

**EC2020-607**

EXECUTIVE COUNCIL ACT  
MINISTER OF AGRICULTURE AND LAND  
AUTHORITY TO ENTER INTO AN AGREEMENT  
(RECONCILIATION AGREEMENT ON CONSTRUCTION CODES)  
WITH  
GOVERNMENTS OF CANADA  
AND  
THE PROVINCES  
AND  
THE TERRITORIES

Pursuant to clauses 10(a) and (b) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Agriculture and Land to enter into an agreement with the Governments of Canada, the Provinces and the Territories, for the reconciliation on construction codes, such as more particularly described in the draft agreement.

**EC2020-608**

EXECUTIVE COUNCIL ACT  
MINISTER OF HEALTH AND WELLNESS  
AUTHORITY TO ENTER INTO AN AMENDED AGREEMENT  
(AMENDMENT #3: CANADA-PRINCE EDWARD ISLAND  
BILATERAL AGREEMENT  
ON SPORT PARTICIPATION)  
WITH  
THE GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Health and Wellness to enter into an amended agreement with the Government of Canada, as represented by the Minister of Canadian Heritage, for the period April 1, 2015 to March 31, 2022, to provide additional funding for FY2020-2021 for the COVID-19 Emergency Support Fund for Sport Organizations, such as more particularly described in the draft agreement.

**EC2020-609**

EXECUTIVE COUNCIL ACT  
 MINISTER OF JUSTICE AND PUBLIC SAFETY  
 AND ATTORNEY GENERAL  
 AUTHORITY TO ENTER INTO AN AGREEMENT  
 (LETTER OF AMENDMENT TO THE NON-PRINCIPAL ADMINISTRATOR  
 PARTICIPATION AGREEMENT FOR SEDAR, SEDI AND NRD)  
 WITH  
 THE ALBERTA SECURITIES COMMISSION

Pursuant to clause 10(b) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Justice and Public Safety and Attorney General to enter into a letter of amendment to the non-principal administrator participation agreement with the Alberta Securities Commission, acting on its own behalf and on behalf of principal administrators, pertaining to operation of the following systems on behalf of members of the Canadian Securities Administrators and certain self-regulatory organizations: (i) SEDAR (System for Electronic Document Analysis and Retrieval and associated public access website [www.sedar.com](http://www.sedar.com)); (ii) SEDI (System for Electronic Disclosure by Insiders accessible via [www.sedi.ca](http://www.sedi.ca)); and (iii) NRD (National Registration Database accessible via [www.nrd.ca](http://www.nrd.ca)), such as more particularly described in the draft agreement.

**EC2020-610**

AN ACT TO REPEAL THE PHYSIOTHERAPY ACT  
 DECLARATION RE

Under authority of section 2 of *An Act to Repeal the Physiotherapy Act* Stats. P.E.I. 2018, c. 54 Council ordered that a Proclamation do issue proclaiming the said "An Act to Repeal the Physiotherapy Act" to come into force effective October 31, 2020.

**EC2020-611**

**PHYSIOTHERAPY ACT  
 AUTHORIZATION REGULATIONS  
 REVOCATION**

Pursuant to section 4 of the *Physiotherapy Act* R.S.P.E.I. 1988, Cap. P-7, Council approved the following regulations made by the Council of the Prince Edward Island College of Physiotherapists, after consultation with the general membership of the College:

- 1. The *Physiotherapy Act* Authorization Regulations (EC574/03) are revoked.**
- 2. These regulations come into force on October 31, 2020.**

**EXPLANATORY NOTES**

**SECTION 1** revokes the Authorization Regulations made under the *Physiotherapy Act* R.S.P.E.I. 1988, Cap.P-7.

**SECTION 2** provides for the commencement of these regulations.

**EC2020-612****PHYSIOTHERAPY ACT  
STANDARDS AND DISCIPLINE REGULATIONS  
REVOCATION**

Pursuant to section 4 of the *Physiotherapy Act* R.S.P.E.I. 1988, Cap. P-7, Council approved the following regulations made by the Council of the Prince Edward Island College of Physiotherapists, after consultation with the general membership of the College:

**1. The *Physiotherapy Act* Standards and Discipline Regulations (EC265/90) are revoked.**

**2. These regulations come into force on October 31, 2020.**

**EXPLANATORY NOTES**

**SECTION 1** revokes the Standards and Discipline Regulations made under the *Physiotherapy Act* R.S.P.E.I. 1988, Cap.P-7.

**SECTION 2** provides for the commencement of these regulations.

**EC2020-613****REGULATED HEALTH PROFESSIONS ACT  
PHYSIOTHERAPISTS REGULATIONS**

Pursuant to sections 2 and 96 of the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1, Council made the following regulations:

**PART 1 – INTERPRETATION AND DESIGNATION**

<b>1. In these regulations</b>	Definitions
(a) “Act” means the <i>Regulated Health Professions Act</i> R.S.P.E.I. 1988, Cap. R-10.1;	Act
(b) “Council” means the Council of the Prince Edward Island College of Physiotherapists;	Council
(c) “physiotherapist” means a member who is registered in the physiotherapists register, except where otherwise provided;	physiotherapist
(d) “physiotherapist resident” means a member who is registered in the physiotherapist residents register;	physiotherapist resident
(e) “physiotherapist residents register” means the register established under clause 4(b);	physiotherapist residents register
(f) “physiotherapists register” means the register established under clause 4(a);	physiotherapists register
(g) “physiotherapy” means the health profession in which a person applies specialized knowledge, skill and judgment in	physiotherapy
(i) assessing, diagnosing and treating the body by physical or mechanical means to restore, maintain or promote physical function, mobility or health, or to relieve pain,	
(ii) planning, administering and evaluating preventive, therapeutic and health maintenance programs,	
(iii) conducting research, education, management or administrative activities incidental to performing the services referred to in subclauses (i) and (ii);	
(h) “Physiotherapy Competency Examination” means the examination, consisting of a written component and a clinical component, established by the Canadian Alliance of Physiotherapy Regulators;	Physiotherapy Competency Examination
(i) “refresher program” means a refresher program in physiotherapy consisting of a formal curriculum, a set of individualized	refresher program

assignments of studies and experiences, a set of continuing education credits, a practicum or a combination of these elements.

2. Physiotherapy is designated as a regulated health profession. Designation of physiotherapy
3. The Prince Edward Island College of Physiotherapy established as a body corporate under the *Physiotherapy Act* R.S.P.E.I. 1988, Cap. P-7, is hereby continued as the college for physiotherapy. Continuation of College

## PART 2 – REGISTRATION

### Register

4. The register for physiotherapy is divided into the following sub-registers and parts: Sub-registers and parts
- (a) the physiotherapists register, consisting of the following parts:
- (i) general registration,
- (ii) special registration;
- (b) the physiotherapist residents register.

### Physiotherapists

#### *Registration*

5. An applicant for general registration in the physiotherapists register shall General registration
- (a) for the purpose of clause 12(2)(c) of the Act, meet the education requirement set out in section 12;
- (b) for the purpose of clause 12(2)(d) of the Act, have successfully completed the examinations set out in clause 13(1)(a);
- (c) for the purpose of clause 12(2)(f) of the Act, demonstrate currency of professional knowledge and skills in accordance with section 14; and
- (d) for the purpose of clause 12(2)(j) of the Act, hold or be covered by professional liability insurance or protection as required in section 15.
6. (1) Where the Council directs the registrar to register an applicant pursuant to subsection 13(3) of the Act, the registrar shall register the applicant in the special registration part of the physiotherapists register. Special registration
- (2) Registration in the special registration part of the physiotherapists register is not subject to renewal or reinstatement. No renewal or reinstatement

#### *Renewal of Registration*

7. An applicant for renewal of registration in the general registration part of the physiotherapists register shall Renewal of general registration
- (a) for the purpose of subclause 22(2)(a)(i) of the Act, fulfil the requirements for continuing education and competency set out in subsection 16(1);
- (b) for the purpose of subclause 22(2)(a)(ii) of the Act, demonstrate currency of professional knowledge and skills in accordance with section 14; and
- (c) for the purpose of subclause 22(2)(a)(v) of the Act, hold or be covered by professional liability insurance or protection as required in section 15.

#### *Reinstatement of Registration*

8. For the purpose of subsection 24(1) of the Act, the maximum period of time after the expiration or cancellation of registration within which a person may apply for reinstatement of the registration is three years. Reinstatement period
9. An applicant for reinstatement of registration in the general registration part of the physiotherapists register shall Reinstatement of general registration
- (a) for the purpose of clause 24(4)(c) of the Act, demonstrate currency of professional knowledge and skills in accordance with section 14; and
- (b) for the purpose of clause 24(4)(f) of the Act, hold or be covered by professional liability insurance or protection as required in section 15.

### Physiotherapist Residents

- 10.** (1) An applicant for registration in the physiotherapist residents register shall Physiotherapist residents register
- (a) for the purpose of clause 12(2)(c) of the Act, meet the education requirement set out in section 12;
  - (b) for the purpose of clause 12(2)(d) of the Act, have successfully completed the examination set out in clause 13(1)(b);
  - (c) for the purpose of clause 12(2)(f) of the Act, demonstrate currency of professional knowledge and skills in accordance with section 14; and
  - (d) for the purpose of clause 12(2)(j) of the Act, hold or be covered by professional liability insurance or protection as required in section 15.
- (2) A physiotherapist resident shall be supervised in practising physiotherapy by a physiotherapist approved by the Council. Subject to supervision
- (3) Registration in the physiotherapist residents register is not subject to reinstatement. Not subject to reinstatement

### *Renewal of Registration*

- 11.** An applicant for renewal of registration in the physiotherapist residents register shall Renewal of registration as physiotherapist resident
- (a) for the purpose of subclause 22(2)(a)(ii) of the Act, demonstrate currency of professional knowledge and skills in accordance with section 14; and
  - (b) for the purpose of subclause 22(2)(a)(v) of the Act, hold or be covered by professional liability insurance or protection as required in section 15.

### Prescribed Requirements

- 12.** For the purpose of clause 12(2)(c) of the Act, the requirement with respect to education is the successful completion of: Education
- (a) a bachelor or masters degree from a physiotherapy program approved by the Council; or
  - (b) education that the Canadian Alliance of Physiotherapy Regulators considers substantially equivalent to a degree set out in clause (a).
- 13.** (1) For the purpose of clause 12(2)(d) of the Act, Examinations
- (a) the required examinations for registration in the general registration part of the physiotherapists register are
    - (i) a provincial examination established or adopted by the Council to assess knowledge and understanding of the jurisprudence, ethical standards and standards of practice governing the practice of physiotherapy in the province, and
    - (ii) the Physiotherapy Competency Examination, both the written component and the clinical component, or other competency examination approved by the Council; and
  - (b) the required examination for registration in the physiotherapist residents register is the written component of the Physiotherapy Competency Examination, or other competency examination approved by the Council.
- (2) The successful completion of an examination referred to in subsection (1) means Successful completion of examination
- (a) in respect of the provincial examination, meeting the minimum standard established by the Council;
  - (b) in respect of the Physiotherapy Competency Examination, obtaining the established pass mark; and
  - (c) in respect of any other competency examination, meeting the minimum standard approved or adopted by the Council.
- 14.** (1) For the purpose of clause 12(2)(f), subclause 22(2)(a)(ii) and clause 24(4)(c) of the Act, to demonstrate currency of professional knowledge and skills an applicant shall have, within the five years immediately preceding the application, Currency requirements

- (a) successfully completed the educational requirement set out in section 12;
- (b) actively practised physiotherapy, as a physiotherapist authorized to practise physiotherapy in the jurisdiction of practice without any restrictions, for at least 1,200 hours; or
- (c) successfully completed a refresher program satisfactory to the registrar.

(2) Where an applicant fails to demonstrate currency of professional knowledge and skills in accordance with subsection (1), the Council may require the applicant to complete a refresher program approved by the Council within the time period specified by the Council.

Refresher program

**15.** (1) For the purpose of clause 12(2)(j), subclause 22(2)(a)(v) and clauses 24(4)(f) and 25(3)(c) of the Act, an applicant or a member registered under these regulations, as the case may be, is required to hold or be covered by professional liability insurance under a policy that

Insurance requirements

- (a) is issued in the name of the applicant or member or clearly covers the applicant or member;
- (b) applies to any practice setting in Prince Edward Island;
- (c) provides coverage of not less than \$5,000,000 per claim or occurrence and an aggregate limit of not less than \$5,000,000 excluding legal or court costs;
- (d) covers liability for any professional service the applicant will be providing or the member provides practising physiotherapy; and
- (e) provides an extended reporting period of at least three years in the case of a claims-based policy or a minimum retroactive date of five years in the case of an occurrence-based policy.

(2) An applicant or a member registered under these regulations, as the case may be, shall provide or ensure the registrar is provided with the most current certificate of professional liability insurance issued by the insurer that confirms the applicant or member is insured under a policy that meets the requirements of subsection (1).

Proof of insurance

**16.** (1) Subject to subsection (2), for the purpose of subclause 22(2)(a)(i) of the Act, an applicant shall have

Continuing education and competency

- (a) completed at least 30 hours of continuing education that meets the standards and requirements established by the Council in accordance with section 60 of the Act in each three-year period defined by the Council, subject to proration; and
- (b) participated in any methods or programs established by the Council in accordance with section 60.1 of the Act to assess the competency of members, as required by the Council.

(2) Where an applicant fails to meet the requirements described in clause (1)(a) or (b), the Council may require the applicant to do one or both of the following within the time period specified by the Council:

Failure to meet continuing education or competency requirements

- (a) successfully complete a continuing education program approved by the Council;
- (b) pass an examination administered or approved by the Council.

(3) A physiotherapist shall

Record

- (a) keep a record in a form satisfactory to the registrar of the activities that the physiotherapist undertakes for the purpose of this section; and
- (b) provide copies of the record referred to in clause (a) on the request of and in accordance with the directions of the registrar.

### PART 3 – DESIGNATIONS AND RESERVED ACTIVITIES

**17.** For the purpose of subsection 89(1) of the Act,

Designations of members

- (a) the designations of a physiotherapist include the following titles, abbreviations and initials:
  - (i) physiotherapist,
  - (ii) physical therapist,
  - (iii) P.T. or PT; and
- (b) the designation of a physiotherapist resident is the title “physiotherapist resident”.

**18.** (1) Subject to any terms or conditions imposed on the physiotherapist's registration, a physiotherapist is authorized to perform the following reserved activities: Reserved activities,  
physiotherapist

- (a) communicating to the person or the person's personal representative a diagnosis identifying a disease or disorder associated with physical dysfunction, injury or pain as the cause of symptoms of the person in circumstances in which it is reasonably foreseeable that the person or the person's personal representative will rely on the diagnosis;
- (b) administering oxygen by inhalation, where prescribed by a medical practitioner or nurse practitioner;
- (c) putting an instrument beyond the larynx in the provision of tracheal suctioning;
- (d) applying sound and electrical energy in the provision of treatment;
- (e) administering a drug prescribed by a medical practitioner or nurse practitioner, topically.

(2) Subject to any terms or conditions imposed on the physiotherapist resident's registration, a physiotherapist resident is authorized to perform the reserved activities set out in subsection (1) under the supervision of a physiotherapist. Reserved activities,  
physiotherapist  
resident

**19.** (1) A physiotherapist may apply to the registrar, in the form approved by the Council, for special authorization to perform one or more of the following reserved activities: Application for  
special  
authorization

- (a) putting an instrument or finger beyond the labia majora or anal verge to assess or rehabilitate pelvic musculature in relation to incontinence or pain disorders;
- (b) performing a procedure on tissue below the dermis in the form of dry needling in the treatment of pain and movement impairment;
- (c) moving the joints of the spine beyond the individual's usual physiological range of motion using a fast, low amplitude thrust in the treatment of neuro-musculo-skeletal pain and dysfunction.

(2) An applicant is eligible for special authorization to perform a reserved activity listed in subsection (1) if the applicant has successfully completed the applicable training program approved by the Council: Eligibility

- (a) for the purpose of clause (1)(a), a post-graduate program in the assessment and rehabilitation of pelvic musculature in relation to incontinence or pain disorders;
- (b) for the purpose of clause (1)(b), a post-graduate program in dry needling;
- (c) for the purpose of clause (1)(c), a post-graduate program in spinal manipulation.

(3) On receipt and review of an application made in accordance with subsection (1), the registrar may, if the registrar is satisfied the applicant has completed the required training program in accordance with subsection (2), Granting of special  
authorization

- (a) grant the applicant special authorization to perform the reserved activity; and
- (b) note the special authorization in the register in relation to the physiotherapist and on his or her certificate of registration.

(4) Where the registrar is not satisfied that the applicant has completed the required training program in accordance with subsection (2), the registrar shall refer the application to the Council. Referral to the  
Council

(5) On receipt of an application referred by the registrar, the Council shall review the application and may Review by the  
Council

- (a) direct the registrar to
  - (i) grant the applicant special authorization to perform the reserved activity, and
  - (ii) note the special authorization in the register in relation to the physiotherapist and on his or her certificate of registration; and
- (b) impose any terms and conditions on the special authorization that the Council considers appropriate.

(6) On refusing to grant special authorization to perform a reserved activity set out in subsection (1), the Council shall serve on the applicant written notice of the refusal, including reasons, and the applicant’s right to appeal the refusal. Notice of refusal

(7) A physiotherapist who is aggrieved by a refusal of the Council to grant a special authorization to perform a reserved activity set out in subsection (1) may appeal the refusal to the Supreme Court within 30 days after being served with notice of the refusal. Appeal

(8) On hearing the appeal, the court may Powers of court  
 (a) confirm the refusal;  
 (b) refer the matter, or any issue, back to the Council for further consideration; or  
 (c) provide any direction that it considers appropriate.

(9) The court may make any order as to the costs of an appeal that it considers appropriate. Costs

(10) A special authorization granted under this section is suspended or cancelled, or expires, on the suspension, cancellation or expiration of the physiotherapist’s registration, as the case may be, and may be renewed on renewal of the physiotherapist’s registration. Suspension, cancellation, expiration, renewal

PART 4 – GENERAL

20. (1) For the purpose of clause 15(1)(d) of the Act, the name of a corporation applying for a permit to carry on the business of providing the professional services of a physiotherapist or a physiotherapist resident shall be, in the opinion of the registrar, in good taste, dignified and professional. Name of corporation

(2) Before changing its name, a health profession corporation shall obtain written confirmation from the registrar that the proposed name meets the requirements of subsection (1). Change of name

21. (1) In this section, Definitions

(a) “Authorization Regulations” means the *Physiotherapy Act* Authorization Regulations (EC574/03); Authorization Regulations

(b) “former Act” means the *Physiotherapy Act* R.S.P.E.I. 1988, Cap. P-7. former Act

(2) For the purpose of section 98 of the Act, a person who, immediately before this section comes into force, holds a license, certification, or authorization listed in Column 1 below, is deemed, on the coming into force of this section, to be registered or have a special authorization, as the case may be, as set out in the corresponding provision in Column 2 below: Transition of members

**Transition of Members**

Column 1 Former Act	Column 2 <i>Regulated Health Professions Act</i>
(a) license to practice physiotherapy	physiotherapists register – general registration
(b) specialist certification or endorsement to render acupuncture	special authorization – reserved activity of dry needling
(c) special authorization - clause 6(1)(a) of the Authorization Regulations	physiotherapist residents register
(d) special authorization - clause 6(1)(b) of the Authorization Regulations	physiotherapists register – special registration
(e) special authorization - clause 6(1)(c) of the Authorization	physiotherapists register – special registration



Regulations	
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(3) A special authorization issued pursuant to section 9 of the former Act and clauses 6(1)(d), (e) or (f) of the Authorization Regulations, is not considered a document equivalent to a certificate of registration for the purpose of subsection 98(1) of the Act and ceases to be valid on the coming into force of these regulations. No transition

**22.** These regulations come into force on November 1, 2020. Commencement

### EXPLANATORY NOTES

**SECTION 1** defines terms used in these regulations.

**SECTION 2** designates physiotherapy as a regulated health profession.

**SECTION 3** continues the Prince Edward Island College of Physiotherapy as the college for physiotherapy.

**SECTION 4** divides the register for physiotherapy into sub-registers and parts.

**SECTION 5** sets out applicable prescribed requirements for registration in the general registration part of the physiotherapists register.

**SECTION 6** provides for registration in the special registration part of the physiotherapists register. It states that registration in this part is not subject to renewal or reinstatement.

**SECTION 7** sets out the applicable prescribed requirements for renewal of registration in the general registration part of the physiotherapists register.

**SECTION 8** provides that the maximum prescribed period of time a former member's registration may lapse before applying for reinstatement of registration is three years.

**SECTION 9** sets out the applicable prescribed requirements for reinstatement of registration in the general registration part of the physiotherapists register.

**SECTION 10** sets out the applicable prescribed requirements for registration in the physiotherapist residents register. It provides that a physiotherapist resident is to be supervised by a physiotherapist and that registration in the physiotherapist residents register is not subject to reinstatement.

**SECTION 11** sets out the applicable prescribed requirements for renewal of registration in the physiotherapist residents register.

**SECTION 12** prescribes the education requirement for registration.

**SECTION 13** sets out the required examinations and defines what constitutes successful completion of the respective examinations.

**SECTION 14** sets out three options to demonstrate currency of professional knowledge and skills.

**SECTION 15** prescribes insurance requirements for applicants and members registered under these regulations.

**SECTION 16** prescribes continuing education requirements.

**SECTION 17** sets out some protected designations of members registered under these regulations.

**SECTION 18** sets out the reserved activities a physiotherapist is authorized to perform and authorizes a physiotherapist resident to perform the reserved activities under the supervision of a physiotherapist.

**SECTION 19** provides for a physiotherapist to apply for and be granted special authorization to perform certain reserved activities. It requires notice of refusal to grant the special authorization and provides for the appeal of a refusal.

**SECTION 20** requires the name of a health profession corporation to be in good taste, dignified and professional.

**SECTION 21** provides for the transition of existing members of the profession under the former Act to registration under the *Regulated Health Professions Act*.

**SECTION 22** provides for the commencement of these regulations.