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3rd SESSION, 63rd GENERAL ASSEMBLY  
Province of Prince Edward Island  
58 ELIZABETH II, 2009

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## **CHAPTER 14**

**(Bill No. 21)**

### **Psychologists Act**

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Honourable Doug W. Currie  
Minister of Health

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### **GOVERNMENT BILL**

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MICHAEL D. FAGAN  
Queen's Printer  
Charlottetown, Prince Edward Island



## **CHAPTER 14**

### **Psychologists Act**

(Assented to December 9, 2009)

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

#### **PART I**

#### **INTERPRETATION**

- |  |                             |
|--|-----------------------------|
| <b>1.</b> In this Act  | Definitions                 |
| (a) “Association” means the Psychological Association of Prince Edward Island continued under subsection 2(1);   | Association                 |
| (b) “Board” means the Prince Edward Island Psychologists Registration Board continued under subsection 5(1);   | Board                       |
| (c) “certificate of registration” means a valid and subsisting certificate issued under this Act evidencing the registration of a registrant;                                    | certificate of registration |
| (d) “corporation” means a corporation incorporated by one or more psychologists or psychological associates for the purpose of practicing psychology;                            | corporation                 |
| (e) “Deputy Registrar” means the Deputy Registrar appointed under subsection 10(2);  | Deputy Registrar            |
| (f) “Executive” means the Executive of the Association elected under subsection 3(1);  | Executive                   |
| (g) “former Act” means the <i>Psychologists Act</i> R.S.P.E.I. 1988, Cap. P-27.1;  | former Act                  |
| (h) “Minister” means the Minister of Health;   | Minister                    |
| (i) “practice of psychology” means   | practice of psychology      |
| (i) the assessment of behavioural, mental, neuropsychological and personality characteristics, functions and conditions,   |                             |
| (ii) the diagnosis, treatment and prevention of behavioural, mental, neuropsychological and personality disorders,   |                             |
| (iii) the maintenance and enhancement of physical, intellectual, emotional, social, vocational and interpersonal functioning,  |                             |
| (iv) the teaching and application of psychological theory and principles regarding behaviour and mental processes such as learning, memory, perception and human development, or |                             |

professional psychology corporation	(v) the design, conduct and communication of the results of psychological research;
psychological associate	(j) "professional psychology corporation" means a corporation that is registered in the Register of Professional Psychology Corporations under section 18;
psychological associate candidate	(k) "psychological associate" means an individual who is registered in the Register of Psychological Associates under section 15;
psychologist	(l) "psychological associate candidate" means an individual who is registered in the Register of Psychological Associate Candidates under section 16;
psychologist candidate	(m) "psychologist" means an individual who is registered, or deemed to be registered, in the Register of Psychologists under section 13;
public representative	(n) "psychologist candidate" means an individual who is registered in the Register of Psychologist Candidates under section 14;
Register	(o) "public representative" means an individual who has never practiced or been authorized to practice psychology;
Register of Professional Psychology Corporations	(p) "Register" means the Register of Psychologists, the Register of Psychologist Candidates, the Register of Psychological Associates, the Register of Psychological Associate Candidates, or the Register of Professional Psychology Corporations kept under this Act;
Register of Psychological Associates	(q) "Register of Professional Psychology Corporations" means the Register of Professional Psychology Corporations kept under subsection 11(1);
Register of Psychological Associate Candidates	(r) "Register of Psychological Associates" means the Register of Psychological Associates kept under subsection 11(1);
Register of Psychologist Candidates	(s) "Register of Psychological Associate Candidates" means the Register of Psychological Associate Candidates kept under subsection 11(1);
Register of Psychologists	(t) "Register of Psychologist Candidates" means the Register of Psychologist Candidates kept under subsection 11(1);
registrant	(u) "Register of Psychologists" means the Register of Psychologists kept under subsection 11(1);
	(v) "registrant" means an individual who is registered, or deemed to be registered, in the Register of Psychologists, the Register of Psychologist Candidates, the Register of Psychological Associates or the Register of Psychological Associate Candidates;

(w) “Registrar” means the Registrar appointed under subsection 10(1).

Registrar

## PART II ASSOCIATION AND BOARD

### Association

**2.** (1) The Psychological Association of Prince Edward Island constituted under section 2 of the former Act is continued as a body corporate.

Psychological Association of Prince Edward Island continued

(2) The Association is composed of those persons who, immediately before the date this section comes into force, are members of the Association constituted under section 2 of the former Act, and such other persons who are granted membership in accordance with the bylaws of the Association.

Members of Association

(3) The purposes of the Association are

Purposes

- (a) to foster public awareness of the profession;
- (b) to represent its members in relations with other provincial or national agencies;
- (c) to promote continuing education and encourage high standards of service; and
- (d) to pursue such other goals as the Association considers necessary to advance the profession and further the interests of its members.

(4) In addition to any other power conferred by this or any other Act, the Association may do such things as it considers appropriate to advance the purposes of the Association and, without limiting the generality of the foregoing, may

Powers

- (a) purchase, take in, lease, exchange, hire, construct and otherwise acquire and hold, sell, mortgage, hypothecate, lease out or otherwise deal with any real or personal property;
- (b) draw, make, accept, endorse, discount, execute, and issue promissory notes, bills of exchange, warrants and other negotiable and transferable instruments;
- (c) expend the moneys of the Association in the advancement of its objects and the interests of the profession of psychology in the manner that it considers expedient;
- (d) establish and maintain the offices and agencies that it considers expedient;
- (e) invest and deal with any moneys and funds of the Association that are not immediately required, in the manner that it considers expedient;

- (f) improve, manage, develop, exchange, dispose of or otherwise deal with the real or personal property of the Association;
- (g) borrow money for the use of the Association on its credit, limit or increase the amount to be borrowed, issue bonds, debentures, debenture stock and other securities on the credit of the Association and pledge or sell such securities for the sums or at the prices that it considers expedient; and
- (h) do such things as are incidental or necessary to the exercise of the powers referred to in clauses (a) to (g).

Executive

- 3.** (1) The affairs of the Association shall be governed by an Executive composed of a president, vice-president and such other officers as may be required, elected in accordance with the bylaws of the Association.

Officers, agents and employees

- (2) The Association may appoint such other officers, agents or employees at such salary or other remuneration, and for such term of office, as the Association considers necessary to assist it in carrying out its duties under this Act.

Bylaws

- 4.** (1) The Association may make bylaws not inconsistent with this Act or the regulations relating to the management and operation of the Association, including bylaws

- (a) respecting the governance procedures of the Association;
- (b) respecting the election or appointment of officers and the appointment of agents or employees;
- (c) respecting the qualifications, terms of office, powers, duties, remuneration and removal of the officers, agents and employees of the Association;
- (d) providing for the holding of meetings of the Association and the Executive, quorum requirements and the conduct of meetings, including
  - (i) fixing the time and place for regular meetings,
  - (ii) determining by whom meetings may be called,
  - (iii) regulating the conduct of meetings, including voting procedures,
  - (iv) providing for emergency meetings, and
  - (v) regulating the notice required in respect of meetings;
- (e) respecting the establishment and operation of committees of the Association and the Executive, including
  - (i) determining the composition, powers and duties of the committees, and
  - (ii) providing for the holding of meetings of committees, quorum requirements and the conduct of meetings of committees;
- (f) respecting relationships with external agencies, including authorizing the Association to enter into agreements with external agencies;

- (g) respecting membership, including establishing classes of membership and setting eligibility requirements for membership and classes of membership;
- (h) establishing dues and any other assessment of members;
- (i) establishing the duties, remuneration and allowances of members of the Executive and committees, and providing for the payment of necessary expenses of the Executive and committees;
- (j) establishing the seal of the Association;
- (k) providing for the execution of documents by the Association; and
- (l) establishing procedures for the making, amendment and revocation of the bylaws of the Association.

(2) Bylaws made under subsection (1) come into force when approved Approval by the general membership of the Association.

Board

**5.** (1) The Prince Edward Island Psychologists Registration Board Psychologists  
Registration Board  
continued established under subsection 6(1) of the former Act is continued as a body corporate.

(2) The purposes of the Board are Purposes  

- (a) to regulate the practice of psychology by registrants and professional psychology corporations;
- (b) to establish or adopt standards for the practice of psychology by registrants and professional psychology corporations; and
- (c) to safeguard the welfare of the public with respect to the practice of psychology by registrants and professional psychology corporations.

(3) In addition to any other power conferred by this or any other Act, Powers the Board may do such things as it considers appropriate to advance the purposes of the Board and, without limiting the generality of the foregoing, may

- (a) purchase, take in, lease, exchange, hire, construct and otherwise acquire and hold, sell, mortgage, hypothecate, lease out or otherwise deal with any real or personal property;
- (b) draw, make, accept, endorse, discount, execute, and issue promissory notes, bills of exchange, warrants and other negotiable and transferable instruments;
- (c) expend the moneys of the Board in the advancement of its purposes in the manner that it considers expedient;
- (d) establish and maintain the offices and agencies that it considers expedient;
- (e) invest and deal with any moneys and funds of the Board that are not immediately required, in the manner that it considers expedient;

- (f) improve, manage, develop, exchange, dispose of or otherwise deal with the real or personal property of the Board;
- (g) borrow money for the use of the Board on its credit, limit or increase the amount to be borrowed, issue bonds, debentures, debenture stock and other securities on the credit of the Board and pledge or sell such securities for the sums or at the prices that it considers expedient;
- (h) do such things as are incidental or necessary to the exercise of the powers referred to in clauses (a) to (g).

Members of Board

- 6.** (1) The Board shall be composed of five members appointed by the Minister, of whom
- (a) three are psychologists who hold doctoral degrees in psychology, nominated by the Association;
  - (b) one is
    - (i) a psychological associate, or
    - (ii) a psychologist, other than a psychologist referred to in clause (a), who holds a master's degree in psychology, nominated by the Association; and
    - (c) one is a public representative, selected by the Minister.

Term of office

- (2) Members of the Board shall hold office for a term of three years and shall not be members of the Board for more than two consecutive terms.

Consecutive terms

- (3) For the purposes of subsection (2), terms are consecutive if not more than twelve months has occurred between the end of one term and the commencement of the next.

Term to continue

- (4) Notwithstanding subsection (2), a member of the Board whose term of office expires shall continue to hold office until such time as the member is reappointed, or until the member's successor is appointed.

Appointment revoked

- 7.** (1) The appointment or deemed appointment of a member of the Board is revoked at the time
- (a) the member resigns from the Board by notice in writing delivered to the Board;
  - (b) the member ceases to reside in the province;
  - (c) in the case of a psychologist or psychological associate, the member ceases to be registered or has his or her registration suspended; or
  - (d) the member's appointment is revoked by the Minister pursuant to a request made by the Board under subsection (2).

Request to revoke appointment

- (2) The Minister may, on the request of the Board, revoke the appointment or deemed appointment of a member of the Board where the member

- (a) fails to attend three consecutive meetings of the Board without, in the opinion of the Board, reasonable excuse;
  - (b) is convicted of an offence that, in the opinion of the Board, renders the member unsuitable to continue to hold office as a member;
  - (c) commits an act, other than one referred to in clause (b), that, in the unanimous opinion of the other members of the Board, undermines the ability of the member to act credibly as a member; or
  - (d) is, in the opinion of the Board, likely to be unable to fulfil his or her duties on the Board due to physical or mental incapacity.
- (3) Where a Board member who was appointed under clause 6(1)(a) Replacement or (b) ceases to hold office before his or her term expires, the Minister may appoint a new member, nominated by the Association, to hold office for the unexpired portion of the term.
- (4) Where a Board member who was appointed under clause 6(1)(c) *Idem* ceases to hold office before his or her term expires, the Minister may appoint a new member to hold office for the unexpired portion of the term.

**8.** (1) The Board shall appoint one member of the Board who is a ~~Chair~~ psychologist to be the chair of the Board.

(2) The Board may appoint such other officers, agents or employees at Officers, agents and such salary or other remuneration, and for such term of office, as the employees Board considers necessary to assist the Board in carrying out its duties under this Act.

**9.** The Board may make bylaws not inconsistent with this Act or the Bylaws regulations relating to the management and operation of the Board, including bylaws

- (a) respecting the governance procedures of the Board;
- (b) respecting the appointment of the Registrar, Deputy Registrar and other officers, agents and employees of the Board;
- (c) respecting the qualifications, terms of office, powers, duties, remuneration and removal of the Registrar, Deputy Registrar and other officers, agents and employees of the Board;
- (d) providing for the holding of meetings of the Board, quorum requirements and the conduct of meetings, including
  - (i) fixing the time and place for regular meetings,
  - (ii) determining by whom meetings may be called,
  - (iii) regulating the conduct of meetings,
  - (iv) providing for emergency meetings, and
  - (v) regulating the notice required in respect of meetings;
- (e) respecting the establishment and operation of committees of the Board, including

- (i) determining the composition, powers and duties of the committees, and
- (ii) providing for the holding of meetings of committees, quorum requirements and the conduct of meetings of committees;
- (f) establishing fees payable under this Act, including fees for registration, the renewal of certificates of registration and the reinstatement of registration, and penalties for late payment;
- (g) establishing the duties, remuneration and allowances of members of the Board and committees, and providing for the payment of necessary expenses of the Board and committees;
- (h) establishing the seal of the Board;
- (i) providing for the execution of documents by the Board; and
- (j) providing procedures for the making, amending and revoking of bylaws.

Registrar

**10.** (1) The Board shall appoint a Registrar who shall hold office during the pleasure of the Board.

Deputy Registrar

(2) The Board may appoint a Deputy Registrar who shall exercise the powers and perform the duties of the Registrar in the event of the absence or incapacity of the Registrar or a vacancy in the office of the Registrar.

### PART III REGISTRATION

#### Registers

Registers

**11.** (1) The Registrar shall keep the following Registers, which shall be open to inspection during regular office hours free of charge:

- (a) Register of Psychologists;
- (b) Register of Psychologist Candidates;
- (c) Register of Psychological Associates;
- (d) Register of Psychological Associate Candidates;
- (e) Register of Professional Psychology Corporations.

Information entered  
in Registers

(2) The Registrar shall enter in each Register, in respect of each person who is registered, or deemed to be registered, in that Register,

- (a) the name and business address of the person;
- (b) where the person is a registrant, the qualifications of the registrant;
- (c) where the person is a professional psychology corporation, the name and business address of every shareholder and director of the professional psychology corporation;
- (d) any terms and conditions imposed by the Board on the person's registration;

- (e) the date and circumstances of any suspension, cancellation or reinstatement of the registration of the person; and
- (f) any other information required to be entered in the Register by the regulations.

(3) A person who is registered, or deemed to be registered, in a Register shall notify the Registrar without delay of any change in the information referred to in clauses (2)(a) to (c) in respect of the person.

Notification of  
change in  
information

**12. Upon request, the Registrar shall disclose**

Disclosure of  
information from  
Registers

- (a) to any person,
  - (i) the name, business address, qualifications, registration status and registration history of a registrant or former registrant,
  - (ii) the name, business address, registration status and registration history of a professional psychology corporation or former professional psychology corporation,
  - (iii) the name and business address of every shareholder and director of a professional psychology corporation or former professional psychology corporation,
  - (iv) aggregate non-identifiable demographic information from a Register, and
  - (v) any other information required to be disclosed by the regulations; and
- (b) to another professional regulatory body, the information required to be disclosed by the regulations.

**Register of Psychologists**

**13. (1)** A person may apply to the Board, in a form approved by the Board, to be registered in the Register of Psychologists.

Register of  
Psychologists

(2) An applicant shall provide the following with an application made under subsection (1):

Application and  
fees

- (a) proof satisfactory to the Board that he or she meets the qualifications and requirements as set out in subsection (3);
- (b) payment of the fees established by the bylaws.

(3) Subject to section 25, the Board shall direct the Registrar to register an applicant in the Register of Psychologists and issue a certificate of registration to the person where the Board is satisfied that the applicant

Eligibility for  
registration

- (a) has submitted an application in accordance with subsections (1) and (2);
- (b) has successfully completed a doctoral degree program in psychology approved by the Board, at an educational institution approved by the Board;

- (c) has successfully completed the compulsory course requirements established by the Board;
- (d) has successfully completed the requirements for doctoral practicum and internship training and post-doctoral supervised practice as set out in the regulations;
- (e) has successfully completed the examinations required by the regulations;
- (f) meets the requirements for currency of professional knowledge and skills as set out in the regulations;
- (g) is in good standing with the professional regulatory bodies regulating the practice of psychology, or the use of titles relating to the practice of psychology, in the jurisdictions in which he or she was previously authorized to practice psychology or to use a title relating to the practice of psychology;
- (h) has not been found guilty of an offence that, in the Board's opinion, renders the applicant unsuitable to practice psychology;
- (i) has not been disciplined by a professional regulatory body for conduct that, in the Board's opinion, renders the applicant unsuitable to practice psychology;
- (j) has professional liability insurance as required by the regulations; and
- (k) meets any other requirements as set out in the regulations.

Registration

- (4) On receipt of a direction from the Board under subsection (3), the Registrar shall
- (a) register the applicant in the Register of Psychologists; and
  - (b) issue a certificate of registration to the applicant.

#### Register of Psychologist Candidates

Register of Psychologist Candidates

- 14.** (1) A person may apply to the Board, in a form approved by the Board, to be registered in the Register of Psychologist Candidates.

Application and fees

- (2) An applicant shall provide the following with an application made under subsection (1):

- (a) proof satisfactory to the Board that he or she meets the qualifications and requirements as set out in subsection (3);
- (b) payment of the fees established by the bylaws.

Eligibility for registration

- (3) Subject to section 25, the Board shall direct the Registrar to register an applicant in the Register of Psychologist Candidates and issue a certificate of registration to the applicant where the Board is satisfied that the applicant

- (a) has submitted an application in accordance with subsections (1) and (2);

- (b) has successfully completed a doctoral degree program in psychology approved by the Board, at an educational institution approved by the Board;
- (c) has successfully completed the compulsory course requirements established by the Board;
- (d) has successfully completed the requirements for doctoral practicum and internship training as set out in the regulations;
- (e) has arranged for post-doctoral supervised practice approved by the Board that meets the requirements as set out in the regulations;
- (f) meets the requirements for currency of professional knowledge and skills as set out in the regulations;
- (g) is in good standing with the professional regulatory bodies regulating the practice of psychology, or the use of titles relating to the practice of psychology, in the jurisdictions in which he or she was previously authorized to practice psychology or to use a title relating to the practice of psychology;
- (h) has not been found guilty of an offence that, in the Board's opinion, renders the applicant unsuitable to practice psychology;
- (i) has not been disciplined by a professional regulatory body for conduct that, in the Board's opinion, renders the applicant unsuitable to practice psychology;
- (j) has professional liability insurance as required by the regulations; and
- (k) meets any other requirements as set out in the regulations.

(4) On receipt of a direction from the Board under subsection (3), the Registration Registrar shall

- (a) register the applicant in the Register of Psychologist Candidates; and
- (b) issue a certificate of registration to the applicant.

#### Register of Psychological Associates

**15.** (1) A person may apply to the Board, in a form approved by the Board, to be registered in the Register of Psychological Associates.

Register of  
Psychological  
Associates

(2) An applicant shall provide the following with an application made under subsection (1):

Application and  
fees

- (a) proof satisfactory to the Board that he or she meets the qualifications and requirements as set out in subsection (3);
- (b) payment of the fees established by the bylaws.

(3) Subject to section 25, the Board shall direct the Registrar to register an applicant in the Register of Psychological Associates and issue a certificate of registration to the applicant where the Board is satisfied that the applicant

Eligibility for  
registration

- (a) has submitted an application in accordance with subsections (1) and (2);
- (b) has successfully completed a master's degree program in psychology approved by the Board, at an educational institution approved by the Board;
- (c) has successfully completed the compulsory course requirements established by the Board;
- (d) has successfully completed the requirements for graduate practicum and internship training and post-graduate supervised practice as set out in the regulations;
- (e) has successfully completed the examinations required by the regulations;
- (f) meets the requirements for currency of professional knowledge and skills as set out in the regulations;
- (g) is in good standing with the professional regulatory bodies regulating the practice of psychology, or the use of titles relating to the practice of psychology, in the jurisdictions in which he or she was previously authorized to practice psychology or to use a title relating to the practice of psychology;
- (h) has not been found guilty of an offence that, in the Board's opinion, renders the applicant unsuitable to practice psychology;
- (i) has not been disciplined by a professional regulatory body for conduct that, in the Board's opinion, renders the applicant unsuitable to practice psychology;
- (j) has professional liability insurance as required by the regulations; and
- (k) meets any other requirements as set out in the regulations.

## Registration

(4) On receipt of a direction from the Board under subsection (3), the Registrar shall

- (a) register the applicant in the Register of Psychological Associates; and
- (b) issue a certificate of registration to the applicant.

## Register of Psychological Associate Candidates

## Register of Psychological Associate Candidates

**16.** (1) A person may apply to the Board, in a form approved by the Board, to be registered in the Register of Psychological Associate Candidates.

## Application and fees

(2) An applicant shall provide the following with an application made under subsection (1):

- (a) proof satisfactory to the Board that he or she meets the qualifications and requirements as set out in subsection (3);
- (b) payment of the fees established by the bylaws.

(3) Subject to section 25, the Board shall direct the Registrar to register an applicant in the Register of Psychological Associate Candidates and issue a certificate of registration to the applicant where the Board is satisfied that the applicant

Eligibility for registration

- (a) has submitted an application in accordance with subsections (1) and (2);
- (b) has successfully completed a master's degree program in psychology approved by the Board, at an educational institution approved by the Board;
- (c) has successfully completed the compulsory course requirements established by the Board;
- (d) has successfully completed the requirements for graduate practicum and internship training as set out in the regulations;
- (e) has arranged for post-graduate supervised practice approved by the Board that meets the requirements as set out in the regulations;
- (f) meets the requirements for currency of professional knowledge and skills as set out in the regulations;
- (g) is in good standing with the professional regulatory bodies regulating the practice of psychology, or the use of titles relating to the practice of psychology, in the jurisdictions in which he or she was previously authorized to practice psychology or to use a title relating to the practice of psychology;
- (h) has not been found guilty of an offence that, in the Board's opinion, renders the applicant unsuitable to practice psychology;
- (i) has not been disciplined by a professional regulatory body for conduct that, in the Board's opinion, renders the applicant unsuitable to practice psychology;
- (j) has professional liability insurance as required by the regulations; and
- (k) meets any other requirements as set out in the regulations.

(4) On receipt of a direction from the Board under subsection (3), the Registrar shall

Registration

- (a) register the applicant in the Register of Psychological Associate Candidates; and
- (b) issue a certificate of registration to the applicant.

#### Special Registration

**17.** (1) Notwithstanding sections 13 to 16, a person who is authorized by a professional regulatory body in another jurisdiction recognized by the Board to

Special registration

- (a) practice psychology; or
- (b) use a title relating to the practice of psychology,

may apply to the Board, in a form approved by the Board, to be registered in a Register for a limited time or for a special purpose.

Application and fees

(2) An applicant shall provide the following with an application made under subsection (1):

- (a) proof satisfactory to the Board that he or she meets the qualifications and requirements as set out in clause (3)(b);
- (b) payment of the fees established by the bylaws.

Eligibility for registration

(3) Subject to section 25, the Board may direct the Registrar to register an applicant in a Register and issue a certificate of registration to the applicant where

- (a) the Board approves the registration of the applicant for the time period or the special purpose proposed by the applicant; and
- (b) the Board is satisfied that the applicant
  - (i) has submitted an application in accordance with subsections (1) and (2),
  - (ii) is authorized to practice psychology, or to use a title relating to the practice of psychology, by a professional regulatory body in another jurisdiction recognized by the Board, in a professional category considered by the Board to be equivalent or comparable to registration in that Register,
  - (iii) has paid the fees established by the bylaws, and
  - (iv) meets any other requirements as set out in the regulations.

Registration

(4) On receipt of a direction from the Board under subsection (3), the Registrar shall

- (a) register the applicant in the Register directed by the Board; and
- (b) issue a certificate of registration to the applicant.

#### Register of Professional Psychology Corporations

Register of Professional Psychology Corporations

**18.** (1) A corporation may apply to the Board, in a form approved by the Board, to be registered in the Register of Professional Psychology Corporations.

Application and fees

(2) An applicant shall provide the following with an application made under subsection (1):

- (a) proof satisfactory to the Board that it meets the qualifications and requirements as set out in subsection (3);
- (b) payment of the fees established by the bylaws.

Eligibility for registration

(3) Subject to section 25, the Board shall direct the Registrar to register a corporation in the Register of Professional Psychology Corporations and issue a certificate of registration to the corporation where the Board is satisfied that

- (a) the corporation has submitted an application in accordance with subsections (1) and (2);
- (b) the corporation is in good standing under the *Canada Business Corporations Act* (Canada), R.S.C. 1985, c. C-44, the *Companies*

*Act R.S.P.E.I. 1988, Cap. C-14 or the Extra-Provincial Corporations Registration Act R.S.P.E.I. 1988, Cap. E-14 under which it was incorporated;*

- (c) the letters patent or articles of incorporation of the corporation permit the corporation to carry on the practice of psychology;
- (d) the name of the corporation meets the requirements as set out in the regulations;
- (e) each issued voting share of the corporation is legally and beneficially owned by
  - (i) a psychologist or psychological associate,
  - (ii) a trust in which all of the trustees and all of the beneficiaries are psychologists or psychological associates,
  - (iii) a professional psychology corporation, or
  - (iv) a corporation
    - (A) of which each issued voting share is legally and beneficially owned by one or more of the persons described in subclause (i) or (ii), and
    - (B) that meets the requirements of clauses (f) and (g);
- (f) each issued non-voting share of the corporation is legally and beneficially owned by
  - (i) a psychologist or psychological associate,
  - (ii) a psychologist corporation that is a voting shareholder in the corporation,
  - (iii) a spouse, child, sibling or parent of a psychologist or psychological associate who
    - (A) is a voting shareholder in the corporation, or
    - (B) is a voting shareholder in a professional psychology corporation that is a voting shareholder in the corporation,
  - (iv) a trust in which all of the trustees and all of the beneficiaries are persons described in subclause (i), (ii) or (iii), or
  - (v) a corporation of which
    - (A) each issued share is legally and beneficially owned by one or more of the persons described in subclause (i), (ii), (iii) or (iv), and
    - (B) each of the officers and directors are persons described in subclause (i), (ii) or (iii);
- (g) all of the officers and directors of the corporation are psychologists or psychological associates;
- (h) the persons who practice psychology on behalf of the corporation are registrants; and
- (i) the corporation meets any other requirements as set out in the regulations.

- (4) For the purposes of subsection (3), "spouse" means an individual "spouse", defined who, in respect of another person,
  - (a) is married to other person;

- (b) has entered into a marriage with the other person that is voidable or void;
- (c) is not married to the other person but is cohabiting with him or her in a conjugal relationship and has done so continuously for a period of at least three years; or
- (d) is not married to the other person but is cohabiting with him or her in a conjugal relationship and together they are the natural or adoptive parents of a child.

Registration

- (5) On receipt of a direction from the Board under subsection (3), the Registrar shall
- (a) register the applicant in the Register of Professional Psychology Corporations; and
  - (b) issue a certificate of registration to the applicant.

#### Terms and Conditions

Terms and conditions on registration

- 19.** (1) The Board may, at any time, impose any terms and conditions that it considers appropriate on the registration of a registrant or a professional psychology corporation.

Terms and conditions effective when served

- (2) The imposition of terms and conditions on a registration is not effective until notice of the imposition is served on the registrant or professional psychology corporation affected by it.

#### Certificate of Registration

Certificate of registration

- 20.** (1) The Registrar shall include the following information on a certificate of registration:

- (a) the name of the registrant or professional psychology corporation;
- (b) the Register in which the registrant or professional psychology corporation is registered;
- (c) the expiry date of the certificate of registration;
- (d) any terms and conditions imposed on the registration of the registrant or professional psychology corporation;
- (e) any other information required to be included on a certificate of registration by the regulations.

Amendment

- (2) If any of the information referred to in subsection (1) changes, the Registrar may amend the certificate of registration and issue a replacement certificate of registration.

Expiry

- (3) A certificate of registration expires on the date specified on the certificate.

- (4) Upon renewal of a certificate of registration, the Registrar shall issue a replacement certificate of registration. Renewal
- (5) Where the registration of a registrant or professional psychology corporation is suspended or cancelled under this Act or the regulations, Suspension or cancellation
- (a) the certificate of registration of the registrant or professional psychology corporation is invalid; and
  - (b) the registrant or professional psychology corporation shall, without delay after being served with notice of the suspension or cancellation, return the certificate of registration of the registrant or professional psychology corporation to the Board.
- (6) Upon the expiry of the suspension of the registration of a registrant or professional psychology corporation, the Registrar shall issue a replacement certificate of registration. Expiry of suspension

#### Requirement to Notify Board

- 21.** (1) A registrant who Notification of Board - registrant
- (a) is found guilty of an offence;
  - (b) is disciplined by a professional regulatory body; or
  - (c) ceases to hold professional liability insurance as required by the regulations,
- shall notify the Board without delay.
- (2) A psychologist candidate who ceases to be engaged in the post-doctoral supervised practice referred to in clause 14(3)(e) shall notify the Board without delay. Notification - psychologist candidate
- (3) A psychological associate candidate who ceases to be engaged in the post-graduate supervised practice referred to in clause 16(3)(e) shall notify the Board without delay. Notification - psychological associate candidate
- (4) A professional psychology corporation that ceases to meet any eligibility requirement for its registration under this Act or the regulations shall notify the Board without delay. Notification - professional psychology corporation

#### Renewal of Certificate of Registration

- 22.** (1) A registrant or a professional psychology corporation may, at least 30 days before the certificate of registration of the registrant or professional psychology corporation expires, apply to the Board, in a form approved by the Board, for renewal of the certificate of registration. Renewal of certificate of registration
- (2) An applicant shall provide the following with an application made under subsection (1): Application and fees

## Eligibility for renewal - registrant

- (a) proof satisfactory to the Board that the applicant meets the qualifications and requirements as set out in subsection (3) or (4), as the case may be;
- (b) payment of the fees established by the bylaws.

(3) Subject to section 25, the Board shall direct the Registrar to renew the certificate of registration of an applicant who is a registrant if the Board is satisfied that the applicant

- (a) has submitted an application in accordance with subsections (1) and (2);
- (b) has fulfilled the continuing education requirements as set out in the regulations;
- (c) has fulfilled the requirements for currency of professional knowledge and skills as set out in the regulations;
- (d) has not been found guilty of an offence that, in the Board's opinion, renders the applicant unsuitable to practice psychology;
- (e) has not been disciplined by a professional regulatory body for conduct that, in the Board's opinion, renders the applicant unsuitable to practice psychology;
- (f) has professional liability insurance as required by the regulations;
- (g) where the applicant is a psychologist candidate,
  - (i) meets the requirements for post-doctoral supervised practice as set out in the regulations, and
  - (ii) meets the examination requirements as set out in the regulations;
- (h) where the applicant is a psychological associate candidate,
  - (i) meets the requirements for post-graduate supervised practice as set out in the regulations, and
  - (ii) meets the examination requirements as set out in the regulations; and
- (i) meets any other requirements as set out in the regulations.

## Eligibility for renewal - professional psychology corporation

(4) Subject to section 25, the Board shall direct the Registrar to renew the certificate of registration of an applicant that is a professional psychology corporation if the Board is satisfied that the applicant

- (a) has submitted an application in accordance with subsections (1) and (2);
- (b) continues to meet the requirements as set out in clauses 18(3)(b) to (h); and
- (c) meets any other requirements as set out in the regulations.

## Renewal

(5) On receipt of a direction from the Board under subsection (3) or (4), the Registrar shall renew the certificate of registration of the registrant or the professional psychology corporation, as the case may be.

### Cancellation of Registration

**23.** (1) The Registrar shall cancel the registration of a registrant or a professional psychology corporation whose certificate of registration expires. Cancellation of registration

(2) Notwithstanding subsection 20(3) or 22(1), on the written request of a registrant or professional psychology corporation, the Board may, in writing, Extension

- (a) extend the time for making an application for renewal of a certificate of registration; or
- (b) extend a certificate of registration beyond the expiry date specified on the certificate for a period not exceeding 30 days.

(3) A registrant or professional psychology corporation may Surrender of certificate of registration

- (a) surrender the certificate of registration held by the registrant or the professional psychology corporation to the Registrar; and
- (b) request the Registrar, in writing, to cancel the registration of the registrant or the professional psychology corporation.

(4) On receipt of a request by a registrant or professional psychology corporation under clause (3)(b), the Registrar shall cancel the registration of the registrant or professional psychology corporation. Cancellation of registration

### Reinstatement of Registration

**24.** (1) Where the registration of a former registrant was cancelled under section 23 and less than two years have expired since the cancellation, the former registrant may apply to the Board, in a form approved by the Board, for reinstatement of his or her registration. Application for reinstatement of registration

(2) Where the registration of a former professional psychology corporation was cancelled under section 23, the former professional psychology corporation may apply to the Board in a form approved by the Board, for reinstatement of its registration. *Idem*

(3) An applicant shall provide the following with an application made under subsection (1) or (2): Application and fees

- (a) proof satisfactory to the Board that the applicant meets the qualifications and requirements as set out in subsection (4) or (5), as the case may be;
- (b) payment of the fees established by the bylaws.

(4) Subject to section 25, the Board shall direct the Registrar to reinstate the registration of an applicant who is a former registrant and issue a certificate of registration to the applicant if the Board is satisfied that the applicant Eligibility for reinstatement - registrant

- (a) has submitted an application in accordance with subsections (1) and (3);
- (b) is in good standing with the professional regulatory bodies regulating the practice of psychology, or the use of titles relating to the practice of psychology, in the jurisdictions in which he or she was authorized to practice psychology or to use a title relating to the practice of psychology since the cancellation of his or her registration;
- (c) meets any requirements for currency of professional knowledge and skills as set out in the regulations;
- (d) has not been found guilty of an offence that, in the Board's opinion, renders the applicant unsuitable to practice psychology;
- (e) has not been disciplined by a professional regulatory body for conduct that, in the Board's opinion, renders the applicant unsuitable to practice psychology;
- (f) has professional liability insurance as required by the regulations;
- (g) where the registrant is a psychologist candidate,
  - (i) meets the requirements for post-doctoral supervised practice as set out in the regulations, and
  - (ii) meets the examination requirements as set out in the regulations;
- (h) where the applicant is a psychological associate candidate,
  - (i) meets the requirements for post-graduate supervised practice as set out in the regulations, and
  - (ii) meets the examination requirements as set out in the regulations; and
- (i) meets any other requirements as set out in the regulations.

Eligibility for  
reinstatement –  
professional  
psychology  
corporation

- (5) Subject to section 25, the Board shall direct the Registrar to reinstate the registration of an applicant that is a former professional psychology corporation and issue a certificate of registration to the applicant if the Board is satisfied that the applicant
  - (a) has submitted an application in accordance with subsections (2) and (3);
  - (b) meets the eligibility requirements in clauses 18(3)(b) to (h); and
  - (c) meets any other requirements as set out in the regulations.

Reinstatement of  
registration

- (6) On receipt of a direction from the Board under subsection (4) or (5), the Registrar shall reinstate the registration of the applicant.

#### Refusal, Suspension or Cancellation of Registration

Refusal of  
application

- 25.** (1) The Board may refuse to register an applicant where the Board determines that the applicant does not meet the eligibility requirements for registration under this Act or the regulations.

- (2) The Board may refuse to consider an application for registration, Refusal to consider for renewal of a certificate of registration, or for reinstatement of a application registration, by an applicant who
- (a) has an outstanding charge for an offence; or
  - (b) is under investigation by a professional regulatory body, until the matter has been resolved.
- (3) The Board may suspend or cancel the registration of a registrant who Suspension or cancellation of registration
- (a) is found guilty of an offence that, in the Board's opinion, renders the registrant unsuitable to practice psychology;
  - (b) is disciplined by a professional regulatory body for conduct that, in the Board's opinion, renders the registrant unsuitable to practice psychology; or
  - (c) ceases to hold professional liability insurance as required by the regulations.
- (4) The Board may suspend or cancel the registration of *Idem*
- (a) a psychologist candidate who ceases to be engaged in the post-doctoral supervised practice referred to in clause 14(3)(e);
  - (b) a psychological associate candidate who ceases to be engaged in the post-graduate supervised practice referred to in clause 16(3)(e); or
  - (c) a professional psychology corporation that ceases to meet any eligibility requirement for its registration under this Act or the regulations.
- (5) The Board shall not suspend or cancel the registration of a *Exception* professional psychology corporation under clause (4)(c) where the professional psychology corporation has ceased to meet an eligibility requirement under this Act and the regulations for registration because a shareholder of the professional psychology corporation has died, or has ceased to be registered, unless the Board is satisfied that the professional psychology corporation has failed to meet the eligibility requirement for a period exceeding 90 days.
- (6) In the event of the death of a psychologist or psychological associate who is a shareholder of a professional psychology corporation, Extension of time the Board may, in writing, extend the 90 day period provided for in subsection (5) for the further period that it considers reasonable.
- 26.** (1) On refusing to register an applicant, refusing to consider an application or suspending or cancelling a registration under section 25, the Board shall serve, on the affected person,
- (a) written notice of and reasons for the refusal, suspension or cancellation; and
  - (b) written notice of the right to appeal under section 27.

Suspension or cancellation not effective until served

(2) A suspension or cancellation of a registration under section 25 is not effective until notice of the suspension or cancellation is served on the person affected by it.

#### Appeal

Appeal of terms and conditions on registration

**27.** (1) A person who is aggrieved by the imposition of terms and conditions on his or her registration by the Board under section 19 may appeal the imposition of the terms and conditions to the Court of Appeal within 30 days after being served with notice of the imposition.

Appeal of refusal, suspension or cancellation

(2) A person who is aggrieved by a refusal of the Board or a suspension or cancellation of a registration by the Board under section 25 may appeal the refusal, suspension or cancellation to the Court of Appeal within 30 days after being served with notice of the refusal, suspension or cancellation.

Decision of Court of Appeal

(3) On hearing an appeal, the Court of Appeal may  
 (a) confirm, revoke or vary the terms and conditions imposed by the Board or the refusal, suspension or cancellation appealed from;  
 (b) refer the matter, or any issue, back to the Board for further consideration; or  
 (c) provide any direction that it considers appropriate.

Costs of appeal

(4) The Court of Appeal may make any order as to the costs of an appeal that it considers appropriate.

#### Professional Designation

Psychologist or C. Psych.

**28.** (1) A psychologist may use the designation “Psychologist” or “C. Psych.”.

Psychologist (Candidate)

(2) A psychologist candidate may use the designation “Psychologist (Candidate)”, without abbreviation.

Psychological Associate

(3) A psychological associate may use the designation “Psychological Associate”, without abbreviation.

Psychological Associate (Candidate)

(4) A psychological associate candidate may use the designation “Psychological Associate (Candidate)” without abbreviation.

Professional Psychology Corporation

(5) A professional psychology corporation may use the designation “Professional Psychology Corporation”, without abbreviation.

#### Professional Psychology Corporations

Name

**29.** (1) A professional psychology corporation may practice psychology through one or more registrants

(a) under its own name; or  
 (b) as a member of a general partnership of  
     (i) professional psychology corporations, or  
     (ii) one or more professional psychology corporations and one or  
         more psychologists, or psychological associates, or both,  
         under a name that meets the requirements as set out in the  
         regulations.

(2) The relationship of a registrant to a professional psychology corporation as a shareholder, director, officer or employee does not affect, modify or diminish  
 (a) the application of this Act or the regulations to;  
 (b) the fiduciary, ethical and legal duties of; or  
 (c) the liability of,  
 the registrant.

Relationship to  
 professional  
 psychology  
 corporation does  
 not affect duties

(3) A professional psychology corporation is jointly and severally liable with a registrant who practices psychology on behalf of the professional psychology corporation for any fines, costs and expenses that the registrant is ordered to pay under this Act.

Joint and several  
 liability

(4) In the event of a conflict between the duty of a registrant to a client, the Board or the public and his or her duty to a professional psychology corporation, the duty to the client, the Board or the public, as the case may be, prevails.

Duty where conflict

**30.** (1) Nothing contained in this Act shall affect, modify or limit any law applicable to the confidential or ethical relationships between a registrant and a person receiving the professional services of the registrant.

Psychologist  
 practitioner to client  
 relationship

(2) The relationship between a professional psychology corporation and a person receiving the professional services of the corporation is subject to all applicable laws relating to the confidential and ethical relationship between a registrant and a person receiving the professional services of the registrant.

*Idem*

(3) All rights and obligations pertaining to communications made to, or information received by, registrants, apply to the shareholders, directors, officers and employees of a professional psychology corporation.

Confidentiality of  
 information

**31.** No shareholder of a professional psychology corporation shall enter into a voting trust agreement, proxy or any other type of agreement vesting in another person who is not a psychologist or psychological associate the authority to exercise the voting rights attached to any or all of the shareholder's shares.

Voting of shares  
 restrictions

Change in  
shareholders or  
directors

**32.** A professional psychology corporation shall notify the Registrar within 15 days of any change of the shareholders or directors of the professional psychology corporation.

**PART IV**  
**DISCIPLINE**  
**Interpretation**

Definitions

**33.** (1) In this Part,

(a) “complaint” means a complaint made or initiated under section 36 or referred to the investigation committee under clause 47(2)(c);

(b) “complainant” means

(i) a person who makes a complaint to the Registrar under subsection 36(1), or

(ii) the Registrar, in respect of a complaint initiated by the Registrar under subsection 36(3);

(c) “conduct” includes an act or an omission;

(d) “hearing committee” means the hearing committee appointed by the Board under subsection 48(1);

(e) “investigation committee” means the investigation committee appointed by the Board under subsection 35(1);

(f) “investigator” means an investigator appointed by the Board under subsection 35(5);

(g) “respondent” means a registrant or former registrant who is the subject of a complaint.

Professional  
misconduct

**34.** (1) The conduct of a respondent may be found to constitute professional misconduct if

(a) the respondent contravenes this Act or the regulations in a manner that, in the opinion of the investigation committee or the hearing committee, relates to the respondent’s suitability to practice psychology;

(b) the respondent has been found guilty of an offence that, in the opinion of the investigation committee or the hearing committee, relates to the respondent’s suitability to practice psychology;

(c) the respondent refuses or fails to cooperate fully in respect of the investigation or hearing of a complaint;

(d) the respondent contravenes an order made under this Act; or

(e) the conduct of the respondent constitutes professional misconduct as defined in the regulations.

(2) The conduct of a respondent may be found to constitute incompetence where

- (a) an act or omission of the respondent
  - (i) demonstrates a lack of knowledge, skill or judgment,
  - (ii) demonstrates disregard for the safety or welfare of a client, or
  - (iii) constitutes incompetence as defined in the regulations; or
- (b) the respondent is unable to practice psychology in accordance with accepted professional standards for any reason, including that the respondent is impaired by a disability, illness, addiction or condition.

Incompetence

#### Investigation Committee

**35.** (1) The Board shall appoint an investigation committee, composed of three persons, including at least one member of the Board and at least one public representative.

Investigation committee

(2) The Board shall appoint a member of the investigation committee who is also a member of the Board as the chair of the investigation committee.

Chair

(3) Two members of the investigation committee constitute a quorum.

Quorum

(4) A member of the investigation committee who has a conflict of interest in respect of a matter that is before the investigation committee shall

Conflict of interest of member of investigation committee

- (a) disclose the nature of the conflict of interest to the investigation committee; and
- (b) refrain from attempting to influence the disposition of the matter or participating in consideration of the matter.

(5) The Board may appoint one or more persons as investigators.

Investigators

#### Complaint

**36.** (1) Any person, other than the Registrar, may make a complaint to the Registrar alleging that

Complaint of professional misconduct or incompetence

- (a) the conduct of a registrant; or
  - (b) the conduct of a former registrant that occurred while the person was a registrant,
- constitutes professional misconduct or incompetence.

(2) A person who wishes to make a complaint under subsection (1) shall

Form of complaint

- (a) state the complaint and the grounds for the complaint in writing; and
- (b) sign the complaint.

Registrar may initiate complaint

- (3) In the absence of a complaint made to the Registrar under subsection (1), the Registrar may initiate a complaint, in writing, if he or she has reasonable grounds to believe that
  - (a) the conduct of a registrant; or
  - (b) the conduct of a former registrant that occurred while the person was a registrant,
 constitutes professional misconduct or incompetence.

Continuing jurisdiction

- (4) A former registrant continues to be subject to the jurisdiction of the Board, the investigation committee, an investigator and the hearing committee with respect to any conduct that occurred while the former registrant was a registrant that may constitute professional misconduct or incompetence.

Referral of complaint to Deputy Registrar

- (5) Where
  - (a) the Registrar
    - (i) has a conflict of interest regarding a complaint made under subsection (1), or
    - (ii) initiates a complaint under subsection (3); and
  - (b) a Deputy Registrar has been appointed under subsection 10(2), the Registrar shall refer the complaint to the Deputy Registrar.

Registrar shall refrain from participating

- (6) Where the Registrar refers a complaint to the Deputy Registrar under subsection (5),
  - (a) the Registrar shall refrain from participating in any investigation, proceeding or decision in respect of the complaint;
  - (b) the Deputy Registrar may exercise the powers and shall perform the duties of the Registrar under this Act and the regulations in respect of the complaint; and
  - (c) a reference in this Act or the regulations to the Registrar in respect of the complaint shall be read as a reference to the Deputy Registrar.

Service of copy of complaint

- 37.** (1) Within 15 days after the receipt of a complaint under subsection 36(1) or the initiation of a complaint under subsection 36(3), the Registrar shall

- (a) serve on the respondent,
  - (i) a copy of the complaint, and
  - (ii) written notice of the respondent's right to submit a response to the complaint under subsection (2); and
- (b) notify the Board of the complaint.

Written response to complaint

- (2) A respondent may submit a written response to a complaint to the Registrar within 15 days after being served with a copy of the complaint under clause (1)(a).

(3) The Registrar shall, immediately after the expiry of the period referred to in subsection (2), serve a copy of any response submitted under subsection (2) on the complainant.

(4) Notwithstanding section 38, where

(a) the Registrar

(i) has a conflict of interest in respect of a complaint made under subsection 36(1), or

(ii) initiates a complaint under subsection 36(3); and

(b) a Deputy Registrar has not been appointed under subsection 10(2),

the Registrar shall, immediately after the expiry of the period referred to in subsection (2) and the service of a copy of any response under subsection (3),

(c) refer the complaint, and any response to the complaint submitted under subsection (2), to the investigation committee; and

(d) refrain from participating in any investigation, proceeding or decision in respect of the complaint.

Referral of  
complaint to  
investigation  
committee where  
conflict

**38.** (1) The Registrar

Registrar to inquire

(a) shall inquire into a complaint to the extent that the Registrar determines is warranted; and

(b) may attempt to resolve the complaint informally if the Registrar considers informal resolution to be appropriate and not contrary to the public interest.

(2) The Registrar shall dismiss a complaint if the Registrar finds

Dismissal of  
complaint

(a) that the complaint is frivolous, vexatious or without foundation; or

(b) that

(i) the complaint has been resolved or the complainant wishes no further action to be taken, and

(ii) dismissal is not contrary to the public interest.

(3) On dismissing a complaint, the Registrar shall serve on the complainant and the respondent,

(a) written notice of and reasons for the dismissal; and

(b) written notice of the complainant's right to request a review of the dismissal under subsection 39(1).

(4) Where the Registrar does not dismiss a complaint under subsection (3), the Registrar shall refer the complaint to the investigation committee.

Referral of  
complaint

**39.** (1) The complainant may, within 30 days after being served with the notice of the dismissal of a complaint by the Registrar under subsection 37(3), submit a request for a review of the dismissal to the Board.

Request for review  
of dismissal

Referral of request	(2) The Board shall refer a request for a review of the dismissal of a complaint made under subsection (1) to the investigation committee.
Review based on record	(3) Unless the investigation committee otherwise determines, a review of the dismissal of a complaint by the investigation committee shall be based on the record prepared by the Registrar and the Registrar's reasons for dismissal.
Decision	(4) Within 60 days after receipt of a request for review under subsection (2), the investigation committee shall review the dismissal and <ul style="list-style-type: none"> <li>(a) confirm the dismissal; or</li> <li>(b) where the investigation committee finds that the dismissal of the complaint was in error, overturn the dismissal.</li> </ul> (5) On confirming or overturning a dismissal under subsection (4), the investigation committee shall serve, on the complainant and the respondent, written notice of and reasons for its decision.
Investigation	(6) Where the investigation committee overturns the dismissal of a complaint, the investigation committee shall <ul style="list-style-type: none"> <li>(a) investigate the complaint; or</li> <li>(b) refer the complaint to an investigator for an investigation.</li> </ul>
Powers of investigation committee	<p style="text-align: center;"><b>Consideration of Complaint</b></p> <p><b>40.</b> (1) Within 30 days after the referral of a complaint to the investigation committee under subsection 37(4) or 38(4) or clause 47(2)(c), the investigation committee shall consider the complaint and any response to the complaint that was submitted by the respondent under subsection 37(2), and <ul style="list-style-type: none"> <li>(a) dismiss the complaint, if in the opinion of the investigation committee, the complaint is frivolous and vexatious or without merit;</li> <li>(b) refer the complaint to a mediator for mediation, <ul style="list-style-type: none"> <li>(i) the investigation committee is satisfied that the referral is appropriate in the circumstances and not contrary to the public interest, and</li> <li>(ii) the complainant and the respondent agree to participate in mediation;</li> </ul> </li> <li>(c) make any order that the hearing committee is authorized to make under subsection 51(2), if the respondent consents to the order; or</li> <li>(d) investigate the complaint or refer the complaint to an investigator for investigation.</li> </ul> </p>

## Mediation

**41.** (1) The investigation committee may establish procedures to be followed with respect to mediation, including procedures pertaining to the selection of a mediator.

Procedures for  
mediation

(2) Where the investigation committee refers a complaint to a mediator for mediation under clause 40(1)(b) and the complainant and the respondent agree to a proposed resolution of the complaint, the mediator shall

Agreement

- (a) ensure that the proposed resolution is recorded in a written agreement that
  - (i) includes all of the terms and conditions agreed to by the complainant and the respondent, and
  - (ii) is signed by the complainant, the respondent and the mediator; and
- (b) submit the agreement referred to in clause (a) to the investigation committee.

(3) On receipt of an agreement submitted to the investigation committee under clause (2)(b), the investigation committee shall

Approval or  
rejection

- (a) approve or reject the proposed resolution; and
- (b) serve on the complainant and the respondent,
  - (i) written notice of the approval, or
  - (ii) written notice of the rejection and reasons for the rejection.

(4) Where the investigation committee approves the proposed resolution of a complaint under clause (3)(a), the investigation committee shall

Implementation of  
resolution

- (a) make any order or take any action required for the implementation of the resolution; and
- (b) notify the Board of the resolution of the complaint and the terms of the resolution.

(5) Where the investigation committee refers a complaint to mediation under clause 40(1)(b) and

Investigation

- (a) the investigation committee concludes that mediation is not likely to be successful;
- (b) the complaint is not resolved within 60 days of the referral; or
- (c) the investigation committee rejects the proposed resolution of the complaint under clause (3)(a),

the investigation committee shall investigate the complaint or refer the complaint to an investigator for investigation.

**42.** (1) In this section, “legal proceeding” means

“legal proceeding”,  
defined

- (a) a proceeding in any court, including a civil proceeding or a proceeding for the imposition of punishment by fine, penalty or

imprisonment to enforce an Act or a regulation made under an Act;  
and  
(b) an investigation or a hearing under this Act.

Inadmissibility of evidence      (2) No evidence of or relating to a statement made by a mediator or a participant to mediation in the course of and for the purposes of the mediation is admissible in a legal proceeding without the consent of the mediator and the participant.

*Idem*

(3) A mediator of a complaint is not a competent or compellable witness in a legal proceeding in respect of information obtained by the mediator in the course of or in relation to the mediation.

Notice and copy of complaint

**43.** Where the investigation committee refers a complaint to an investigator under clause 39(6)(b) or 40(1)(d) or subsection 41(5), the investigation committee shall

- (a) serve written notice of the referral on the complainant and the respondent; and
- (b) provide the investigator with a copy of the complaint and any response to the complaint submitted under subsection 37(2).

#### Investigation

Powers of investigation committee or investigator

**44.** (1) The investigation committee or an investigator

- (a) may do all things necessary to provide a full and proper investigation of a complaint;
- (b) may deal with multiple complaints concerning a respondent severally or in combination;
- (c) shall consider the allegations and the evidence and ascertain the facts of each complaint in the manner that the investigation committee or investigator considers fit;
- (d) may make oral or written inquiries of any person who may have information relevant to the investigation;
- (e) may require the respondent or another registrant to be interviewed for the purpose of the investigation;
- (f) may require the respondent to produce for examination any documents, records and other materials that are in his or her possession or under his or her control that may be relevant to the investigation;
- (g) may copy and keep copies of any documents, records and other materials produced under clause (f); and
- (h) may investigate any matter in addition to the complaint that arises in the course of the investigation and that may constitute professional misconduct or incompetence.

- (2) Where the investigation committee or an investigator investigates a complaint that the conduct of the respondent constitutes incompetence, the investigation committee or the investigator may
- (a) require the respondent to undertake the examination of knowledge or skills related to the practice of psychology that the investigator directs to determine whether or not the respondent is competent to practice psychology; and
  - (b) where the investigation committee or the investigator has reasonable grounds to believe that the respondent's capacity to practice psychology in accordance with accepted professional standards is impaired by a disability or a condition, including an addiction or an illness, require the respondent to submit to the physical or psychological examinations by the qualified persons that the investigation committee or the investigator designates.
- (3) Where an investigator investigates a complaint and a registrant fails or refuses, without reasonable cause, to
- (a) respond to an inquiry or comply with a requirement under subsection (1); or
  - (b) comply with a requirement under subsection (2),
- the investigator shall report the failure or refusal to the investigation committee in writing.
- (4) Where a registrant fails or refuses, without reasonable cause, to
- (a) respond to an inquiry or comply with a requirement under subsection (1); or
  - (b) comply with a requirement under subsection (2),
- the investigation committee may suspend or impose terms and conditions on the registration of the registrant until he or she complies.
- 45.** (1) After completing an investigation, the investigation committee or the investigator shall, within a reasonable time, prepare a written investigation report of the findings of the investigation committee or the investigator.
- (2) An investigator shall provide his or her investigation report to the investigation committee.
- (3) The investigation committee shall serve a copy of the investigation report prepared under subsection (1) on the complainant and the respondent.
- 46.** (1) The investigation committee shall, after consideration of the investigation report prepared under subsection 45(1),
- (a) dismiss the complaint, if in the opinion of the investigation committee
    - (i) the allegations are frivolous or vexatious or without merit, or

	there is insufficient evidence to support the allegations;
	(b) make any order that the hearing committee is authorized to make under subsection 51(2), if the respondent consents to the order; or
	(c) refer the complaint to the hearing committee for a hearing.
Dismissal of complaint	<p>(2) Where the investigation committee dismisses a complaint under clause 40(1)(a) or 46(1)(a), the investigation committee shall serve on</p> <ul style="list-style-type: none"> <li>(a) the complainant and the respondent, <ul style="list-style-type: none"> <li>(i) written notice of and reasons for the dismissal,</li> <li>(ii) written notice of the complainant's right to appeal the dismissal under subsection 52(1); and</li> </ul> </li> <li>(b) the Board, written notice of and reasons for the dismissal.</li> </ul>
Service of copy of order	<p>(3) Where the investigation committee makes an order under clause 40(1)(c) or 46(1)(b), the investigation committee shall serve a copy of the order on the complainant, the respondent and the Board.</p>
Referral to hearing committee	<p>(4) Where the investigation committee refers a complaint to the hearing committee under clause (1)(c), the investigation committee shall</p> <ul style="list-style-type: none"> <li>(a) serve written notice of the referral on the complainant, the respondent and the Board;</li> <li>(c) provide the hearing committee with a copy of the complaint and any response to the complaint submitted under subsection 37(2); and</li> <li>(d) appoint legal counsel to adduce evidence at the hearing.</li> </ul>
Interim order	<b>Interim Order</b>
	<p><b>47.</b> (1) Notwithstanding any other provision of this Act, where the Board has reasonable grounds to believe that the conduct of a registrant poses a demonstrable risk of harm to the registrant's clients or to the general public, the Board may make an order</p> <ul style="list-style-type: none"> <li>(a) imposing terms and conditions on the registrant's registration; or</li> <li>(b) suspending the registrant's registration.</li> </ul>
Service of order and referral	<p>(2) Where the Board makes an order under subsection (1), the Board shall</p> <ul style="list-style-type: none"> <li>(a) serve on the registrant who is the subject of the order <ul style="list-style-type: none"> <li>(i) a copy of the order,</li> <li>(ii) written reasons for the order, and</li> <li>(iii) written notice of the right to appeal under subsection 52(2);</li> </ul> </li> <li>(b) serve a copy of the order on the Registrar; and</li> <li>(c) refer the matter as a complaint to the investigation committee, if a complaint has not been made or initiated in respect of the matter.</li> </ul>
Order in effect when served	<p>(3) An order of the Board made under subsection (1)</p> <ul style="list-style-type: none"> <li>(a) is in effect when it is served on the registrant who is the subject of the order; and</li> </ul>

(b) is valid for the period, not exceeding 90 days, that is specified in the order.

#### Hearing Committee

**48.** (1) The Board shall appoint a hearing committee, composed of three persons who are not members of the investigation committee or investigators, including at least one psychologist and at least one public representative. Hearing committee

(2) The Board shall appoint a member of the hearing committee who is a psychologist as the chair of the hearing committee. Chair

(3) Two members of the hearing committee constitute a quorum. Quorum

(4) A member of the hearing committee who has a conflict of interest in respect of a matter that is before the hearing committee shall Conflict of interest of member of hearing committee

- (a) disclose the nature of the conflict of interest to the hearing committee; and
- (b) refrain from attempting to influence the disposition of the matter or participating in consideration of the matter.

(5) In the discharge of the functions of the hearing committee, the hearing committee and each member of the hearing committee have all of the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act R.S.P.E.I. 1988, Cap. P-31*. Powers, privileges and immunities

#### Hearing

**49.** (1) The hearing committee shall, Hearing

- (a) unless otherwise directed by the Board, hold a hearing into a complaint referred to it within 45 days of the referral; and
- (b) conduct its proceedings in accordance with the rules of natural justice.

(2) The hearing committee shall, not less than 30 days before the date set for the hearing, serve written notice of the date, time, place and subject matter of the hearing on Notice of hearing

- (a) the complainant;
- (b) the respondent; and
- (c) the legal counsel appointed under 46(4)(c).

(3) The hearing committee may retain any legal or other assistance that it considers necessary for the purposes of conducting a hearing. Retaining assistance

(4) The respondent has the right to appear, to be represented by legal counsel, and to examine, cross-examine and re-examine witnesses at a hearing. Right to appear

Hearing in absence of respondent	(5) Where the respondent fails to appear at a hearing after being served with notice in accordance with subsection (2), the hearing committee may proceed with the hearing in the absence of the respondent and make any decision, determination or order as if the respondent were in attendance.
Powers of hearing committee	<p><b>50.</b> (1) The hearing committee</p> <ul style="list-style-type: none"> <li>(a) may do all things necessary to provide a full and proper hearing in respect of a complaint;</li> <li>(b) may deal with multiple complaints concerning a respondent severally or in combination; and</li> <li>(c) may hear any matter in addition to the complaint before the hearing committee that arises in the course of its proceedings and that may demonstrate, in respect of the respondent, professional misconduct or incompetence.</li> </ul>
Opportunity to respond	(2) Where the hearing committee hears an additional matter referred to in clause (1)(c), the hearing committee shall give the respondent a reasonable opportunity to respond to the matter.
Hearing open to public	(3) A hearing shall be open to the public unless the hearing committee is of the opinion that <ul style="list-style-type: none"> <li>(a) the interests of a person other than the respondent may be detrimentally affected if the hearing, or part of the hearing, is not held in private; and</li> <li>(b) the desirability of avoiding public disclosure of financial, personal or other matters in the interest of a person affected or in the public interest outweighs the desirability of adhering to the principle that inquiries be open to the public.</li> </ul>
Protection of witness identity	(4) The hearing committee may, on the request of a witness whose testimony is of a confidential or personal and sensitive nature, order that no person publish the identity of the witness or any information that could disclose the identity of the witness.
Failure of registrant to comply	(5) Where a registrant fails to comply with a subpoena issued by the hearing committee or a member of the hearing committee, or refuses to answer any question under oath directed to be answered by the hearing committee or a member of the hearing committee, the failure or refusal may be held by the hearing committee to be professional misconduct.
Rules of evidence	(6) The hearing committee is not bound by strict rules of evidence or the provisions of the <i>Evidence Act R.S.P.E.I. 1988, Cap. E-11.</i>

### Determination and Order

**51.** (1) On concluding a hearing, the hearing committee shall determine whether conduct of the respondent constitutes professional misconduct or constitutes incompetence.

Determination of  
hearing committee

(2) Where the hearing committee determines that conduct of the respondent constitutes professional misconduct or constitutes incompetence, the hearing committee may make one or more of the following orders:

- (a) an order directing the respondent to undergo additional education or training;
- (b) an order directing the respondent to participate in counselling or a rehabilitative treatment program;
- (c) an order reprimanding the respondent;
- (d) an order imposing terms and conditions on the registration of the respondent;
- (e) an order suspending the registration of the respondent for a specified period of time or until the occurrence of a specified future event;
- (f) an order cancelling the registration of the respondent;
- (g) an order requiring the respondent to pay all or part of the costs incurred by the hearing committee to conduct the hearing;
- (h) an order imposing a fine on the respondent in the amount permitted by the regulations;
- (i) an order imposing any other sanction that the hearing committee considers to be appropriate.

(3) Within 30 days after the completion of a hearing, the hearing committee shall serve

Service of notice of  
determination and  
order

(a) written notice of and reasons for the determination made under subsection (1), and a copy of any order made under subsection (2),

on

- (i) the respondent,
- (ii) the complainant,
- (iii) the Registrar, and
- (iv) the Board; and

(b) written notice of the right to appeal the determination made under subsection (1), and any order made under subsection (2), on the respondent.

(4) An order of the hearing committee is in effect when it is served on the respondent and remains in effect pending an appeal unless the Court of Appeal, on application, stays the order pending the appeal.

Order in effect  
when served

Publication of determination or order

(5) The Board may advise the public of an order of the investigation committee or a determination or order of the hearing committee upon the terms that the Board considers to be necessary in the public interest.

Failure to comply with order

(6) Where the Board is satisfied that a respondent has failed to comply with an order of the investigation committee or the hearing committee, the Board may, without further hearing, make an order suspending the respondent's registration subject to any terms and conditions that the Board considers appropriate.

#### Appeal

Appeal to Court of Appeal

**52.** (1) A complainant may appeal the dismissal of a complaint by the investigation committee under clause 40(1)(a) or 46(1)(a) to the Court of Appeal within 30 days after being served with notice of the dismissal.

*Idem*

(2) A respondent may appeal

- (a) an order of the Board made under subsection 47(1);
- (b) a determination of the hearing committee made under subsection 51(1); or
- (c) an order of the hearing committee made under subsection 51(2), to the Court of Appeal within 30 days after being served with notice of the determination or a copy of the order.

Notice of appeal

(3) Notice of an appeal under subsection (1) or (2) must be served on the Registrar.

Decision of Court of Appeal

(4) On hearing an appeal, the Court of Appeal may

- (a) confirm, revoke or vary the dismissal, determination or order appealed from;
- (b) refer the matter, or any issue, back to the investigation committee or the hearing committee for further consideration; or
- (c) provide any direction that it considers appropriate.

Costs of appeal

(5) The Court of Appeal may make any order as to the costs of an appeal that it considers appropriate.

#### PART V GENERAL

##### Publication

Publication of decision or summary

**53.** (1) Subject to any publication ban ordered by the hearing committee under subsection 50(4), the Board may publish the hearing committee's decision or a summary of the decision by any means.

Publication of notice

(2) Where a respondent's registration is suspended or cancelled, or terms and conditions are imposed on a respondent's registration by the

investigation committee or the hearing committee, the Board may publish a notice of the suspension, cancellation or terms and conditions in the manner that it considers appropriate to inform the public.

#### Evidence

- 54.** (1) A certificate respecting a matter dealt with by this Act that purports to be issued by the Registrar is admissible in evidence as proof of its contents without proof of the office or signature of the Registrar. Certificate admissible in evidence
- (2) A copy of a certificate respecting a matter dealt with by this Act that purports to be certified by the Registrar is admissible in evidence as proof of the original document without proof of the office or signature of the Registrar. Certified copies

#### Limitation of Liability

- 55.** No action or proceeding lies or shall be instituted for anything done or omitted to be done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act, the regulations, the bylaws made by the Association or the bylaws made by the Board against the following: Limitation of liability

- (a) the Minister;
- (b) the Association;
- (c) the Board;
- (d) the Registrar;
- (e) an investigator;
- (f) the investigation committee;
- (g) the hearing committee;
- (h) a member of the investigation committee or the hearing committee;
- (i) a member, officer or employee of the Association or the Board;
- (j) others acting on behalf of the Association or the Board under the authority of this Act.

#### Notices

- 56.** (1) Any notice, order or other document required to be served on a person under this Act, the regulations, the bylaws made by the Association or the bylaws made by the Board is deemed to be sufficiently served Manner of service
- (a) upon a copy being personally served on the person to whom it is directed;
  - (b) upon a copy being sent by facsimile or other electronic means to the person to whom it is directed and an acknowledgement of receipt being received;

- (c) five days after a copy is sent by registered mail addressed to the person to whom it is directed at the last known address for that person; or
- (d) in the case of a registrant, five days after a copy is sent by registered mail addressed to the registrant at the business address shown in the records of the Registrar.

Service on corporation

(2) Where the person to be served is a corporation, service on a director, officer or recognized agent of the corporation in accordance with subsection (1) is deemed to be service on the corporation for the purposes of this Act.

Service on Board

(3) Service of any document on the Board may be made by service on the Registrar.

Substituted service

(4) Where it is impractical for any reason to serve an order in a manner referred to in subsection (2), an *ex parte* application may be made to a judge of the Supreme Court who may make an order for substituted service providing for the steps to be taken to bring the matter to the attention of the person to be served.

#### Offences

Use of title - psychologist

**57.** (1) No person, other than a psychologist, shall use the designation “Psychologist” or “C. Psych”, or any other title, name, description, abbreviation or derivative implying that the person is a psychologist.

Use of title – Psychologist (Candidate)

(2) No person, other than a psychologist candidate, shall use the designation “Psychologist (Candidate)”, or any other title, name, description, abbreviation or derivative implying that the person is a psychologist candidate.

Use of title – Psychological Associate

(3) No person, other than a psychological associate, shall use the designation “Psychological Associate”, or any other title, name, description, abbreviation or derivative implying that the person is a psychological associate.

Use of title – Psychological Associate (Candidate)

(4) No person, other than a psychological associate candidate, shall use the designation “Psychological Associate (Candidate)”, or any other title, name, description, abbreviation or derivative implying that the person is a psychological associate candidate.

Use of title – Professional Psychology Corporation

(5) No person, other than a professional psychology corporation, shall use the designation “Professional Psychology Corporation”, or any other title, name, description, abbreviation or derivative implying that the person is a professional psychology corporation.

(6) No person, other than a registrant or a professional psychology corporation, shall use any title, name or description incorporating the words “psychology”, “psychological” or “psychologist”, or any abbreviation or derivative, implying that the person practices psychology. Use of title – practicing psychology

- (7) This section does not apply to Exception
- (a) a professor of psychology while carrying out teaching and research duties, who uses a title or description that clearly indicates his or her professor of psychology status; or
  - (b) a person
    - (i) who is authorized to practice psychology, or to use a title relating to the practice of psychology, by a professional regulatory body in another jurisdiction recognized by the Board, and
    - (ii) whose practice of psychology in the province consists only of the provision of educational workshops or courses and does not exceed one week in a calendar year.

**58.** No registrant or professional psychology corporation shall practice Prohibition psychology

- (a) in violation of any terms or conditions imposed on the registration of the registrant or professional psychology corporation; or
- (b) while the registration of the registrant or professional psychology corporation is suspended.

**59.** No person shall knowingly furnish false information in any application under this Act, or in any statement or return required to be furnished under this Act, the regulations, the bylaws made by the Association or the bylaws made by the Board. False representation

**60.** Every person who contravenes Offences and penalties

- (a) this Act or the regulations; or
- (b) an order made by the investigation committee, the hearing committee or the Board under this Act or the regulations,

is guilty of an offence and is liable, on summary conviction, to a fine not exceeding \$5,000, or to imprisonment for a term not exceeding six months, or both.

**61.** (1) Every officer, director or agent of a corporation who directs, authorizes, assents to, acquiesces in, or participates in, the commission of an offence by that corporation is also guilty of the offence and is liable, on summary conviction, to a fine not exceeding \$5,000, or to imprisonment for a term not exceeding six months, or both. Penalties

*Idem*Prosecution,  
limitation period

Injunction

(2) Subsection (1) applies whether or not the corporation has been prosecuted or convicted of the offence.

**62.** No prosecution for an offence under this Act or the regulations shall be commenced after two years from the date when the offence is alleged to have been committed.

#### Injunction

Regulations

**63.** Where a person does, or threatens or attempts to do, anything that contravenes this Act or the regulations, the Supreme Court may, on the application of the Board, grant an injunction restraining the person from committing or continuing the contravention.

#### Regulations

**64.** (1) Subject to the approval of the Lieutenant Governor in Council, the Board, after consultation with the Association, may make regulations

- (a) respecting the information required to be entered in each Register, and requiring a registrant or professional psychology corporation to notify the Registrar without delay of any change in the information entered in a Register in respect of the registrant or professional psychology corporation;
- (b) respecting the information entered in each Register that is required to be disclosed to any person or to another professional regulatory body;
- (c) respecting the procedures and requirements for applications for registration and reinstatement of registration in each Register and for renewal of certificates of registration, and the information, evidence and supporting material that must be provided with applications;
- (d) requiring a registrant or professional psychology corporation to notify the Registrar without delay of any change in the information provided with an application;
- (e) respecting the practicum training, internship and supervised practice requirements for applicants for registration and reinstatement of registration in each Register and for renewal of certificates of registration, including setting out the circumstances in which any requirements are deemed to have been met;
- (f) respecting the assessment of the educational qualifications of applicants for registration in each Register, including providing for a transitional period for the assessment of educational qualifications obtained within one year after the coming into force of this Act and setting out the circumstances in which any requirements are deemed to have been met;

- (g) respecting the qualifications required of a supervisor who supervises the practice of a psychologist candidate or a psychological associate candidate, and the duties of a supervisor;
  - (h) respecting the examinations
    - (i) required to have been successfully completed by applicants for registration in the Register of Psychologists and the Register of Psychological Associates, and
    - (ii) required to have been taken or successfully completed by psychological candidates or psychological associate candidates who apply for renewal of their certificates of registration;
  - (i) respecting requirements for currency of professional knowledge and skills for applicants for registration, reinstatement of registration and renewal of certificates of registration;
  - (j) respecting requirements for continuing education for registrants and establishing a program of continuing education;
  - (k) respecting the type and amount of professional liability insurance that registrants and professional psychology corporations are required to hold;
  - (l) respecting additional requirements for registration in each Register, renewal of a certificate of registration and reinstatement of registration;
  - (m) requiring a registrant who ceases to meet a requirement for registration as set out in the regulations to notify the Board without delay;
  - (n) respecting the terms and conditions that may be imposed on the registration of a registrant or a professional psychology corporation;
  - (o) respecting additional circumstances in which the registration of a registrant or professional psychology corporation may be suspended or cancelled;
  - (p) respecting the types of designations, titles, names, descriptions, abbreviations or derivatives that registrants or professional psychology corporations may use;
  - (q) respecting the types of names by which
    - (i) a professional psychology corporation,
    - (ii) a partnership of professional psychology corporations, or
    - (iii) a partnership of one or more professional psychology corporations and one or more psychologists or psychological associates, or both,
- may be known;
- (r) respecting the records and accounts to be kept by registrants and professional psychology corporations with respect to their practice;
  - (s) establishing or adopting standards, codes or guidelines of practice, professional conduct and ethics;
  - (t) respecting additional types of conduct that constitute professional misconduct or incompetence;

- (u) respecting the procedure to be followed at a hearing by a hearing committee;
- (v) respecting the amount of the fine that may be imposed on a respondent under an order made by the hearing committee under clause 51(2)(h), or the criteria to guide the determination of the amount of fine;
- (w) providing that the contravention of certain provisions of the regulations constitutes an offence;
- (x) providing for any transitional matters the Board considers necessary or advisable to facilitate the implementation of this Act;
- (y) defining any word or expression used but not defined in this Act;
- (z) further defining any word or expression defined in this Act; and
- (aa) deemed necessary or advisable to carry out effectively the objects of the Board and the intent and purpose of this Act.

Adoption  
by reference

(2) A regulation made under clause (1)(s) may adopt by reference, in whole or in part and with such changes as are considered necessary, any written standard, code or guideline relating to standards of practice, professional conduct or ethics, and require compliance with the standard, code or guideline as adopted.

Standard, code  
or guideline as  
amended

(3) A regulation made under clause (1)(s) may adopt a standard, code or guideline referred to in subsection (2) as amended from time to time.

Copies available for  
inspection

(4) A copy of every standard, code or guideline adopted by reference under subsection (2) shall be made available for public inspection during regular business hours in the office of the Registrar and shall be posted on the Board's website.

## PART VI TRANSITIONAL PROVISIONS

Bylaws continued  
in force under this  
Act

**65.** (1) The bylaws made by the Association established under the former Act that are in effect immediately before the day this Act comes into force continue in force under this Act to the extent that they are not inconsistent with this Act, until they are repealed or amended or cease to have effect under this Act.

Members of  
Executive deemed  
to be elected under  
bylaws made under  
this Act

(2) The persons who were elected under bylaws made under subsection 5(1) of the former Act as members of the Executive established under that Act, and who hold office immediately before the day this Act comes into force, are deemed to have been elected under bylaws made by the Association under section 4 of this Act as members of the Association until such time as their terms under the former Act would otherwise have expired if that Act had not been repealed, unless they sooner cease to hold office under this Act.

(3) The persons who were elected under bylaws made under subsection 5(1) of the former Act as officers of the Association established under that Act, and who hold office immediately before the day this Act comes into force, are deemed to have been elected under bylaws made by the Association under section 4 of this Act as officers of the Association until such time as their terms under the former Act would otherwise have expired if that Act had not been repealed, unless they sooner cease to hold office under this Act.

Officers of  
Association deemed  
to be elected under  
bylaws made under  
this Act

(4) The persons who have appointments under bylaws made under subsection 5(1) of the former Act as officers of the Association established under that Act that are in effect immediately before the day this Act comes into force are deemed to have been appointed as officers of the Association under bylaws made by the Association under section 4 of this Act until such time as their appointments under the former Act would otherwise have expired if that Act had not been repealed, unless they sooner cease to hold office under this Act.

Officers of  
Association deemed  
to be appointed  
under bylaws made  
under this Act

(5) The persons who were appointed under subsection 6(2) or 6(9) of the former Act as members of the Board established under that Act and who hold office immediately before the day this Act comes into force are deemed to have been appointed under subsection 6(1) of this Act as members of the Board until such time as their terms under the former Act would otherwise have expired if that Act had not been repealed, unless they sooner cease to hold office under this Act.

Members of Board  
deemed to be  
appointed under  
this Act

(6) The person who is the chairperson under subsection 6(5) of the former Act of the Board established under that Act immediately before the day this Act comes into force is deemed to have been appointed under subsection 8(1) of this Act as the chair of the Board until such time as his or her term under the former Act would otherwise have expired if that Act had not been repealed, unless he or she sooner ceases to hold office under this Act.

Chair of Board  
deemed to be  
appointed under  
this Act

(7) The persons who were appointed under subsection 6(5) of the former Act as executive officers of the Board established under that Act and who hold office immediately before the day this Act comes into force are deemed to have been appointed under subsection 8(2) of this Act as officers of the Board until such time as their terms under the former Act would otherwise have expired if that Act had not been repealed, unless they sooner cease to hold office under this Act.

Executive officers  
of Board deemed to  
be appointed under  
this Act

(8) The person who has an appointment under subsection 6(6) of the former Act as the Registrar that is in effect immediately before the day this Act comes into force is deemed to have been appointed as the Registrar under subsection 10(1) of this Act until such time as his or her appointment under the former Act would otherwise have expired if that

Registrar deemed to  
be appointed under  
this Act

Psychologist  
deemed to be  
registered under  
this Act

Act had not been repealed, unless he or she sooner ceases to hold office under this Act.

**66.** (1) Where a person, immediately before the day this Act comes into force, is registered as a psychologist under section 9 of the former Act and holds a certificate of registration issued under that section,

- (a) the person is deemed to be registered in the Register of Psychologists; and
- (b) the certificate of registration of the person is deemed to have been issued,

under section 13 of this Act.

*Idem*

(2) Where a person, immediately before the day this Act comes into force, holds a certificate of registration granted under section 11 of the former Act,

- (a) the person is deemed to be registered in the Register of Psychologists; and
- (b) the certificate of registration of the person is deemed to have been issued,

under section 17 of this Act.

Conditions continue

(3) Where a person is deemed under subsection (1) or (2) to be registered in the Register of Psychologists, the registration of the person is subject to any conditions or restrictions to which the certificate of registration of the person was subject under the former Act or the regulations made under that Act.

Expiry date  
continues

(4) Where a certificate of registration of a person is deemed under subsection (1) or (2) to have been issued under this Act, the certificate of registration is subject to the expiry date to which the certificate of registration of the person was subject under the former Act.

Matter pending  
before Board under  
former Act

**67.** (1) Where, under the former Act, a matter was pending before the Board under section 15 immediately before the day this Act comes into force, and was set for a hearing to commence within 60 days of the coming into force of this Act, the matter shall be concluded under the former Act as though this Act had not come into force.

Referral to hearing  
committee under  
this Act

(2) Notwithstanding subsection (1), the Board and the registrant whose conduct is under investigation or is the subject matter of a hearing under section 15 of the former Act may agree that the matter shall be referred as a complaint to a hearing committee appointed under subsection 48(1) of this Act, and the complaint shall be concluded under this Act.

*Idem*

(3) Where, under the former Act, a matter was pending before the Board under section 15 immediately before the day this Act comes into force, and was not set for a hearing to commence within 60 days of the

coming into force of this Act, the matter shall be referred as a complaint to a hearing committee appointed under subsection 48(1) of this Act, and the complaint shall be concluded under this Act.

(4) A complaint made after the day this Act comes into force that relates to conduct that occurred in whole or in part before the day this Act comes into force shall be dealt with under this Act.

Complaint made  
after this Act comes  
into force

(5) A direction, decision, action, determination, finding, recommendation or order made or carried out under the former Act that is in effect immediately before the day this Act comes into force continues in effect until it ceases to have effect under this Act.

Decisions, actions  
and orders continue  
in effect

## PART VII CONSEQUENTIAL AMENDMENT, REPEAL AND COMMENCEMENT

### Consequential Amendment

**68. Subsection 48(1) of the *Judicature Act R.S.P.E.I. 1988, Cap. J-2.1* is amended by the deletion of the words “the *Psychologists Act R.S.P.E.I. 1988, Cap. P-27.1*” and the substitution of the words “the *Psychologists Act R.S.P.E.I. 1988, Cap. P-27.2*”.**

Judicature Act

**69. The *Psychologists Act R.S.P.E.I. 1988, Cap. P-27.1* is repealed.**

Repeal

### Commencement

**70. This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.**

Commencement

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## CHAPTER 14

(Bill No. 21)

### Psychologists Act

STAGE:	DATE:
<i>1st Reading:</i>	November 27, 2009
<i>2nd Reading:</i>	December 3, 2009
<i>To Committee:</i>	December 3, 2009
<i>Reported:</i>	December 3, 2009
<i>3rd Reading and Pass:</i>	December 8, 2009
<i>Assent:</i>	December 9, 2009

SIGNATURES:

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Honourable Barbara A. Hagerman, Lieutenant Governor

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Honourable Kathleen M. Casey, Speaker

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Clerk

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Honourable Doug W. Currie

Minister of Health

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## GOVERNMENT BILL

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2009

3rd SESSION, 63rd GENERAL ASSEMBLY