



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **AMBULANCE SERVICES ACT**

## PLEASE NOTE

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

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## AMBULANCE SERVICES ACT

### Table of Contents

Section	Page
<b>INTERPRETATION</b>	<b>5</b>
1. Definitions.....	5
<b>ADMINISTRATION</b>	<b>6</b>
2. Minister responsible for Act.....	6
3. Provincial Ambulance Services Director .....	6
<b>AMBULANCE SERVICES</b>	<b>7</b>
4. Minister to ensure ambulance services provided .....	7
5. Unauthorized operation of ambulance operation .....	8
<b>MEDICAL ADVISOR</b>	<b>8</b>
6. Medical advisor.....	8
<b>USE OF AMBULANCES</b>	<b>9</b>
7. Use of ambulance.....	9
<b>INSPECTIONS</b>	<b>9</b>
8. Inspectors .....	9
9. Entry without warrant .....	10
10. Warrant .....	10
11. Notification of Board .....	11
12. Obstruction of inspector.....	11
13. Inspector's report .....	11
<b>EMERGENCY MEDICAL TECHNICIANS</b>	<b>12</b>
14. Emergency medical technician .....	12
<b>PATIENT CALL REPORTS</b>	<b>12</b>
15. Patient call report .....	12
<b>SERVICE</b>	<b>13</b>
16. Manner of service.....	13
<b>LIMITATION OF LIABILITY</b>	<b>13</b>
17. Limitation of liability .....	13
<b>DISCLOSURE OF INFORMATION</b>	<b>14</b>
18. Information not to be disclosed.....	14
<b>OFFENCES AND PENALTIES</b>	<b>14</b>
19. Offences and penalties .....	14

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20.	Penalties .....	14
21.	Prosecution, limitation period.....	14
<b>INJUNCTION</b>		<b>14</b>
<hr/>		
22.	Injunction .....	14
<b>REGULATIONS</b>		<b>15</b>
<hr/>		
23.	Regulations.....	15
<b>TRANSITIONAL</b>		<b>16</b>
<hr/>		
24.	Provincial Emergency Medical Director deemed to be appointed under this Act .....	16
<b>CONSEQUENTIAL AMENDMENTS</b>		<b>16</b>
<hr/>		
25.	<i>Sections 25 and 26</i> .....	16
27.	Prohibited words, descriptions, etc.....	16





## AMBULANCE SERVICES ACT

### CHAPTER A-10.01

### INTERPRETATION

#### 1. Definitions

##### (1) In this Act

- (a) “**agreement**” means an agreement for the provision of ambulance services entered into, or deemed to be entered into, by the Minister under section 4;
- (b) “**ambulance**” means a motor vehicle that is designed, constructed or adapted to be used for the ground transportation of patients;
- (c) “**ambulance operation**” means a business or undertaking that provides ambulance services;
- (d) “**ambulance services**” includes
  - (i) the dispatching of an ambulance in response to a request for ambulance services,
  - (ii) the assessment, stabilization and treatment of a patient for whom an ambulance is dispatched, and
  - (iii) the transportation of a patient by ambulance to or from a health facility;
- (e) “**Board**” means the Emergency Medical Services Board continued under the *Emergency Medical Technicians Act* R.S.P.E.I. 1988, Cap. E-6.11;
- (f) “**Director**” means the Provincial Ambulance Services Director appointed under section 3;
- (g) “**emergency medical technician**” means an emergency medical technician as defined in the *Emergency Medical Technicians Act*;
- (h) “**emergency medical technology**” means emergency medical technology as defined in the *Emergency Medical Technicians Act*;
- (i) “**guidelines**” means the guidelines established or adopted by the Director under clause 3(2)(b), as amended from time to time;
- (j) “**health facility**” means a health facility as defined in the *Health Services Act* R.S.P.E.I. 1988, Cap. H-1.6;
- (k) “**inspector**” means an inspector appointed under section 8;
- (l) “**medical advisor**” means a medical practitioner retained by an operator as the medical advisor for an ambulance operation in accordance with subsection 6(1);
- (m) “**Minister**” means the Minister of Health and Wellness and includes his or her delegate;
- (n) “**operator**” means a person who is authorized under an agreement to operate an ambulance operation in all or part of the province;

- (o) “**patient**” means a person who
  - (i) has suffered a trauma or an acute onset of illness that endangers or may endanger the person’s life or ability to function, or
  - (ii) has been judged by a medical practitioner to require, while being transported,
    - (A) the care or supervision of a medical practitioner, a registered nurse or an emergency medical technician, or
    - (B) the use of a stretcher;
- (p) “**patient call report**” means a patient call report required to be completed under subsection 15(1);
- (q) “**protocols**” means the protocols established or adopted by the Director under clause 3(2)(b), as amended from time to time;
- (r) “**registered nurse**” means a person who is authorized by an enactment to practise as a registered nurse;

#### **Application of Act**

- (2) This Act does not apply to
  - (a) a person providing assistance in circumstances to which the *Volunteers Liability Act* R.S.P.E.I. 1988, Cap. V-5 applies;
  - (b) ambulance and emergency personnel based outside the province providing a service for the interprovincial transportation of patients;
  - (c) police, firefighters, lifeguards and persons similarly prepared for emergency first-response while carrying out procedures in emergency first-response;
  - (d) a person performing an emergency service during a state of emergency declared under the *Emergency Measures Act* R.S.P.E.I. 1988, Cap. E-6.1 or a public health emergency declared under the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30.1;
  - (e) a person practising or studying a health profession acting under the authority of another Act; or
  - (f) a student enrolled in a paramedic education program at a post-secondary educational institution who is participating in practical training under the direct supervision of an emergency medical technician. *2012,c.2,s.1; 2013,c.26,s.1; 2017,c.13,s.2(2).*

## **ADMINISTRATION**

### **2. Minister responsible for Act**

- (1) The Minister is responsible for the administration of this Act.

#### **Delegation**

- (2) The Minister may, in writing, delegate to any person any of the functions of the Minister under this Act or the regulations. *2012,c.2,s.2.*

### **3. Provincial Ambulance Services Director**

- (1) The Minister may appoint a Provincial Ambulance Services Director, who shall be a medical practitioner.

#### **Duties of Director**

- (2) The Director shall



- (a) act as a medical consultant to the Minister on matters respecting ambulance services in the province;
- (b) establish or adopt, in whole or in part, and amend as required, in consultation with medical advisors and in accordance with any policies or processes established by the Minister and generally accepted professional standards, written protocols and guidelines to direct appropriate patient care by emergency medical technicians in the provision of ambulance services;
- (c) provide a copy of the current protocols and guidelines to the head of every emergency department located in a health facility in the province;
- (d) monitor and facilitate compliance, by operators and by emergency medical technicians employed by an operator, with this Act, the regulations and the protocols and guidelines; and
- (e) perform such other duties as may be assigned by the Minister.

**Directives and reporting requirements**

- (3) The Director may, in writing, issue directives to and impose reporting requirements on medical advisors respecting the provision of ambulance services.

**Copy to operator**

- (4) Where the Director issues a directive to or imposes a reporting requirement on a medical advisor under subsection (3), the Director shall provide a copy of the directive or reporting requirement to the operator who has retained the medical advisor.

**Compliance of medical advisor**

- (5) Where a medical advisor receives a directive or a reporting requirement from the Director under subsection (3), the medical advisor shall comply with the directive or reporting requirement.

**Duty of operator**

- (6) Where an operator receives a copy of a directive or a reporting requirement under subsection (4), the operator shall ensure that the medical advisor complies with the directive or reporting requirement. *2012,c.2,s.3.*

## AMBULANCE SERVICES

**4. Minister to ensure ambulance services provided**

- (1) The Minister shall ensure that
  - (a) ambulance services are provided throughout the province; and
  - (b) every ambulance operation is monitored, inspected and evaluated in respect of the quality of the ambulance services provided, as required by this Act and the regulations.

**Agreement for provision of ambulance services**

- (2) The Minister may provide for ambulance services directly or enter into an agreement with any person authorizing that person to operate an ambulance operation providing ambulance services in all or part of the province.

**Transitional- Ground Ambulance Services Agreement**

- (3) The Ground Ambulance Services Agreement executed by the Minister, on behalf of the Government of Prince Edward Island, and Island EMS Inc. on October 3, 2006, is deemed to be an agreement entered into under subsection (2). *2012,c.2,s.4.*

**5. Unauthorized operation of ambulance operation**

- (1) No person, other than the Minister or an operator, shall
- (a) operate an ambulance operation;
  - (b) hold himself or herself out as entitled to operate an ambulance operation; or
  - (c) use any title or description that implies that the person is entitled to operate an ambulance operation.

**Unauthorized transport of a patient**

- (2) No person who operates a vehicle for a business or undertaking, other than an ambulance operation, providing ground transportation services shall provide ground transportation to another person for gain if the person who operates the vehicle knows or reasonably ought to know that the other person
- (a) is suffering from a trauma or an acute onset of illness that endangers or may endanger the person's life or ability to function; or
  - (b) requires or is likely to require, while being transported,
    - (i) the care or supervision of a medical practitioner, a registered nurse or an emergency medical technician, or
    - (ii) the use of a stretcher.

**Idem**

- (3) No person who operates a business or undertaking, other than an ambulance operation, providing ground transportation services shall permit a person who operates a vehicle for that business or undertaking to contravene subsection (2). *2012,c.2,s.5.*

**MEDICAL ADVISOR**

**6. Medical advisor**

- (1) No operator shall operate an ambulance operation unless the operator has retained a medical practitioner as the medical advisor for the ambulance operation for the purposes of this Act and the regulations.

**Duties of medical advisor**

- (2) A medical advisor retained by an operator under subsection (1) shall
- (a) guide and oversee the emergency medical technicians employed by the operator;
  - (b) monitor and facilitate compliance, by emergency medical technicians employed by the operator, with this Act, the regulations and the protocols and guidelines; and
  - (c) perform such other duties as may be prescribed. *2012,c.2,s.6.*





## USE OF AMBULANCES

### 7. Use of ambulance

- (1) No person shall use an ambulance, and no operator shall permit an ambulance under the control of the operator to be used, for a purpose other than
- (a) the provision of ambulance services;
  - (b) the education or training of emergency medical technicians or other emergency service or health care professionals;
  - (c) public education;
  - (d) the transportation of medical equipment or supplies;
  - (e) the transportation of blood, blood products, human tissue or organs;
  - (f) the transportation of human remains, in accordance with the regulations; or
  - (g) a purpose approved in writing by the Director.

#### Standards

- (2) No person shall use an ambulance, and no operator shall permit an ambulance under the control of the operator to be used, for the purpose of providing ambulance services unless the ambulance meets the requirements or standards set out by the regulations respecting
- (a) the construction, design, maintenance, and safety of the ambulance;
  - (b) the vehicle equipment carried in the ambulance; and
  - (c) the patient care equipment and supplies carried in the ambulance.

#### Staff complement

- (3) No operator shall permit an ambulance under the control of the operator to be used for the purpose of providing ambulance services unless the ambulance is operated with the staff complement required by the regulations.

#### Protocols to be carried in ambulance

- (4) An operator shall ensure that a copy of the current protocols is carried in every ambulance used in the ambulance operation to provide ambulance services.

#### Inspection of ambulance

- (5) Subject to subsection (6), no operator shall permit an ambulance under the control of the operator to be used to provide ambulance services unless an inspector has inspected and approved the ambulance within the immediately preceding six-month period.

#### Exemption

- (6) An inspector may, in writing, exempt an operator from compliance with subsection (5) for a period not exceeding three days, if the inspector is satisfied that the exemption is in the public interest. *2012, c.2, s.7.*

## INSPECTIONS

### 8. Inspectors

The Minister may appoint persons as inspectors for the purposes of this Act. *2012, c.2, s.8.*

**9. Entry without warrant**

- (1) An inspector may, at any time and on the production of a copy of his or her appointment, enter without warrant and inspect any facilities or premises, other than a dwelling place, used by an operator for the purpose of providing ambulance services.

**Powers of inspectors**

- (2) An inspector may, in the course of conducting an inspection of facilities or premises used by an operator for the purpose of providing ambulance services,
- (a) inspect any ambulances that are used or intended to be used by the operator to provide ambulance services;
  - (b) inspect, examine and test any
    - (i) vehicle equipment, and
    - (ii) patient care equipment and supplies,that are used or intended to be used by the operator to provide ambulance services; and
  - (c) examine, extract information from and make copies of any records and documents relating to the ambulance services provided by the operator.

**Patient care equipment**

- (3) An inspector may, for the purpose of testing any patient care equipment under subclause (2)(b)(ii), request an emergency medical technician who is employed by the operator to demonstrate that the patient care equipment is in good working order.

**Request for information**

- (4) An inspector may request an operator, or any person employed by an operator, to provide to the inspector any record or information relating to the ambulance services provided by the operator that the inspector specifies.

**Compliance with request**

- (5) Any person who receives a request from an inspector under subsection (3) or (4) shall comply with the request within a reasonable time. *2012, c.2, s.9.*

**10. Warrant**

- (1) Where, on application, a justice is satisfied by information on oath that facilities or premises are used by an operator for the purpose of providing ambulance services, and
- (a) entry to the facilities or premises by an inspector has been refused or there are reasonable grounds for believing that entry will be refused; or
  - (b) the operator or person in charge of the facilities or premises has failed to cooperate with an inspection or there are reasonable grounds for believing that the operator or person will fail to cooperate with an inspection,

the justice may issue a warrant authorizing the inspector named in the warrant to enter the facilities or premises and carry out an inspection in accordance with subsections 9(2) to (4), subject to any conditions specified in the warrant.

**Application without notice**

- (2) An application for a warrant under subsection (1) may be made without notice. *2012, c.2, s.10.*



**11. Notification of Board**

An inspector shall notify the Board, in writing, where an emergency medical technician fails or refuses, without reasonable cause, to comply with a request made under subsection 9(3) or (4). *2012,c.2,s.11.*

**12. Obstruction of inspector**

- (1) No person shall hinder, obstruct or interfere with, or attempt to hinder, obstruct or interfere with, an inspector in the exercise of his or her powers or the performance of his or her duties under this Act and the regulations.

**False information**

- (2) No person shall provide false information to an inspector. *2012,c.2,s.12.*

**13. Inspector's report**

- (1) An inspector shall, within 30 days after completing an inspection of the facilities or premises of an operator,
- (a) prepare a written report regarding the inspection; and
  - (b) provide a copy of the report to the Minister and to the operator.

**Direction to refrain from using ambulance, equipment**

- (2) Where, after completing an inspection, an inspector has reasonable grounds to believe that an ambulance or any vehicle equipment or patient care equipment or supplies under the control of an operator do not meet the requirements as set out in the regulations, the inspector may, in writing, direct the operator to
- (a) refrain from using the ambulance, equipment or supplies; or
  - (b) take the action that the inspector considers appropriate in the public interest to repair or remedy the deficiency, within the time specified by the inspector.

**Compliance with direction**

- (3) Every operator who receives a direction from an inspector made under subsection (2) shall comply with the direction within the time specified in the direction.

**Injunction**

- (4) Where an operator fails to comply with a direction from an inspector made under subsection (2) within the time specified in the direction, the inspector may apply to the Supreme Court for an injunction against the operator.

**Idem**

- (5) The Supreme Court may grant an injunction restraining an operator from using an ambulance, equipment or supplies as directed under clause (2)(a) or until the deficiencies are repaired or remedied as directed under clause (2)(b). *2012,c.2,s.13.*

## EMERGENCY MEDICAL TECHNICIANS

### 14. Emergency medical technician

- (1) No operator shall employ a person as an emergency medical technician or permit a person to practise emergency medical technology in the course of his or her employment by the operator unless that person is an emergency medical technician.

#### *Idem*

- (2) No operator shall permit an emergency medical technician employed by the operator to provide ambulance services except in accordance with this Act, the regulations, and the protocols and guidelines. *2012, c.2, s.14.*

## PATIENT CALL REPORTS

### 15. Patient call report

- (1) Every emergency medical technician who provides ambulance services, other than dispatching an ambulance, to a patient shall
- (a) ensure that a patient call report is completed in accordance with subsection (2) in respect of the patient; and
  - (b) ensure that a copy of the patient call report is provided to
    - (i) a person receiving the patient at the health facility to which the patient is transported by ambulance, if that is the case, immediately after doing so, and
    - (ii) the operator of the ambulance operation from which the ambulance was dispatched, without delay.

#### **Form and contents**

- (2) A patient call report prepared in respect of a patient under clause (1)(a) shall
- (a) be in a form approved by the Director;
  - (b) contain the information required by the Director; and
  - (c) be signed by
    - (i) every emergency medical technician who provided ambulance services to the patient, and
    - (ii) the person receiving the patient at the health facility to which the patient is transported by ambulance, if that is the case.

#### **Distribution, retention and storage by operator**

- (3) An operator shall, with respect to any patient call report that is provided to the operator under subclause (1)(b)(ii),
- (a) provide a copy of the patient call report to the Minister, in a manner acceptable to the Minister;
  - (b) retain the patient call report for the period of time prescribed by the regulations; and
  - (c) store and later destroy the patient call report in a secure and confidential manner.

#### **Compliance with request**

- (4) Where a person or body responsible for regulating emergency medical technicians or conducting an investigation or hearing of a disciplinary matter regarding an emergency



medical technician requests a copy of a patient call report from an operator for the purposes of an investigation or a hearing, the operator shall comply with the request, if the operator has the patient call report. *2012, c.2, s.15; 2013, c.26, s.2.*

## SERVICE

### 16. Manner of service

- (1) Any notice, directive or other document that is required to be served under this Act or the regulations is deemed to be served, in the absence of evidence to the contrary,
- (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 by the sender; or
  - (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.

#### 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.

#### Documents to be served

- (3) The following documents under this Act shall be served on the persons to whom they are directed in accordance with subsections (1) and (2):
- (a) a directive or a reporting requirement under subsection 3(3) or (4);
  - (b) an approval under clause 7(1)(g);
  - (c) an exemption under subsection 7(6);
  - (d) a notification under section 11;
  - (e) a report under clause 13(1)(b);
  - (f) a direction under subsection 13(2). *2012, c.2, s.16.*

## LIMITATION OF LIABILITY

### 17. Limitation of liability

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 or the regulations against the following:

- (a) the Minister;
- (b) the Director;
- (c) an inspector;
- (d) any other person involved in the administration of this Act or the regulations. *2012, c.2, s.17.*

## DISCLOSURE OF INFORMATION

### 18. Information not to be disclosed

- (1) No person involved in the administration of this Act or the regulations shall disclose information acquired by virtue of that involvement, except as required for the purposes of this Act or the regulations, or as otherwise required or permitted by law.

*Idem*

- (2) No person involved in the provision of ambulance services shall disclose the personal information of a patient except as required to provide such ambulance services, or as otherwise required or permitted by law. *2012,c.2,s.18.*

## OFFENCES AND PENALTIES

### 19. Offences and penalties

Every person who contravenes subsection 3(5) or (6), subsection 5(1), (2) or (3), subsection 6(1), subsection 7(1), (2), (3), (4) or (5), subsection 12(1) or (2), subsection 13(3), subsection 14(1) or (2), subsection 15(3) or (4) or subsection 18(1) or (2) is guilty of an offence and liable on summary conviction, to a fine not exceeding \$5,000, or to imprisonment for a term not exceeding six months, or both. *2012,c.2,s.19; 2013,c.26,s.3.*

### 20. Penalties

- (1) Every officer, director or agent of a corporation who directs, authorizes, assents to, acquiesces in, or participates in, the commission of an offence under this Act or the regulations 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.

*Idem*

- (2) Subsection (1) applies whether or not the corporation has been prosecuted or convicted of the offence. *2012,c.2,s.20.*

### 21. Prosecution, limitation period

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. *2012,c.2,s.21.*

## INJUNCTION

### 22. Injunction

The Supreme Court may, on the application of the Director and on being satisfied that there is reason to believe that there is or will be a contravention of subsection 5(1), (2) or (3), subsection 7(1), (2) or (3) or subsection 14(1) or (2) or of the regulations, grant an injunction restraining a person from committing or continuing the contravention. *2012,c.2,s.22.*



## REGULATIONS

### 23. Regulations

- (1) The Lieutenant Governor in Council may make regulations
  - (a) respecting the duties of a medical advisor and an inspector;
  - (b) respecting the circumstances in which an ambulance may be used for the transportation of human remains under clause 7(1)(f);
  - (c) establishing classes of ambulances;
  - (d) respecting the motor vehicle construction, design, maintenance and safety requirements for each class of ambulance;
  - (e) respecting the vehicle equipment and patient care equipment and supplies required to be carried in each class of ambulance;
  - (f) establishing the required methods of cleaning, disinfecting and decontaminating each class of ambulance and the vehicle equipment and patient care equipment and supplies carried in each class of ambulance;
  - (g) respecting the use and maintenance of defibrillators and other vehicle equipment and patient care equipment and supplies carried in ambulances;
  - (h) respecting the staff complement required for each class of ambulance;
  - (i) respecting the circumstances in which each class of ambulance may be used to provide ambulance services;
  - (j) prescribing the period of time for which a patient call report must be retained under clause 15(3)(b);
  - (k) providing that the contravention of certain provisions of the regulations constitutes an offence and prescribing penalties for such an offence;
  - (l) defining any word or expression used in this Act or the regulations that is not defined in this Act;
  - (m) further defining any word or expression defined in this Act;
  - (n) respecting transitional matters necessary or advisable for the effective implementation of this Act; and
  - (o) generally for carrying out any of the purposes of this Act.

#### **Adoption by reference**

- (2) A regulation made under clauses (1)(d) to (g) may adopt by reference, in whole or in part and with such changes as are considered necessary, one or more written documents, standards, codes or guidelines, established by the Government of Prince Edward Island or the government of another jurisdiction, a board or agency of such a government or by any association, person or entity, relating to the matters referred to in clauses (1)(d) to (g) and may require compliance with the document, standard, code or guideline as adopted.

#### **Standard, code or guideline as amended**

- (3) A regulation made under clauses (1)(d) to (g) may adopt a document, standard, code or guideline referred to in subsection (2) as the case may be, as amended from time to time.

#### **Copies available for inspection**

- (4) A copy of every document, standard, code or guideline adopted by reference under subsection (2) or (3) shall be made available for public inspection during regular business hours in the office of the Director. *2012, c.2, s.23.*

## TRANSITIONAL

**24. Provincial Emergency Medical Director deemed to be appointed under this Act**

- (1) Repealed by 2013,c.26,s.4(1).

**Inspector deemed to be appointed under this Act**

- (2) A person who was designated by the Board under section 42 of the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30 as an inspector and who holds office immediately before the day this Act comes into force is deemed on and after the day this subsection comes into force to have been appointed under section 8 of this Act as an inspector. 2012,c.2,s.24; 2013,c.26,s.4.

## CONSEQUENTIAL AMENDMENTS

**25. Sections 25 and 26**

(These sections make consequential amendments to other Acts. The amendments have been incorporated into those Acts.)

**27. Prohibited words, descriptions, etc.**

No person shall use the words “emergency medical technician”, “medic” or “paramedic” or similar words, descriptions, titles, acronyms, pictures or graphics signifying or implying that the person is an emergency medical technician or is entitled to practise emergency medical technology, unless the person is an emergency medical technician.

