ISC pursuant to these bylaws.
- 4.11 Where the District MAC ISC receives notice pursuant to clauses 5.9.1, 7.9.1, subsection 8.1, or clause 9.2.1 regarding a physician's or dentist's privileges, the District MAC ISC shall conduct an investigation using a panel with the following composition:
- 4.111 the Chair or the Vice-Chair, who shall sit as Chair of the District MAC ISC panel; and
- 4.11 2 members of the District MAC ISC selected by the Chair of the District MAC ISC.
- 4.12 Any member of the District MAC ISC who is present at a meeting of the District MAC where information is presented or discussed which has the potential of becoming a source of investigation by the District MAC ISC shall excuse themselves from the meeting for the duration of the discussion and shall not participate in any discussions respecting the matter except in the context of deliberations of the District MAC ISC.

Part II

5 Appointment of medical staff

General

- 5.1 The Board may appoint new Members in its sole and absolute discretion to the Medical Staff of the DHA in the manner provided for in these bylaws.
- 5.1 Subject to subsection 5.2A, in districts where there are affiliation agreements with academic institutions, appointments to the Medical Staff and departments shall be made by the Board in accordance with such affiliation agreements.
- 5.2A Where there is a conflict between these bylaws and an affiliation agreement, these bylaws shall prevail.
- 5.2B Any physician or dentist whose relationship with the Board is established solely through granting of privileges shall be subject to these bylaws and the provisions of Section 23 of the Act with respect to the variation, suspension, revocation or other non-renewal of privileges.
- 5.2C Any physician or dentist (or Affiliated Medical Staff in Capital Health) who has a relationship with the Board established by means of a contract or a contract and privileges, (other than an Academic Alternative Funding Agreement to which Dalhousie University, the Department of Health, Doctors

Nova Scotia and the DHA are parties and wherein funding is provided by the DHA, the Department of Health and Dalhousie University) either as an independent contractor or as an employee, shall have the renewal, extension, and termination of that contract and, if applicable, the variation, suspension, non-renewal, extension, and termination of privileges pursuant to that contract determined in accordance with the terms of that contract. Without restricting the generality of the foregoing, in Capital Health, the Clinical Associates, Hospitalists, Clinical Trainees, Residents, and Affiliated Medical Staff shall have the renewal, extension, and termination of their contract and, if applicable, the variation, suspension, non-renewal or revocation of privileges pursuant to that contract determined in accordance with their contract and shall not be entitled to access the provisions of these bylaws and the DHA's Medical Staff (General) Bylaws, unless their contract otherwise provides.

Timelines

5.2D The chair of the Board or of any committee may, upon the application of any party, vary any of the timelines established in these bylaws and the decision of the chair is final and binding on the parties.

New Applications

5.3 The CEO or the CEO's delegate, on receipt of an inquiry from a physician or dentist seeking appointment to the Medical Staff of the DHA, shall forward the form prescribed by the Board and a copy of the DHA's Medical Staff (Disciplinary) Bylaws, the Medical Staff (General) Bylaws, and the Rules and Regulations of the DHA to the physician or dentist concerned.

5.4 A physician or dentist seeking appointment pursuant to subsection 5.3 shall apply to the CEO or the CEO's delegate in the form prescribed by the Board and shall attach documentary proof as required by the DHA, including, but not necessarily limited to, evidence of

5.4.1 registration in the College of Physicians and Surgeons of Nova Scotia's Medical Register pursuant to the *Medical Act* or registration in the Provincial Dental Board's Dentists' Register pursuant to the *Dental Act*, as relevant, and

5.4.2 membership in the Canadian Medical Protective Association or of having other equivalent malpractice insurance and in the case of a dentist, such malpractice insurance as required pursuant to the regulations under the *Dental Act*.

5.5 The CEO shall, within five days of the receipt of an application made under subsection 5.4, forward such application to the District Chief of Staff who, in consultation with the District Department Chief, shall consider the application, determine whether a Physician or Dentist is required and whether there are district resources available to support such Physician or Dentist, and forward a written report together with any recommendations respecting the application to the CEO within 60 days.

5.6 The CEO shall, when it has been determined that a Physician or Dentist is required and the resources to support such Physician or Dentist are available, forward forthwith the application and the recommendations of the District Chief of Staff (and of the CEO, if any) to the Chair of the Credentials Committee.

5.7 Where the report of the District Department Chief pursuant to subsection 5.5 does not support the application,

5.7.1 a copy of the report shall be provided to the applicant;

5.7.2 the applicant has 10 days to provide notice to the Board that the applicant would like the Board to reconsider the report prepared pursuant to subsection 5.5 and in the event the

- applicant does not provide such notice within 10 days, the application for privileges shall be deemed to have been denied;
- 5.7.3 in the event that the applicant does provide notice to the Board within 10 days as provided in clause 5.7.2, the Board shall consider the District Department Chief's report and, after determining whether a Physician or Dentist is required and the resources are available to support such a Physician or Dentist, make a decision accepting or rejecting the application;
- 5.7.4 in the event that the Board rejects the application, the decision of the Board is final and shall be communicated in writing to the applicant and the District Department Chief within 10 days of making the decision; and
- 5.7.5 in the event that the Board accepts the application, the CEO shall comply with subsection 5.6.
- 5.8 The Credentials Committee may carry out such investigations as it deems necessary, including discussion with the applicant, and shall within 60 days submit the written recommendation of the Credentials Committee together with the application, the recommendations of the District Department Chief, and the recommendations of the CEO to the Chair of the District MAC.
- 5.9 If the recommendation of the Credentials Committee made pursuant to subsection 5.8 is at variance with the application, the following process shall be followed:
- 5.9.1 The Chair of the Credentials Committee shall within 5 working days after the submission of written recommendation pursuant to subsection 5.8
- 5.9.1.1 give the applicant notice of the variation, and
- 5.9.1.2 indicate that the applicant may, within 10 days of receipt of this notice, send written submissions to the Chair of the District MAC ISC with a copy sent to the Chair of the Credentials Committee and the District Department Chief; and to the Chair of DMAC for information purposes.
- 5.9.2 On receipt of any documentation provided pursuant to subsection 5.8, the District MAC ISC shall conduct any investigations it deems necessary and shall consider
- 5.9.2.1 the application,
- 5.9.2.2 the recommendation of the Credentials Committee,
- 5.9.2.3 any recommendations forwarded to the Credentials Committee by the CEO and the District Department Chief,
- 5.9.2.4 any submissions made pursuant to clause 5.9.1.2,
- 5.9.2.5 any information that it gains through any investigations in its sole discretion it deems appropriate, and
- shall prepare a written recommendation.
- 5.9.3 The Chair of the District MAC ISC shall submit its recommendation and all reports and submissions that the District MAC ISC considered pursuant to subsection 5.9.2 to

- 5.9.3.1 the CEO,
 - 5.9.3.2 the applicant,
 - 5.9.3.3 the District Chief of Staff,
 - 5.9.3.4 the District MAC for information purposes, and
 - 5.9.3.5 the Board.
- 5.9.4 The Board shall consider the District MAC ISC's recommendation and make a decision. The decision of the Board is final and shall be communicated in writing to the applicant and the District Department Chief within 10 days of making the decision.
- 5.9.5 The Board in advising the applicant of its decision under clause 5.9.4 shall, if approved in whole or in part, specify the extent and limitation of the privileges granted including, but not necessarily limited to, the category of appointment granted, any specifics of the extent of the privileges granted, and the department at which the applicant may exercise privileges.
- 5.10 If the recommendation of the Credentials Committee made pursuant to subsection 5.8 is not at variance with the application, the following process shall be followed:
- 5.10.1 On receipt of any documentation provided pursuant to subsection 5.8, the District MAC shall review the documentation and prepare a written recommendation and forward it to the Board.
 - 5.10.2 The Board shall consider the District MAC's recommendation and make a decision. The decision of the Board is final and shall be communicated in writing to the applicant and the District Department Chief within 10 days of making the decision.
 - 5.10.3 The Board in advising the applicant of its decision under clause 5.10.2 shall, if approved in whole or in part, specify the extent and limitation of the privileges granted including, but not necessarily limited to, the category of appointment granted, any specifics of the extent of the privileges granted, and the department at which the applicant may exercise privileges.
- 5.11 Appointments to the Medical Staff shall be for a period of 3 years or for such shorter period as the Board may determine in accordance with Section 14 at the end of which period the appointment shall terminate.
- 5.12 All appointments to the Medical Staff shall be conditional on the physician or dentist agreeing in writing to abide by the Bylaws and the Rules and Regulations of the DHA, the policies and procedures of the DHA, the extent of limits of the appointment as specified in clauses 5.9.5 or 5.10.3 and the Code of Ethics of the Canadian Medical Association or the Canadian Dental Association's Code of Ethics.
- 5.13 If a Member cannot show proof of Canadian Medical Protective Association membership or its equivalent (or malpractice insurance pursuant to the regulations of the *Dental Act*, in the case of a dentist) the Member shall immediately notify the CEO in writing and the Member's privileges shall be suspended until such time that the Member can provide proof to the CEO that such coverage or membership has been fully reinstated.
- 5.14 Where there is any change in the status of the licence granted to the Member by the College of Physicians and Surgeons (or a licence granted by the Provincial Dental Board, in the case of a dentist), the Member shall immediately notify the CEO in writing and where the licence has been suspended or revoked, the Member's privileges shall be suspended until such time that the Member

can provide proof to the CEO that the licence has been fully reinstated.

6 Temporary appointments

- 6.1 Notwithstanding any other provisions in these bylaws, a CEO, a District Chief of Staff or a Site-based Medical Leader, after gathering such information as he or she deems appropriate in the circumstances, may grant temporary privileges when
 - 6.1.1 a hospital site requires extra Members on a temporary basis,
 - 6.1.2 a Member requests a replacement for a short period of time, or
 - 6.1.3 a specialist who does not have privileges within the district is required to consult on a particular patient.
- 6.2 The granting of temporary privileges shall be conditional on the Member providing proof of
 - 6.2.1 Canadian Medical Protective Association membership or its equivalent (or malpractice insurance pursuant to the regulations of the *Dental Act*, in the case of a dentist); and
 - 6.2.2 proof of a licence in good standing granted to the Member by the College of Physicians and Surgeons (or a licence granted by the Provincial Dental Board, in the case of a dentist).
- 6.3 Temporary privileges granted to a particular individual under this Section shall be for a period of up to 30 days and may be renewed provided that a particular Member may not be granted temporary privileges for more than a total of 120 days in a calendar year.
- 6.4 Temporary privileges may be revoked by the CEO at any time and the decision is final and shall be communicated in writing to the applicant and the District Department Chief within 3 days of making the revocation.
- 6.5 The CEO shall report an appointment made under this Section to the Board at the Board meeting following the appointment.

7 Reappointments

- 7.1 At least 120 days prior to the completion of their current terms of appointment, the CEO shall forward reappointment applications to Members.
- 7.2 A Member desiring reappointment shall, at least 90 days before the completion of his or her current period of appointment, forward to the CEO the completed re-application form as prescribed by the Board.
- 7.3 Notwithstanding subsection 7.2,
 - 7.3.1 a Member may, during the term of the Member's appointment, apply for a variance in privileges, and
 - 7.3.2 in applying for such a variance, the Member shall discuss the nature of the application with the Department Chief and then submit a completed application to the CEO, andthe application shall be processed in the same manner as an application made pursuant to subsection 7.2
- 7.4 An application for reappointment shall not be considered unless all required documentation has been

provided and fully completed.

- 7.5 The CEO or the CEO's delegate, shall, within five days of the receipt of an application made under subsections 7.2 or 7.3, forward such application and all accompanying documentation to the District Department Chief.
- 7.6 Notwithstanding subsection 7.5, in the case of an application for reappointment by a District Department Chief, the CEO or CEO's delegate shall forward such applications to the District Chief of Staff who shall carry out the functions of the District Department Chief in the reappointment process.
- 7.7 The District Department Chief shall provide (and the CEO may provide) to the Credentials Committee a written recommendation with respect to applications made pursuant to subsections 7.2 or 7.3 within 45 days of receipt of the application and accompanying documentation pursuant to subsection 7.5.
- 7.8 The Credentials Committee may carry out such investigations as it deems necessary, including discussions with the Member, and shall submit a written recommendation within 45 days of receipt of the District Department Chief's recommendation (and any of the CEO) and the application pursuant to subsection 7.2 or 7.3 to the Chair of the District MAC ISC or the Chair of the District MAC, depending upon whether the process in subsections 7.9 or 7.10 is followed and also forward the application and all recommendations received.
- 7.9 If the recommendation of the Credentials Committee made pursuant to subsection 7.8 is at variance with the application, the following process shall be followed:
- 7.9.1 the Chair of the Credentials Committee shall give the Member notice and reasons for the variation within 5 working days of its submissions to the District MAC ISC pursuant to subsection 7.8, and
- 7.9.2 in the notice, indicate that the Member may
- 7.9.2.1 within 10 days of receipt of the notice, send written submissions to the Chair of the District MAC ISC, including any request for an opportunity to make oral submissions to the District MAC ISC, with a copy sent to the Chair of the Credentials Committee, and
- 7.9.2.2 with the approval of the District MAC ISC, may make oral submissions to the District MAC ISC.
- 7.9.3 On receipt of the application for privileges and recommendations under subsection 7.8, the District MAC ISC shall conduct any investigations it deems necessary and shall consider
- 7.9.3.1 the application,
- 7.9.3.2 the recommendation of the Credentials Committee,
- 7.9.3.3 any recommendations forwarded to the Credentials Committee by the District Department Chief and the CEO,
- 7.9.3.4 any submissions made pursuant to clause 7.9.2,
- 7.9.3.5 any information that it gains through any investigations in its sole discretion it

deems appropriate, and

shall prepare a written recommendation.

- 7.9.4 The Chair of the District MAC ISC shall submit its recommendation and all documentation that the District MAC ISC received pursuant to clauses 7.9.1 to 7.9.4 to the CEO, the District Chief of Staff, and the Member.
- 7.10 If the recommendation of the Credentials Committee made pursuant to subsection 7.8 is not at variance with the application, the District MAC shall review the submitted documentation and shall submit its written recommendation to the CEO, the District Chief of Staff, and the Member.
- 7.11 Where the District MAC or the District MAC ISC has recommended approval of the privileges requested by the Member, and neither the CEO nor the District Chief of Staff has objected to the District MAC or the District MAC ISC's recommendation, the District MAC or the District MAC ISC shall forward the recommendation directly to the Board who shall, subject to the Member's right to a hearing by the Provincial Appeal Board pursuant to subsection 7.16, without having a hearing, make a final determination with respect to the application within 60 days of the District MAC or the District MAC ISC forwarding the recommendation to the Board and the Board shall inform the Member and the CEO within 10 days of such determination.
- 7.12 Where
- 7.12.1 the parties are not in agreement and where either one party or both parties decide to refer the matter to the PRC; or
- 7.12.2 where the District MAC or the District MAC ISC recommends that the matter be referred, the District MAC or the District MAC ISC shall refer the matter to the PRC to mediate, either directly or through counsel, a Proposed Agreement between the parties within 60 days from the referral from the District MAC or the District MAC ISC.
- 7.13 Proposed Agreement
- 7.13.1 Upon mediating a Proposed Agreement, the PRC shall forward it to the Board for approval.
- 7.13.2 The Board shall consider the Proposed Agreement and shall, subject to the Member's right to a hearing by the Provincial Appeal Board pursuant to subsection 7.16, without having a hearing, make a final determination with respect to the application, within 60 days of the PRC forwarding the Proposed Agreement and the Board shall inform the Member and the CEO within 10 days of such determination.
- 7.14 No Proposed Agreement
- 7.14.1 Where the parties have not agreed to a Proposed Agreement, the PRC shall notify the CEO and the Member that the matter has been forwarded to the Board.
- 7.14.2 Within 10 days of receiving the PRC's notification pursuant to clause 7.14.1, the CEO or the Member may give notice to the Board and the District MAC ISC of their intention to proceed to a hearing before the Board.
- 7.14.3 In the event that the Board does not receive notice pursuant to clause 7.14.2, then the PRC shall forward the District MAC ISC's recommendation to the Board who shall, subject to the Member's right to a hearing by the Provincial Appeal Board pursuant to subsection 7.16, without having a hearing, make a final determination with respect to the application within

60 days of the Board being provided notice pursuant to clause 7.14.2, and the Board shall inform the Member and the CEO within 10 days of such determination.

- 7.14.4 Upon the Board receiving notice from the CEO or the Member of their intention to proceed to a hearing, the District MAC, the District MAC ISC or the PRC, as appropriate, shall forward to the Board all the documentation that it received and any additional documentation it has gained through any investigations.
- 7.14.5 In holding a hearing, the Board shall give written notice of the hearing to the Member and the CEO and the notice shall include:
- 7.14.5.1 the place and time of the hearing,
 - 7.14.5.2 the purpose of the hearing, and
 - 7.14.5.3 a copy of the Medical Staff (Disciplinary) Bylaws.
- 7.14.6 The Board shall, subject to the Member's right to an appeal to the Provincial Appeal Board, after holding a hearing, make a decision as to the disposition of the Member's application.
- 7.15 Provincial Appeal Board - Appeal
- 7.15.1 Within 10 days of receiving the Board's decision pursuant to clause 7.14.6, the Member may give notice to the Provincial Appeal Board of intention to proceed to an appeal before the Provincial Appeal Board and provide the grounds for the appeal as per subsection 12.4.
- 7.15.2 Unless the Member gives notice to the Provincial Appeal Board of intention to proceed to an appeal pursuant to clause 7.15.1, the Board's decision shall be the final disposition of the Member's privileges.
- 7.15.3 Upon receiving the Member's notice of intention pursuant to clause 7.15.1, the Provincial Appeal Board shall have the recording of any oral evidence heard at the Board hearing transcribed and, within 30 days, shall provide the Member, the CEO, and the Board with notice of the date, time, and place of the appeal, a copy of the transcript before the Board, and the grounds of appeal.
- 7.15.4 The Provincial Appeal Board shall, after hearing the appeal, make the final decision as to the disposition of the Member's application.
- 7.16 Provincial Appeal Board - Hearing
- 7.16.1 Where pursuant to subsection 7.11 or clauses 7.13.2 or 7.14.3, the Board does not hold a hearing and makes a final determination which is at variance with the District MAC or the District MAC ISC's recommendation, the Member may, within 10 days of receiving the Board's decision, give notice to the Provincial Appeal Board of intention to proceed to a hearing before the Provincial Appeal Board.
- 7.16.2 Unless the Member gives notice to the Provincial Appeal Board of intention to proceed to a hearing pursuant to clause 7.16.1, the Board's decision shall be the final disposition of the Member's privileges.
- 7.16.3 Upon receiving the Member's notice of intention pursuant to clause 7.16.1, the Provincial Appeal Board shall, within 30 days, provide the Member, the CEO, and the Board with a written notice of the hearing and the notice shall include:
- 7.16.3.1 the place and time of the hearing,

7.16.3.2 the purpose of the hearing, and

7.16.3.3 a copy of the Medical Staff (Disciplinary) Bylaws.

7.16.4 Upon the Provincial Appeal Board receiving notice from the Member of their intention to proceed to a hearing, the Board shall forward to the Provincial Appeal Board all the documentation that it received pursuant to subsection 7.14 and any additional documentation it has gained through any investigations.

7.16.5 The Provincial Appeal Board shall, after holding the hearing, make the final decision as to the disposition of the Member's application.

8 Revocation/suspension/variation of medical staff privileges - special review

8.1 The CEO, the Site Manager, the Site-based Medical Leader, the District Chief of Staff, or the District Department Chief (but not their designates) may request a special review of the privileges of any Member at any time and shall advise the District MAC ISC and the Member concerned within 24 hours of such action.

8.1.1 In making a such a request for a special review, the person requesting the special review shall indicate the grounds giving rise to such a review and the remedy or remedies that are sought.

8.2 The District MAC ISC shall review the performance and conduct of the Member and shall notify the Member of his or her right, within 10 days of receiving the notice, to make written submissions to the District MAC ISC.

8.3 The District MAC ISC shall conduct any investigations it deems necessary and submit its recommendation and any submissions that the District MAC ISC received pursuant to subsection 8.2 to

8.3.1 the CEO,

8.3.2 the District Chief of Staff,

8.3.3 the Member, and

8.3.4 the PRC

within 10 days of receiving and/or hearing the Member's written and/or oral submissions pursuant to subsection 8.2, or within 10 days of the Member waiving the right to make such submissions; and

8.3.5 if the District MAC ISC has not received a Member's written and/or oral submissions pursuant to subsection 8.2 or a written notification that the Member has waived the Member's right to make such submissions within the 10 days referred to in subsection 8.2, then it shall be deemed that the Member has waived his or her right to make such submissions.

8.4 Where the District MAC ISC has recommended approval of the suspension and the CEO, the Member and the District Chief of Staff have not objected to the District MAC ISC's recommendation, the District MAC ISC shall forward the recommendation directly to the Board who shall, subject to the Member's right to a hearing by the Provincial Appeal Board pursuant to subsection 8.12, without having a hearing, make a final determination with respect to the suspension within 60 days of the District MAC ISC forwarding the recommendation to the Board and the Board shall inform the Member and the CEO within 10 days of such determination.

8.5 Where

- 8.5.1 the parties are not in agreement and where either one party or both parties decide to refer the matter to the PRC; or
- 8.5.2 where the District MAC ISC recommends that the matter be referred,
- the District MAC ISC shall refer the matter to the PRC to mediate, either directly or through counsel, a Proposed Agreement with the Member within 60 days from the referral from District MAC ISC.
- 8.6 Proposed Agreement
- 8.6.1 The PRC shall, subject to final approval by the Board, and
- 8.6.1.1 subject to a CEO or Member seeking a hearing before the Board pursuant to subsection 8.9; and
- 8.6.1.2 subject to a Member seeking an appeal or a hearing before the Provincial Appeal Board pursuant to subsections 8.11 or 8.12,
- mediate a Proposed Agreement and forward it to the Board for approval.
- 8.6.2 The Board shall consider the Proposed Agreement and shall, subject to the Member's right to a hearing by the Provincial Appeal Board pursuant to subsection 8.11, without having a hearing, make a final determination with respect to the application, within 60 days of the PRC forwarding the Proposed Agreement and the Board shall inform the Member and the CEO within 10 days of such determination.
- 8.7 No Proposed Agreement
- 8.7.1 Where the parties have not agreed to a Proposed Agreement, the PRC shall notify the CEO and the Member that the matter has been forwarded to the Board.
- 8.7.2 Within 10 days of receiving the PRC's notification pursuant to clause 8.7.1, the CEO or the Member may give notice to the Board and the District MAC ISC of intention to proceed to a hearing before the Board.
- 8.7.3 In the event that the Board does not receive notice pursuant to clauses 8.6.2 or 8.7.2, then the PRC shall forward the District MAC ISC's recommendation to the Board who shall, subject to the Member's right to a hearing by the Provincial Appeal Board pursuant to subsection 8.12, without having a hearing, make a final determination with respect to the matter within 60 days of the Board being provided notice pursuant to subsection 8.7.1, and the Board shall inform the Member and the CEO within 10 days of such determination.
- 8.8 Upon the Board receiving notice from the CEO or the Member of their intention to proceed to a hearing, the DMAC ISC or the PRC, as appropriate, shall forward to the Board all the documentation that it received and any additional documentation it has gained through any investigations.
- 8.9 In holding a hearing, the Board shall give written notice of the hearing to the Member and the CEO and the notice shall include:
- 8.9.1 the place and time of the hearing,
- 8.9.2 the purpose of the hearing, and
- 8.9.3 a copy of the Medical Staff (Disciplinary) Bylaws.

- 8.10 The Board shall, subject to the Member's right of appeal to the Provincial Appeal Board, after holding a hearing, make a final decision concerning the Member's appointment and privileges.
- 8.11 Provincial Appeal Board - Appeal
- 8.11.1 Within 10 days of receiving the Board's decision pursuant to clause 8.10, the Member may give notice to the Provincial Appeal Board of intention to proceed to an appeal before the Provincial Appeal Board and provide the grounds for the appeal as per subsection 12.4.
- 8.11.2 Unless the Member gives notice to the Provincial Appeal Board of intention to proceed to an appeal pursuant to clause 8.11.1, the Board's decision shall be the final disposition of the Member's privileges.
- 8.11.3 Upon receiving the Member's notice of intention pursuant to clause 8.11.1, the Provincial Appeal Board shall have the transcript of the Board hearing transcribed and, within 30 days, shall provide the Member, the CEO, and the Board with notice of the date, time and place of the appeal, a copy of the transcript before the Board, and the grounds of appeal.
- 8.11.4 The Provincial Appeal Board shall, after hearing the appeal, make the final decision concerning the Member's appointment and privileges.
- 8.12 Provincial Appeal Board - Hearing
- 8.12.1 Where pursuant to clause 8.7.3, the Board does not hold a hearing and makes a final determination, the Member may, within 10 days of receiving the Board's decision, give notice to the Provincial Appeal Board of intention to proceed to a hearing before the Provincial Appeal Board.
- 8.12.2 Unless the Member gives notice to the Provincial Appeal Board of intention to proceed to a hearing pursuant to clause 8.12.1, the Board's decision shall be the final disposition of the Member's privileges.
- 8.12.3 Upon receiving the Member's notice of intention pursuant to clause 8.12.1, the Provincial Appeal Board shall, within 30 days, provide the Member, the CEO, and the Board with a written notice of the hearing and the notice shall include:
- 8.12.3.1 the place and time of the hearing,
- 8.12.3.2 the purpose of the hearing, and
- 8.12.3.3 a copy of the Medical Staff (Disciplinary) Bylaws.
- 8.12.4 Upon the Provincial Appeal Board receiving notice from the Member of their intention to proceed to a hearing, the Board shall forward to the Provincial Appeal Board all the documentation that it received pursuant to subsection 8.8 and any additional documentation it has gained through any investigations.
- 8.12.5 The Provincial Appeal Board shall, after holding the hearing, make the final decision concerning the Member's appointment and privileges

9 Revocation/suspension/variation of medical staff privileges - emergency suspension

- 9.1 The Site Manager, the Site-based Medical Leader, the District Chief of Staff, or the District Department Chief (but not their designates) may suspend or vary the privileges of any Member at any time where the Member has been found to have engaged in or is engaged in conduct which
- 9.1.1 exposes or is reasonably likely to expose patients, Medical Staff, employees or the public to

harm or injury at any hospital site in the district, or

9.1.2 is adversely impacting or is reasonably likely to adversely impact the delivery of patient care.

9.2 The person who has suspended the Member pursuant to subsection 9.1 shall

9.2.1 advise the District MAC ISC, the District MAC, and the Member concerned within 24 hours of such action,

9.2.2 at the time of advising the Member of the suspension pursuant to clause 9.2.1, shall inform the Member of

9.2.2.1 the grounds giving rise to such a review and the remedy or remedies that are sought; and

9.2.2.2 his or her right to make a written submission to the District MAC ISC and request the consent of the District MAC ISC to make oral submissions; within 10 days of the suspension.

9.3 Within 24 hours of a Member's suspension or variation of privileges pursuant to subsection 9.1, the person who has suspended or varied the Member's privileges shall apply to the CEO for a review to determine if the Member's privileges should be reinstated without further investigation, reinstated while the Member's conduct is being investigated pursuant to subsection 8.1 or shall remain suspended or varied while the Member's conduct is being investigated.

9.4 The CEO in completing the review pursuant to subsection 9.3, within 72 hours of a Member's suspension, shall either:

9.4.1 reinstate the Member's privileges without further investigation or proceedings;

9.4.2 reinstate the Member pending a final decision with respect to the nature of the suspension or the variation; or

9.4.3 confirm the Member's suspension or variation pending a final decision with respect to the nature of the suspension or the variation.

9.5 In the event the CEO makes a decision in accordance with the provisions of clauses 9.4.2 or 9.4.3 the[n] the process shall continue pursuant to subsections 8.2 to 8.12 inclusive with changes to cross-references as appropriate.

10 Revocation/suspension/variation of medical staff privileges - automatic suspension

10.1 A Member shall be suspended by the CEO, the Site Manager, the District Chief of Staff, or the District Department Chief when

10.1.1 a Member fails to complete a patient's record within the Rules and Regulations of the DHA and has failed to comply within a 14 day notice period for completion given by the CEO, the Site Manager, the District Chief of Staff, or the District Department Chief;

10.1.2 a Member has ceased to be a member of the Canadian Medical Protective Association or to carry and have in force equivalent malpractice insurance, and in the case of a dentist, has ceased to carry and have in force such malpractice insurance as required pursuant to the regulations under the *Dental Act*; or

- 10.1.3 a Member's licence has been suspended or revoked or limited by the College of Physician's and Surgeon's pursuant to the *Medical Act* and in the case of a dentist, their licence has been suspended or revoked or a reprimand has been noted by the Provincial Dental Board pursuant to the *Dental Act*.
- 10.2 An automatic suspension given pursuant to clause 10.1.1 shall continue until the violation has been corrected at which time the CEO shall automatically reinstate the Member.

Part III

11 Hearings - general

- 11.1 This Section applies to the hearings held by
- 11.1.1 the Board pursuant to subsections 7.14.5, 8.9, and 9.5; and
- 11.1.2 the Provincial Appeal Board pursuant to subsections 7.16, 8.12, and 9.5.
- 11.1A Notwithstanding that the appointment of a member or members of the Board or the Provincial Appeal Board expires prior to the completion of any matter before the Board or the Provincial Appeal Board pursuant to these bylaws, such member or members shall continue to be seized with the jurisdiction to complete such matter and, for this purpose, such member or members shall continue to have the same powers, privileges, immunities and duties as are granted to members of the Board or the Provincial Appeal Board pursuant to these bylaws.
- 11.2 Rules of Evidence:
- 11.2.1 Written or documentary evidence, expert evidence, or testimony of any other witness is not admissible unless the opposing party,
- 11.2.1.1 in the case of written or documentary evidence, has an opportunity to examine the evidence, or
- 11.2.1.2 in the case of evidence of an expert, a copy of the expert's written report or if there is no written report, has a written summary of the evidence, or
- 11.2.1.3 in the case of testimony of any other witness, knows the identity of the witness;
- at least 10 days before the hearing.
- 11.2.2 Notwithstanding clause 11.2.1 and subject to clause 11.2.3, the Board or the Provincial Appeal Board may, in its discretion, allow the introduction of evidence that would be otherwise inadmissible under clause 11.2.1 and may make directions it considers necessary to ensure that a party is not prejudiced.
- 11.2.3 Prior to the Board or the Provincial Appeal Board making a ruling on the introduction of evidence pursuant to clause 11.2.2, the Board or the Provincial Appeal Board shall provide the opposing party the opportunity to review the evidence and make submissions as to the admissibility of the evidence.

- 11.3 Natural Justice:
- 11.3.1 At a hearing, all parties are entitled to all the rights of natural justice, including the right to be represented by legal counsel; to know all the evidence considered by the DMAC ISC or the Board, as relevant; to present evidence; and to cross examine witnesses;
- 11.3.2 For greater certainty in the interpretation of these bylaws,
- 11.3.2.1 hearings held by the Board and the Provincial Appeal Board are judicial in nature and the principles of natural justice apply, and
- 11.3.2.2 the activities of the Credentials Committee, the District MAC, and other decision-making bodies or persons under these bylaws are not judicial or quasi-judicial in nature.
- 11.4 The Board and the Provincial Appeal Board may adopt such policies, protocols, rules and procedures for the conduct of the proceedings before them.
- 11.5 If a Member of the Board or the Provincial Appeal Board [who] has participated in a hearing becomes unable, for any reason, to complete the hearing or to participate in the decision, the remaining Member or Members may complete the hearing and give a decision.

12 Appeals - general

- 12.1 This Section applies to appeals heard by the Provincial Appeal Board pursuant to subsections 7.15 and 8.11.
- 12.2 Appeals held by the Provincial Appeal Board are judicial in nature and the principles of natural justice apply.
- 12.3 The Provincial Appeal Board may adopt such written rules as are consistent with this Section.
- 12.4 The grounds of review for an appeal before the Provincial Appeal Board shall be
- 12.4.1 errors in law;
- 12.4.2 that the decision of the Board is not supported by the evidence presented to the Board; or
- 12.4.3 that the Board in making its decision materially erred in interpreting the evidence before it.
- 12.5 At any appeal, the Provincial Appeal Board shall review the record which shall consist of the decision appealed from, and
- 12.5.1 the transcript of the hearing before the Board;
- 12.5.2 the notice of the hearing;
- 12.5.3 all exhibits filed with the Board, if any; and
- 12.5.4 any statement of facts agreed to by the parties before the Board,
- which shall be accepted as being the evidence considered by the Board in making its decision.
- 12.6 If a Member of the Provincial Appeal Board [who] has participated in an appeal becomes unable, for any reason, to complete the appeal or to participate in the decision, the remaining Member or

Members may complete the appeal and give a decision.

13 Notice provisions

13.1 All notices in these bylaws shall be deemed duly given to a party

13.1.1 upon delivery if delivered by hand,

13.1.2 three days after posting if sent by registered mail with receipt requested, or

13.1.3 upon two days after the date of the transmission, if a facsimile transmission is used.

14 Privileges

14.1 All privileges granted to Members pursuant to these bylaws shall be for a period of 36 months

14.2 Notwithstanding subsection 14.1, privileges granted to a Member shall be for a term less than three years, where

14.2.1 set by the Provincial Appeal Board pursuant to subsections 7.15, 7.16, 8.11 or 8.12;

14.2.2 specified in the Board's decision, pursuant to clauses 7.14.6 or 8.10;

14.2.3 agreed to by the Member and the CEO or District Chief of Staff or Board;

14.2.4 specified in an initial grant of privileges pursuant to Section 5;

14.2.5 such term is specified when privileges are renewed pursuant to Section 7; or

14.2.6 in Capital Health, the Member's annual performance appraisal result is unsatisfactory or no appraisal has been provided by the District Department Chief.

14.3 Notwithstanding subsection 14.1, Members shall annually, on a date specified by the District Chief of Staff, provide evidence of insurance, registration, and such other items as may be specified in these bylaws.

15 Transition

15.1 These Bylaws shall govern any complaint arising before the original approval of these Bylaws on May 23, 2002 and thereafter.

15.2 For greater certainty,

15.2.1 "complaint" means any concern, allegation, complaint, disciplinary matter or review;

15.2.2 "former Bylaws" means the bylaws in effect at or for the hospital sites governed by the former Central Regional Health Board, the former Eastern Regional Health Board, the former Northern Regional Health Board, the former Western Regional Health Board, the Queen Elizabeth II Health Sciences Centre, and the Nova Scotia Hospital;

15.2.3 a complaint made pursuant to the former Bylaws shall continue to be proceeded with in accordance with these bylaws as nearly as circumstances permit;

15.2.4 in respect of that complaint, a Medical Advisory Committee appointed pursuant to the former Bylaws is deemed to be the District Medical Advisory Committee appointed pursuant to these bylaws;

15.2.5 in respect of that complaint, a Board of Directors or Appeal Committee appointed pursuant to the former Bylaws is deemed to be the Board appointed pursuant to these bylaws; and

15.2.6 where there is an inconsistency between the former Bylaws and these bylaws, these bylaws shall prevail.