Royal Gazette

Part II
Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia **Vol. 37, No. 15** **July 26, 2013**

Contents

© NS Registry of Regulations. Web version.

Support for Parents of Critically Ill or Abducted Children Act

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.

© NS Registry of Regulations. Web version.

N.S. Reg. 244/2013
Made: July 3, 2013
Filed: July 3, 2013
Contaminated Sites Protocols Order

Order dated July 3, 2013
made by the Minister of Environment
pursuant to clause 8A(1)(c) of the *Environment Act*

In the matter of clause 8A(1)(c) and Section 90 of Chapter 1 of the Acts of 1994-95, the *Environment Act*

- and -

In the matter of the *Contaminated Sites Regulations*, N.S. Reg. 64/2012 made by the Governor in Council by Order in Council 2012-60 dated March 6, 2012

Order

I, Sterling Belliveau, Minister of Environment for the Province of Nova Scotia, pursuant to clause 8A(1)(c) and Section 90 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, hereby establish standards for the remediation of contaminated sites by adopting the following protocols published by the Department of Environment on July 6, 2013:

Notification of Contamination Protocol
Environmental Site Assessment for Limited Remediation Protocol
Phase 1 Environmental Site Assessment Protocol
Phase 2 Environmental Site Assessment Protocol
Remediation Levels Protocol
Remedial Action Plan Protocol
Confirmation of Remediation Protocol

The protocols are available to the public at http://www.gov.ns.ca/nse/contaminatedsites/protocols.asp or at the Department of Environment, 5th Floor, 5151 Terminal Road, Halifax, Nova Scotia.

This order is effective on and after July 6, 2013.

Dated and made at Halifax, Nova Scotia July 3, 2013.

Sgd.: *Sterling Belliveau*
Honourable Sterling Belliveau
Minister of Environment

N.S. Reg. 245/2013
Made: July 4, 2013
Filed: July 5, 2013
Prescribed Petroleum Products Prices

Order dated July 4, 2013
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order **NSUARB-GAS-W-13-27**

In the Matter of the *Petroleum Products Pricing Act*

- and -

In the Matter of Prescribing Prices for Petroleum Products pursuant to Section 14 of the *Petroleum Products Pricing Act* and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Before: Murray E. Doehler, CA, P. Eng., Member

Order

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board ("Board") considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision 2012 NSUARB 213, issued on December 12, 2012;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended July 3, 2013, are:

Grade 1 Regular gasoline	74.7¢ per litre
Ultra-low-sulfur diesel oil	79.4¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	74.7¢ per litre
Grade 2	77.7¢ per litre
Grade 3	80.7¢ per litre
Ultra-low-sulfur diesel oil	79.4¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	plus 0.5¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.7¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule "A" effective on and after 12:01 a.m., July 5, 2013.

© NS Registry of Regulations. Web version.

Dated at Halifax, Nova Scotia, this 4th day of July, 2013.

Sgd: D. Pedlar
Clerk of the Board

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 July 5, 2013

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices (Pump Prices includes 15% HST)		Full-Service Pump Prices	
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	82.3	10.0	15.5	107.8	129.5	131.6	129.5	999.9
Mid-Grade Unleaded	85.3	10.0	15.5	110.8	132.9	135.0	132.9	999.9
Premium Unleaded	88.3	10.0	15.5	113.8	136.4	138.5	136.4	999.9
Ultra-Low-Sulfur Diesel	87.2	4.0	15.4	106.6	128.1	130.2	128.1	999.9
Zone 2								
Regular Unleaded	82.8	10.0	15.5	108.3	130.1	132.1	130.1	999.9
Mid-Grade Unleaded	85.8	10.0	15.5	111.3	133.5	135.6	133.5	999.9
Premium Unleaded	88.8	10.0	15.5	114.3	137.0	139.0	137.0	999.9
Ultra-Low-Sulfur Diesel	87.7	4.0	15.4	107.1	128.7	130.8	128.7	999.9
Zone 3								
Regular Unleaded	83.2	10.0	15.5	108.7	130.5	132.6	130.5	999.9
Mid-Grade Unleaded	86.2	10.0	15.5	111.7	134.0	136.0	134.0	999.9
Premium Unleaded	89.2	10.0	15.5	114.7	137.4	139.5	137.4	999.9
Ultra-Low-Sulfur Diesel	88.1	4.0	15.4	107.5	129.1	131.2	129.1	999.9
Zone 4								
Regular Unleaded	83.3	10.0	15.5	108.8	130.6	132.7	130.6	999.9
Mid-Grade Unleaded	86.3	10.0	15.5	111.8	134.1	136.2	134.1	999.9
Premium Unleaded	89.3	10.0	15.5	114.8	137.5	139.6	137.5	999.9
Ultra-Low-Sulfur Diesel	88.2	4.0	15.4	107.6	129.3	131.3	129.3	999.9
Zone 5								
Regular Unleaded	83.3	10.0	15.5	108.8	130.6	132.7	130.6	999.9
Mid-Grade Unleaded	86.3	10.0	15.5	111.8	134.1	136.2	134.1	999.9
Premium Unleaded	89.3	10.0	15.5	114.8	137.5	139.6	137.5	999.9
Ultra-Low-Sulfur Diesel	88.2	4.0	15.4	107.6	129.3	131.3	129.3	999.9
Zone 6								
Regular Unleaded	84.0	10.0	15.5	109.5	131.4	133.5	131.4	999.9
Mid-Grade Unleaded	87.0	10.0	15.5	112.5	134.9	137.0	134.9	999.9
Premium Unleaded	90.0	10.0	15.5	115.5	138.3	140.4	138.3	999.9
Ultra-Low-Sulfur Diesel	88.9	4.0	15.4	108.3	130.1	132.1	130.1	999.9

© NS Registry of Regulations. Web version.

N.S. Reg. 246/2013
Made: July 9, 2013
Filed: July 9, 2013
Proclamation, S. 4, S.N.S. 2013, c. 11

Order in Council 2013-228 dated July 9, 2013
Proclamation made by the Governor in Council
pursuant to Section 4 of the
Support for Parents of Critically Ill or Abducted Children Act

The Governor in Council on the report and recommendation of the Minister of Labour and Advanced Education dated May 22, 2013, and pursuant to Section 4 of Chapter 11 of the Acts of 2013, the *Support for Parents of Critically Ill or Abducted Children Act*, is pleased to order and declare by proclamation that Chapter 11 of the Acts of 2013, the *Support for Parents of Critically Ill or Abducted Children Act*, do come into force on and not before July 9, 2013.

PROVINCE OF NOVA SCOTIA **sgd: J. J. Grant**

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,

G R E E T I N G:

A PROCLAMATION

WHEREAS in and by Section 4 of Chapter 11 of the Acts of 2013, the *Support for Parents of Critically Ill or Abducted Children Act*, it is enacted as follows:

4 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 11 of the Acts of 2013, the *Support for Parents of Critically Ill or Abducted Children Act*, do come into force on and not before July 9, 2013;

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 11 of the Acts of 2013, the *Support for Parents of Critically Ill or Abducted Children Act*, do come into force on and not before July 9, 2013, 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 Brigadier-General, the Honourable J. J. Grant (Retired), Lieutenant Governor of the Province of Nova Scotia.

© NS Registry of Regulations. Web version.

AT Our Government House in the Halifax Regional Municipality, this 9th day of July in the year of Our Lord two thousand and thirteen and in the sixty-second year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 247/2013
Made: July 9, 2013
Filed: July 9, 2013
Proclamation, S. 17, S.N.S. 2012, c. 2

Order in Council 2013-232 dated July 9, 2013
Proclamation made by the Governor in Council
pursuant to Section 17 of the
Community Easements Act

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated June 13, 2013, and pursuant to Section 17 of Chapter 2 of the Acts of 2012, the *Community Easements Act*, is pleased to order and declare by proclamation that Chapter 2 of the Acts of 2012, the *Community Easements Act*, do come into force on and not before July 9, 2013.

PROVINCE OF NOVA SCOTIA **sgd: J. J. Grant**

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,

G R E E T I N G:

A PROCLAMATION

WHEREAS in and by Section 17 of Chapter 2 of the Acts of 2012, the *Community Easements Act*, it is enacted as follows:

> **17** 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 2 of the Acts of 2012, the *Community Easements Act*, do come into force on and not before July 9, 2013;

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 2 of the Acts of 2012, the *Community Easements Act*, do come into force on and not before July 9, 2013, 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 Brigadier-General, the Honourable J. J. Grant (Retired), Lieutenant Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 9th day of July in the year of Our Lord two thousand and thirteen and in the sixty-second year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 248/2013
Made: July 9, 2013
Filed: July 9, 2013
Community Easements Regulations

Order in Council 2013-233 dated July 9, 2013
Regulations made by the Governor in Council
pursuant to Section 16 of the *Community Easements Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated June 13, 2013, and pursuant to Section 16 of Chapter 2 of the Acts of 2012, the *Community Easements Act*, is pleased to make regulations respecting community easements, other than recreational[-use] easements, and the designation of eligible bodies that may acquire and hold community easements, other than recreational[-use] easements, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after July 9, 2013.

Schedule "A"

Regulations Respecting Community Easements made by the Governor in Council pursuant to Section 16 of Chapter 2 of the Acts of 2012, the *Community Easements Act*

Citation
1 These regulations may be cited as the *Community Easements Regulations*.

Application of these regulations
2 These regulations apply only with respect to community easements other than recreational-use easements.

© NS Registry of Regulations. Web version.

Definitions for regulations and Act

3 **(1)** In these regulations,

(a) "Act" means the *Community Easements Act*;

(b) "designated" means designated as an eligible body in accordance with clause 8(1)(f) of the Act; and

(c) "land", in relation to a community easement, means the land over which the community easement is granted.

(2) In clause 7(c) of the Act, "drawing" means a drawing prepared by a Nova Scotia Land Surveyor.

Applying for designation

4 **(1)** An organization may apply to the Minister to be designated.

(2) An application for designation must include all of the following:

(a) proof that the organization has been legally incorporated without purpose of gain for its members under legislation that requires that any profits or other benefits to the organization be used solely to promote its objectives;

(b) proof of the organization's current registration and good standing issued by the Registrar of Joint Stock Companies or equivalent authority in the jurisdiction in which the organization was incorporated or registered;

(c) if the organization was incorporated outside the Province, the name and address of a person residing within the Province to whom any communications and notices may be sent;

(d) a copy of the objects and bylaws of the organization confirming that 1 of its primary purposes is a purpose listed in subsection 4(2) of the Act.

Minister may recommend designation

5 If the Minister is satisfied that an organization that applies for designation is eligible to be designated, the Minister may approve the application and recommend to the Governor in Council that the organization be designated and that its name be added to Schedule A.

Minister may recommend revocation of designation

6 The Minister may recommend to the Governor in Council that a designation be revoked and the organization's name removed from Schedule A if the designated organization

(a) fails to remain legally incorporated in accordance with the criteria set out in clause 4(2)(a);

(b) fails to maintain current registration and good standing in accordance with the criteria set out in clause 4(2)(b);

(c) amends its bylaws or objects so that they no longer are consistent with clause 4(2)(d); or

(d) contravenes the Act or these regulations.

Required content for community easement

7 **(1)** In addition to the content required by the Act, a community easement must contain all of the following:

(a) information that demonstrates the capacity of the easement holder to monitor and enforce the community easement and carry out any necessary remediation of the land;

(b) a statement describing the current use of the land;

(c) a description outlining the natural, scenic, open space, archaeological, paleontological, historic, cultural, agricultural, working forest or wetland value of the land;

(d) a provision providing a right of access to the easement holder as determined between the parties.

(2) A community easement may be in the form available from the Department of Natural Resources.

Schedule A

List of Organizations Designated as Eligible Bodies under the *Community Easements Act*

The following are designated as eligible bodies for the purpose of clause 8(1)(f) of the Act:

Annapolis Valley Farmland Trust Society

Climb Nova Scotia Association

Heritage Trust of Nova Scotia

Industrial Heritage Nova Scotia Society

N.S. Reg. 249/2013
Made: July 9, 2013
Filed: July 9, 2013
Personal Health Information Regulations

Order in Council 2013-235 dated July 9, 2013
Amendment to regulations made by the Governor in Council
pursuant to Section 110 of the *Personal Health Information Act*

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated June 7, 2013, and pursuant to Section 110 of Chapter 41 of the Acts of 2010, the *Personal Health Information Act*, is pleased to amend the *Personal Health Information Regulations*, N.S. Reg. 217/2012, made by the Governor in Council by Order in Council 2012-371 dated December 4, 2012, to designate enactments for the purpose of subsection 7(3) of the Act, to authorize First Nations to access to health card numbers and to provide for an exemption from fees for requests from the Workers' Compensation Board, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after July 9, 2013.

© NS Registry of Regulations. Web version.

Schedule "A"

Amendment to the *Personal Health Information Regulations*
made by the Governor in Council
pursuant to Section 110 of Chapter 41 of the Acts of 2010,
the *Personal Health Information Act*

1 The table in Section 5 of the *Personal Health Information Regulations*, N.S. Reg. 217/2012, made by the Governor in Council by Order in Council 2012-371 dated December 4, 2012, is amended by adding the following row immediately before the row that begins with "*Adoption Information Act*":

Any enactment governing a regulated health-profession body	any provision that grants a person the powers, privileges and immunities of a commissioner under the *Public Inquiries Act*

2 (1) The regulations are further amended by redesignating Section 6 as subsection 6(1).

(2) Subsection 6(1) of the regulations is amended by

(a) striking out the period at the end of clause (d) and substituting a semicolon; and

(b) adding the following clause immediately after clause (d):

(e) the following First Nations Bands, to create and maintain the Unama'ki Client Registry:

(i) the Chapel Island First Nation,

(ii) the Eskasoni First Nation,

(iii) the Membertou First Nation,

(iv) the Wagmatcook First Nation,

(v) the Waycobah First Nation.

(3) Section 6 is further amended by adding the following subsection immediately after subsection 6(1):

(2) In clause (1)(e), "Unama'ki Client Registry" means a registry of First Nations health care clients that is used as a tool to access, manage and use health information for use in the First Nations' health planning and evalution.

3 Section 12 of the regulations is amended by

(a) striking out the period at the end of clause (f) and substituting a semicolon; and

(b) adding the following clause immediately after clause (f):

(g) a request from the Workers' Compensation Board of Nova Scotia.

N.S. Reg. 250/2013
Made: July 9, 2013
Filed: July 9, 2013
Proclamation, S. 86, S.N.S. 2011, c. 11

Order in Council 2013-236 dated July 9, 2013
Proclamation made by the Governor in Council
pursuant to Section 86 of the *Pharmacy Act*

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated June 7, 2013, and pursuant to Section 86 of Chapter 11 of the Acts of 2011, the *Pharmacy Act*, is pleased to order and declare by proclamation that Chapter 11 of the Acts of 2011, the *Pharmacy Act*, do come into force on and not before August 6, 2013.

PROVINCE OF NOVA SCOTIA **sgd: J. J. Grant**

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,

G R E E T I N G:

A PROCLAMATION

WHEREAS in and by Section 86 of Chapter 11 of the Acts of 2011, the *Pharmacy Act*, it is enacted as follows:

> **86** 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 11 of the Acts of 2011, the *Pharmacy Act*, do come into force on and not before August 6, 2013;

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 11 of the Acts of 2011, the *Pharmacy Act*, do come into force on and not before August 6, 2013, 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 Brigadier-General, the Honourable J. J. Grant (Retired), Lieutenant Governor of the Province of Nova Scotia.

© NS Registry of Regulations. Web version.

AT Our Government House in the Halifax Regional Municipality, this 9th day of July in the year of Our Lord two thousand and thirteen and in the sixty-second year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 251/2013 to N.S. Reg. 255/2013
Made: November 15, 2012 and July 9, 2013
Approved: July 9, 2013
Filed: July 9, 2013
Pharmacy Act and Regulations Definitions Regulations,
Registration, Licensing and Professional Accountability Regulations,
Pharmacist Drug Prescribing Regulations,
Prescription Monitoring Regulations and Drug Plan Regulations

Order in Council 2013-237 dated July 9, 2013
Regulations and amendment to regulations made by the Governor in Council
pursuant to Section 83 of the *Pharmacy Act*, Section 27 of the *Prescription Monitoring Act*
and subsection 31(4) of the *Fair Drug Pricing Act*
and repeal of regulations and regulations made by the Nova Scotia
College of Pharmacists and approved by the Governor in Council
pursuant to Section 82 of the *Pharmacy Act*

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated June 7, 2013, and pursuant to Sections 82 and 83 of Chapter 11 of the Acts of 2011, the *Pharmacy Act*, Section 27 of Chapter 32 of the Acts of 2004, the *Prescription Monitoring Act* and subsection 31(4) of Chapter 7 of the Acts of 2011, the *Fair Drug Pricing Act*, is pleased, effective on and after August 6, 2013:

(a) pursuant to Section 83 of Chapter 11 of the Acts of 2011, the *Pharmacy Act*, to make regulations respecting definitions associated with the *Pharmacy Act* in the form set forth in Schedule "A" attached to and forming part of the report and recommendation;

(b) pursuant to Section 82 of Chapter 11 of the Acts of 2011, the *Pharmacy Act*,

(i) to approve the repeal by the Council of the Nova Scotia College of Pharmacists of the *Qualification and Professional Accountability Regulations*, N.S. Reg. 144/2003, made by the Council and approved by the Governor in Council by Order in Council 2003-348 dated August 1, 2003, and

(ii) to approve new regulations respecting registration, licensing and professional accountability made by the Council of the Nova Scotia College of Pharmacists in the form set forth in Schedule "B" attached to and forming part of the report and recommendation;

(c) pursuant to Section 83 of Chapter 11 of the Acts of 2011, the *Pharmacy Act*, to amend the *Pharmacist Drug Prescribing Regulations*, N.S. Reg. 22/2010, made by the Governor in Council by Order in Council 2010 40 dated January 26, 2010, for consistency with the new *Pharmacy Act* and regulations in the manner set forth in Schedule "C" attached to and forming part of the report and recommendation;

(d) pursuant to Section 27 of Chapter 32 of the Acts of 2004, the *Prescription Monitoring Act*, to amend the *Prescription Monitoring Regulations*, N.S. Reg. 132/2005, made by the Governor in Council by Order in Council 2005-275 dated June 30, 2005, for consistency with the new *Pharmacy Act* and regulations in the manner set forth in Schedule "D" attached to and forming part of the report and recommendation;

(e) pursuant to subsection 31(4) of Chapter 7 of the Acts of 2011, the *Fair Drug Pricing Act*, to amend the *Drug Plan Regulations*, N.S. Reg. 222/2011, made by the Governor in Council by Order in Council 2011-234 dated June 30, 2011, for consistency with the new *Pharmacy Act* and regulations in the manner set forth in Schedule "E" attached to and forming part of the report and recommendation.

N.S. Reg. 251/2013
Pharmacy Act and Regulations Definitions Regulations

Schedule "A"

Regulations Defining Words and Expressions Used in the Act made by the Governor in Council under Section 83 of Chapter 11 of the Acts of 2011, the *Pharmacy Act*

Citation
1 These regulations may be cited as the *Pharmacy Act and Regulations Definitions Regulations*.

Definition for these regulations
2 In these regulations, "Act" means the *Pharmacy Act*.

Definitions for Act and regulations
3 **(1)** For the purposes of the Act and all regulations made under the Act,

"complete patient record" includes any medication record maintained as part of the electronic health record;

"graduation" means the successful completion of the requirements of an accredited degree program in pharmacy or an accredited pharmacy technician training program, as applicable;

"patient" includes the patient's agent, unless the context otherwise requires;

"patient record" is further defined to include

(i) any record of information provided by, to or concerning a patient, and

(ii) a record of any counselling services provided to a patient;

© NS Registry of Regulations. Web version.

"practice experience" means either structured or unstructured practical experience undertaken by an applicant or registrant under the guidance of a preceptor in a direct patient care setting in a licensed pharmacy or hospital pharmacy in Canada, or another setting approved by the Council;

"present in the pharmacy" means physically present in the pharmacy;

"record", unless the context otherwise requires, means a record kept by a pharmacy, whether in written, photographic, electronic, magnetic or other form, and includes all of the following:

(i) a record kept by the pharmacy owner, the pharmacy manager, any registrant employed in the pharmacy or any other person associated with the pharmacy,

(ii) a record required to be kept under any of the following:

(A) the Act or regulations made under the Act,

(C)* the *Controlled Drugs and Substances Act* (Canada) or a regulation or standard under that Act,

(D)* the *Food and Drug Act* (Canada) or a regulation or standard under that Act,

[*paragraph lettering as in original]

(iii) a record of each prescription the pharmacy receives but does not dispense, including the original prescription if it has not been transferred, and an identification of any prescription that the pharmacy has transferred,

(iv) a record of each prescription dispensed from or through the pharmacy, including the prescription, the name of the drug or item prescribed, the amount dispensed, the name of the person who dispensed the prescription, the name of and contact information for the patient and the name of and contact information for the prescriber,

(v) a record of the names of and contact information for the patients to whom the pharmacy provides services,

(vi) a patient record,

(vii) all documentation required by the standards.

(2) For the purposes of subsection (1),

"accredited degree program in pharmacy" means an educational program in pharmacy that leads to a degree on successful completion and that is

(i) accredited by the Canadian Council for Accreditation of Pharmacy Programs;

(ii) accredited by a body recognized as an accrediting agency by the Canadian Council for Accreditation of Pharmacy Programs; or

(iii) determined by the Pharmacy Examining Board of Canada to be the equivalent of a program accredited by the Canadian Council for Accreditation of Pharmacy Programs;

"accredited pharmacy technician training program" means a pharmacy technician training program accredited by the Canadian Council for the Accreditation of Pharmacy Programs or another accrediting body approved by the Council for that purpose;

"direct patient care" means a practice of pharmacy that involves the care of individual patients;

"electronic health record" means the electronic health record as defined in the *Personal Health Information Regulations* made under the *Personal Health Information Act*.

N.S. Reg. 252/2013

Registration, Licensing and Professional Accountability Regulations

Schedule "B"

I hereby certify that the Council of the Nova Scotia College of Pharmacists, at a duly convened meeting of the Council held on November 15, 2012, and pursuant to Section 82 of Chapter 11 of the Acts of 2011, the *Pharmacy Act*, carried a motion to

(a) repeal the *Qualification and Professional Accountability Regulations*, N.S. Reg. 144/2003, made by the Council under subsection 80(1) of Chapter 36 of the Acts of 2001, the *Pharmacy Act*, and approved by the Governor in Council by Order in Council 2003-348 dated August 1, 2003; and

(b) make new regulations respecting registration, licensing and professional accountability in the practice of pharmacy, in the form attached.

The repeal and making of regulations referred to in this certificate is effective on and after August 6, 2013, and approval by the Governor in Council.

Signed at Halifax, in the Halifax Regional Municipality, Nova Scotia, on the 23rd day of May, 2013.

Council of the Nova Scotia College of Pharmacists

Per: Sgd.: *Susan M. Wedlake*
Susan M. Wedlake, BSc (Pharm), MSc
Registrar, Nova Scotia College of Pharmacists

Regulations Respecting Registration, Licensing and Professional Accountability in the Practice of Pharmacy made by the Council of the Nova Scotia College of Pharmacists under Section 82 of Chapter 11 of the Acts of 2011, the *Pharmacy Act*

Interpretation

Citation

1 These regulations may be cited as the *Registration, Licensing and Professional Accountability Regulations*.

Definitions

2 **(1)** In these regulations,

© NS Registry of Regulations. Web version.

"competence in jurisprudence", in relation to an applicant for a licence, means the successful completion by the applicant, within 2 years preceding the date of their application, of the examination in jurisprudence approved by the Council for use in assessing the pharmacy jurisprudence competencies of an applicant for a licence as a pharmacist or pharmacy technician, as the case may be, in Canada, with specific reference to Nova Scotia;

"examination to assess required professional competencies" means the examination approved by the Council for use in assessing the competencies of an applicant for a licence as a practising pharmacist or a practising pharmacy technician, as the case may be;

"fee" means the fee determined by the Council under subsection 4(3) of the Act, unless the context otherwise requires;

"licence", unless the context otherwise requires, means a licence to practise pharmacy issued to an individual under subsection 16(1) of the Act;

"limited-service pharmacy" means a pharmacy that serves a limited clientele and does not serve the general public;

"Minister" means the Minister of Health and Wellness;

"pharmacy licence" means a pharmacy licence issued by the Registrar under subsection 23(1) of the Act;

"*Pharmacy Practice Regulations*", means the *Pharmacy Practice Regulations* made by the Council under Section 80 of the Act;

"pharmacy standards" means standards for pharmacies

(i) adopted by the Council under Section 12 of the Act; or

(ii) established by the College in accordance with the requirements for pharmacies set out in regulations made by the Council under clause 80(1)(i) of the Act;

"practice assessment" means an evaluation of the practice skills of a registrant or an applicant for a licence that is carried out by a registrant who is licensed to practise direct patient care and who uses a proficiency template approved by the Council for the evaluation;

"Registration Advisory Committee" means the committee established by Council to advise the Registrar on registration matters;

"satisfactory language proficiency" for purposes of an application for a licence means the successful completion of an English-language proficiency assessment at a level consistent with language fluency requirements for licensure as a pharmacist or pharmacy technician, as the case may be, in Canada, as approved by the Council;

"structured practice experience" means practice experience that is structured as approved by the Council to attain specific competency requirements.

(2) The definitions contained in the *Pharmacy Act and Regulations Definitions Regulations* made under the Act apply to these regulations unless the context otherwise requires.

Registration and Licensing Classes and Requirements

Classes of registrants

3 Classes of registrants referred to in these regulations are as established in the *Pharmacy Practice Regulations*.

Applying for registration

4 **(1)** Unless otherwise determined by the Registrar in accordance with subsection (2), a person who wishes to be a registrant must provide all of the following to the Registrar:

(a) a completed application on a form supplied by the Registrar;

(b) if applicable, a letter of standing that meets the requirements of Section 5 from each pharmacy regulatory authority in another jurisdiction with which the person is currently or has been registered;

(c) proof of the person's identity;

(d) if applicable, the statement of disclosure required by Section 6 respecting offences;

(e) the results of a criminal record check conducted within the 3 months preceding the application;

(f) a statement of disclosure regarding whether the person's employment has ever been terminated for cause related to the practice of pharmacy;

(g) confirmation that to the applicant's knowledge the applicant has the capacity, professional competence and character to safely and ethically practise pharmacy;

(h) proof that the applicant has all of the qualifications required by these regulations for the class of registration sought;

(i) if applicable, a certificate of professional liability insurance coverage from the insurer that confirms that the applicant is insured and that the insurance meets the requirements of the *Pharmacy Practice Regulations*;

(j) any additional information required by the application form or the Registrar;

(k) payment of the applicable fee.

(2) The Registrar may vary or waive any of the requirements of subsection (1) with respect to an applicant for registration in a non-practising class.

Letter of standing

5 A letter of standing from a pharmacy regulatory authority in another jurisdiction that is required by clause 4(1)(b) to be provided as part of an application for licensing must include all of the following:

(a) confirmation that the applicant is or has been registered in that jurisdiction and the current status of the registration;

(b) a statement of the registration class in which the applicant is or was registered and the details of any limits on the applicant's right to practise pharmacy in that jurisdiction;

© NS Registry of Regulations. Web version.

(c) a complete list of any complaints, discipline matters, discipline proceedings and sanctions against the applicant, including any settlements, warnings and cautions;

(d) a statement as to whether there are any outstanding complaints or other disciplinary matters against the applicant;

(e) a statement as to whether the regulatory authority is aware of any reason why the applicant would not be a fit and proper person to practise pharmacy competently, safely and ethically.

Statement of disclosure reporting offences

6 An applicant for registration to whom any of the following apply must report the details in the statement of disclosure to the Registrar:

(a) the applicant has pleaded guilty to, been convicted or found guilty of or, if the charge is still outstanding, been charged with any offence in or out of Canada that is inconsistent with the proper professional behaviour of a registrant, including an offence under any of the following, and a pardon has not been issued:

(i) the *Criminal Code* (Canada),

(ii) the *Food and Drug Act* (Canada) or its regulations,

(iii) the *Controlled Drug and Substances Act* (Canada) or its regulations;

(b) the applicant has had privileges under the *Controlled Drugs and Substances Act* (Canada) suspended or withdrawn;

(c) the applicant has been found guilty of a disciplinary offence in another jurisdiction or has entered into a settlement agreement that included recognition of a disciplinary offence;

(d) the applicant has had a licensing sanction imposed by another jurisdiction;

(e) the applicant is in breach of a settlement agreement;

(f) the applicant is in violation of a practice limitation imposed under the Act or in another jurisdiction;

(g) the applicant is in violation of a licensing sanction;

(h) the applicant is the subject of an investigation or disciplinary process in any jurisdiction;

(i) the applicant has settled or lost a civil suit alleging professional negligence.

(2) The Registrar must refer a statement of disclosure received from an applicant to the Registration Advisory Committee for advice as to whether the application should be granted or refused.

Qualifications for registration and licensing as pharmacist

7 (1) Except as provided in subsections (2) and (3) for applicants who are licensed outside the Province, an applicant must have all of the following qualifications to be eligible for registration and licensing as a pharmacist:

(a) subject to the time limit specified in the *Pharmacy Practice Regulations* for obtaining a licence after graduation, successful completion of an accredited degree program in pharmacy;

(b) satisfactory language proficiency;

(c) competence in jurisprudence;

(d) successful completion of structured practice experience as a registered student or intern;

(e) successful completion of 560 hours of practice experience as a registered student or intern in addition to the structured practice experience referred to in clause (d), 280 of which must have been completed after graduation;

(f) successful completion of the examination to assess required professional competencies;

(g) fitness to practise pharmacy competently, safely and ethically, demonstrated to the Registrar's satisfaction.

(2) Subject to subsection (4), an applicant who is licensed to practise pharmacy in another Canadian jurisdiction and who has attained competence in jurisprudence is eligible for registration and licensing as a pharmacist.

(3) Subject to subsection (4), an applicant who is licensed to practise pharmacy in a jurisdiction outside Canada and who has all of the following qualifications is eligible for registration and licensing as a pharmacist:

(a) all of the qualifications set out in subsection (1), except clause (1)(e);

(b) successful completion of a practice assessment.

(4) An applicant referred to in subsection (2) or (3) who is eligible to be registered and licensed must be registered and licensed in the same or an equivalent class as the class in which the applicant is licensed in the other jurisdiction.

Qualifications for registration and licensing as pharmacy technician

8 (1) Except as provided in subsections (2), (3) and (4) for applicants to whom those subsections apply, an applicant must have all of the following qualifications to be eligible for registration and licensing as a pharmacy technician:

(a) subject to the time limit specified in the *Pharmacy Practice Regulations* for obtaining a licence after graduation, successful completion of

(i) an accredited pharmacy technician training program, or

(ii) an accredited degree program in pharmacy;

(b) satisfactory language proficiency;

(c) competence in jurisprudence;

(d) a total of 560 hours of structured practice experience;

(e) successful completion of the examination to assess required professional competencies;

(f) successful completion of an assessment of the applicant's basic competencies in a direct patient care practice setting approved by the Council;

© NS Registry of Regulations. Web version.

(g) fitness to practise pharmacy competently, safely and ethically, demonstrated to the Registrar's satisfaction.

(2) An applicant who has all of the following qualifications on or before December 31, 2017, is eligible for registration and licensing as a pharmacy technician:

(a) successful completion of a program approved by the Council to educate and train persons to be pharmacy technicians;

(b) at least 2000 hours of work experience in a direct patient care pharmacy practice in Canada in the 3-year period immediately preceding entering the program referred to in clause (a);

(c) all the qualifications set out in clauses (1)(b), (c), (e), (f) and (g).

(3) Subject to subsection (5), an applicant who is licensed to practise pharmacy as a pharmacist or pharmacy technician in another Canadian jurisdiction and who has attained competence in jurisprudence is eligible for registration and licensing as a pharmacy technician.

(4) Subject to subsection (5), an applicant who is licensed to practise pharmacy as a pharmacist or pharmacy technician in a jurisdiction outside Canada and who has all of the following qualifications is eligible for registration and licensing as a pharmacy technician:

(a) all of the qualifications set out in subsection (1), except that for the purposes of clause (d) only 280 hours are required;

(b) successful completion of a practice assessment.

(5) An applicant referred to in subsection (3) or (4) who is eligible to be registered and licensing must be registered in the same or an equivalent class as the class in which the applicant is licensed in the other jurisdiction.

Qualification for registration as registered student

9 An applicant who provides the Registrar with proof of enrolment in an accredited degree program in pharmacy is eligible for registration as a registered student.

Qualifications for registration as intern

10 An applicant must have all of the following qualifications to be eligible for registration as an intern:

(a) graduation from an accredited degree program in pharmacy;

(b) satisfactory language proficiency;

(c) competence in jurisprudence.

Practice experience for registration and licensing as pharmacist

11 (1) Except as provided in subsection (2), and subject to subsection (3), only the following practice experience is counted toward the qualification requirements in Section 7 to be met by an applicant for registration and licensing as a pharmacist:

(a) practice experience that was undertaken by the applicant as a registered student after the beginning of the applicant's 2nd year of enrolment in an accredited degree program in pharmacy;

© NS Registry of Regulations. Web version.

(b) practice experience that was undertaken by the applicant as an intern.

(2) Practice experience in another Canadian jurisdiction and the completion of structured practice experience in another Canadian jurisdiction may be counted toward an applicant's qualifications, if the Registrar considers it to be equivalent to practice experience in the Province.

(3) The following practice experience must not be counted toward the qualifications required by Section 7 to be met by an applicant:

(a) practice experience that a preceptor designates as unsatisfactory;

(b) if the applicant was a registered student and that registration was revoked, any practice experience completed by the applicant as a registered student up to the date of the revocation;

(c) if the applicant was an intern and their registration as an intern expired, any practice experience completed by the applicant after the expiry date.

Practice experience for registration and licensing as pharmacy technician

12 (1) The following practice experience must not be counted toward the qualification requirements in Section 8 to be met by an applicant for registration as a pharmacy technician:

(a) practice experience completed by the applicant more than 2 years before the date that their application is submitted to the Registrar;

(b) practice experience that a preceptor designates as unsatisfactory.

(2) Subject to subsection (1), practice experience in another Canadian jurisdiction and the completion of structured practice experience in another Canadian jurisdiction may be counted toward an applicant's qualifications, if the Registrar considers it to be equivalent to practice experience in the Province

Limits on authority of pharmacy technician

13 (1) For the purpose of Section 33 of the Act, the practice of a pharmacy technician consists only of the technical aspects of the practice of pharmacy, including all of the following:

(a) preparing and compounding prescriptions;

(b) obtaining, entering and recording prescription information;

(c) receiving, transcribing and recording verbal prescriptions from practitioners;

(d) transferring prescriptions to and receiving prescriptions from other pharmacies, as permitted by law;

(e) providing copies of prescriptions to authorized recipients as required by the Act;

(f) providing technical information when a therapeutic assessment or clinical judgment by the pharmacist is not required.

(2) A pharmacy technician must not counsel a patient, directly or indirectly, about a drug or a medical condition, and a pharmacist may not delegate the responsibility to counsel a patient to a pharmacy technician.

© NS Registry of Regulations. Web version.

(3) A pharmacy technician may assist in gathering information from a patient about a drug or a medical condition if necessary to assess the appropriateness of drug therapy, but the pharmacist remains responsible for obtaining sufficient information to assess the patient and the appropriateness of drug therapy.

(4) A pharmacy technician must recognize when the professional expertise of a pharmacist is required and consult with a pharmacist in that case.

(5) A pharmacy technician may not delegate to another person the authority to carry out an authorized act.

Registration as registered student

14 (1) The registration of a registered student continues until the student graduates from an accredited degree program in pharmacy, unless revoked.

(2) A student enrol[l]ed in an accredited degree program in pharmacy may work in a pharmacy only as a registered student.

(3) The Registrar must revoke the registration of a registered student in any of the following circumstances:

(a) the student is expelled from or refused readmission to an accredited degree program in pharmacy;

(b) the student fails to complete an accredited degree program in pharmacy within 6 years after the student's initial enrolment in an accredited degree program in pharmacy, unless the Registrar grants an extension under subsection (4).

(4) On application by a registered student, the Registrar may extend the time referred to in clause (3)(b) within which the registered student must complete the program.

(5) If a registered student's registration is revoked for any reason, the student must not be re-registered as a registered student until the student applies for reinstatement in accordance with these regulations and the Reinstatement Committee directs the Registrar to reinstate the student's registration.

Registration period for intern

15 (1) Unless the Registrar grants an extension under subsection (2), the registration of an intern continues for a period of no longer than 24 months immediately following the date of their registration as an intern, unless revoked.

(2) On application by an intern, the Registrar may extend the intern's registration period.

Registered student or intern to notify College of practice experience

16 (1) Before beginning practice experience, a registered student or intern must

(a) advise the College of the pharmacy, hospital or other institution approved by the Council in which the practice experience will be undertaken; and

(b) provide the College with a copy of a written agreement signed by the preceptor who has agreed to supervise or direct the practice experience.

© NS Registry of Regulations. Web version.

(2) A registered student or intern who is undertaking practice experience and their preceptor must each notify the College immediately in either of the following circumstances:

(a) the location where the practice experience is being undertaken is changed;

(b) the preceptor has been replaced.

(3) Subsections (1) and (2) do not apply to structured practice experience provided through an accredited degree program in pharmacy.

Licence Renewal and Resumption of Practice

Application of Sections 18 to 20

17 Sections 18 to 20 apply only to pharmacists, certified dispensers and pharmacy technicians.

Annual licence renewal

18 (1) A licence expires December 31 in each year.

(2) To renew a licence, a registrant must provide all of the following to the Registrar:

(a) a completed application form supplied by the Registrar;

(b) confirmation of the class of licence for which renewal is sought;

(c) a statement certifying that the registrant meets all of the requirements for renewal set out in subsection (3);

(d) if applicable, the statement of disclosure required by Section 6 respecting offences;

(e) payment of the applicable fee.

(3) To be eligible for a licence renewal, a registrant must meet all of the following requirements:

(a) if seeking renewal of a licence to practise direct patient care pharmacy, the registrant must be able to certify to the Registrar that he or she has practised sufficient direct patient care pharmacy in the 2 preceding years to maintain the competence to practise direct patient care pharmacy;

(b) the registrant must have completed the Council's requirements for continuing competence, including any self-assessment approved by the Council;

(c) the registrant must have met the continuing education requirement of Section 19;

(d) the registrant must continue to be insured as required by the *Pharmacy Practice Regulations*.

(4) If, in their renewal application, a registrant is unable to certify to the Registrar that the registrant has practised sufficient direct patient care pharmacy in the 2 years preceding the application as required by clause (3)(a),

(a) if a pharmacist, the registrant must choose to be re-licensed in the practising indirect patient care class or the non-practising class;

© NS Registry of Regulations. Web version.

(b) if a pharmacy technician, the registrant must choose to be re-licensed in the non-practising class.

(5) If the Registrar is satisfied that a renewal application is complete and the registrant has met all the requirements for renewal, the Registrar must renew the registrant's licence.

Continuing education requirements

19 (1) To qualify for renewal of their licence to practise pharmacy for the following year, each pharmacist, certified dispenser and pharmacy technician must, in the current licence year, complete 15 units of continuing education that meets the requirements of the *Pharmacy Practice Regulations*.

(2) This Section does not apply to

(a) a pharmacist during the year of their graduation;

(b) a pharmacy technician in the year of their graduation or the year of completion of a program under clause 8(2)(a); or

(c) a non-practising pharmacist or a non-practising pharmacy technician.

Consequences of late renewal

20 (1) A registrant who does not complete the requirements for licence renewal and submit a completed renewal application before November 30 in any year is subject to a late renewal fee, unless the registrant has previously applied to resign from the College.

(2) The licence of a registrant who does not complete the requirements for licence renewal and submit a completed renewal application, including the payment of any late renewal fee, before December 31 in any year is suspended as provided by subsection 20(2) of the Act, unless the registrant has previously applied to resign from the College.

Resumption of practice

21 (1) In this Section, "applicant" means a pharmacist or pharmacy technician to whom any of the following apply and who has completed an application in accordance with Section 4 in order to resume direct patient care:

(a) they are currently non-practising;

(b) they currently do not practise direct patient care pharmacy;

(c) they have resigned from the register;

(d) their licence is suspended.

(2) To be licensed to practise direct patient care, an applicant who has been licensed to practise direct patient care within the 2 years preceding the date of their application must

(a) certify to the Registrar that the applicant has practised sufficient direct patient care in Canada in the 2 previous years to maintain the competence to practise direct patient care; and

(b) have completed the Council's requirements for continuing competence, including any self-assessment approved by the Council.

© NS Registry of Regulations. Web version.

(3) If an applicant is unable to certify to the Registrar under clause (2)(a) that the applicant has practised sufficient direct patient care in Canada in the 2 preceding years, the applicant must do 1 of the following:

(a) successfully complete 140 hours of practice experience for each year or part of a year since the applicant was last licensed to practise direct patient care; or

(b) successfully complete the structured practice experience approved by the Council for returning to practice.

(4) An applicant who has not been licensed to practise direct patient care within the 2 years preceding the date of their application, but has been so licensed within the preceding 5 years, must meet all of the following requirements before being licensed to practise direct patient care:

(a) satisfaction of the Council's requirements for continuing competence, including any self-assessment approved by the Council;

(b) attainment of competence in jurisprudence;

(c) successful completion of 140 hours of practice experience for each year or part of a year since the applicant was last licensed, to a maximum of 560 hours.

(5) An applicant who has not been licensed to practise direct patient care within the 5 years preceding the date of their application must meet all of the following requirements before being licensed to practise direct patient care:

(a) satisfaction of the Council's requirements for continuing competence, including any self-assessment approved by the Council;

(b) attainment of competence in jurisprudence;

(c) successful completion of the structured practice experience approved by the Council for returning to practice;

(d) successful completion of the examination to assess required professional competencies.

(6) An applicant who is a pharmacist and to whom subsection (4) or (5) applies must be registered as an intern upon meeting the applicable requirements to be licensed to practise direct patient care.

(7) An applicant may apply to the Council to waive or reduce any requirements of this Section, and the Council, on the favourable recommendation of the Registrar, may waive or reduce the requirement if the Council considers that the applicant, during the 5 years preceding the date of their application, obtained the equivalent to the requirement sought to be waived or reduced.

(8) In addition to the application fee required by clause 4(1)(k), an application under this Section must be accompanied by payment of the fees for reinstatement and any required examinations.

Licence Conditions, Suspensions and Revocations

Removing or amending condition imposed by Registrar

22 (1) A registrant whose licence is subject to a condition may apply to the Registrar to have the condition removed or amended.

© NS Registry of Regulations. Web version.

(2) On receipt of an application for removal of a condition, the Registrar must re-issue the registrant's licence without the condition if the Registrar is satisfied that

(a) any requirement for removal of the condition has been met; and

(b) any time period for which the condition was imposed has expired.

(3) On receipt of an application for removal of a condition to which clauses (2)(a) and (b) do not apply or for an amendment of a condition, the Registrar must forward the application to the Reinstatement Committee, and the proceedings set out in these regulations for an application for reinstatement apply with the necessary changes in detail to an application forwarded under this subsection.

Effect of licence suspension

23 (1) A registrant whose licence has been suspended must not practise pharmacy until the Registrar has restored the licence under Section 62 of the Act.

(2) A registrant whose licence has been suspended must comply with any applicable requirements of Section 21 respecting resumption of practice.

(3) The licence of a certified dispenser that has been suspended must not be reinstated.

Licence revoked when registration revoked

24 A registrant's licence is revoked when the registrant's registration is revoked.

Pharmacy Accreditation and Licensing

Owner may appoint representative

25 (1) In Sections 26 and 27, "owner's representative", in relation to a pharmacy owner, means a person appointed by the pharmacy owner under this Section.

(2) A pharmacy owner may appoint a person as the owner's representative with authority to bind the owner in undertakings provided to the College with respect to the pharmacy, including the certification of compliance required by clause 23(1)(a) of the Act before a licence is issued.

(3) If a pharmacy owner appoints a representative, any notice from the College to the owner must be sent to the representative.

Accreditation and licensing of new or newly acquired pharmacy

26 (1) In this Section, "accreditation" means the pharmacy accreditation granted by the Registrar under Section 25 of the Act.

(2) A person who proposes to open a new pharmacy or who proposes to acquire an existing pharmacy must apply for accreditation and a pharmacy licence at least 30 days before the proposed opening date of the new or newly acquired pharmacy.

(3) In exceptional circumstances the Registrar may authorize a shorter notice period than the 30 days required by subsection (2).

(4) In addition to compliance with subsection 23(1) of the Act, all of the following are required in an application for accreditation and a pharmacy licence:

(a) a completed application on a form supplied by the Registrar;

(b) a diagram of the pharmacy;

(c) the name of the owner of the pharmacy and, if applicable, the name and address of the owner's representative;

(d) the name of the proposed pharmacy manager;

(e) the name of any alternate pharmacy manager designated under subsection 26(4) of the Act and that person's consent;

(f) the name of each registrant employed by the pharmacy.

(5) The College must conduct an inspection of a pharmacy for which an application for accreditation has been received, to confirm that the pharmacy complies with the requirements of the Act and the regulations.

Renewing pharmacy licence

27 (1) A pharmacy licence expires on December 31 in each year.

(2) In addition to compliance with subsection 23(1) of the Act as required for renewal by subsection 23(3) of the Act, all of the following are required in an application for renewal of a pharmacy licence:

(a) a completed application on a form supplied by the Registrar;

(b) the name of the pharmacy manager;

(c) the name of the alternate pharmacy manager, if any, designated under subsection 26(4) of the Act and that person's consent;

(d) the name of each registrant employed by the pharmacy;

(e) the name of the owner of the pharmacy and, if applicable, the name and address of the owner's representative.

(3) On being satisfied that a pharmacy for which a licence renewal application has been submitted complies with the Act and the regulations, the Registrar must renew the licence in the name of the pharmacy manager.

(4) A pharmacy for which the requirements for licence renewal are not completed by November 30 in any year is subject to a late renewal fee.

(5) The licence of a pharmacy for which the requirements for licence renewal are not completed by December 31 in any year is suspended.

Notifying College of change of status of pharmacy manager

28 The owner of pharmacy and the pharmacy manager must each advise the College if the pharmacy manager ceases to be qualified as a pharmacy manager or ceases to be the pharmacy manager.

Applying for new pharmacy licence on replacement of pharmacy manager

29 (1) In this Section, "new pharmacy licence" means a pharmacy licence issued under subsection 26(3) of the Act in the name of the new pharmacy manager when a pharmacy manager is replaced.

© NS Registry of Regulations. Web version.

(2) If the manager of a pharmacy is replaced, the owner of the pharmacy must advise the College and apply for a new pharmacy licence.

(3) An application for a new pharmacy licence must

(a) be made on a form supplied by the Registrar;

(b) state the name and qualifications of the new pharmacy manager and any additional details required by the application form; and

(c) be accompanied by the applicable fee.

(4) A new pharmacy licence must come into effect on the date the new pharmacy manager accepts responsibility for the pharmacy.

Procedure when no replacement pharmacy manager

30 (1) If a pharmacy manager ceases to be the pharmacy manager and there is no replacement pharmacy manager, the owner of the pharmacy must do 1 of the following:

(a) if an alternate pharmacy manager has been designated under subsection 26(4) of the Act and that person's consent has not been withdrawn, notify the College on the form supplied by the Registrar that the alternate pharmacy manager is now the interim pharmacy manager;

(b) name an emergency pharmacy manager in accordance with subsection (3);

(c) close the pharmacy.

(2) Except as provided in subsection (6), an interim pharmacy licence is deemed to be issued for a pharmacy for a period of 30 days from the date that a notice under clause (1)(a) is received by the College with respect to the pharmacy.

(3) If a pharmacy manager ceases to be the pharmacy manager of a pharmacy and no interim pharmacy licence is issued under subsection (2), the owner of the pharmacy may name an emergency pharmacy manager by providing the College with the name of a direct patient care pharmacist who consents to be the emergency pharmacy manager and with the consent of that pharmacist.

(4) Except as provided in subsection (7), a 72-hour pharmacy licence is deemed to be issued in the name of an emergency pharmacy manager for a period of 72 hours from the time that notification under subsection (3) is received by the College with respect to the pharmacy.

(5) A pharmacy owner may appoint an emergency pharmacy manager, with that pharmacy manager's consent, as the interim pharmacy manager, and on acceptance of the appointment by the College an interim pharmacy licence is deemed to be issued for the pharmacy for a period of 30 days from the date the pharmacy is notified of the acceptance.

(6) An interim pharmacy licence is not deemed to be issued if another interim pharmacy licence has been deemed to be issued with respect to the same pharmacy within in the preceding 60 days.

(7) A 72-hour pharmacy licence is not deemed to be issued if another 72-hour pharmacy licence has been deemed to be issued with respect to the same pharmacy within the preceding 7 days.

© NS Registry of Regulations. Web version.

Limited-Service Pharmacies

Applying for accreditation of limited-service pharmacy

31 (1) A person may submit a request to the Council for permission to submit an application for accreditation of a limited-service pharmacy.

(2) A request under subsection (1) must include all of the following information:

(a) a description of the specific clientele that would be served by the limited-service pharmacy;

(b) a list of any variations from the pharmacy standards that would be sought in the application for accreditation;

(c) a description of how the public interest would be served by accrediting the limited-service pharmacy.

(3) The Council may permit a person to submit an application for accreditation of a limited-service pharmacy if the Council is reasonably satisfied that its accreditation would be in the interest of the public health.

(4) An application for accreditation of a limited-service pharmacy must, in addition to complying with the application requirements of the Act and Section 26, include all of the following:

(a) specific details of each variation from the pharmacy standards that is being sought; and

(b) a statement by the pharmacy manager certifying that allowing the variation will not prevent the pharmacy from being fully able to provide safe and effective pharmacy services to its clientele.

(5) In accrediting a limited-service pharmacy, the Council may do either or both of the following:

(a) allow a variation from any pharmacy standard as it applies to the limited-service pharmacy;

(b) impose standards on the limited-service pharmacy in addition to the pharmacy standards.

(6) Only those variations from pharmacy standards that are allowed by the Council under subsection (5) are permitted for a limited-service pharmacy.

(7) The accreditation granted to a limited-service pharmacy must specify

(a) the clientele it is permitted to serve; and

(b) each variation from the pharmacy standards that the Council has allowed for it and, if applicable, each additional standard imposed on it by the Council.

(8) The pharmacy licence issued for a limited-service pharmacy must specify the clientele that the limited-service pharmacy is permitted to serve.

Limited-service pharmacy conditions

32 (1) A limited-service pharmacy must serve only those patients who are included in the clientele specified in its accreditation and licence.

© NS Registry of Regulations. Web version.

(2) The public must be notified that a pharmacy is a limited-service pharmacy, and of the limited services that the pharmacy provides, by signage and other appropriate means that specifically state "pharmacy services limited to (*specific clientele shown on licence*)".

(3) A limited-service pharmacy must not be described using a term such as "specialized" or "boutique", or any other term that implies greater competence than that of a pharmacy that serves the general public.

Renewing limited-service pharmacy licence

33 An application to renew a limited-service pharmacy licence, in addition to complying with the renewal requirements of the Act and Section 27, must include a statement by the pharmacy manager certifying that the pharmacy continues to be fully able to provide safe and effective pharmacy services to its clientele and, subject to any variation allowed by the Council, continues to meet the pharmacy standards.

Communication between limited-service pharmacy and primary pharmacy

34 (1) The manager of a limited-service pharmacy must ensure that a registrant in a patient's primary pharmacy, if known, is informed of any prescription that is dispensed to the patient from the limited-service pharmacy.

(2) The manager of a patient's primary pharmacy must, at the request of a registrant in a limited-service pharmacy that also serves the patient, ensure that a registrant in the limited-service pharmacy is informed of any prescription that is dispensed to the patient from the primary pharmacy.

(3) The disclosure of any information under this Section must be consistent with applicable privacy legislation and the information disclosed must be used only to optimize patient care.

Patient Records

Storage and access

35 (1) Patient records must be stored in accordance with the following requirements:

(a) they must be stored in a manner that preserves patient confidentiality but also facilitates ease of use, sharing and retrieval by authorized persons;

(b) they must be readily available for patient care;

(c) they must be stored securely to ensure that only persons authorized by the Act and the regulations have access to the records and that the records are protected from theft, damage or unauthorized access, use or disclosure;

(d) they must be stored in Canada.

(2) When requested by a patient, a registrant must transfer a copy of the patient's record to another pharmacy.

(3) A specific patient record must be producible

(a) if the record is less than 3 years old, within 30 minutes from when a request is made, and

(b) if the record is 3 years old or older, within 48 hours from when a request is made.

© NS Registry of Regulations. Web version.

Drug Information System

36 **(1)** In this Section, "Drug Information System" means the Drug Information System as defined in the *Drug Information System Prescription Monitoring Regulations* made under the *Prescription Monitoring Act*.

(2) Each time a pharmacist, certified dispenser or pharmacy technician dispenses a drug to a patient, the pharmacist, certified dispenser or pharmacy technician must update the Drug Information System.

Retaining patient records

37 **(1)** A patient record must be retained for at least 10 years after the date of the last pharmacy service provided to the patient or 10 years after the date the patient attains the age of majority, whichever is longer.

(2) If a patient record that is more than 3 years old is converted from paper form to electronic form, the paper original may be disposed of in accordance with Section 38.

(3) All patient records in electronic form must be backed up at least once a day and the backup preserved in a secure location, outside the pharmacy, where all of the following are ensured:

(a) patient confidentiality is protected;

(b) the records may be easily produced when required;

(c) the records are secure from damage;

(d) the records are protected from theft or unauthorized access, use or disclosure.

Disposing of records

38 **(1)** A pharmacy manager must dispose of a patient record in a manner that preserves patient confidentiality and prevents theft or unauthorized access, use or disclosure.

(2) After a pharmacy manager receives notice that a complaint has been made respecting a registrant employed by the pharmacy, the pharmacy manager must not dispose of any patient records without the prior written permission of the Registrar.

(3) The manager of a pharmacy that is the subject of an inspection or investigation under the Act must not dispose of any patient records until the inspection or investigation is completed.

Patient records in collaborative or other practice

39 A pharmacist or pharmacy technician who provides professional services in an environment with other regulated health professionals who share a medical or patient record must

(a) know who is responsible for and who has access to the patient record; and

(b) collaborate with the other health professionals to create, maintain, store, protect, retain, disclose and destroy patient records according to the Act and the regulations.

Custodian of patient records

40 A custodian appointed under subsection 63(1) of the Act must transfer all the patient records in their custody to another pharmacy or keep and protect the records as otherwise directed by the Council.

© NS Registry of Regulations. Web version.

Collaboration in authorized dispensing process

41 **(1)** Pharmacies may collaborate with one another in a dispensing process authorized by the standards, but otherwise all steps in the dispensing process must occur within the pharmacy from which a prescription is released.

(2) If pharmacies collaborate in a dispensing process, the pharmacy from which the prescription is released is the custodian of the patient record.

Conditional Authority

Conditional authority agreement

42 **(1)** In this Section, "conditional authority" means the authority for a pharmacist to lawfully carry out health-care-related activities, services or functions under the conditions set out in a written agreement between the College and the regulatory authority of another health profession.

(2) The College may enter into a written agreement with the regulatory authority of another health profession that authorizes a pharmacist to carry out health-care-related services, activities or functions provided by the other health profession and that has the underlying objectives of improving access to health care by the public and achieving the best health care results for the public.

(3) An agreement entered into under this Section must comply with all of the following:

(a) it must prescribe the conditions under which the conditional authority may be exercised, including any education or certification that is advisable or required for a pharmacist before the pharmacist can perform any activities, services or functions under the conditional authority;

(b) it must confirm the professional responsibility and accountability of a pharmacist who performs any activities, services or functions under the conditional authority;

(c) it must be filed with the Minister.

Activity, service or function under conditional authority

43 A pharmacist who carries out an activity, service or function under a conditional authority is

(a) deemed to be practising pharmacy in accordance with the Act and the regulations; and

(b) deemed not to be in violation of any enactment relating to the other health profession to which the conditional authority relates.

Appointment of Public Representative

Public advertisement

44 When directed by Council, the Registrar must publicly advertise to invite expressions of interest in serving as a public representative on the Council or on a committee.

Appointment process

45 **(1)** On or before November 30 in every year and beginning in 2013, the Registrar must present to the Council the name of each person who has expressed an interest in serving and has agreed to serve as a public representative on the Council or a committee, together with any information provided by the person.

© NS Registry of Regulations. Web version.

(2) From the information provided under subsection (1), the Council must appoint as public representatives persons who, in the opinion of the Council, would effectively represent the public interest and contribute to the attainment of the purposes of the College.

(3) A public representative may be re-appointed.

(4) If the position of a public representative becomes vacant, the Council may fill the vacancy from among those who have previously indicated an interest in serving and have agreed to serve.

Statutory Committees Composition and Conduct of Business

Term of office for member of statutory committee

46 A member of a statutory committee holds office until they resign or are replaced by the Council.

Registration Appeals Committee

47 (1) The Council must appoint a Registration Appeals Committee to hear and determine appeals under Section 17 of the Act.

(2) The Registration Appeals Committee must be composed of at least 3 persons, 1 of whom is a public representative.

(3) The Registration Appeals Committee may have the same membership as the Reinstatement Committee.

(4) A member of the Registration Advisory Committee must not be a member of the Registration Appeals Committee.

(5) The Council must appoint a chair and may appoint a vice-chair of the Registration Appeals Committee.

(6) The vice-chair must act as chair in the absence of the chair.

(7) If neither the chair nor the vice-chair is available, the Registrar must name a member of the Registration Appeals Committee to act as the chair.

(8) A quorum of the Registration Appeals Committee is a majority of its members.

Investigation Committee

48 (1) The Investigation Committee consists of the registrants and public representatives appointed by the Council under Section 48 of the Act.

(2) A member of the Investigation Committee does not have to be a councillor.

(3) The Council must appoint a chair and may appoint a vice-chair of the Investigation Committee.

(4) The vice-chair must act as chair in the absence of the chair.

(5) If neither the chair nor the vice-chair is available, the Registrar must name a member of the Investigation Committee to act as chair.

© NS Registry of Regulations. Web version.

(6) The chair of the Investigation Committee may appoint a panel of at least 3 persons from the Committee, 1 of whom must be a public representative and 2 of whom must be licensed pharmacists, to deal with any specific matter referred to the Committee.

(7) A panel appointed under subsection (6) has all of the powers and duties of the Investigation Committee, and is the Investigation Committee with respect to any matter that has been assigned to it.

(8) The chair of the Investigation Committee must name the chair of each panel appointed.

(9) The chair of the Investigation Committee may name another member of the Investigation Committee to fill any vacancy that occurs in a panel.

(10) A panel of the Investigation Committee hearing a matter involving a pharmacy technician must include at least 1 pharmacy technician.

(11) A quorum of the Investigation Committee or a panel of the Investigation Committee is a majority of its members.

(12) Failure of 1 or more Investigation Committee members to receive notice of any meeting does not invalidate the proceedings at the meeting.

(13) Members of the Investigation Committee may waive notice of meetings.

(14) Each Investigation Committee decision requires a majority vote of the members present.

Fitness to Practise Committee

49 (1) The Fitness to Practise Committee consists of the registrants and public representatives appointed by the Council under Section 52 of the Act.

(2) A member of the Fitness to Practise Committee does not have to be a councillor.

(3) The Council must appoint a chair and a vice-chair of the Fitness to Practise Committee.

(4) The vice-chair of the Fitness to Practise Committee must act as chair in the absence of the chair.

(5) If neither the chair nor the vice-chair is available, the Registrar must name a member of the Fitness to Practise Committee to act as the chair.

(6) The chair of the Fitness to Practise Committee may appoint a panel of at least 3 persons from the Committee, 1 of whom must be a public representative and 2 of whom must be licensed pharmacists, to deal with any specific matter referred to the Committee.

(7) A panel appointed under subsection (6) has all of the powers and duties of the Fitness to Practise Committee, and is the Fitness to Practise Committee with respect to any matter that has been assigned to it.

(8) The chair of the Fitness to Practise Committee must name the chair of each panel appointed.

(9) The chair of the Fitness to Practise Committee may name another member of the Fitness to Practise Committee to fill any vacancy that occurs in a panel.

© NS Registry of Regulations. Web version.

(10) A panel hearing a matter involving a pharmacy technician must include at least 1 pharmacy technician.

(11) A quorum of the Fitness to Practise Committee or a panel of the Fitness to Practise Committee is a majority of its members.

(12) Failure of 1 or more Fitness to Practise Committee members to receive notice of any meeting does not invalidate the proceedings at the meeting.

(13) Members of the Fitness to Practise Committee may waive notice of meetings.

(14) Each Fitness to Practise Committee decision requires a majority vote of the members present.

Hearing Committee

50 (1) The Hearing Committee consists of the registrants and public representatives appointed by the Council under Section 53 of the Act.

(2) A member of the Hearing Committee does not have to be a councillor.

(3) The Council must appoint a chair and a vice-chair of the Hearing Committee.

(4) The vice-chair must act as chair in the absence of the chair.

(5) If neither the chair nor the vice-chair is available, the Registrar must name a member of the Hearing Committee to act as the chair.

(6) The chair of the Hearing Committee must appoint a panel of at least 3 persons from the Committee, 1 of whom must be a public representative and 2 of whom must be licensed pharmacists, to deal with each specific matter referred to the Hearing Committee.

(7) A panel appointed under subsection (6) has all of the powers and duties of the Hearing Committee, and is the Hearing Committee with respect to any matter that has been assigned to it.

(8) The chair of the Hearing Committee must name the chair of each panel appointed.

(9) The chair of the Hearing Committee may name another member of the Hearing Committee to fill any vacancy that occurs in a panel before a hearing begins.

(10) A panel hearing a matter involving a pharmacy technician must include at least 1 pharmacy technician.

(11) A quorum of the Hearing Committee or a panel of the Hearing Committee is a majority of its members.

(12) Failure of 1 or more Hearing Committee members to receive notice of any meeting does not invalidate the proceedings at the meeting.

(13) Members of the Hearing Committee may waive notice of meetings.

(14) Each Hearing Committee decision requires a majority vote of the members of the panel that heard the matter.

© NS Registry of Regulations. Web version.

(15) If a proceeding is begun and the term of office of any person sitting on the panel expires, that person remains part of the panel for the purpose of that proceeding until the proceeding is concluded.

Reinstatement Committee

51 (1) The Reinstatement Committee consists of the registrants and public representatives appointed by the Council under Section 59 of the Act.

(2) A member of the Reinstatement Committee does not have to be a councillor.

(3) The Council must appoint a chair and may appoint a vice-chair of the Reinstatement Committee.

(4) The vice-chair must act as chair in the absence of the chair.

(5) If neither the chair nor the vice-chair is available, the Registrar must name a member of the Reinstatement Committee to act as the chair.

(6) A quorum of the Reinstatement Committee is a majority of its members.

(7) The Reinstatement Committee may have the same membership as the Registration Appeals Committee.

Appeals to Registration Appeals Committee

Deadline for filing appeal to Registration Appeals Committee

52 Notice of an appeal to the Registration Appeals Committee under Section 17 of the Act for an individual or under subsection 23(2) of the Act for a pharmacy must be filed in writing with the Registrar within 30 days after service of the Registrar's decision that is being appealed.

Registration appeal procedure

53 (1) On receipt of notice of an appeal, the Registration Appeals Committee must

(a) set a date for the hearing of the appeal; and

(b) serve written notice of the date, time, and place of the hearing of the appeal on the appellant and the Registrar.

(2) The date set for the hearing of an appeal must be no later than 90 days following receipt of written notice of the appeal.

(3) The parties to an appeal before the Registration Appeals Committee are the College and the appellant.

(4) An appeal to the Registration Appeals Committee is limited to the matters set out in the notice of appeal filed with the Registrar.

(5) An appellant may be heard in person, by counsel, or both.

(6) The procedure of the Registration Appeals Committee must be consistent with the requirements of the *Fair Registration Practices Act.*

© NS Registry of Regulations. Web version.

Registration Appeal Committee powers and decisions

54 **(1)** The Registration Appeals Committee may make any determination that could have been made by the Registrar, and may

(a) direct the Registrar to register an appellant, with or without conditions;

(b) direct the Registrar to issue a licence to the appellant, with or without conditions; or

(c) dismiss the appeal.

(2) The Registration Appeals Committee must give its decision in writing and send a copy of the written decision by registered mail or personal service to the Registrar and to the appellant.

(3) The decision of the Registration Appeals Committee is final.

Professional Accountability

Registrar's action in lieu of initiating complaint

55 **(1)** In lieu of initiating a complaint, the Registrar may refer a matter involving the capacity of a registrant directly to the Fitness to Practise Committee if all of the following apply:

(a) there are concerns about a registrant's capacity;

(b) it is in the public interest to do so;

(c) information received by the Registrar about the registrant does not allege facts that, if proven,

(i) would reasonably be regarded as professional misconduct, conduct unbecoming, or professional incompetence, or

(iii)* would reasonably merit a counsel or a caution;

(e)* the registrant consents.

[*clause and subclause lettering as in original]

(2) Sections 65 to 67, respecting the powers and duties of the Fitness to Practise Committee, apply to a matter referred to the Fitness to Practise Committee under subsection (1).

Filing complaint with College

56 A complaint initiated by a person other than the Registrar must be filed with the College.

Registrar's actions on receiving complaint

57 On receipt of a complaint, the Registrar must do one of the following:

(a) dismiss the complaint if the Registrar determines that any of the following apply:

(i) it is outside the jurisdiction of the College,

(ii) it cannot be substantiated,

(iii) it is frivolous or vexatious,

(iv) it constitutes an abuse of process,

© NS Registry of Regulations. Web version.

(v) it does not allege facts that, if proven, would reasonably be regarded as professional misconduct, conduct unbecoming, professional incompetence or incapacity, or

(vi) it does not allege facts that, if proven, would reasonably merit a counsel or a caution;

(b) refer the complaint to the Fitness to Practise Committee if all of the following ~~occur~~ [apply]:

(i) it raises concerns about a registrant's capacity,

(ii) it is in the public interest to do so,

(iii) it does not allege facts that, if proven, would reasonably be regarded as professional misconduct, conduct unbecoming, or professional incompetence,

(iv) it does not allege facts that, if proven, would reasonably merit a counsel or a caution,

(v) the registrant consents;

(c) refer the complaint to the Investigation Committee; or

(d) if clause (b) does not apply, conduct an investigation before deciding whether to dismiss the complaint or refer it to the Investigation Committee.

Registrar must provide notice of complaint

58 (1) The Registrar must provide a copy of a complaint to each of the following:

(a) the registrant complained of;

(b) if the complaint concerns a pharmacy, the pharmacy manager and pharmacy owner;

(c) if the complaint concerns a pharmacy manager, the pharmacy manager and the owner of the pharmacy where the registrant was employed as the pharmacy manager at the date of the incident that gave rise to the complaint;

(d) if the complaint concerns a registrant, the manager and owner of each pharmacy that, according to the records of the College as provided by registrants, pharmacy managers and pharmacy owners, employed the registrant at the date of the incident that gave rise to the complaint.

(2) The Registrar must notify the complainant, the respondent and any person notified of the complaint under subsection (1) of the disposition of the complaint under Section 57.

Review of complaint dismissal

59 (1) A person who filed a complaint and is notified of the dismissal of the complaint under subsection 58(2) may, no later than 30 days after the date of the notification, submit a written request to the Registrar for a review of the dismissal.

(2) The Registrar must send a request for review of a dismissal of a complaint to the Investigation Committee and must notify the respondent of the request for review.

(3) On reviewing the dismissal of a complaint, the Investigation Committee may confirm the dismissal with respect to a part or all of the complaint.

(4) If the Investigation Committee confirms a dismissal of a complaint with respect to only a part of the complaint, the Investigation Committee must continue to process as a complaint that part of the complaint that is not being dismissed.

Complaint referred to Investigation Committee

60 At any time during an investigation of a complaint, the Registrar may refer the complaint to the Investigation Committee for the Committee to

(a) provide direction with regard to the investigation; or

(b) exercise any of the powers conferred upon it by the Act and the regulations.

Investigation Committee duties

61 In addition to complying with the requirements set out in the Act, the Investigation Committee must do all of the following:

(a) investigate anything referred to the Committee by the Registrar;

(b) review any request for a review of the dismissal of a complaint;

(c) perform any other duties assigned to it by the Council.

Disposition of complaint by Investigation Committee

62 (1) In addition to the reasons set out in clause 50(4)(a) of the Act for dismissal of a complaint, the Investigation Committee must dismiss a complaint if it determines that any of the following apply to the complaint:

(a) it is outside the jurisdiction of the College;

(b) it cannot be substantiated;

(c) it is frivolous or vexatious;

(d) it constitutes an abuse of process;

(e) it does not allege facts that, if proven, would reasonably merit a counsel or a caution.

(2) If a complaint concerns a matter that the Investigation Committee refers to the Fitness to Practise Committee under subsection 52(2) of the Act and the matter is then referred back to the Investigation Committee, the Investigation Committee must

(a) determine whether the matter referred to the Fitness to Practise Committee has been resolved; and

(b) continue to process as a complaint any part of the complaint that is still outstanding.

(3) The Investigation Committee may make any combination of the dispositions that are permitted by subsection 50(4) of the Act.

(4) A decision by the Investigation Committee is final.

(5) The Investigation Committee must notify a complainant of the disposition of their complaint.

© NS Registry of Regulations. Web version.

Jurisdiction over matter

63 (1) The Investigation Committee retains jurisdiction over a complaint referred to it

(a) until the Investigation Committee has disposed of the complaint; or

(b) in the case of a complaint that is referred to the Hearing Committee by the Investigation Committee, until the hearing of the complaint has begun.

(2) In the case of a matter that arises from a complaint and is referred to the Fitness to Practise Committee by the Investigation Committee, the Investigation Committee retains jurisdiction over the matter until the Investigation Committee has determined that the Fitness to Practise Committee has completed its involvement in the matter and either

(a) the Investigation Committee has disposed of the complaint; or

(b) the Investigation Committee has referred the complaint to the Hearing Committee and the hearing of the complaint has begun.

Referral to Fitness to Practise Committee

64 If a matter referred to the Fitness to Practise Committee concerns a registrant who was previously before the Fitness to Practise Committee, the Committee must be provided with all information in the possession of the College related to the previous matter.

Interim agreement

65 (1) On receipt of a referral of a matter, the Fitness to Practise Committee may enter into an interim agreement with the registrant who is the subject of the referral, respecting conditions or restrictions on the registrant's practice or undertakings with regard to the registrant's practice.

(2) An interim agreement is in effect pending the conclusion of an investigation or hearing with respect to the registrant or until the registrant enters into a remedial agreement.

(3) An interim agreement may include any of the following:

(a) the registrant's agreement to submit, at the registrant's expense, to any assessment for incapacity that the Fitness to Practise Committee considers appropriate;

(b) the registrant's agreement to reimburse the College for any assessment for incapacity expenses incurred by the College;

(c) the registrant's undertaking to complete, at the registrant's expense, any applicable course of treatment that is designed to address any issues respecting the registrant's capacity;

(d) the registrant's authorization for the Fitness to Practise Committee to receive reports on the assessments for incapacity or treatments referred to in clauses (a), (b) and (c) and to request reports from practitioners who treat the registrant;

(e) the registrant's agreement to accept restrictions or conditions on the registrant's practice;

(f) the registrant's agreement to withdraw from practice until the terms and conditions in the agreement are satisfied;

(g) any provisions to which the registrant and the Fitness to Practise Committee agree.

© NS Registry of Regulations. Web version.

(4) If a registrant who enters into an interim agreement undertakes not to practise until the terms and conditions of the interim agreement have been satisfied, the Registrar

(a) must transfer the registrant to the non-practising register and notify the registrant's employers as identified in the records of the College; and

(b) may notify the licensing authority in any other jurisdiction in which the registrant is licensed, as shown in the records of the College.

Remedial agreement

66 (1) The Fitness to Practise Committee may enter into a remedial agreement with a registrant, if the Fitness to Practise Committee is satisfied of all of the following:

(a) the registrant is incapacitated;

(b) it is in the public interest to do so;

(c) the agreement contains terms and conditions that can be reasonably expected to protect the public and avoid endangering the health or safety of patients.

(2) A remedial agreement may contain any of the following:

(a) the registrant's agreement to submit, at the registrant's expense, to any assessment for incapacity that the Fitness to Practise Committee considers appropriate;

(b) the registrant's agreement to reimburse the College for any assessment for incapacity expenses incurred by the College;

(c) the registrant's undertaking to complete, at the registrant's expense, any applicable course of treatment designed to address any issues respecting the registrant's incapacity;

(d) the registrant's authorization for the Fitness to Practise Committee to receive any reports, assessments or evaluations that have been completed, are being undertaken or are undertaken in the future, whether at the request of the Fitness to Practise Committee or not, to the extent that they might reasonably be considered to relate to the registrant's incapacity;

(e) the registrant's consent for the Fitness to Practise Committee to communicate directly with practitioners who treat the registrant;

(f) restrictions on the registrant's licence, or the registrant's undertaking to refrain from practising;

(g) terms and conditions that the registrant must satisfy before returning to practice;

(h) terms, conditions or restrictions on the registrant's licence that will apply after the registrant returns to practice;

(i) any provisions to which the registrant and the Fitness to Practise Committee agree.

(3) Any terms, conditions or restrictions placed on a registrant's licence under a remedial agreement must be noted on the registrant's licence and in the College's records, and the Registrar must notify the registrant's employers as identified in the records of the College.

© NS Registry of Regulations. Web version.

(4) If a registrant who enters into a remedial agreement undertakes not to practise until certain conditions of the remedial agreement have been satisfied, the Registrar

(a) must transfer the registrant to the non-practising register and notify the registrant's employers, as identified in the records of the College; and

(b) may notify the licensing authority in any other jurisdiction in which the registrant is licensed, as shown in the records of the College.

Referrals from the Fitness to Practise Committee

67 (1) The Fitness to Practise Committee must refer a matter respecting a registrant back to the Registrar or back to the Investigation Committee if any of the following occur:

(a) the registrant fails to submit to any examination that the Committee directs to determine whether or not the registrant is incapacitated;

(b) the registrant withdraws consent to participate in the fitness to practise process;

(c) at any time, the Fitness to Practise Committee considers that it is no longer in the public interest for the registrant to participate in the fitness to practise process;

(d) the registrant and the Fitness to Practise Committee do not agree to the terms and conditions of an interim agreement or a remedial agreement;

(e) the Fitness to Practise Committee requests an amendment to an interim or remedial agreement and the registrant does not accept the amendment;

(f) the Fitness to Practise Committee determines that a registrant subject to an interim or remedial agreement

(i) fails to meet the terms and conditions of the interim or remedial agreement, or

(ii) poses an immediate threat to the health or safety of others;

(g) the Fitness to Practise Committee is not satisfied that the registrant is incapacitated.

(2) The Fitness to Practise Committee must refer any referral by the Registrar under Section 55 back to the Registrar if the Fitness to Practise Committee believes that facts exist that, if proven, would constitute a complaint.

(3) Once a registrant has fulfilled the terms and conditions of a remedial agreement, the Fitness to Practise Committee must refer the agreement back to the Registrar or back to the Investigation Committee, as the case may be, for final disposition.

(4) When a matter is referred by the Fitness to Practise Committee back to the Registrar or back to the Investigation Committee, the complete file, including any reports, assessments or evaluations in the possession of or obtained by the Fitness to Practise Committee, must accompany the referral.

Preparing and tendering settlement proposal

68 (1) A settlement proposal entered into by the College and a respondent under Section 55 of the Act must be in writing and must be jointly submitted to the Investigation Committee by the College and the respondent at any time after the Investigation Committee submits the matter to the Hearing Committee but before the hearing begins.

© NS Registry of Regulations. Web version.

(2) A settlement proposal must include all of the following:

(a) an admission by the respondent to 1 or more of the allegations set out in the notice of hearing;

(b) sufficient facts to provide context for the admission of the respondent and the proposed disposition;

(c) the respondent's consent to a specified disposition, conditional on the acceptance of the settlement proposal by the Investigation Committee and the Hearing Committee.

(3) A settlement proposal may include any disposition that could be ordered by the Hearing Committee under the Act or these regulations.

Investigation Committee authority respecting settlement proposal

69 (1) The Investigation Committee may recommend acceptance of a settlement proposal to the Hearing Committee if it is satisfied that it is in the public interest to do so.

(2) If the Investigation Committee does not recommend acceptance of a settlement proposal, the Investigation Committee must do 1 of the following:

(a) recommend changes to the settlement proposal that would make the settlement proposal acceptable to the Investigation Committee;

(b) reject the settlement proposal.

(3) If any changes recommended by the Investigation Committee are rejected by either party or the Investigation Committee rejects the settlement proposal, the hearing before the Hearing Committee must proceed without reference to the settlement proposal or to any admission contained in the settlement proposal, except to the extent that the settlement proposal may affect liability for costs.

Hearing Committee authority respecting settlement proposal

70 (1) If a panel of the Hearing Committee rejects a settlement proposal, the panel must advise the Registrar and refer the matter to another panel of the Hearing Committee for a hearing.

(2) The Hearing Committee may approve a settlement proposal subject to changes in the settlement proposal, but only if the changes are agreed to by the parties and by the Investigation Committee.

(3) If the Hearing Committee requests changes in the settlement proposal that are not agreed to by the parties and the Investigation Committee, the proposal is deemed to be rejected by the Hearing Committee.

(4) A person who sits on a panel of the Hearing Committee that rejects a settlement proposal must not sit on a panel of the Hearing Committee that conducts a hearing related to the same complaint.

(5) If the Hearing Committee rejects a settlement proposal, a hearing must proceed without reference to the settlement proposal or to any admission contained in the settlement proposal, except to the extent that the settlement proposal may affect liability for costs.

Registrar's review of approved settlement proposal

71 (1) The Registrar must review a settlement proposal approved by the Hearing Committee and, if in the Registrar's opinion it is appropriate to do so, remove any references that identify patients or persons other than the respondent, and other personal information about those persons.

© NS Registry of Regulations. Web version.

(2) The College must make the outcome of a settlement proposal publicly available, but only after any identifying reference and personal information is removed in accordance with subsection (1).

Notice of hearing

72 **(1)** A notice of hearing must state the time, date and place of the hearing and the details of the allegations of professional misconduct, conduct unbecoming, professional incompetence, incapacity or offences against the Act and the regulations that the respondent will be required to answer.

(2) The public must have at least 7 days' notice of a hearing, including the time and place of the hearing, the name of the respondent and the charges, but the notice must not include any information about any person other than the respondent.

Attendance at a hearing

73 **(1)** Except as provided in subsection (2) or (3), a hearing is open to the public.

(2) At the request of a party, the Hearing Committee may order that the public, in whole or in part, be excluded from a hearing or any part of a hearing if the Hearing Committee is satisfied that

(a) any personal, medical, financial or other matters that may be disclosed at the hearing are of such a nature that protecting the privacy of those matters outweighs the principle that hearings should be open to the public; or

(b) the safety of any person may be jeopardized by permitting public attendance.

(3) The Hearing Committee may order that the public be excluded from a part of a hearing that deals with a request for an order to exclude the public in whole or in part.

(4) The Hearing Committee may make any orders that it considers necessary, including orders prohibiting publication or broadcasting, to prevent the public disclosure of matters disclosed in a hearing or in any part of a hearing dealing with an order under subsections (2) or (3).

(5) The Hearing Committee must give reasons for any order made under this Section.

Hearing procedures

74 **(1)** The Hearing Committee may adopt any rules of procedure for hearings in addition to the rules set out in the Act and these regulations.

(2) A witness at a hearing must testify under oath or affirmation.

(3) A person who filed a complaint may not participate in the hearing of the matter except to give evidence on behalf of a party to the hearing.

(4) A person who filed a complaint may be called as a witness at a hearing of the matter.

(5) The Hearing Committee may order that a witness who has not yet testified be excluded from a hearing.

(6) The Hearing Committee may order that the identity of any witness who makes an allegation of a sexual nature not be publicly disclosed.

© NS Registry of Regulations. Web version.

Publication ban imposed by Hearing Committee

75 (1) If requested by a party to a hearing and after hearing from both parties, the Hearing Committee may impose a publication ban at any time during a hearing, or on some or all of its decision, subject to any terms determined by the Hearing Committee.

(2) The Hearing Committee must give reasons for any decision to impose a publication ban.

Written decision of Hearing Committee

76 (1) The Hearing Committee must prepare written reasons for its decision in disposing of a matter.

(2) The Hearing Committee must provide a copy of its decision, with reasons, to the Registrar and to the respondent.

(3) The Registrar must review a decision of the Hearing Committee and, if in the Registrar's opinion it is appropriate to do so, remove any references that identify patients or persons other than the respondent, and other personal information about those persons.

(4) Unless otherwise directed by the Hearing Committee, the College must make the redacted decision available to the public.

Registrant may request revocation

77 (1) A respondent who does not contest the allegations or admits to some or all of the allegations set out in a complaint or a notice of a hearing may, with the consent of the Registrar, ask the Hearing Committee to revoke the respondent's registration.

(2) The Hearing Committee may agree to a respondent's request for revocation of their registration, or may refuse.

(3) The College must give public notice of the revocation of a respondent's registration.

(4) A registration that is revoked under this Section must not be subsequently reinstated.

Costs awarded after hearing

78 (1) In this Section, "costs" includes any expense incurred by the College as a result of a complaint, including all of the following:

(a) expenses incurred by the College in the investigation of a complaint;

(b) expenses incurred by the College for the activities of the Investigation Committee and the Hearing Committee;

(c) all of the College's legal costs relating to the investigation and hearing of the complaint, including fees, disbursements and applicable taxes;

(d) the legal costs for counsel for the Hearing Committee, including fees, disbursements and applicable taxes;

(e) fees for retaining a court reporter and preparing transcripts of the proceedings;

(f) travel costs and reasonable expenses of any witnesses required to appear at the hearing;

(g) fees and expenses of expert witnesses;

© NS Registry of Regulations. Web version.

(h) any cost incurred to provide a suitable facility for the hearing.

(2) If the Hearing Committee finds professional misconduct, conduct unbecoming, professional incompetence or incapacity on the part of a respondent, it must order that the respondent pay all or part of the costs.

(3) Before deciding whether to award costs in a hearing, the Hearing Committee may be given a copy of any offer for settlement exchanged between the parties.

(4) The Hearing Committee may order the College to contribute towards the respondent's costs if it considers that it would be just to do so.

(5) The licence of any respondent who fails to pay the costs within the time specified in the Committee's order is suspended until payment is made or satisfactory arrangements for payment are made.

Disclosure and retention of decisions and licensing sanctions

79 (1) The Registrar must do all of the following with respect to any decision or licensing sanction imposed by a committee under the Act and these regulations:

(a) make appropriate entries in the registers;

(b) provide notice of the decision or sanction to the registrant's employers as identified in the records of the College;

(c) if the decision or sanction arose from a complaint, advise the person who filed the complaint of the final disposition of the complaint;

(d) at the direction of the committee that made the decision or imposed the sanction, advise any person specified by the committee of the decision or sanction.

(2) A decision or licensing sanction respecting a registrant is a permanent part of the registrant's file.

Reinstatement of Registrant's Registration and Licence

Applying for reinstatement

80 (1) An application for reinstatement of registration must be sent in writing to the Registrar together with the applicable application fee and a deposit equal to the costs that the Registrar estimates will be incurred by the College in the reinstatement process.

(2) Subject to subsection (3), an application for reinstatement of registration must not be made earlier than

(a) 5 years after the registration is revoked; and

(b) 5 years after any previous application for reinstatement was rejected.

(3) An application for reinstatement must not be considered if any of the following apply:

(a) the Hearing Committee has determined that the former registrant is not eligible for reinstatement;

(b) the applicant is a former registrant who requested the revocation;

© NS Registry of Regulations. Web version.

(c) any costs awarded against the applicant in respect of any part of the professional accountability process or the costs of any previous application for reinstatement have not been paid in full.

(4) An application for reinstatement may be withdrawn only

(a) with the approval of the Reinstatement Committee; and

(b) on any terms as to costs and otherwise that the Reinstatement Committee considers just.

(5) Before proceeding with an application for reinstatement, the Reinstatement Committee may require the applicant to complete and submit the results of any examination, practice experience, education or other undertaking specified by the Committee.

(6) An application for reinstatement must include any information the Reinstatement Committee requires to assist it in determining whether the objects of the College will be met if reinstatement is approved.

(7) An application for reinstatement of a registration that has been revoked for incapacity must be supported by certificates from 2 duly qualified medical practitioners, 1 of whom is named by the Registrar, certifying that the incapacity no longer makes the person unfit to practise pharmacy.

Reviewing an application for reinstatement

81 (1) The Registrar may request that an investigation be conducted to gather relevant and appropriate information concerning an application for reinstatement.

(2) The Reinstatement Committee must set a date for a proceeding to review an application for reinstatement and must advise the applicant of the date.

(3) The parties in a proceeding to review a reinstatement application are the College and the applicant.

(4) An applicant for reinstatement may appear at a proceeding to review their application for reinstatement, present evidence and be heard.

Attendance at proceeding for review of reinstatement application

82 (1) Except as provided in subsection (2), a proceeding to review a reinstatement application is open to the public.

(2) At the request of a party, the Reinstatement Committee may order that the public, in whole or in part, be excluded from a proceeding to review all or part of an application for reinstatement if the Reinstatement Committee is satisfied that

(a) personal, medical, financial or other matters that may be disclosed at the proceeding are of such a nature that protecting the privacy of those matters outweighs the principle that hearings should be open to the public; or

(b) the safety of any person may be jeopardized by permitting public attendance.

(3) The Reinstatement Committee may order that the public be excluded from a part of a proceeding that deals with a request for an order to exclude the public in whole or in part.

(4) The Reinstatement Committee may make any orders it considers necessary, including orders imposing a publication ban on any or all matters disclosed in a proceeding.

© NS Registry of Regulations. Web version.

(5) The Reinstatement Committee must give reasons for any order made under this Section.

Reinstatement Committee procedure

83 (1) The Reinstatement Committee may adopt any rules of procedure for a proceeding to review an application for reinstatement in addition to the rules set out in the Act and these regulations.

(2) Witnesses at a proceeding must testify under oath or affirmation.

(3) The Reinstatement Committee may order that a witness who has not yet testified be excluded from a proceeding.

(4) The Reinstatement Committee may order that the identity of any witness who makes an allegation of a sexual nature not be publicly disclosed.

Evidence before Reinstatement Committee

84 (1) Evidence before the Reinstatement Committee must be taken under oath or affirmation.

(2) Evidence presented to the Reinstatement Committee is subject to cross-examination.

(3) Each party to a reinstatement proceeding must give the other all of the following information:

(a) in the case of written or documentary evidence, an opportunity to examine the evidence;

(b) in the case of evidence of an expert, a copy of the expert's written report;

(c) in the case of evidence of any other witness, the identity of the witness.

(4) The Reinstatement Committee may, in its discretion, allow the introduction of evidence with respect to which inadequate or no notice is given, subject to any directions it considers reasonably necessary to avoid prejudice to any party.

Decision of Reinstatement Committee

85 (1) The Reinstatement Committee may direct the Registrar to re-register the applicant and to issue the applicant a licence if all of the following conditions have been met:

(a) the Reinstatement Committee is satisfied that it is in the interest of the public to do so and that the applicant is a fit and proper person to practise pharmacy competently, safely and ethically;

(b) the applicant has successfully completed any examination, practice experience, education or undertaking directed by the Reinstatement Committee under subsection 80(5);

(c) the applicant has successfully complied with any conditions imposed by the Hearing Committee as a precondition to an application for reinstatement;

(d) the College has been provided with a letter of good standing from any jurisdiction in which the applicant has practised pharmacy since their registration was revoked;

(e) the applicant has successfully demonstrated professional competence;

(f) the Registrar has certified that the applicant meets the requirements to be registered;

(g) the applicant has successfully completed any additional conditions imposed by the Reinstatement Committee.

© NS Registry of Regulations. Web version.

(2) The Reinstatement Committee must reject an application for reinstatement if any of the conditions in subsection (1) are not met.

(3) The Reinstatement Committee may impose terms and conditions upon any licence issued under this Section.

(4) The Reinstatement Committee must prepare written reasons for its decision.

(5) The Reinstatement Committee must provide a copy of its decision, with reasons, to the Registrar and to the applicant.

(6) The decision of the Reinstatement Committee is final.

Costs of reinstatement application

86 **(1)** In this Section, "costs" includes all of the following:

(a) expenses incurred by the College in the investigation of a reinstatement application;

(b) expenses incurred by the College for the activities of the Reinstatement Committee;

(c) all of the College's legal costs relating to a reinstatement application and proceeding, including fees and disbursements and any applicable taxes;

(d) the legal costs for counsel for the Reinstatement Committee, including fees and disbursements and any applicable taxes;

(e) travel costs and reasonable expenses of any witnesses required to appear at a reinstatement proceeding;

(f) fees and expenses of expert witnesses;

(g) any cost incurred to provide a suitable facility for a reinstatement proceeding;

(h) any additional cost incurred by the College in connection with a reinstatement application.

(2) An applicant for reinstatement must not be reimbursed for any costs they incur in applying for reinstatement and in the reinstatement proceeding.

(3) An applicant for reinstatement must reimburse the College for all of the College's costs in connection with the reinstatement application and proceeding.

(4) The licence of any person whose application for reinstatement is accepted does not come into effect until costs under this Section are paid.

Notice and Service

Effecting notice or service

87 Any notice or document required by the Act or these regulations to be served on or provided to the College, a respondent or any other individual is deemed to be served or provided if 1 of the following applies:

(a) the intended recipient or counsel for the intended recipient acknowledges receipt of the document;

© NS Registry of Regulations. Web version.

(b) a registered mail receipt is provided from Canada Post;

(c) an affidavit of service on the respondent is provided;

(d) evidence is provided that satisfies the Hearing Committee that all reasonable efforts to effect service have been carried out.

Service on pharmacy manager or owner's representative

88 (1) Service on the pharmacy manager is sufficient service on a pharmacy.

(2) Service on a person designated by a pharmacy owner as the owner's representative under Section 25 is sufficient service on the pharmacy owner.

N.S. Reg. 253/2013

Pharmacist Drug Prescribing Regulations

Schedule "C"

Amendment to the *Pharmacist Drug Prescribing Regulations*
made by the Governor in Council
under Section 83 of Chapter 11 of the Acts of 2011,
the *Pharmacy Act*

1 Section 2 of the *Pharmacist Drug Prescribing Regulations*, N.S. Reg. 22/2010, made by the Governor in Council by Order in Council 2010-40 dated January 26, 2010, is amended by striking out "prescribed under Section 78 of the Act" wherever it occurs and substituting "of the drug schedules prescribed under Section 81 of the Act".

2 Clause 3(3)(a) of the regulations is amended by striking out "Section 24 of the *Qualification and Professional Accountability Regulations*" and substituting "Sections 42 and 43 of the *Registration, Licensing and Professional Accountability Regulations*".

N.S. Reg. 254/2013

Prescription Monitoring Regulations

Schedule "D"

Amendment to the *Prescription Monitoring Regulations*
made by the Governor in Council
under Section 27 of Chapter 32 of the Acts of 2004,
the *Prescription Monitoring Act*

Clause 2(1)(b) of the *Prescription Monitoring Regulations*, N.S. Reg. 132/2005, made by the Governor in Council by Order in Council 2005-275 dated June 30, 2005, is repealed and the following clause substituted:

(b) "compounding" means compounding as defined in the *Pharmacy Act*;

N.S. Reg. 255/2013
Drug Plan Regulations

Schedule "E"

Amendment to the *Drug Plan Regulations*
made by the Governor in Council
under subsection 31(4) of Chapter 7 of the Acts of 2011,
the *Fair Drug Pricing Act*

Section 8 of the *Drug Plan Regulations*, N.S. Reg. 222/2011, made by the Governor in Council by Order in Council 2011-234 dated June 30, 2011, is amended by striking out "Section 28 of the *Pharmacy Act*" and substituting "Section 37 of the *Pharmacy Act*".

N.S. Reg. 256/2013
Made: July 11, 2013
Filed: July 12, 2013
Prescribed Petroleum Products Prices

Order dated July 11, 2013
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order **NSUARB-GAS-W-13-28**

In the Matter of the *Petroleum Products Pricing Act*

- and -

In the Matter of Prescribing Prices for Petroleum Products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Before: Kulvinder S. Dhillon, P. Eng., Member

Order

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board ("Board") considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision 2012 NSUARB 213, issued on December 12, 2012;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended July 10, 2013, are:

© NS Registry of Regulations. Web version.

Grade 1 Regular gasoline	79.8¢ per litre
Ultra-low-sulfur diesel oil	82.3¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	79.8¢ per litre
Grade 2	82.8¢ per litre
Grade 3	85.8¢ per litre
Ultra-low-sulfur diesel oil	82.3¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	plus 0.1¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.9¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule "A" effective on and after 12:01 a.m., July 12, 2013.

Dated at Halifax, Nova Scotia, this 11th day of July, 2013.

Sgd: *D. Pedlar*
Clerk of the Board

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 July 12, 2013

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices (Pump Prices includes 15% HST)		Full-Service Pump Prices	
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	87.9	10.0	15.5	113.4	135.9	138.0	135.9	999.9
Mid-Grade Unleaded	90.9	10.0	15.5	116.4	139.4	141.5	139.4	999.9
Premium Unleaded	93.9	10.0	15.5	119.4	142.8	144.9	142.8	999.9
Ultra-Low-Sulfur Diesel	90.4	4.0	15.4	109.8	131.8	133.9	131.8	999.9
Zone 2								
Regular Unleaded	88.4	10.0	15.5	113.9	136.5	138.6	136.5	999.9
Mid-Grade Unleaded	91.4	10.0	15.5	116.9	140.0	142.0	140.0	999.9
Premium Unleaded	94.4	10.0	15.5	119.9	143.4	145.5	143.4	999.9
Ultra-Low-Sulfur Diesel	90.9	4.0	15.4	110.3	132.4	134.4	132.4	999.9
Zone 3								
Regular Unleaded	88.8	10.0	15.5	114.3	137.0	139.0	137.0	999.9
Mid-Grade Unleaded	91.8	10.0	15.5	117.3	140.4	142.5	140.4	999.9
Premium Unleaded	94.8	10.0	15.5	120.3	143.9	145.9	143.9	999.9
Ultra-Low-Sulfur Diesel	91.3	4.0	15.4	110.7	132.8	134.9	132.8	999.9

© NS Registry of Regulations. Web version.

Zone 4								
Regular Unleaded	88.9	10.0	15.5	114.4	137.1	139.2	137.1	999.9
Mid-Grade Unleaded	91.9	10.0	15.5	117.4	140.5	142.6	140.5	999.9
Premium Unleaded	94.9	10.0	15.5	120.4	144.0	146.0	144.0	999.9
Ultra-Low-Sulfur Diesel	91.4	4.0	15.4	110.8	132.9	135.0	132.9	999.9
Zone 5								
Regular Unleaded	88.9	10.0	15.5	114.4	137.1	139.2	137.1	999.9
Mid-Grade Unleaded	91.9	10.0	15.5	117.4	140.5	142.6	140.5	999.9
Premium Unleaded	94.9	10.0	15.5	120.4	144.0	146.0	144.0	999.9
Ultra-Low-Sulfur Diesel	91.4	4.0	15.4	110.8	132.9	135.0	132.9	999.9
Zone 6								
Regular Unleaded	89.6	10.0	15.5	115.1	137.9	140.0	137.9	999.9
Mid-Grade Unleaded	92.6	10.0	15.5	118.1	141.3	143.4	141.3	999.9
Premium Unleaded	95.6	10.0	15.5	121.1	144.8	146.9	144.8	999.9
Ultra-Low-Sulfur Diesel	92.1	4.0	15.4	111.5	133.7	135.8	133.7	999.9

N.S. Reg. 257/2013
Made: July 10, 2013
Filed: July 15, 2013
Summary Offence Tickets Regulations

Order dated July 10, 2013
made by the Minister of Justice and Attorney General
pursuant to Section 8 of the *Summary Proceedings Act*

Order

Made under Section 8 of Chapter 450
of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act*

I, Ross Landry, Attorney General and Minister of Justice of Nova Scotia, pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, hereby

(a) amend the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, to designate certain offences under Cape Breton Regional Municipality bylaws as summary offence ticket offences in the manner set forth in the attached Schedule “A”; and

(b) order and direct that the penalty to be entered on a summons in respect of an offence set out in amendments to the schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, as set forth in the attached Schedule “A”, is the amount of the out-of-court settlement set out opposite the description for the offence, and includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

This Order is effective on and after the date of this order.

© NS Registry of Regulations. Web version.

Dated and made July 10, 2013, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Ross Landry*
Honourable Ross Landry
Minister of Justice and Attorney General

Schedule "A"

Amendment to the *Summary Offence Tickets Regulations*
made by the Attorney General and Minister of Justice pursuant to
Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act*

1 Schedule M-1 of the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by Order of the Attorney General and Minister of Justice dated October 4, 2011, is amended by adding the following heading and items immediately after item 6 under the heading "Dog By-law:":

	Minimum Standards By-law:		
1	Owner failing to comply with standard required by by-law (specify)	2.2(1)	$687.41
2	Occupant failing to comply with standard required by by-law (specify)	2.3(1)	$687.41

2 Schedule M-1 of the regulations is further amended by adding the following heading and items immediately after item 4 under the heading "Orderly Conduct By-law - S5:":

	Swimming Pool Fences By-law:		
1	Constructing swimming pool without permit	3.(1)	
	first offence		$687.41
	second offence		$1262.41
2	Filling swimming pool with water without fence around pool	4	
	first offence		$687.41
	second offence		$1262.41

3 Schedule M-1 to the regulations is further amended by striking out items 10 through 17 under the heading "Taxi By-law:" and substituting the following items:

10	Operating shuttle service contrary to requirements	13	$342.41
11	Owning and operating limousine service without licence	16.a.	$342.41
12	Parking limousine at common taxi stand depot	16.d.1.	$133.62
13	Making limousine available for hire in public place other than airport or cruise ship wharf	16.d.2.	$227.41
14	Owner failing to provide taxi with taximeter in Sydney Service Area	18.a.	$227.41

© NS Registry of Regulations. Web version.

15	Transporting passengers for hire in Sydney Service Area without taximeter operating	18.c.	$227.41
16	Passenger refusing to pay rate shown on operating taximeter in Sydney Service Area	18.d.	$227.41

4 Schedule M-1 of the regulations is further amended by adding the following heading and items immediately after item 16 under the heading "Taxi By-law:":

	Vacant and Derelict Buildings By-law:		
1	Owner failing to comply with terms of order issued for derelict building	5.2	
	first offence		$1262.41
	second offence		$2412.41
2	Owner failing to comply with terms of order issued for vacant building	10.1	
	first offence		$1262.41
	second offence		$2412.41

N.S. Reg. 258/2013 to N.S. Reg. 259/2013
Made: November 15, 2012
Filed: July 15, 2013
Pharmacy Practice Regulations and
Drug Schedules Regulations

Order dated June 27, 2013
Regulations and amendment to regulations made by
the Nova Scotia College of Pharmacists
pursuant to Sections 80 and 81 of the *Pharmacy Act*

I hereby certify that the Council of the Nova Scotia College of Pharmacists, at a duly convened meeting of the Council held on November 15, 2012, pursuant to Sections 80 and 81 of Chapter 11 of the Acts of 2011, the *Pharmacy Act*,

(a) pursuant to Section 80 of the Act, carried a motion to, effective on and after August 6, 2013,

(i) repeal the regulations respecting the practice of pharmacy, N.S. Reg. 193/2003, made by the Council of the Nova Scotia College of Pharmacists November 29, 2002, effective September 1, 2003, and

(ii) make new regulations respecting the practice of pharmacy in the form attached as Schedule "A";

(b) pursuant to Section 81 of the Act, carried a motion to amend the drug schedules prescribed by the Council on November 29, 2002, and filed with the Registry of Regulations as N.S. Reg. 164/2003, by striking out the sentence immediately before the heading "Schedule I" and substituting "Adopted by the Council of the Nova Scotia College of Pharmacists pursuant to Section 81 of the *Pharmacy Act*", effective on and after August 6, 2013. **[N.S. Reg. 259/2013]**

© NS Registry of Regulations. Web version.

Signed at Halifax, in the Halifax Regional Municipality, Nova Scotia, on the 27th day of June, 2013.

Council of the Nova Scotia College of Pharmacists

Per: Sgd.: *Susan Wedlake*
Susan M. Wedlake, BSc (Pharm), MSc
Registrar, Nova Scotia College of Pharmacists

N.S. Reg. 258/2013
Pharmacy Practice Regulations

Schedule "A"

Regulations Respecting the Practice of Pharmacy
made by the Council of the Nova Scotia College of ~~Pharmacy~~ [Pharmacists]
under Section 80 of Chapter 11 of the Acts of 2011,
the *Pharmacy Act*

Part 1: General

Short title
1 These regulations may be cited as the *Pharmacy Practice Regulations*.

Definitions
2 **(1)** Words and phrases defined in the *Pharmacy Act* have the same meanings in these regulations.

(2) The definitions contained in the *Pharmacy Act and Regulations Definitions Regulations* made under the Act apply to these regulations unless the context otherwise requires.

Part 2: Registration and Licensing

Registrants
3 **(1)** Registrants of the College are pharmacists, certified dispensers, registered students, interns and pharmacy technicians.

(2) Pharmacists may be classified as

(a) practising direct patient care;

(b) practising indirect patient care; or

(c) non-practising.

(3) Pharmacy technicians may be classified as

(a) practising direct patient care; or

(b) non-practising.

(4) A pharmacist or pharmacy technician who is not registered to practise direct patient care shall not dispense drugs or practise direct patient care pharmacy.

(5) A pharmacist or pharmacy technician in good standing leaving the practice of pharmacy shall apply to the Registrar to resign or shall change classification to non-practising.

(6) A pharmacist or pharmacy technician who is non-practising may only describe themselves as a "pharmacist (non-practising)" or "pharmacy technician (non-practising)".

Pharmacist candidate preceptors

4 (1) A preceptor is responsible for the oversight of a registered student or intern engaged in practice experience, and must

(a) provide reasonable instruction to the registered student or intern;

(b) confirm to the Registrar that the registered student or intern completed a certain period of practice experience while under the preceptor's oversight;

(c) confirm to the Registrar that the registered student or intern completed the requirements of the period of practice experience undertaken under the preceptor's oversight;

(d) confirm to the Registrar that the registered student or intern met or failed to meet the requirements of the period of practice experience; and

(e) confirm to the Registrar that the registered student or intern has satisfactory language skills and is a fit and proper person to practise pharmacy competently, safely and ethically.

(2) A preceptor must be a licensed pharmacist practising direct patient care in a Canadian jurisdiction.

(3) A preceptor must have been licensed to practise in Canada for at least one year.

(4) A preceptor must have no limitations on practice but need not have certification authorizing extended practice.

(5) A preceptor's right to be a preceptor must not have been revoked or suspended.

(6) A preceptor is required to ensure that any intern or registered student engaged in practice experience has the level of personal supervision or direction, that, in the professional judgment of the preceptor, is required to ensure safe and effective patient care given the knowledge, skills and experience of the intern or registered student.

Pharmacy technician candidate preceptors

5 (1) A preceptor for a pharmacy technician candidate is responsible for the oversight of a pharmacy technician candidate engaged in practice experience, and must

(a) provide reasonable instruction to the pharmacy technician candidate;

(b) confirm to the Registrar that the pharmacy technician candidate completed a certain period of practice experience while under the preceptor's oversight;

(c) confirm to the Registrar that the pharmacy technician candidate completed the requirements of the period of practice experience undertaken under the preceptor's oversight;

(d) confirm to the Registrar that the pharmacy technician candidate met or failed to meet the requirements of the period of practice experience; and

© NS Registry of Regulations. Web version.

(e) confirm to the Registrar that the pharmacy technician candidate has satisfactory language skills and is a fit and proper person to practise pharmacy competently, safely and ethically.

(2) A preceptor must be a licensed pharmacy technician practising direct patient care or a licensed pharmacist practising direct patient care in a Canadian jurisdiction.

(3) A preceptor must have been licensed to practise in Canada for at least one year.

(4) A preceptor must have no limitations on practice.

(5) A preceptor's right to be a preceptor must not have been revoked or suspended.

(6) A preceptor is required to ensure that any pharmacy technician candidate engaged in practice experience has the level of personal supervision, that, in the professional judgment of the preceptor, is required to ensure safe and effective patient care given the knowledge, skills and experience of the pharmacy technician candidate.

Time limits

6 (1) A person who has graduated from an accredited degree program in pharmacy must qualify for and obtain a licence as a pharmacist within two years after graduation.

(2) A person who has graduated from an accredited pharmacy technician training program must qualify for and obtain a licence as a pharmacy technician within two years after graduation.

(3) The Council may, on application, extend the period in subsection (1) or subsection (2), subject to such conditions as the Council determines are appropriate.

Insurance coverage

7 (1) Every pharmacist practising direct or indirect patient care, every certified dispenser, every pharmacy technician practising direct patient care, every intern and every registered student must obtain and maintain professional liability insurance in an amount not less than $2,000,000.00.

(2) The professional liability insurance policy must

(a) be issued by an insurer authorized to conduct business in Nova Scotia;

(b) be issued in the name of the individual insured;

(c) apply to any practice setting in Nova Scotia;

(d) have a policy limit of not less than $2,000,000 per claim or occurrence and an aggregate limit of not less than $2,000,000, excluding legal or court costs;

(e) cover liability for any professional service the registrant may be authorized to provide under the Act;

(f) allow an extended reporting period for at least three years in the case of a claims-based policy and have a minimum retroactive date of five years in the case of an occurrence-based policy;

(g) have a maximum deductible of $5,000 per claim;

(h) include a term to the effect that the insurer will notify the College if the policy is cancelled, expires or ceases to meet the requirements of this regulation; and

© NS Registry of Regulations. Web version.

(i) include a term to the effect that the policy continues in force in conformity with this regulation until the notice required by clause (h) is received by the College.

(3) Legal defence payments for regulatory proceedings or other legal proceedings shall not erode the minimum limit of liability required to be available to satisfy claims.

(4) The registrant must ensure that the Registrar is provided with the most current certificate of professional liability insurance from the registrant's insurer that confirms that the registrant is insured and that the insurance complies with the regulations.

Classification of practice

8 (1) A pharmacist must at all times be able to certify that the pharmacist has practised sufficient direct patient care pharmacy in the two previous years to maintain the competence to practise direct patient care pharmacy, if the pharmacist is to continue to be eligible to practise direct patient care pharmacy.

(2) A pharmacist practising direct patient care may change classification to indirect patient care or to non-practising by filing a notice to that effect with the College.

(3) A non-practising pharmacist or a pharmacist practising indirect patient care may change classification to direct patient care by complying with the requirements of the *Pharmacy Regulations.* [*sic*]

(4) A non-practising pharmacist may change classification to practising indirect patient care by filing a notice to that effect with the College and complying with the provisions of the *Pharmacy Regulations.* [*sic*]

(5) A pharmacy technician must at all times be able to certify that the pharmacy technician has practised sufficient direct patient care pharmacy as a pharmacy technician in the two previous years to maintain the competence to practise direct patient care pharmacy, if the pharmacy technician is to continue to be eligible to practise.

(6) A practising pharmacy technician may change classification to non-practising by filing a notice to that effect with the College.

(7) A non-practising pharmacy technician may change classification to practising by complying with the requirements of the *Pharmacy Regulations*. [*sic*]

Continuing education

9 (1) Continuing education for a pharmacist, certified dispenser or pharmacy technician must be accredited by the Canadian Council for Continuing Education in Pharmacy or an equivalent body accepted by the Council, by Dalhousie University, or by another pharmacy regulatory authority.

(2) A pharmacist or pharmacy technician transferring from another jurisdiction in Canada may apply to the Registrar for credit for any continuing education completed in the other jurisdiction, and the Registrar will allow credit for any continuing education credits that meet the criteria established for continuing education in the other jurisdiction.

© NS Registry of Regulations. Web version.

Part 3: Pharmacy Technicians

Delegation to technician

10 A pharmacist may delegate to a pharmacy technician the responsibility to check prescriptions prepared for release for technical accuracy and compliance with the Act, the regulations and the standards of practice and confirm the accuracy and completeness of compounds prepared for release, provided the pharmacist

(a) evaluates the prescription;

(b) assesses the patient and the patient's health history and medication record;

(c) determines that the proposed therapy is appropriate for the patient;

(d) fulfills the pharmacist's responsibilities to counsel the patient and to monitor the patient's drug therapy;

(e) complies with any conditions prescribed by an enactment or the standards of practice; and

(f) is satisfied that the delegation is appropriate.

Part 4: Pharmacy Practice

Dispensing

11 (1) A drug shall not be dispensed unless a pharmacist or certified dispenser is satisfied that the drug therapy is appropriate and that the patient has sufficient information for the safe and effective use of that drug by that patient.

(2) A pharmacist may adjust the quantity of drugs dispensed from that prescribed where

(a) the patient asks to purchase a smaller amount;

(b) the patient requests an early refill of the prescription for valid reasons, if the patient has a good compliance history and it is in the interest of the patient to do so, provided that to do so is permitted by law and the prescription is not for a drug listed in a schedule pursuant to the *Controlled Drugs and Substances Act*;

(c) the manufacturer's unit-of-use standard package size does not exactly match the prescribed quantity;

(d) the patient has a poor compliance history as documented on the patient record;

(e) drug misuse is suspected;

(f) the quantity prescribed exceeds the amount covered by the patient's drug insurance plan;

(g) the patient authorizes a trial prescription quantity;

(h) in the professional opinion of the pharmacist or certified dispenser, it is necessary for the safe and effective use of that drug by that patient,

but a pharmacist shall not alter the quantity of drugs from that prescribed unless the alteration is for the benefit of the patient and is fully explained to the patient, including any extra cost that may be incurred by the patient.

© NS Registry of Regulations. Web version.

(3) Containers meeting Canadian Standards Association standards for child-resistant containers shall be used to dispense any drug unless, in the professional opinion of the pharmacist, a child-resistant container does not meet a patient's needs.

Assessment of drug therapy

12 (1) A pharmacist or certified dispenser must communicate, directly or indirectly, with a patient to assess the patient and to obtain sufficient information to determine if a proposed drug therapy is appropriate.

(2) The pharmacist or certified dispenser is responsible for the appropriateness of drug therapy for a patient.

(3) A pharmacist or certified dispenser must communicate with the patient's primary health care provider if the pharmacist or certified dispenser determines the drug therapy may not be appropriate.

Counseling

13 (1) A pharmacist or certified dispenser must provide counseling to a patient before releasing the first fill of each prescription to the patient to ensure that the patient has sufficient information for the safe and effective use of that particular drug by that individual patient.

(2) Patient counseling must involve an exchange of information with the patient.

(3) When a pharmacist or certified dispenser counsels a patient, the dialogue shall be in person unless it is not practicable for the patient.

(4) Patient counseling must respect the patient's right to confidentiality.

Monitoring

14 (1) A pharmacist or certified dispenser is responsible for monitoring the ongoing appropriateness of drug therapy, including refills.

(2) A pharmacist or certified dispenser must communicate with the patient as appropriate to ensure the drug therapy continues to be appropriate, including reviewing dosage regimen, adherence to prescription therapy, adherence to prescription instructions, efficacy and side effects.

(3) A pharmacist or certified dispenser must communicate with the patient's primary health care provider if the pharmacist or certified dispenser determines the drug therapy may not be appropriate.

Prescriptions

15 (1) Reasonable steps must be taken before dispensing a prescription to determine that an out-of-province prescriber is licensed to practise in Canada, and belongs to a class of persons who, if licensed in Nova Scotia, would be entitled by law to prescribe the drug or device in Nova Scotia.

(2) A verbal or electronic prescription, including a prescription prescribed by a pharmacist, must be converted to paper form as soon as possible.

(3) A verbal or electronic prescription, including a prescription prescribed by a pharmacist, must be converted to paper form before being dispensed.

(4) The person who receives a verbal or electronic prescription shall sign or initial it and date it.

© NS Registry of Regulations. Web version.

(5) A verbal prescription shall be communicated directly from the person authorized to prescribe to a registrant authorized to receive a prescription, or may be obtained from a voice message recorded by the prescriber that is retrieved in a manner that protects patient confidentiality.

(6) A prescription transmitted electronically directly from the prescriber to the pharmacy may not be dispensed unless the registrant authorized to receive the prescription has verified the validity and authenticity of the prescription and its compliance with the requirements of the standards of practice respecting electronic prescriptions.

(7) When a prescription is first dispensed, the pharmacist responsible shall sign or initial and date the prescription or a paper record attached to the prescription, and any person involved in the dispensing must also sign or initial.

(8) If a prescription is not dated, the person dispensing shall verify the date and document the verified date on the prescription before dispensing it.

(9) Every time a prescription is refilled or part filled, a paper record to that effect shall be signed or initialed and dated by the pharmacist responsible and by any person involved in the dispensing.

(10) No prescription shall be filled or refilled after one year from the date it was prescribed.

(11) Where a new prescription is presented for a previously prescribed drug, any unused refill authorizations remaining on any previous prescription for that drug must be cancelled.

Product integrity

16 (1) No registrant may dispense any previously dispensed product returned to the pharmacy except as provided by and in accordance with the standards of practice.

(2) Where the manufacturer of a drug or device directs that it be used within a specified period of time, or before a certain date, a registrant must not dispense or provide the product after the expiry date.

(3) Expired products must be removed from the general stock of drugs to be dispensed but must be kept in the pharmacy in a clearly marked secure product disposal area.

(4) A registrant must not dispense any products to which subsection (2) applies if the period of time specified by the manufacturer will elapse or the expiration date specified by the manufacturer will occur during the period of use set out in the prescription.

(5) A registrant must take reasonable steps to ensure the integrity of a drug or device at the time it is dispensed or provided, and its ongoing integrity during the period of use set out in the prescription.

Pharmacist not present

17 (1) When

(a) a pharmacist or certified dispenser is not present;

(b) the pharmacy is closed; and

(c) the pharmacy is part of a larger premises,

employees in the larger premises may

(a) allow patients to pick up dispensed prescriptions that have been left in a secure and private location accessible to employees outside the pharmacy; and

(b) receive deliveries from drug wholesalers containing scheduled drugs provided the containers are not opened and are kept in a secure location.

(2) A pharmacist or certified dispenser shall not leave a prescription to be picked up according to subsection (1) unless

(a) a patient has requested the pharmacist or certified dispenser to do so;

(b) adequate steps are taken to protect the confidentiality of any information respecting the patient; and

(c) adequate steps are taken to ensure the correct identification of the patient before releasing the prescription to the patient.

(3) Nothing in this Section reduces the obligations of a pharmacist or certified dispenser to counsel the patient or to monitor the ongoing appropriateness of the patient's drug therapy.

Part 5: Pharmacies

Changes

18 (1) A pharmacy manager or the pharmacy owner must advise the College in the form provided by the Registrar as soon as possible of any change

(a) in the ownership of the pharmacy;

(b) in the pharmacy manager;

(c) in the operating name of the pharmacy;

(d) in the corporate name of the owner;

(e) in the location of the pharmacy; and

(f) that will result in changes to the diagram submitted as part of the application for accreditation.

(2) A pharmacy must obtain a new certificate of accreditation if the ownership of the pharmacy changes.

(3) A pharmacy must obtain a new licence if:

(a) the pharmacy manager changes;

(b) the operating name or the corporate name of the owner changes; or

(c) the location is changed.

(4) An alternate pharmacy manager must advise the College if the alternate pharmacy manager ceases to be qualified to be an alternate pharmacy manager or withdraws consent to be an alternate pharmacy manager.

© NS Registry of Regulations. Web version.

Reinspection

19 A pharmacy must be reinspected at its own cost:

(a) when a certificate of accreditation is issued after a change in ownership;

(b) when a pharmacy changes its location; and

(c) when changes are made to the pharmacy that result in changes to the diagram submitted as part of the application for accreditation.

Qualifications of pharmacy manager

20 (1) A pharmacy manager must

(a) be registered and licensed as a pharmacist in Nova Scotia practising direct patient care;

(b) have been practising direct patient care pharmacy in Canada for the most recent twelve months;

(c) practice pharmacy in that pharmacy location;

(d) have no limitations on practice, but the person need not have certification authorizing extended practice; and

(e) not be disqualified or suspended from acting as a pharmacist or as a pharmacy manager.

(2) An alternate pharmacy manager, emergency pharmacy manager and interim pharmacy manager must meet the requirements of clauses (a), (d) and (e) of subsection (1).

(3) A pharmacist shall not be the manager of more than one pharmacy at a time except as an alternate pharmacy manager, emergency pharmacy manager or interim pharmacy manager.

Responsibilities of the pharmacy manager

21 (1) A pharmacy manager is responsible for the operation of the pharmacy in accordance with the principle of optimal patient care and adherence to the Act, the regulations and the standards of practice.

(2) The manager of a pharmacy is responsible for

(a) the compliance by the pharmacy with the Act, the regulations and the standards of practice;

(b) the day-to-day management of the pharmacy;

(c) the development, maintenance and enforcement of policies and procedures to comply with the standards of practice, or otherwise required to ensure optimal patient care;

(d) the development, maintenance and enforcement of a quality assurance program;

(e) continuing quality improvement of the pharmacy;

(f) ensuring that all staff members who present themselves as registrants are registered and licensed in Nova Scotia;

(g) notifying the College of any changes in the registrants employed by the pharmacy;

© NS Registry of Regulations. Web version.

(h) notifying the College of any change in the ownership of the pharmacy and, in the case of a corporate owner, any change in the directors or registered agent of the corporate owner;

(i) notifying the College of any changes in the pharmacy that would affect the information provided to the College in the application for accreditation or a renewal;

(j) responding to any questions from the Registrar respecting the practice of pharmacy in the pharmacy;

(k) advising the Registrar in writing of professional practice problems or conduct by any registrant employed in the pharmacy that could affect the health or safety of patients;

(l) co-operating with any inspector appointed by the Council pursuant to the Act;

(m) establishing a staffing plan commensurate with patient care requirements and taking reasonable steps to implement it;

(n) implementing policies that set out the practice roles and responsibilities of all registrants, consistent with the Act, the regulations and the standards of practice;

(o) implementing policies that set out the practice roles and responsibilities of all non-registrant dispensary employees, consistent with the Act, the regulations and the standards of practice;

(p) the adoption of policies to ensure so far as possible that the pharmacy has adequate stocks of drugs and devices to meet the needs of its patients;

(q) adopting, implementing and enforcing policies for the security of the pharmacy and the dispensary and for maintaining security and confidentiality of personal information;

(r) ensuring that a patient record is prepared and maintained in accordance with the standards of practice for each patient for whom a drug is dispensed;

(s) taking steps to ensure that all alerts, advisories and recalls respecting drugs and drug therapy are promptly implemented and are provided to all registrants employed by the pharmacy;

(t) ensuring that information directed to the pharmacy pertaining to drugs, devices, diversion tactics and the practice of pharmacy is provided to all staff and that any registrant employed by the pharmacy is informed of its availability;

(u) the adoption of policies for expired drugs and devices and for returned drugs;

(v) ensuring that all drugs in the pharmacy are secure from loss, theft or diversion;

(w) maintaining confidentiality with respect to all personal information;

(x) posting and adhering to the hours of operation of the pharmacy; and

(y) ensuring the correct and consistent use of the operating name of the pharmacy as it appears on the pharmacy licence for all pharmacy identification including labels and packaging.

(3) A pharmacy manager shall report to the College any information that calls into question the conduct, capacity, practice or professional competence of a registrant or the pharmacy, including

© NS Registry of Regulations. Web version.

(a) any breach of the Act;

(b) any breach of the regulations; and

(c) any breach of the standards of practice.

Quality assurance

22 **(1)** Every pharmacy manager shall establish and maintain a continuous, documented quality assurance program according to the standards of practice that monitors staff performance; adequacy of staff levels; equipment and facilities; and adherence to standards of practice.

(2) The quality assurance program shall include a process for documenting, reporting and analyzing known, suspected, intercepted and corrected medication errors and discrepancies, and the steps taken to resolve the problems and prevent their recurrence.

(3) The quality assurance program must demonstrate how the analysis of known, suspected, intercepted and corrected medication errors and discrepancies and regular pharmacy self-assessment has been acted upon to improve the quality of patient care.

(4) The quality assurance program shall include provisions to protect the confidentiality of information relating to specific patients.

Persons permitted in dispensary and pharmacy

23 **(1)** No person other than a registrant and a person specifically authorized by the pharmacy manager may be present in the dispensary.

(2) Any pharmacist working in the dispensary is responsible for any person in the dispensary.

(3) Anyone is permitted to be in the pharmacy when a pharmacist is present in the pharmacy unless prohibited by the pharmacy manager or a pharmacist who is present.

(4) Only a person specifically authorized by the pharmacy manager may be in the pharmacy when a pharmacist is not present in the pharmacy.

(5) The pharmacy manager is responsible for any person in the pharmacy.

Dispensary

24 **(1)** The dispensary of a pharmacy must be a well-defined area clearly identified to the public by "Dispensary", "Prescriptions" or words of like import approved by the Registrar.

(2) The dispensary staff shall be accessible to the patients of the pharmacy, taking into account the nature of the patients and their particular needs.

(3) The dispensary area shall be inaccessible to the public.

(4) The dispensary shall be sufficiently large and configured to allow for safe and proper storage of medications, and compounding, preparation and dispensing of medication orders, taking into account the volume of business, the nature of the patients and their particular needs, and the nature of the pharmacy's business, and

(a) contain adequate stocks of drugs and devices to meet the needs of its patients;

(b) have adequate shelf and storage space;

(c) include a sink with hot and cold running water;

(d) include a secure refrigerator for storing drugs;

(e) in pharmacies that have not been issued a limited-service pharmacy licence, include a source of heat for compounding, an accurate prescription balance, and adequate equipment for compounding common dosage forms; and

(f) in pharmacies that have been issued a limited-service pharmacy licence, include a source of heat for compounding, an accurate prescription balance and adequate equipment for compounding as necessary to adequately serve the pharmacy's clientele.

(5) The pharmacy shall be adequately equipped to provide safe and proper medication compounding, dispensing and preparation of medication orders, and patient-oriented and administrative pharmacy services.

(6) The pharmacy shall be equipped with a reference library of current references relevant to medication compounding, dispensing and preparation of medication orders, and current patient-oriented pharmacy services that meet the requirements of the standards of practice.

(7) The pharmacy must have unrestricted Internet access so as to permit pharmacy staff to effectively research questions related to patient care and to respond to patient inquiries, with effective security systems including firewalls to protect personal information.

Physical facilities

25 (1) A pharmacy shall contain an area for patient consultation where counseling and the provision of drug information may take place without being overheard by others and which respects the privacy needs of every patient.

(2) A pharmacy shall be of sufficient size to allow for safe and proper storage of medications and for provision of patient-oriented and administrative pharmacy services, taking into account the volume of business, the nature of the patients and their particular needs, and the nature of the pharmacy's business.

(3) All areas of the pharmacy shall be dry, adequately lit, adequately ventilated and maintained in a clean, sanitary and orderly condition.

(4) If the pharmacy is not physically separated from adjacent areas in the same premises by any means that ensures that no one has access to any scheduled drugs or patient information, the entire premises must be closed to the public when a pharmacist or certified dispenser is not present.

(5) The current pharmacy licence shall be displayed conspicuously in the pharmacy.

(6) The current licence of every registrant employed in the pharmacy and any permit for extended practice must be displayed in a conspicuous place in a pharmacy.

(7) Every employee of the pharmacy must wear a badge identifying whether the person is a pharmacist, certified dispenser, pharmacy technician, registered student, intern or other employee.

Security

26 (1) Each pharmacist present is responsible for the security of the pharmacy, including the enforcement of provisions to protect against unauthorized entry and theft or diversion of medication.

© NS Registry of Regulations. Web version.

(2) Every pharmacist is responsible for the security and confidentiality of patient information.

(3) When the pharmacy is closed, the pharmacy premises must be secured to prevent and detect unauthorized entry.

Advertising

27 **(1)** In this regulation, "advertising" means using space or time in a public medium or using a commercial publication to communicate to all or part of the general public for the purpose of promoting services or enhancing the image of the advertiser, but does not include communicating factual information concerning drugs or devices.

(2) Advertising by registrants and pharmacies about pharmacy services must be directed to optimal patient care consistent with the standards of practice and the professional responsibilities of a pharmacist.

(3) A registrant or pharmacy may make information about the pharmacy staff or professional services available to the public, but advertising relating to pharmacy services:

(a) shall not use any qualifying words such as professional, trusted, prompt, licensed, accurate, cheap, or words of similar meaning; and

(b) shall not use the words "specialist" or "expert" or words of similar meaning unless the person to whom the advertising relates possesses a specialization granted pursuant to a program approved by the Council for the purpose of granting a specialist status.

(4) A registrant or pharmacy may advertise those professional services that are required or mandatory only when followed by the statement, "Required by law in all Nova Scotia pharmacies".

(5) A registrant or pharmacy may communicate factual and accurate information about pharmacy services but shall not engage in advertising that

(a) is inaccurate or is otherwise capable of misleading the public by the inclusion or omission of any information;

(b) misrepresents pharmaceutical knowledge or fact;

(c) compares, directly or indirectly, the registrant's or pharmacy's service or ability with that of any other registrant or pharmacy, or promises more effective service or better results than those already obtained;

(d) deprecates another registrant or pharmacy as to service, ability or fees;

(e) creates an unjustified expectation about the results the registrant can achieve;

(f) is made under any false or misleading guise, or takes advantage of the weakened physical or emotional state of a patient;

(g) discloses personal information or identifies patients; or

(h) contains anything that, because of its nature, cannot be verified.

(6) A registrant or pharmacy shall not directly or indirectly advertise or promote Schedule I drugs.

© NS Registry of Regulations. Web version.

(7) A registrant or pharmacy shall not directly or indirectly advertise or promote Schedule II drugs except as to the name, classification of drug, quantity or size and price.

(8) A registrant or pharmacy may not offer inducements or bonus programs that are limited to new patients.

Closing a pharmacy

28 When a pharmacy ceases to provide pharmacy services to its patients or to the public it serves, the pharmacy manager must:

(a) provide for the orderly continuation of patient care;

(b) remove any signs and symbols related to the practice of pharmacy;

(c) immediately remove and dispose of all drugs and devices according to law;

(d) notify all patients as soon as possible, by newspaper advertisement or otherwise, of steps taken or proposed for the preservation of patient records and of any intended transfer of them;

(e) provide for the preservation of all patient records according to law and the return of patient records to any patient that so requests; and

(f) advise the Registrar in writing of the closure prior to the closure, specifying the steps to be taken to comply with the regulations.

© NS Registry of Regulations. Web version.