

**Part II****Regulations under the Regulations Act****Contents**

Act	Reg. No.	Page
Accessibility Act		
Accessibility Act General Regulations—amendment	128/2024	315
Apprenticeship and Trades Qualifications Act		
Forest Equipment Operator (Forwarder) Trade Regulations	123/2024	312
Forest Equipment Operator (Harvester) Trade Regulations	122/2024	311
Dismantling Racism and Hate Act		
Dismantling Racism and Hate Act General Regulations	130/2024	320
Financial Measures (2024) Act		
Proclamation of Act, S. 111, S.N.S. 2024, c. 3—S. 110.	131/2024	321
Health Services and Insurance Act		
Insured Optometric Services Regulations—repeal	126/2024	314
M.S.I. Regulations—amendment	125/2024	315
Tariff of Fees for Insured Optometric Services—repeal	127/2024	314
Personal Health Information Act		
Electronic Health Records Regulations	132/2024	322
Petroleum Products Pricing Act		
Prescribed Petroleum Products Prices (dispensed from publication).	121/2024	310
Prescribed Petroleum Products Prices (dispensed from publication).	124/2024	313
Police Act		
Serious Incident Response Team Regulations—amendment	129/2024	316

In force date of regulations: As of November 28, 2023*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*.

A regulation comes into force on the date it is filed unless the regulation states that it comes into force on a later date, or the Act that the regulation is made under authorizes the regulation to come into force on a date earlier than the date it was filed or authorizes another method of coming into force.

*Date that subsections 3(4) and (5) of Chapter 54 of the Acts of 2022, *An Act to Amend Chapter 393 of the Revised Statutes, 1989, the Regulations Act*, were proclaimed in force.

N.S. Reg. 121/2024

Made: June 20, 2024

Filed: June 20, 2024

Prescribed Petroleum Products Prices

Order dated June 20, 2024
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*

[Please note: *Prescribed Petroleum Products Prices* filed with the Office of the Registrar of Regulations on and after January 23, 2023, will no longer be published in the *Royal Gazette Part II*. Publication of the *Prescribed Petroleum Products Prices* has been dispensed with by order of the Attorney General dated January 23, 2023, and published on page 63 of the February 10, 2023, issue of the *Royal Gazette Part II*. Current and historical *Prescribed Petroleum Products Prices* are available for inspection in person at the Office of the Registrar of Regulations and can be viewed on the Nova Scotia Utility and Review Board's website at the following address: <https://nsuarb.novascotia.ca/mandates/gasoline-diesel-pricing>.]

N.S. Reg. 122/2024 and 123/2024

Made: June 21, 2024

Filed: June 27, 2024

Forest Equipment Operator (Harvester) Trade Regulations;
Forest Equipment Operator (Forwarder) Trade Regulations

Order dated June 19, 2024
Regulations made by the Apprenticeship Board
pursuant to subsection 17A(1) of the *Apprenticeship and Trades Qualifications Act*

Apprenticeship Board

**Forest Equipment Operator (Harvester) Trade and
Forest Equipment Operator (Forwarder) Trade
made under subsection 17A(1) of the
*Apprenticeship and Trades Qualifications Act***

I, Trent Soholt, Chair of the Apprenticeship Board for the Province of Nova Scotia, certify that at a meeting on June 21, 2024, the Apprenticeship Board, pursuant to subsection 17A(1) of Chapter 1 of the Acts of 2003, the *Apprenticeship and Trades Qualifications Act*, carried a motion to make regulations respecting the forest equipment operator (harvester) trade in the form set forth in the attached Schedule "A" and the forest equipment operator (forwarder) trade in the form set forth in the attached Schedule "B".

Dated and signed June 19, 2024, at Halifax Regional Municipality, Province of Nova Scotia.

sgd. *Trent Soholt*
Trent Soholt
Chair, Apprenticeship Board

N.S. Reg. 122/2024

Forest Equipment Operator (Harvester) Trade Regulations

Schedule “A”**Regulations Respecting the Forest Equipment Operator (Harvester) Trade
made by the Apprenticeship Board under subsection 17A(1)
of Chapter 1 of the Acts of 2003,
the *Apprenticeship and Trades Qualifications Act*****Citation**

1 These regulations may be cited as the *Forest Equipment Operator (Harvester) Trade Regulations*.

Definitions

2 (1) In these regulations,

“Act” means the *Apprenticeship and Trades Qualifications Act*;

“forest equipment operator (harvester) trade” means the occupation of operating and maintaining specialized heavy equipment to fell, delimb and cut trees to specified lengths;

“General Regulations” means the *Apprenticeship and Trades Qualifications Act General Regulations* made under the Act.

(2) A term defined in the General Regulations has the same meaning when used in these regulations.

Term of apprenticeship for forest equipment operator (harvester) trade

3 (1) The term of apprenticeship for the forest equipment operator (harvester) trade consists of all of the following:

(a) 3600 documented hours of the combination of practical experience and the portion of technical training spent learning the skills of the designated trade as described in clause 26(1A)(a) of the General Regulations and as approved by the Director;

(b) related technical training as described in clause 26(1A)(b) of the General Regulations and as approved by the Director;

(c) a certification examination.

(2) Any probationary period included in a term of apprenticeship for the forest equipment operator (harvester) trade as permitted by subsection 12(2) of the General Regulations must be no longer than 3 months.

Forest equipment operator (harvester) certificate through trade qualification

4 The period of employment in the designated trade that is required by paragraph 30(1)(a)(ii)(B) of the General Regulations for a person who does not hold a certificate of apprenticeship and is applying for a certificate of qualification in the forest equipment operator (harvester) trade is 5400 hours.

Compliance with identity card requirements of General Regulations

5 For the purposes of subsections 34(2) and (3) of the General Regulations, which require an apprentice or journeyman to keep their identity card in their possession when practising the designated trade and produce it on request, a person is practising the forest equipment operator (harvester) trade while the

person is doing any of the following:

- (a) for an apprentice,
 - (i) acquiring practical experience in the trade, or
 - (ii) learning the skills of the trade during the technical training portion of apprenticeship training;
- (b) for a journeyman, performing the duties of the trade as defined in these regulations or their duties as set out in the General Regulations.

N.S. Reg. 123/2024

Forest Equipment Operator (Forwarder) Trade Regulations

Schedule “B”

**Regulations Respecting the Forest Equipment Operator (Forwarder) Trade
made by the Apprenticeship Board under subsection 17A(1)
of Chapter 1 of the Acts of 2003,
the *Apprenticeship and Trades Qualifications Act***

Citation

1 These regulations may be cited as the *Forest Equipment Operator (Forwarder) Trade Regulations*.

Definitions

2 (1) In these regulations,

“Act” means the *Apprenticeship and Trades Qualifications Act*;

“forest equipment operator (forwarder) trade” means the occupation of operating and maintaining specialized heavy equipment to transport harvested trees to the roadside;

“General Regulations” means the *Apprenticeship and Trades Qualifications Act General Regulations* made under the Act.

(2) A term defined in the General Regulations has the same meaning when used in these regulations.

Term of apprenticeship for forest equipment operator (forwarder) trade

3 (1) The term of apprenticeship for the forest equipment operator (forwarder) trade consists of all of the following:

- (a) 3600 documented hours of the combination of practical experience and the portion of technical training spent learning the skills of the designated trade as described in clause 26(1A)(a) of the General Regulations and as approved by the Director;
- (b) related technical training as described in clause 26(1A)(b) of the General Regulations and as approved by the Director;
- (c) a certification examination.

- (2) Any probationary period included in a term of apprenticeship for the forest equipment operator (forwarder) trade as permitted by subsection 12(2) of the General Regulations must be no longer than 3 months.

Forest equipment operator (forwarder) certificate through trade qualification

- 4 The period of employment in the designated trade that is required by paragraph 30(1)(a)(ii)(B) of the General Regulations for a person who does not hold a certificate of apprenticeship and is applying for a certificate of qualification in the forest equipment operator (forwarder) trade is 5400 hours.

Compliance with identity card requirements of General Regulations

- 5 For the purposes of subsections 34(2) and (3) of the General Regulations, which require an apprentice or journeyman to keep their identity card in their possession when practising the designated trade and produce it on request, a person is practising the forest equipment operator (forwarder) trade while the person is doing any of the following:
- (a) for an apprentice,
 - (i) acquiring practical experience in the trade, or
 - (ii) learning the skills of the trade during the technical training portion of apprenticeship training;
 - (b) for a journeyman, performing the duties of the trade as defined in these regulations or their duties as set out in the General Regulations.

N.S. Reg. 124/2024

Made: June 27, 2024

Filed: June 27, 2024

Prescribed Petroleum Products Prices

Order dated June 27, 2024

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*

[Please note: *Prescribed Petroleum Products Prices* filed with the Office of the Registrar of Regulations on and after January 23, 2023, will no longer be published in the *Royal Gazette Part II*. Publication of the *Prescribed Petroleum Products Prices* has been dispensed with by order of the Attorney General dated January 23, 2023, and published on page 63 of the February 10, 2023, issue of the *Royal Gazette Part II*. Current and historical *Prescribed Petroleum Products Prices* are available for inspection in person at the Office of the Registrar of Regulations and can be viewed on the Nova Scotia Utility and Review Board's website at the following address: <https://nsuarb.novascotia.ca/mandates/gasoline-diesel-pricing>.]

N.S. Reg. 125/2024 to 127/2024

Made: June 28, 2024

Filed: June 28, 2024

M.S.I. Regulations—amendment;

Insured Optometric Services Regulations—repeal;

Tariff of Fees for Insured Optometric Services—repeal

Order dated June 28, 2024

Amendment to regulations and repeal of regulations made by the Minister of Health and Wellness pursuant to subsection 12(1) of the *Health Services and Insurance Act*

**In the matter of subsection 12(1) of Chapter 197
of the Revised Statutes of Nova Scotia, 1989,
the *Health Services and Insurance Act***

-and-

**In the matter of the repeal of the insured optometric
services program regulations**

Order

I, Michelle Thompson, Minister of Health and Wellness for the Province of Nova Scotia, pursuant to subsection 12(1) of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*, hereby

- (a) amend the *M.S.I. Regulations*, N.S. Reg. 41/1969, made by the Governor in Council by Order in Council 69-276 dated March 28, 1969, in the manner set forth in the attached Schedule “A”;
- (b) repeal the *Insured Optometric Services Regulations*, N.S. Reg. 142/2021, made by the Governor in Council by Order in Council 2021-254 dated October 28, 2021; **[N.S. Reg. 126/2024]** and
- (c) repeal the *Tariff of Fees for Insured Optometric Services*, N.S. Reg. 143/2021, made by the Minister of Health and Wellness by order dated November 1, 2021. **[N.S. Reg. 127/2024]**

This order is effective on and after August 1, 2024.

Dated and made June 28, 2024, at Halifax Regional Municipality, Province of Nova Scotia.

sgd. *Michelle Thompson*

Honourable Michelle Thompson

Minister of Health and Wellness

N.S. Reg. 125/2024

M.S.I. Regulations–amendment

Schedule “A”

**Amendment to the *M.S.I. Regulations*
made by the Minister of Health and Wellness under subsection 12(1)
of Chapter 197 of the Revised Statutes of Nova Scotia, 1989,
the *Health Services and Insurance Act***

Section 11 of the *M.S.I. Regulations*, N.S. Reg. 41/1969, made by the Governor in Council by Order in Council 69-276 dated March 28, 1969, is repealed.

N.S. Reg. 128/2024

Made: July 2, 2024

Filed: July 2, 2024

Accessibility Act General Regulations–amendment

Order in Council 2024-262 dated July 2, 2024

Amendment to regulations made by the Governor in Council
pursuant to Section 71 of the *Accessibility Act*

The Governor in Council on the report and recommendation of the Attorney General and Minister of Justice dated June 5, 2024, and pursuant to Section 71 of Chapter 2 of the Acts of 2017, the *Accessibility Act*, is pleased to amend the *Accessibility Act General Regulations*, N.S. Reg. 197/2019, made by the Governor in Council by Order in Council 2019-335 dated December 2, 2019, with respect to the prescription dates of prescribed public sector bodies for the purposes of meeting obligations under the *Accessibility Act* and amending the list of prescribed public sector bodies, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after July 2, 2024.

Schedule “A”

**Amendment to the *Accessibility Act General Regulations*
made by the Governor in Council under Section 71
of Chapter 2 of the Acts of 2017,
the *Accessibility Act***

Section 3 of the *Accessibility Act General Regulations*, N.S. Reg. 197/2019, made by the Governor in Council by Order in Council 2019-335 dated December 2, 2019, is repealed and the following Section substituted:

Designation of public sector bodies

3 The following are prescribed as public sector bodies under the Act:

Name of public sector body	Date
• Acadia University	April 1, 2021

<ul style="list-style-type: none"> • Atlantic School of Theology • Cape Breton University • Dalhousie University • Mount Saint Vincent University • Nova Scotia College of Art and Design • Nova Scotia Community College • Saint Mary’s University • St. Francis Xavier University • Université Sainte Anne • University of Kings College • a regional municipality, a county or district municipality, a town • a regional public library • a village continued under the <i>Municipal Government Act</i> 	
<ul style="list-style-type: none"> • Atlantic Provinces Special Education Authority • Art Gallery of Nova Scotia • Build Nova Scotia • an education entity as defined in the <i>Education Act</i> • Events East Group • a health authority as defined in the <i>Health Authorities Act</i> • Invest Nova Scotia • Nova Scotia Liquor Corporation • Nova Scotia Museum 	<p>April 1, 2022</p>
<ul style="list-style-type: none"> • Nova Scotia Provincial Housing Agency 	<p>April 1, 2025</p>

N.S. Reg. 129/2024

Made: July 2, 2024

Filed: July 2, 2024

Serious Incident Response Team Regulations–amendment

Order in Council 2024-263 dated July 2, 2024
 Amendment to regulations made by the Governor in Council
 pursuant to subsection 97(1) of the *Police Act*

The Governor in Council on the report and recommendation of the Attorney General and Minister of Justice dated June 5, 2024, and pursuant to subsection 97(1) of Chapter 31 of the Acts of 2004, the *Police Act*, is pleased to amend the *Serious Incident Response Team Regulations*, N.S. Reg. 89/2012, made by the Governor in Council by Order in Council 2012-120 dated April 18, 2012, to improve the operational efficiencies and

accountability of the Serious Incident Response Team and to implement recommendations made by the Joint Public Inquiry into the Nova Scotia April 2020 Tragedy (Mass Casualty Commission), in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on after July 2, 2024.

Schedule "A"

**Amendment to the *Serious Incident Response Team Regulations*
made by the Governor in Council under
subsection 97(1) of Chapter 31 of the Acts of 2004,
the *Police Act***

- 1 Subsection 2(1) of the *Serious Incident Response Team Regulations*, N.S. Reg. 89/2012, made by the Governor in Council by Order in Council 2012-120 dated April 18, 2012, is amended by adding the following definitions where they belong in alphabetical order:

"affected person" means, in relation to a serious incident, a person who

- (i) died or was seriously injured,
- (ii) may have been sexually assaulted or involved in an incident of intimate partner violence, or
- (iii) was affected by a serious incident that is determined under the Act to be in the public interest to be investigated;

"serious incident" is further defined to include intimate partner violence;

- 2 The regulations are further amended by adding the following Section immediately after Section 4:

Team's exclusive jurisdiction over and responsibility for serious incident investigation

4A When the Team takes charge of the scene of a serious incident involving police, it has exclusive jurisdiction over and exclusive responsibility for the investigation of the serious incident and assumes immediate command of all of the following:

- (a) all activities related to the scene;
- (b) all evidence related to the investigation;
- (c) all exhibits related to the investigation;
- (d) the investigation;
- (e) the direction of resources used in the investigation.

- 3 Section 9 of the regulations is repealed and the following Sections substituted:

Notice when charge laid against subject police officer

9 (1) Except as provided in subsection (2), if an investigation results in 1 or more charges being laid against a subject police officer, the Director must, as soon as practicable, have a public notice posted on the Team website or at another location determined by the Director that contains only the following information:

- (a) the subject police officer's name;
 - (b) the charges laid and the date they were laid;
 - (c) information about the first scheduled court appearance regarding the charges, if available.
- (2) If the release of the name of a subject police officer who has been charged with sexual assault to the public may result in the identity of the person who reported that they were sexually assaulted by the subject police officer being revealed, the Director may omit the subject police officer's name from the public notice posted under subsection (1) after consulting the person.
- (3) If a charge laid against the subject police officer is prosecuted, the Director may set out the reasons why the charge was laid in a public notice posted at the conclusion of the prosecution and at the same location that the original public notice was posted under subsection (1).

Report when charge not laid against subject police officer

- 9A (1) If an investigation does not result in any charges being laid against a subject police officer, the Director must publish a report containing all of the following and have the report posted on the Team website and at any other location determined by the Director:
- (a) the reasons why the investigation was believed to be authorized under Section 26I of the Act;
 - (b) a detailed description of the events leading to the investigation;
 - (c) a summary of the investigative process that includes a timeline and notes any delays;
 - (d) except as provided in subsection (2), a summary of the relevant evidence considered, including how many witnesses were interviewed;
 - (e) the reasons for not laying a charge against the subject police officer, including a review of any relevant legal issues;
 - (f) except as provided in subsection (2), any other information or evidence the Director determines it is necessary to include, including any relevant video, audio or photographic evidence that has been de-identified as much as possible.
- (2) If the Director is of the opinion that a person's privacy interest in not having some or all of the information or evidence described in clauses (1)(d) or (f) published outweighs the public interest in having the information or evidence published, the Director may omit that information or evidence from the report published under subsection (1) and must provide reasons for doing so.
- (3) The Director must ensure that none of the following information is included in the report published under subsection (1):
- (a) the name of and any information identifying a subject police officer, a witness police officer, a civilian witness, or an affected person;
 - (b) information that may result in the identity of a person who reported that they were sexually assaulted being revealed in connection with the sexual assault;

- (c) information that, in the opinion of the Director, could lead to a risk of serious harm to a person;
 - (d) information that discloses investigative techniques or procedures;
 - (e) information that is prohibited or restricted from being released by law.
- (4) Subject to subsection (5), the Director must give a copy of the report published under subsection (1) to all of the following:
- (a) except as provided in subsection (6), the affected person;
 - (b) each subject police officer involved in the investigation;
 - (c) any agency that has authority over a subject police officer or witness police officer involved in the investigation;
 - (d) the Minister.
- (5) The report published under subsection (1) must be posted on the Team website and at any other location determined by the Director under subsection (1) and given to the affected person under clause (4)(a) and a subject police officer under clause (4)(b) no later than 2 days after it is given to an agency under clause (4)(c) and the Minister under clause (4)(d).
- (6) If the person described in clause (4)(a) is 1 of the following, a copy of the report published under subsection (1) must be given to the corresponding person or persons:
- (a) if the person is deceased, the person's next of kin;
 - (b) if the person is a minor, the person's parent or guardian;
 - (c) if the person does not meet the definition of "capacity" in the *Adult Capacity and Decision-making Act*, the person and their alternative representative appointed under the *Adult Capacity and Decision-making Act*.
- (7) Despite subsection (1), if the serious incident investigated was the reported sexual assault of an affected person and the Director is of the opinion that the affected person's privacy interest in not having the report published outweighs the public interest in having the report published, the Director may decide, after consulting the affected person, to
- (a) not publish the report; and
 - (b) only give the report to the persons and agencies described in subsection (4).

4 Section 10 of the regulations is repealed and the following Section substituted:

Annual report to Minister

- 10 (1)** The annual report to the Minister on the operations of the Team must include all of the following:
- (a) a comparison between the number of matters referred to the Director in the year and the number of investigations started and concluded in the year;

(b) the information required under Section 26N of the Act.

(2) For investigation work conducted by the Team under an agreement made under subsection 26H(3) of the Act, the annual report to the Minister must include all of the information described in subsection (1) as it relates to the investigation work.

5 Section 11 of the regulations is amended by adding “, the Assistant Director” immediately after “Director”.

6 The regulations are further amended by adding the following Section immediately after Section 11:

Assistant Director

12 (1) The Team may hire an Assistant Director.

(2) An Assistant Director hired under subsection (1) has all the powers of the Director as set out in Section 26G of the Act.

(3) In addition to the people who may be designated as an acting Director under subsections 26C(2) and (3) of the Act, the Director may designate, in writing, an Assistant Director of the Team hired under subsection (1) to act as an acting Director in place of the Director while the Director is absent or unable for any reason to perform the duties of their office and any act done by the acting Director has the same force, validity and effect as if done by the Director.

N.S. Reg. 130/2024

Made: July 2, 2024

Filed: July 2, 2024

Dismantling Racism and Hate Act General Regulations

Order in Council 2024-264 dated July 2, 2024
Regulations made by the Governor in Council
pursuant to Section 14 of the *Dismantling Racism and Hate Act*

The Governor in Council on the report and recommendation of the Minister responsible for the Office of Equity and Anti-Racism dated June 5, 2024, and pursuant to Section 14 of Chapter 3 of the Acts of 2022, the *Dismantling Racism and Hate Act*, is pleased to make regulations prescribing public bodies for the purposes of the Act, in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after July 2, 2024.

Schedule “A”

**Regulations Respecting the *Dismantling Racism and Hate Act*
made by the Governor in Council under Section 14
of Chapter 3 of the Acts of 2022,
the *Dismantling Racism and Hate Act***

Citation

1 These regulations may be cited as the *Dismantling Racism and Hate Act General Regulations*.

Definitions

2 In these regulations,

“Act” means the *Dismantling Racism and Hate Act*.

Designation of public bodies

3 The following are prescribed as public bodies under the Act:

Name of public body	Date
<ul style="list-style-type: none"> • a regional municipality, a county or district municipality, a town • a village continued under the <i>Municipal Government Act</i> 	April 1, 2025

N.S. Reg. 131/2024

Made: July 2, 2024

Filed: July 2, 2024

Proclamation of Act, S. 111, S.N.S. 2024, c. 3–S. 110

Order in Council 2024-272 dated July 2, 2024
Proclamation made by the Governor in Council
pursuant to Section 111 of the
Financial Measures (2024) Act

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated June 17, 2024, pursuant to Section 111 of Chapter 3 of the Acts of 2024, the *Financial Measures (2024) Act*, and subsection 3(7) of the *Interpretation Act*, is pleased to order and declare by proclamation that Section 110 of Chapter 3 of the Acts of 2024, the *Financial Measures (2024) Act*, do come into force on and not before July 2, 2024.

L.S.

Canada
Province of Nova Scotia

Charles the Third, by the Grace of God, King of Canada and His Other Realms and Territories, Head of the Commonwealth.

To all [to] whom these presents shall come, or whom the same may in any wise concern,

Greeting!

A Proclamation

Whereas in and by Section 111 of Chapter 3 of the Acts of 2024, the *Financial Measures (2024) Act*, it is enacted as follows:

111 Sections 2 to 9, 20 to 27, 37 to 39, 45 to 53 and 72 to 74, subsections 86(1) to (4) and (7), 87(2) and (4) and 92(2) and (3), Sections 102 to 104 and 107 to 110 have effect on such day as the Governor in Council orders and declares by proclamation.

And Whereas it is deemed expedient that Section 110 of Chapter 3 of the Acts of 2024, the *Financial Measures (2024) Act*, do come into force on and not before July 2, 2024;

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 Section 110 of Chapter 3 of the Acts of 2024, the *Financial Measures (2024) Act*, do come into force on and not before July 2, 2024, 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, Arthur J. LeBlanc, Chancellor of Our Order of Nova Scotia, one of Our Counsel learned in the law in the Province of Nova Scotia, Lieutenant Governor in and of Our Province of Nova Scotia.

Given at Our Government House in the Halifax Regional Municipality, this 2nd day of July in the year of Our Lord two thousand and twenty-four and in the Second year of Our Reign.

By Command:

**PROVINCIAL SECRETARY
ATTORNEY GENERAL AND MINISTER OF JUSTICE**

N.S. Reg. 132/2024

Made: July 2, 2024

Filed: July 2, 2024

Electronic Health Records Regulations

Order in Council 2024-273 dated July 2, 2024
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 17, 2024, and pursuant to Section 110 of Chapter 41 of the Acts of 2010, the *Personal Health Information Act*, is pleased to make regulations respecting electronic health records in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after July 2, 2024.

Schedule “A”

**Regulations Respecting Electronic Health Records
made by the Governor in Council under Section 110
of Chapter 41 of the Acts of 2010,
the *Personal Health Information Act***

Citation

1 These regulations may be cited as the *Electronic Health Records Regulations*.

Definitions

2 In these regulations,

“Act” means the *Personal Health Information Act*;

“agent” means an agent as defined in the Act and includes an EMR provider;

“Department” means the Department of Health and Wellness;

“electronic health record” or “EHR” means an electronic health record as defined in the *Personal Health Information Regulations*;

“electronic medical record” or “EMR” means a practice-based computer application that enables the longitudinal collection of patient information;

“EMR provider” means a vendor, individual or entity that provides to a provider an electronic medical record service, which may include providing the secure storage of a patient’s personal health information on the provider’s behalf;

“Minister” means the Minister of Health and Wellness;

“*Personal Health Information Regulations*” means the *Personal Health Information Regulations* made under the Act;

“provider” means a regulated health professional who provides health care to an individual in the Province;

“provider care team” means any of the following people who are authorized by the provider to assist in providing and administering care to the provider’s patients:

- (i) a care provider,
- (ii) a medical professional,
- (iii) a clinic or medical office staff member.

Application of regulations

3 (1) Subject to subsection (2), these regulations apply to all providers in the Province.

- (2) Despite subsection (1), a First Nation, First Nation community or representative body may opt out of participating in an EHR created and managed under these regulations and may designate First Nations providers to whom these regulations and the *Personal Health Information Regulations* do not apply.

Minister is custodian of personal health information in electronic health records

4 The Minister is the custodian of all personal health information that, for the purpose of creating and maintaining EHR programs and services and the planning and management of the health system, is

- (a) disclosed to the Minister by providers in accordance with these regulations;
- (b) collected by the Minister under these regulations; and
- (c) accessed by authorized users of an EHR program or service.

Individual has right to access personal health information

5 An individual has the right to access their own personal health information, including any information that is collected by the Minister or an agent of the Minister for the purpose of an EHR program or service.

Collection, use and disclosure of information

- 6 (1) The Minister, or an agent of the Minister, may require a provider who is a custodian under subclause 3(f)(i) of the Act, or an agent of the provider, to disclose the personal health information of the provider's patients for the purpose of creating and maintaining an EHR.
- (2) The Minister must ensure that personal health information contained in an EHR that identifies the patient who is the subject of the personal health information is accessible to only the following people:
- (a) the patient who is the subject of the personal health information;
 - (b) individuals who have the express consent of the patient who is the subject of the personal health information;
 - (c) an agent of the Minister for the purposes of maintaining the operational components of the EHR and who is bound by a confidentiality agreement regarding the personal health information.
- (3) The Minister or their agent must limit the personal health information a patient may access from an EHR by excluding information considered by the Minister to belong to any of the following categories:
- (a) notes or documentation not intended for patient access that might, if accessed by the patient, negatively affect the relationship between the patient and the provider or provider care team;
 - (b) information that might negatively affect the patient if accessed by the patient without advice from the provider to explain or provide context for the information.
- (4) To determine which categories of information to exclude under subsection (3), the Minister must consult with the regulatory authority, professional association or union applicable to the provider.
- (5) Personal health information contained in an EHR may be used for the purposes of the planning and management of the health system or for research undertaken in accordance with the Act only when accessed in a form that does not identify the individual who is the subject of the personal health information.
- (6) If the personal health information of a provider's patients referred to in subsection (1) is in the possession of an EMR provider, the Minister may require the EMR provider to disclose personal health information on behalf of a provider under subsection (1).
- (7) Despite subsection (5), the Minister must not aggregate personal health information or permit the aggregation of personal health information contained in an EHR in a manner that stratifies data or outcomes or permits analysis based upon any of the following without the consent of the First Nation or the First Nation's designated representative:
- (a) Indigenous identity;
 - (b) First Nation status;

- (c) First Nation community;
- (d) whether the personal health information was collected from a provider who operates in a First Nation community.

Personal health information held in EHR covered by Act

- 7 (1) The Minister's collection, use and disclosure of personal health information collected from a provider or an EMR provider acting on behalf of a provider under subsection 6(1) and held in an EHR for the purposes of EHR programs and services is governed by the requirements of the Act.
- (2) As the custodian of personal health information that is collected, used and disclosed as part of EHR programs and services, the Minister must abide by the requirements of the Act respecting practices to protect personal health information and the privacy of [the] individual to whom that information relates.
- (3) As the custodian of an EHR, the Minister must implement the additional safeguards under Section 65 of the Act for personal health information held in an electronic information system as prescribed in Section 10 of the *Personal Health Information Regulations*.

Detecting and investigating privacy breaches

- 8 The Minister or their agent may audit information held in an EHR and records of EHR user activity to detect and investigate privacy breaches in accordance with the Act, the *Personal Health Information Regulations* or guidelines set by the Minister.

Complaints and mediation

- 9 (1) The Minister, or their agent for the purposes of administering and maintaining an EHR, must implement a complaints policy in the manner set out in the *Personal Health Information Regulations*.
- (2) If a complaint is made against the Minister or their agent about actions taken under these regulations, the Review Officer must proceed in the manner set out in Sections 91 to 100 of the Act.
- (3) The Review Officer may settle matters under review through mediation.

Notice of amendments

- 10 (1) The Minister or Department must notify providers of any amendments to these regulations that may affect them.
- (2) The Minister or Department must notify patient users of any amendments to these regulations that may affect how patients access their information contained in an EHR.

Review of regulations by Minister

- 11 The Minister may review these regulations to determine their effectiveness in governing the implementation, administration and management of EHR programs and services.