

EC2013-497

EXECUTIVE COUNCIL ACT
MINISTER OF AGRICULTURE AND FORESTRY
AUTHORITY TO ENTER INTO AN AGREEMENT
(SERVICE CONTRACT
2013/2014 POTATO WART MANAGEMENT PLAN)
WITH
THE CANADIAN FOOD INSPECTION AGENCY

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Agriculture and Forestry to enter into an agreement and an amending agreement with the Canadian Food Inspection Agency to set out terms and conditions for delivery of the Potato Wart Cleaning and Disinfection Management Plan Program for fiscal year 2013/14, such as more particularly described in the draft agreements.

EC2013-498

EXECUTIVE COUNCIL ACT
MINISTER OF ENVIRONMENT, LABOUR AND JUSTICE
AUTHORITY TO ENTER INTO AN AGREEMENT
(MEMORANDUM OF UNDERSTANDING
REGARDING OVERSIGHT OF THE
MUTUAL FUND DEALERS ASSOCIATION OF CANADA)
WITH
VARIOUS PROVINCIAL SECURITIES COMMISSIONS

Pursuant to clause 10(b) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Superintendent of Securities on behalf of the Government of Prince Edward Island to enter into an agreement with British Columbia Securities Commission, Alberta Securities Commission, Financial and Consumer Affairs Authority (Saskatchewan), Manitoba Securities Commission, Ontario Securities Commission, New Brunswick Securities Commission, and Nova Scotia Securities Commission to set out terms and conditions for implementation of an Oversight Program of the Mutual Fund Dealers Association of Canada to assess compliance with terms and conditions of recognition and applicable securities legislation, such as more particularly described in the draft agreement.

EC2013-499

HEALTH SERVICES PAYMENT ACT
REGULATIONS

Pursuant to section 5 of the *Health Services Payment Act* R.S.P.E.I. 1988, Cap. H-2, Council made the following regulations:

INTERPRETATION

1. In these regulations

Definitions

(a) "Act" means the *Health Services Payment Act* R.S.P.E.I. 1988, Cap. H-2;

Act

(b) "authorization" means an authorization issued to a participating physician or practitioner enabling that person to participate in the Plan;

authorization

(c) "basic health services" means

basic health services

(i) only those services that are rendered by physicians that are medically required but do not include

(A) services that a person is eligible for and entitled to under the *Workers Compensation Act* R.S.P.E.I. 1988, Cap. W-7.1 or any Act of the Parliament of Canada except the *Canada Health Act* R.S.C. 1985, Chap. C-6 with respect to insured physician services or any other statute or law of any other jurisdiction,

(B) mileage or travel unless approved by the Minister,

(C) advice or prescriptions by telephone except anti-coagulant therapy supervision, which is included in basic health services,

(D) examinations required in connection with employment or applications therefor, insurance, admission to educational institutions, jails, or camps, procurement of a passport or visa, or required in connection with legal proceedings, or any similar examination at the request of a third party,

(E) group examinations, immunizations, or inoculations unless such group prior to administration of such examinations, immunizations or inoculations received approval for them by the Minister,

(F) preparation of records, reports, certificates or communications except a certificate of committal to a psychiatric, drug or alcoholism facility,

(G) testimony in court,

(H) surgery for cosmetic purposes unless medically required,

(I) dental services other than those listed in Schedule A to these regulations,

(J) dressings, drugs, vaccines, biologicals and related materials,

(K) eye glasses and special appliances,

(L) physiotherapy, chiropractic, podiatry, optometry, chiropody, osteopathy, psychology, naturopathy, audiology, acupuncture, acupressure and similar treatments,

(M) laboratory or radiology services provided under the *Hospital and Diagnostic Services Insurance Act* R.S.P.E.I. 1988, Cap. H-8,

(N) services rendered by or under the direct supervision of a physician, during the rendering of which the physician is not physically present in the same premises as the patient and is not available to the patient,

(O) services rendered by a physician to members of his or her own immediate family (spouse, children and parents, whether by blood or marriage) or household unless approval of the Minister is obtained,

(P) such services that the Minister may, upon the recommendation of the Health Services Payment Advisory Committee, except,

(ii) the procedures listed in Schedule A to these regulations when performed in a hospital by a dentist but only when the condition of the patient is such that the service is medically required to be rendered in hospital or the magnitude of the service, as determined by the Minister, renders it necessary to be performed in a hospital under general anaesthesia,

(iii) the services listed in Schedule B to these regulations when rendered by a prosthodontist and when the condition of the patient is such that the service is determined by the Minister to be medically required,

(iv) services provided in respect of termination of pregnancy performed in a hospital when the condition of the patient is such that the service is determined by the Minister to be medically required;

- (d) “call” means services rendered by a physician to or on behalf of a patient for a diagnosis or treatment at the home of the patient, at the doctor’s office or at a hospital, but no more than one call on a patient per day constitutes a call for the purpose of these regulations except in exceptional circumstances and unless approved by the Minister; call
- (e) “claimant” means a person who submits a claim for payment to the Minister in respect of a basic health service; claimant
- (f) “complement” means the complement of participating physicians for the province approved by the Minister; complement
- (g) “consultation” means a request by an attending physician for an opinion from another physician competent to furnish advice where the patient’s condition demands a further opinion; consultation
- (h) “dentist” means a person lawfully entitled to practise dentistry in the Province of Prince Edward Island under the *Dental Profession Act* R.S.P.E.I. 1988, Cap. D-6; dentist
- (i) “family head” means family head
- (i) where two persons are living together in the same residence as spouses, either spouse as may be jointly designated by them, but if no such designation has been made, the applicant,
- (ii) where spouses are divorced, separated or maintaining separate residences, each spouse, in respect of dependent children whom he or she maintains, or
- (iii) where children are maintained by a person other than their parents, the person standing *in loco parentis*;
- (j) “general practitioner” means a legally qualified medical practitioner who is not a specialist within the meaning of clause (w); general practitioner
- (k) “landed immigrant” means a non-Canadian who establishes residence in Canada and who holds a visa entitling him or her to permanently reside in Canada; landed immigrant
- (l) “Medical Society” means the Medical Society of Prince Edward Island, Canadian Medical Association, Prince Edward Island Division as identified in the *Medical Act* R.S.P.E.I. 1988, Cap. M-5; Medical Society
- (m) “Minister” means the Minister of Health and Wellness; Minister
- (n) “ordinarily present” means present in the province for six months or more, but includes transient persons who have not been resident in another province or country for six months or more if they have been resident in the province continuously for three months or more; ordinarily present
- (o) “participating” in relation to a physician or practitioner means one who holds a valid billing number authorizing the holder to claim payments under the Plan, or has otherwise been admitted to and continues to participate in the Plan; participating
- (p) “participating province” means a province or territory of Canada in which there is in operation a medical care insurance plan in respect of which a contribution is payable under the *Canada Health Act*; participating province
- (q) “Planning Committee” means the Physician Resource Planning Committee established under section 2.2 of the Act; Planning Committee

- (r) “repatriated Canadian” means a Canadian citizen who has been returned to Canada from outside Canada at public expense because of his or her destitution; repatriated Canadian
- (s) “resident” means a person legally entitled to remain in Canada and who makes his or her home in and is ordinarily present in Prince Edward Island, but does not include a tourist, a visitor to the province, a member of the Canadian Armed Forces, students ordinarily resident in another jurisdiction, or a person serving a term of imprisonment in a penitentiary as defined in the *Penitentiary Act* (Canada) R.S.C. 1985, Chap. P-5; resident
- (t) “returning Canadian” means a Canadian citizen who resumes residence in Prince Edward Island on return from outside Canada and who has ceased to be eligible for coverage under a medical care insurance plan operated by another jurisdiction; returning Canadian
- (u) “returning landed immigrant” means a landed immigrant who resumes residence in Prince Edward Island on return from outside Canada and who ceased to be eligible for coverage under a public medical care insurance plan in his or her province or territory of origin; returning landed immigrant
- (v) “service provider” means a physician or practitioner who provides a basic health service; service provider
- (w) “specialist” means a physician whose name is on the specialist register of the College of Physicians and Surgeons of Prince Edward Island, but where a specialist provides services that are not within his or her area of specialization or that could be performed by a general practitioner, he or she shall, in respect of the provisions of those services, be deemed to be a general practitioner; specialist
- (x) “tariff” means the tariff of fees for either medical or dental services, as may be applicable, established by the Minister under section 33 or 34; tariff
- (y) “visit” means call. visit

ADMINISTRATION

- 2.** (1) The Health Services Payment Plan established by EC453/96 is hereby continued. Health Services Payment Plan
- (2) The Plan comprises the Act, these regulations, the tariff and the administrative procedures, controls and safeguards established by the Minister. *Idem*
- 3.** (1) The Minister may, for the more effective and efficient administration of these regulations and the carrying out of duties and powers under the Act, establish administrative procedures, controls and safeguards and may delegate to employees of the Minister such of the powers and authorities of the Minister as the Minister may consider advisable. Administration
- (2) Where administrative procedures, controls and safeguards are established, all persons employed by the Minister, all persons who are applicants for a benefit under the Act and all persons who are recipients of moneys under the Act or these regulations are bound by them as if they were specifically set forth in these regulations. Administrative procedures binding
- (3) Where the Minister delegates power and authority to employees of the Minister, the employees are bound by the delegation and shall not act outside the power and authority so delegated. Delegation
- (4) No person to whom powers and authorities are delegated by the Minister may further delegate those powers and authorities without the consent in writing of the Minister. Sub-delegation
- 4.** (1) The Minister may appoint such committees as the Minister considers necessary or advisable for the purpose of carrying out effectively the intent and purposes of the Act and these regulations. Committees

- (2) The Minister shall establish the rate of remuneration and the expense allowance for the members of the committees appointed under subsection (1) and those members are thereupon entitled to such rights of remuneration and expense allowance. Remuneration
- 5.** (1) The Health Services Payment Advisory Committee is hereby continued. Health Services
Payment Advisory
Committee
- (2) The Health Services Payment Advisory Committee shall be composed of not less than three, and not more than five, medical practitioners appointed by the Minister from among nominations submitted by the Medical Society. Composition
- (3) The Medical Society shall nominate at least two medical practitioners for any vacant position on the Health Services Payment Advisory Committee. Nomination
- (4) The members of the Medical Advisory Committee holding office immediately before the date this section comes into force shall be deemed to have been appointed under subsection (2) and, subject to subsections (6) and (7), shall continue to be members until the expiry of their original terms of office. Term of office
- (5) The term of office of a member of the Health Services Payment Advisory Committee, other than those referred to in subsection (4), is three years, unless the member sooner resigns or his or her appointment is sooner revoked. *Idem*
- (6) A member of the Health Services Payment Advisory Committee may resign by giving the Health Services Payment Advisory Committee, the Minister and the Medical Society notice of his or her intention to resign. Resignation
- (7) The Minister may revoke the appointment of any member of the Health Services Payment Advisory Committee Revocation
- (a) for cause; or
- (b) for failure without reasonable excuse to attend three or more consecutive meetings of the Health Services Payment Advisory Committee.
- (8) Before revoking the appointment of a member of the Health Services Payment Advisory Committee, the Minister shall cause a notice of the Minister's intention to revoke the appointment to be given to Notice of intention
to revoke
- (a) the Health Services Payment Advisory Committee;
- (b) the Medical Society; and
- (c) the member, unless the member cannot be found or has left the province.
- (9) A revocation of a member's appointment made under subsection (7) may not take effect sooner than four weeks after all notices have been given as required in subsection (8). Effective date
- (10) Where a member of the Health Services Payment Advisory Committee ceases to be a member before the expiry of his or her term in office, the Minister shall appoint a medical practitioner nominated by the Medical Society in accordance with subsection (3) to serve the unexpired portion of the term of the former member. Vacancy
- (11) The members of the Health Services Payment Advisory Committee are entitled to such reimbursement for expenses incurred in the performance of their duties and to such remuneration for their services as members as the Minister may determine. Remuneration
- 6.** (1) The Health Services Payment Advisory Committee shall Functions of Health
Services Payment
Advisory
Committee
- (a) review and make recommendations on all claims submitted to the Minister, or to an agency to whom the Minister has delegated the Minister's responsibility under subsection 3(2) of the Act, that are referred to it;

- (b) review the facts relating to and make recommendations to the Minister or the agency, as the case may be, concerning cases that involve a possible or alleged over-servicing of a patient by a physician or an over-utilization of basic services by an entitled person that are referred to it;
- (c) review the facts relating to and make recommendations to the Minister or the agency, as the case may be, relating to the medical requirement of service provided by a physician in cases that are referred to it; and
- (d) make recommendations to the Minister or the agency, as the case may be, relating to the establishment, amendment and interpretation of the tariff.
- (2) In addition to its functions set out in subsection (1), the Health Services Payment Advisory Committee shall Advisory functions
- (a) advise and make recommendations to the Minister on matters affecting the effective and efficient administration of the plan, the Act and the regulations referred to it by the Minister;
- (b) advise and make recommendations to the Minister on matters relating to the expanding or restricting of the plan or basic health services referred to it by the Minister;
- (c) conduct or comment on any investigation or comment on any proposals relating to new, novel or unusual medical practices or procedures that have been suggested for inclusion under the plan referred to it by the Minister; and
- (d) advise on other matters referred to it by the Minister from time to time.
- (3) Members of the Health Services Payment Advisory Committee Powers of members
- (a) have all such powers in carrying out their duties under subsection (1) and (2) as may be conferred upon them or delegated to them by the Minister; and
- (b) are hereby vested pursuant to the *Public Inquiries Act* R.S.P.E.I. 1988, Cap. P-31 with the powers of a commissioner under the *Public Inquiries Act*.
- (4) All such information as may come before the Health Services Payment Advisory Committee shall be dealt with by the Committee in confidence and the provisions of section 17 of the Act apply to the Health Services Payment Advisory Committee. Confidentiality
7. The Minister is vested with the powers of a commissioner under the *Public Inquiries Act*. Powers of Minister

REGISTRATION OF ENTITLED PERSONS

8. (1) Any resident, subject to such exclusions or conditions as may be imposed by the Act, regulations, formal policies of the Minister or interjurisdictional agreements, is eligible to be registered as a person entitled to benefit in respect of basic health services under the Plan. Person entitled to benefits
- (2) Every person who Idem
- (a) is
- (i) a landed immigrant,
- (ii) a repatriated Canadian,
- (iii) a returning Canadian,
- (iv) a Canadian citizen or a spouse of a Canadian citizen assuming residence in Canada for the first time, or
- (v) a spouse or a dependent child of a serving member of the Canadian Armed Forces; and
- (b) has established permanent residence in Prince Edward Island, is entitled to benefits under these regulations from the date the person established such residence, if the person complies with the requirements of section 9.
- (3) Every person who has been discharged from the Canadian Armed Forces and who has been stationed in Prince Edward Island for at least two months immediately prior to discharge is entitled to payment for basic health services under these regulations from the date of discharge if he or she complies with the requirements of section 9. Service personnel

(4) Determination of the effective date of commencement or termination and of other conditions of entitlement for a person moving between Canadian jurisdictions may be subject to interjurisdictional agreements regarding coverage.

Inter-jurisdictional
coverage

(5) A newborn child is deemed to have the same status under these regulations as his or her mother until otherwise determined.

Newborn infants

9. (1) The Minister shall register any entitled person who makes application or in respect of whom application is made for registration.

Registration

(2) A person shall provide the Minister with such information as the Minister may require for the purpose of registration.

Information

(3) The Minister may develop, print and issue certificates of registration in the form approved by the Minister.

Health Services
Registration
Certificates

(4) Registration certificates referred to in subsection (3) shall be issued to entitled persons and, in the case of a family head, shall be issued to a family head for the family head and all persons who are registered as members of his or her family.

Issue of certificates

(5) Every person who has been registered under this section shall report any change in address or marital status to the Minister within one month after the change occurs.

Reports

ELIGIBILITY FOR PAYMENT

10. Every person registered under section 9 is eligible to have payments made in accordance with the Act and these regulations for basic health services provided to that person.

Eligibility

11. (1) An entitled person may be eligible to have payments made for basic health services provided to him or her when out of the province where such basic health services are required as a result of sudden illness or accident or are approved by the Minister

Out of province
treatment

(a) at the tariff established by the medical care authority of the jurisdiction in which the services are rendered, if that jurisdiction takes part in the Canadian interjurisdictional arrangement for reciprocal billing; or

(b) at the tariff established by the Minister where the services are rendered outside Canada, or in a jurisdiction which does not take part in the reciprocal-billing arrangement, but are considered by the Minister to be available in Canada in a jurisdiction which takes part in the reciprocal-billing arrangement.

(2) An entitled person may be eligible to have payments made, at such rates as the Minister may determine, for basic health services rendered outside Canada for which prior approval of the Minister has been obtained and which, in the opinion of the Minister, are not available in Canada.

Treatment outside
Canada

(3) The Minister may by policy establish requirements concerning prior approval of coverage for non-emergency services rendered out of the province.

Prior approval

(4) Where basic health services are rendered to an entitled person outside Prince Edward Island, other than under subsection (1) or (2), the following persons may be eligible, subject to subsection (5), to have payment made in accordance with the tariff established under section 2 of the Act for such services:

Changes of
residence

(a) an entitled person who moves from the province to take up residence in another part of Canada, for a period not exceeding twelve months from the date of departure from this province or until he or she establishes residence in another province, whichever occurs earlier;

(b) an entitled person who moves from the province to take up residence outside Canada, for a period not exceeding twelve months from the date of departure from the province.

(5) An entitled person to whom subsection (4) applies shall not be eligible to have payment made under that subsection unless, within six months of the date on which the services were rendered, he or she

Accounts

submits to the Minister an itemized account or receipt in a form acceptable to the Minister that shows the services rendered and the fees payable or paid for them.

12. (1) Where the Minister, pursuant to an agreement with another province or territory, has paid moneys for health services rendered in that other province or territory to an entitled person and such services were rendered in circumstances other than those stipulated in section 11, the Minister may collect the amount of the payment from the entitled person as a debt owing to the Minister.

Recovery for services not qualifying for payment

(2) The Minister may apply to the court to enforce payment of such debt, and in so doing may, notwithstanding the normal secrecy provisions of section 17 of the Act, reveal to the court such information as the court may require concerning the services for which unauthorized payment was made.

Idem, by court

13. (1) Where, in the opinion of the Minister, services provided by a physician for which a claim for payment is made under the Act and these regulations were not medically required, the person making the claim is not entitled to any payment of the cost of the services.

Services not medically necessary

(2) The Minister may establish assessment rules that may be applied by the Minister in determining the amount payable on claims.

Medical assessment rules

(3) Where, in the opinion of the Minister, a physician renders basic health services that are beyond his or her training or experience the Minister may, with the agreement of the Medical Advisory Committee, reject a claim for payment under the Plan for the services.

Rejection of certain claims

14. Where a specialist renders to an entitled person a basic health service that is outside the specialty of the specialist, the amount payable for the service is the amount that would have been paid had the service been rendered by a general practitioner.

Specialist services

15. (1) Where basic health services are rendered by a post-graduate or by a physician who

(a) is undergoing medical training in a hospital; and

(b) is receiving a salary from the hospital for his or her services, neither he or she nor the hospital employing him or her is entitled to payment under the Plan for such services unless specifically authorized by the Minister.

Compensation by hospital

(2) The usual attending physician of a patient is not eligible for payment under the Plan for basic health services rendered to the patient by a person referred to in subsection (1) unless the usual attending physician of the patient is physically present with the patient when the basic health service is rendered.

Attending physician to be present

16. (1) Where in the opinion of the Minister a physician renders more basic health services to a patient than are medically required, the Minister may

Services in excess of those medically necessary

- (a) reject a claim for payment for such basic health services; or
- (b) if the services rendered have been paid for, reject such further claims submitted by that physician as will equal in monetary value the claims paid for the unnecessary services.

(2) A physician whose claim is so rejected may appeal to the Health Services Payment Advisory Committee, or such other committee as may be established for the purpose, and the committee may make a recommendation on the matter to the Minister.

Idem, appeal

CLAIMS FOR PAYMENT

17. (1) The Minister may make payment in respect of basic health services rendered

Claims for payment

- (a) to the entitled person or his or her guardian, committee or legal representative; or
- (b) where the service provider is a participating physician or practitioner, to that person.

(2) All claims and payments shall be made in accordance with applicable provisions of the tariff.

According to tariff

- 18.** The Minister shall not pay a claim under the Plan in respect of basic health services unless it contains the following information: Form of claim
- (a) the patient's name and address, the day, month and year of his or her birth, his or her sex and plan registration number;
 - (b) the diagnosis or chief complaint or description of services rendered;
 - (c) where the service is provided in Prince Edward Island, the fee code number and the amount corresponding to the procedure or treatment performed;
 - (d) where the service is provided outside Prince Edward Island, a description of the service or treatment performed and the fee charged;
 - (e) the date of each service and, for hospital visits, the name of the hospital;
 - (f) a reasonable explanation if the nature of the service was unusual;
 - (g) the identification number of the person providing the service, issued to him or her by the Minister;
 - (h) the name of the referring physician or practitioner or the physician or practitioner to whom the patient was referred;
 - (i) the names of other physicians or practitioners attending the patient and their relationships to the service rendered;
 - (j) whether the services are payable by Workers Compensation Board, the Canadian Pension Commission or an agency, board, commission, or department of a government in Canada;
 - (k) whether the services were required because of an automobile accident or any other circumstance involving liability of a third party;
 - (l) such other information as the Minister may require.
- 19.** (1) A claim for payment in respect of basic health services rendered to an entitled person that contains the information required pursuant to section 18 shall be submitted Time for submission of claim
- (a) if the claim is submitted by the entitled person, within six months of the date on which the service was rendered; and
 - (b) if the claim is submitted by a participating service provider who rendered the service, within three months of the date the service was rendered.
- (2) Unless the Minister otherwise determines, no payment may be made in respect of a claim that is not submitted within the relevant time period set out in subsection (1). Claim out of time
- (3) Except where an entitled person is charged for a basic health service and submits a claim in respect of it pursuant to section 11 of the Act or section 24 of these regulations, payment for the basic health service shall be made to the participating service provider in accordance with these regulations. Payment to participating service providers
- 20.** Where the Minister has for any reason paid moneys in excess of the correct amount under any claim, the Minister may withhold from claims submitted by the claimant moneys in the amount of the overpayment or, in the event that no such claims are received by the Minister within six months of the date of the overpayment, the Minister may collect the amount of the overpayment as a debt owing to the Minister. Overpayment
- 21.** Where a valid claim for payment is submitted by a physician or practitioner whose authorization is temporary or otherwise restricted under subsection 8(4) of the Act, the Minister may withhold up to 15% of the moneys payable for a period of six months from the date on which the claim is filed. Physicians holding temporary licenses
- 22.** (1) The Minister may conduct such inquiries and interviews and correspond with such persons as the Minister may consider necessary to investigate, verify or question any claim submitted for payment, both before and after payment has been made. Inquiries
- (2) The Minister may request any person claiming payment to allow access to or provide the Minister with all such information, records and documents as the Minister may require for the purpose of investigating a claim or confirming entitlement. Information

(3) The Minister may refuse to make any payment for any claim submitted for payment until the information, records and documents referred to in subsection (2) have been delivered to the Minister, and if the information, records or documents are not delivered within six months of the date of the request for them, the Minister may reject the claim.

Records to be complete

23. The Minister may correspond with and make such other inquiries as may be necessary of members of the legal profession and insurance companies and their agents respecting third-party recovery of moneys in which the Minister has an interest under the Act.

Inquiries

24. (1) Where a basic health service is rendered to an entitled person, who wishes payment to be made for it by the Plan, by a non-participating physician or practitioner or by a participating physician or practitioner who has made a determination pursuant to section 10.1 of the Act to bill the patient directly

Claim by patient

(a) the service provider shall not charge the patient an amount for the service greater than that set out in the tariff; and

(b) the service provider must

(i) before rendering the service, inform the patient that the patient will be billed directly and may claim reimbursement from the Minister,

(ii) give the patient a claim form in the form approved by the Minister and enter on it details of the service provided, the date and location, the charges paid or to be paid by the patient and such other information as the Minister may require for the purposes of section 18, and

(iii) provide to the Minister the information referred to in subclause (ii).

(2) Upon receipt of a claim under subsection (1) the Minister shall adjudicate the claim and make payment directly to the patient.

Payment

PARTICIPATION IN THE PLAN

25. (1) A physician or practitioner who wishes to participate in the Plan shall apply to the Minister and provide the following information in such form and manner as the Minister may require:

Application, content

(a) identification of the applicant;

(b) description of the intended practice, referring to such matters as location, types of service, duration, expected use of hospital facilities;

(c) a copy of the applicant's license to practise in the province;

(d) description of any qualification, with evidence of entitlement, to practise any specialty;

(e) evidence of hospital privileges; and

(f) such other information or substantiation as the Minister may require.

(2) An application by a physician shall be referred to the Planning Committee which shall assess it, taking into consideration the strategy adopted under section 2.1 of the Act, the capacity of the health system to accommodate the applicant's service, the complement and the needs, financial resources and any recommendation of the appropriate division of the Department, and make a recommendation to the Minister respecting the admission of the applicant as a participant.

Reference to the Planning Committee

(3) The Minister shall decide on the application, taking into account the Planning Committee's recommendation and, where the Minister decides to admit an applicant as a participant, shall

Admission

(a) register the applicant and record any conditions pursuant to subsection 8(4) of the Act affecting the participation of the applicant;

(b) issue an authorization in writing to the applicant recording the conditions referred to in clause (a), and provide instructions regarding claiming;

(c) inform the appropriate division of the Department and the Planning Committee.

- (4) Where the Minister decides to reject an application the Minister shall advise the applicant, giving reasons for the decision, and inform the bodies referred to in clause (3)(c). Rejection
- (5) References in this section and elsewhere to the Planning Committee, the strategy and complement, and any such other application of sections 2.1 and 2.2 of the Act to admission of participants, apply to physicians but not practitioners. Non-application to practitioners
- 26.** A person who has been admitted as a participant in the Plan pursuant to section 25 or 31 shall inform the Minister of any change of circumstances affecting his or her practice or participation such as change of location or type of practice. Notice of changes
- 27.** (1) A participating physician or practitioner shall give to the Minister at least 30 days' notice of his or her intention to stop participating in the Plan. Notice of withdrawal
- (2) Where the Minister has received a notice under subsection (1), the Minister shall Action by Minister
- (a) set the date upon which participation will cease and suspend or revoke the authorization accordingly;
- (b) advise the Planning Committee and the appropriate division of the Department, so that appropriate action may be taken to deal with the vacancy; and
- (c) inform the physician or practitioner of the rules governing readmission to participation,
- and may hold back for up to 90 days a sum not exceeding 15% of existing outstanding claims in order to enable adjustments to be made with respect to any overpayment.
- (3) The Minister may, for the purpose of implementing the strategy adopted under section 2.1 of the Act, provide financial or other incentives to a physician considering withdrawal from the Plan. Incentives
- 28.** (1) A participant who expects to be or has been inactive for a period of more than 90 days shall give notice thereof to the Minister. Notice of intended absence
- (2) The Minister may, subject to satisfactory arrangements governing the provision of services by other participants, authorize a physician or practitioner to take a temporary leave of absence of up to one year without loss of his or her authorization and the provisions of subsection 27(2) apply in respect of a temporary leave of absence. Temporary leave
- (3) A physician or practitioner on temporary leave of absence shall give 30 days' notice to the Minister of his or her resumption of status as a participant. Notice of resumption of status as participant
- (4) A person may not return to active practice either before or after the expiry of the authorized leave of absence without the approval of the Minister. Early return or extension
- (5) If the physician or practitioner does not return to service by the date of expiry of the leave of absence or make an arrangement with the Minister for extension of the leave of absence, the Minister may cancel his or her authorization as a participant. Late return
- 29.** (1) Upon application by a physician or practitioner or as the Minister considers necessary, the Minister may issue a temporary authorization, valid for a period of up to one year, to enable a person to substitute for a participating service provider during absence or incapacity or to provide for such other special circumstances as the Minister may consider appropriate. Temporary authorization
- (2) The Minister may impose conditions or limitations on a temporary authorization. Conditions
- 30.** A physician or practitioner who has ceased to participate in the Plan and who seeks readmission must, unless a temporary leave of absence has been authorized under section 28, reapply as if for initial admission to the Plan. Readmission

- 31.** (1) The Minister may impose conditions upon an authorization or suspend or cancel an authorization where Suspension or cancellation of authorization
- (a) disciplinary action is taken against a physician or practitioner by his or her professional regulatory body;
 - (b) a physician or practitioner has been convicted of an offence that in the opinion of the Minister affects his or her suitability to participate in the Plan;
 - (c) a physician or practitioner has wilfully made a false representation with respect to any claim under the Plan;
 - (d) for a period exceeding 90 days a physician or practitioner has not submitted a claim or given some other indication of the intention to continue to participate, and has not given notice of intended inactivity or secured a temporary leave of absence under subsection 28(2); or
 - (e) a physician or practitioner has contravened any provision of the Act or these regulations.
- (2) No action shall be taken by the Minister under subsection (1) unless the physician or practitioner has first been given notice of the intention to take action and has been offered an opportunity to make representations at a hearing conducted by the Minister or such other tribunal or committee as the Minister may determine. Hearing

TARIFF OF FEES - PAYMENT AMOUNTS

- 32.** (1) In relation to medical services, the Minister shall make payments under the Plan in accordance with Payments for medical services
- (a) the Tariff of Fees for Medical Services set by the Minister after consultation with the Medical Society; and
 - (b) such other formal agreement as may be in force between the Minister and the Medical Society.
- (2) The tariff, as well as setting standard categories and rates for basic health services, may also set variable rates, conditions and manners of payment based on such factors as are set out in subsection 14(3) of the Act. Variable rates
- 33.** In relation to dental services, the Minister shall make payments under the Plan in respect of those dental services that are included in basic health services as set out in the Schedules in accordance with Payments for dental services
- (a) the Tariff of Fees for Dental Services set by the Minister after consultation with the Dental Association of Prince Edward Island; and
 - (b) such other formal agreement as may be in force between the Minister and the Dental Association.
- 34.** The amount of money available for payment, whether for medical or dental services, is subject to provisions of the *Public Sector Pay Reduction Act* R.S.P.E.I. 1988, Cap. P-32.1 and such other legislation governing provincial health-service expenditures as may apply. Expenditure-control measures

DENTAL SERVICES

- 35.** A dentist is a “practitioner” pursuant to clause 1(j) of the Act, and may provide those basic health services which are listed in Schedules A and B according to the limitations and conditions of these regulations. Dentist may provide services
- 36.** (1) Anaesthetic and other hospital costs associated with dental services provided in a hospital by a practitioner Hospital and other costs
- (a) that are listed in Schedule A or B, are covered under the Plan; and
 - (b) that are not listed in Schedule A or B, are not covered under the Plan unless the dental services have the prior approval of the Minister.
- (2) For the purposes of subsection (1), practitioner means an oral and maxillofacial surgeon. Practitioner

INSURANCE

- 37.** (1) In this section Definitions
- (a) “contract” means a contract of accident insurance or sickness insurance as defined in the *Insurance Act* R.S.P.E.I. 1988, Cap. I-4 other than automobile insurance as so defined; contract
- (b) “insurer” means an insurer licensed under the *Insurance Act*. insurer
- (2) Subject to subsections (3) and (4), an insurer shall not make or renew or make payment under a contract under which an entitled person is to be provided with or to be reimbursed or indemnified for, all or part of the cost of any basic health service. Payments by insurers
- (3) Subsection (2) does not apply to a contract covering a person for the cost of basic health services for the first two months after the person arrives in Prince Edward Island as a resident. Exception
- (4) Notwithstanding subsection (2), an insurer may make or renew, or make payment under, a contract under which an entitled person is to be provided with or reimbursed or indemnified for the cost of any health service other than a basic health service. *Idem*

MISCELLANEOUS

- 38.** (1) The Minister may disclose information obtained in the administration of the Act Information disclosure
- (a) in connection with the administration of the *Workers Compensation Act* R.S.P.E.I. 1988, Cap. W-7.1; and
- (b) to surveyors authorized by the Canadian Council on Health Services for the purpose of carrying out an accreditation survey.
- (2) The Minister may authorize persons responsible for the implementation, support, maintenance and development of the claims processing system to have access to the electronic information maintained within the system. Electronic systems access
- 39.** (1) Where an injured person has received a sum paid for basic health services that is required to be paid to the Minister pursuant to subsection 22(3) of the Act, the person shall also provide the Minister with the following information: Information regarding payment
- (a) copies of the pleadings of all parties;
- (b) a copy of the memorandum of settlement or judgment, as applicable;
- (c) the amount claimed as the cost of basic health services, if not specified in the pleadings;
- (d) the amount payable to the Minister.
- (2) The payment of recovery fees pursuant to subsection 22(14) of the Act shall be as follows: Legal fees
- (a) 15% on the first \$5,000 or less that is recovered;
- (b) 10% on the next \$10,000 that is recovered;
- (c) 5% on the amount recovered in excess of \$15,000.
- 40.** The *Health Services Payment Act* Regulations (EC453/96) are revoked. Revocation
- 41.** These regulations come into force on July 20, 2013. Commencement

SCHEDULE A

Dental procedures included in basic health services (if in association with a related pathological condition):

1. Alveoloplasty and gingivoplasty;
2. Sulcus deepening and ridge construction;
3. Treatment of traumatic injuries to soft tissues within the mouth;
4. Root resection;
5. Incision and drainage of abscess of dental origin;
6. Closed reduction of fractures of mandible and maxilla;
7. Excision of intra-oral cysts;
8. Intra-oral biopsy;
9. Excision of benign intra-oral tumors;
10. Removal of root or foreign body from maxillary antrum;
11. Repair and closure of antro-oral fistula;

12. Closed reduction of temporo-mandibular dislocation;
13. Sialolithotomy;
14. Excision of ranula;
15. Open reduction of fractures of the maxilla;
16. Open reduction of fractures of the mandible;
17. Surgical correction of prognathism or micrognathia;
18. Condylectomy;
19. Therapeutic or diagnostic alcohol nerve block;
20. Avulsion of nerve (mental, intra-orbital or inferior dental);
21. Open reduction of temporo-mandibular dislocation.

SCHEDULE B

Prosthetic services included in basic health services:

1. Surgical Obturator - Maxillary;
2. Surgical Obturator - Mandibular;
3. Operating Room Time;
4. Follow-up Visits - Hospital;
5. Follow-up Visits - Office;
6. Interim Obturator - Maxillary;
7. Interim Obturator - Mandibular;
8. Final Obturator - Maxillary;
9. Final Obturator - Mandibular;
10. Partial Denture - Maxillary;*
11. Partial Denture - Mandibular;
12. Complete Denture - Maxillary; *
13. Complete Denture - Mandibular;*
14. Fabrication of Radiation Stent;
15. Fabrication of Palatal Drop Prosthesis;
16. Muscosal Guard;
17. Nasal Stent;
18. Radiation Follow-up;
19. Cast Splint;
20. Extra-Oral Prosthesis.

*if necessitated by hard-tissue resection

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations, including the definition of “basic health services”.

SECTION 2 continues the Health Services Payment Plan that was established by EC453/96.

SECTION 3 authorizes the Minister to establish administrative procedures, controls and safeguards for the purpose of carrying out the Minister’s powers and duties under the Act, and to delegate those powers and duties to employees of the Minister as the Minister considers advisable. It also provides that the administrative procedures, controls and safeguards established by the Minister are binding on the Minister’s employees and on applicants and recipients of benefits under the Act. Finally, it prohibits employees to whom powers or duties of the Minister have been delegated from exceeding the power or authority that has been delegated to them.

SECTION 4 authorizes the Minister to appoint committees as the Minister considers advisable and to establish the rate of remuneration and expense allowance for the members of those committees.

SECTION 5 continues the Health Services Payment Advisory Committee. The Committee is composed of not less than three and not more than five medical practitioners nominated by the Medical Society and appointed by the Minister. The term of office of a member of the Health Services Payment Advisory Committee is three years. If a member resigns, or the appointment of a member is revoked in accordance with subsection (7), the Minister may appoint a medical practitioner, nominated by the Medical Society, to serve as a replacement for the remainder of the term of the former member. The members of the Health Services Payment Advisory Committee are remunerated as determined by the Minister.

SECTION 6 establishes the functions and duties of the Health Services Payment Advisory Committee, which include:

- reviewing and making recommendations respecting payment of claims referred to it by the Minister or by an agency to whom the Minister has delegated the Minister's responsibility under subsection 3(2) of the Act;
- reviewing and making recommendations to the Minister or the agency on cases referred to it involving possible over-servicing of a patient or over-utilization of basic services by an entitled person;
- reviewing and making recommendations to the Minister or the agency relating to the medical requirement of services provided by a physician in cases referred to it;
- making recommendations to the Minister or agency relating to the establishment, amendment and interpretation of the tariff;
- advise and make recommendations to the Minister respecting the effective and efficient administration of the Plan, the Act and the regulations, as referred to it by the Minister;
- advise and make recommendations to the Minister respecting expanding or restricting the Plan or basic health services, as referred to it by the Minister;
- conduct or comment on an investigation or comment on proposals relating to new, novel or unusual medical procedures that have been suggested for inclusion in the Plan, as referred to it by the Minister;
- advise on other matters referred to it by the Minister from time to time.

In carrying out these duties and functions the members of the Health Services Payment Advisory Committee have the powers delegated to them by the Minister and the powers of a commissioner under the *Public Inquiries Act* R.S.P.E.I. 1988, Cap. P-31. The section further provides that the Commission shall deal with any information that comes before it in confidence and the provisions of section 17 of the Act, which deal with confidentiality and disclosure of information, apply to the Committee.

SECTION 7 provides that the Minister has the powers of a commissioner under the *Public Inquiries Act* R.S.P.E.I. 1988, Cap. P-31, for the purpose of inquiring into matters that are within the powers of the Minister under the Act.

SECTION 8 establishes those persons who, as residents, are eligible to be registered as entitled to benefits under the Act, including landed immigrants, repatriated or returning Canadians, Canadian citizens or their spouses assuming residence in Canada for the first time, and spouses or dependent children of members of the Canadian Armed Forces.

SECTION 9 provides for registration of entitled persons and the issuance of certificates of registration by the Minister.

SECTION 10 states that that a person registered under section 9 is eligible to have payments made in accordance with the Act and these regulations for basic health services provided to that person.

SECTION 11 provides rules respecting a person's eligibility for payment for basic health services provided when the person is out of the province, whether the basic health services are approved by the Minister or are required as the result of a sudden illness or accident. It also deals with eligibility for payment for basic health services provided outside Canada, subject to the prior approval of the Minister. Those payments may be made based on the tariff in effect in the jurisdiction in which the services are rendered, if that jurisdiction takes part in the Canadian interjurisdictional arrangement for reciprocal billing, or on the tariff established by the Minister where the services are rendered outside Canada or in a jurisdiction that does not take part in the reciprocal billing arrangement. The section also provides for payment for basic health

services for persons who move from Prince Edward Island to take up residence in another part of Canada or outside Canada.

SECTION 12 provides that where, pursuant to an agreement with another province or territory, the Minister has paid for health services provided to an entitled person in that other province or territory and the services were rendered in circumstances other than those set out in section 11, the Minister may collect the amount of the payment from the person as a debt owing to the Minister, or may apply to the court for an order to enforce payment of the debt.

SECTION 13 provides that where, in the opinion of the Minister, services provided by a physician to a person were not medically required, the person is not entitled to any payment of the cost of the services. The section also provides that where a physician provides services that are beyond the physician's training or experience, the Minister may reject a claim for payment for the services. The section also authorizes the Minister to establish assessment rules that may be applied in determining the amount payable in respect of claims.

SECTION 14 provides that where a specialist renders to an entitled person a basic health service that is outside the specialty of the specialist, the amount payable for the service is the amount that would have been paid had the service been rendered by a general practitioner.

SECTION 15 provides in subsection (1) that where basic health services are rendered by a post-graduate or by a physician who is undergoing medical training in a hospital and receiving a salary from the hospital for his or her services, neither that person nor the hospital employing that person is entitled to payment under the Plan in respect of the services rendered unless specifically authorized by the Minister. The section also provides that the usual attending physician of a patient who receives basic health services from a person referred to in subsection (1) is not entitled to payment in respect of the basic health services unless the attending physician was physically present with the patient when the services were rendered.

SECTION 16 authorizes the Minister to reject a claim for payment for basic health services where in the Minister's opinion the services were not medically required or, where the services have already been paid for, to reject other claims submitted by that physician to a total equal in monetary value to the amount paid for the unnecessary services. The section further provides that a physician whose claim is rejected may appeal to the Health Services Payment Advisory Committee, and authorizes the Committee to make recommendations respecting the matter to the Minister.

SECTION 17 provides that the Minister may make payments in respect of basic health services in accordance with the tariff to an entitled person or the person's guardian, committee or legal representative, or to a participating physician or practitioner.

SECTION 18 specifies the information a claim in respect of basic health services must contain in order to be payable under the Plan.

SECTION 19 provides that a claim for payment in respect of basic health services must be submitted within six months of the date on which the service was rendered, if submitted by the entitled person, and within three months of the date on which the service was rendered, if submitted by the participating service provider. The section further provides that no payments may be made outside of the relevant time periods unless the Minister determines otherwise, and that payment shall be made to the participating service provider, unless an entitled person has been charged for the basic health service and has submitted a claim in respect of it.

SECTION 20 provides that where excess payments have been made for any reason the Minister may either withhold the amount of the payment from claims submitted by the claimant or, if the claimant has submitted

no further claims within six months of the date of the overpayment, as a debt owing to the Minister.

SECTION 21 provides that where a valid claim for payment is submitted by a physician or practitioner whose authorization is temporary or otherwise restricted under subsection 8(4) of the Act, the Minister may withhold up to 15% of the amount payable for a period of six months from the date on which the claim is filed.

SECTION 22 authorizes the Minister to conduct inquiries and interviews and correspond with persons as necessary to investigate, verify or question any claim submitted for payment, whether before or after payment has been made. The section also authorizes the Minister to request access to records and documents and other information from a person claiming payment for the purpose of investigating a claim or confirming entitlement, and to refuse to make any payment in respect of a claim until the information, records and documents have been delivered to the Minister. If the information, records or documents are not delivered within six months for the date of the Minister's request, the Minister may reject the claim.

SECTION 23 authorizes the Minister to correspond with and make inquiries of members of the legal profession and insurance companies and their agents respecting third party recovery of moneys in which the Minister has an interest under the Act.

SECTION 24 authorizes the Minister to provide payment under the Plan directly to an entitled person where the patient has been directly billed by the physician or practitioner who provided the basic health services. In that situation, the service provider is prohibited from charging the patient an amount for the service that is higher than that set out in the tariff, and the service provider is required to inform the patient in respect of the direct billing before rendering the service, provide the patient with an approved claim form containing the information required for the purposes of section 18, and provide the Minister specified information respecting the service rendered and the claim.

SECTION 25 authorizes a physician who wishes to participate in the Plan to apply to the Minister by providing the specified information. The application is then referred to the Planning Committee for its assessment and recommendation to the Minister. The Minister, taking into account the Planning Committee's recommendation, decides whether to admit and register the applicant. If the Minister decides to register the applicant, the Minister shall also record any conditions pursuant to subsection 8(4) of the Act on the applicant's participation, issue a written authorization to the applicant that includes any applicable conditions on participation, and inform the Department and the Planning Committee of the decision. Where the Minister rejects an application, the Minister is required to advise the applicant of the decision and the reasons for it and to inform the Department and the Planning Committee of the decision.

SECTION 26 requires a person who has been admitted as a participant in the Plan to inform the Minister of any change of circumstances that would affect the person's participation, such as change of location or type of practice.

SECTION 27 requires a participant in the Plan to provide at least 30 days' notice to the Minister of the participant's intention to stop participating in the Plan. On receiving this notice, the Minister shall set the date on which participation ceases and suspend or revoke the participant's authorization accordingly, advise the Department and the Planning Committee, and inform the participant of the rules governing readmission to participation. Also, the Minister may withhold for up to 90 days a sum not exceeding 15% of existing outstanding claims in order to enable adjustments to be made with respect to any overpayment. The section also authorizes the Minister to provide financial or other incentives to a physician who is considering withdrawal from the Plan, for the purpose of implementing the strategy adopted under section 2.1 of the Act.

SECTION 28 requires a participant in the Plan to provide notice to the Minister if the participant expects to be or has been inactive for a period of more than 90 days. The section also provides that the Minister may authorize a physician or practitioner to take a temporary leave of absence of up to one year, and requires a physician or practitioner who is on a temporary leave of absence to give 30 days' notice to the Minister of his or her resumption of status as a participant. If a physician or practitioner does not return to service on the expiry of a leave of absence and does not make an arrangement with the Minister for an extension, the Minister may cancel his or her authorization as a participant.

SECTION 29 authorizes the Minister to issue a temporary authorization, with or without conditions attached to it, for a specified period of up to one year to enable a physician or practitioner to substitute for a participating service provider or in other circumstances where the Minister considers a temporary authorization appropriate.

SECTION 30 provides that a physician or practitioner who has ceased to participate in the Plan may reapply for admission to it.

SECTION 31 authorizes the Minister to impose conditions on an authorization or suspend or cancel an authorization in the circumstances set out in subsection (1), including where

- disciplinary action is taken against a physician or practitioner by that person's professional regulatory body,
- a physician or practitioner has been convicted of an offence that in the Minister's opinion affects the person's suitability to participate in the Plan,

- a physician or practitioner has willfully made a false representation with respect to a claim,
- a physician or practitioner has not submitted a claim or otherwise participated in the Plan for over 90 days and has not given notice to the Minister of intended inactivity or requested a temporary leave of absence, or
- a physician or practitioner has contravened a provision of the Act or the regulations.

The section further requires the Minister to give notice of the Minister's intention to take action under subsection (1) to the physician or practitioner and provide the physician or practitioner an opportunity to be heard before taking any action.

SECTION 32 establishes that payments under the Plan for medical services shall be made by the Minister in accordance with the Tariff of Fees for Medical Services set by the Minister after consultation with the Medical Society and any other formal agreement between the Minister and the Medical Society respecting payments for medical services. The section also clarifies that the Tariff, in addition to setting standard categories and rates for basic health services, may also set variable rates, conditions and manners of payment based on factors set out in subsection 14(3) of the Act.

SECTION 33 establishes that payments under the Plan for dental services that are included in basic health services as set out in the Schedules shall be made by the Minister in accordance with the Tariff of Fees for Dental Services set by the Minister after consultation with the Dental Association of Prince Edward Island and any other formal agreement between the Minister and the dental Association respecting payments for dental services.

SECTION 34 clarifies that the amount of money available for payments for medical or dental services is subject to the *Public Sector Pay Reduction Act* and other applicable expenditure-control legislation.

SECTION 35 establishes that a dentist is a practitioner as defined in clause 1(j) of the Act and may provide the basic health services set out in the Schedules in accordance with the regulations.

SECTION 36 provides that anaesthetic and other hospital costs associated with dental services provided in a hospital by a practitioner are covered under the Plan only

- if the dental service is set out in Schedule A or B, or
- for a dental service not set out in Schedule A or B, where the service has been approved in advance by the Minister.

The section further clarifies that “practitioner”, for the purposes of subsection (1), means an oral and maxillofacial surgeon.

SECTION 37 defines “contract” and “insurer” for the purposes of the section, and provides that an insurer shall not make or renew or make payment under a contract under which an entitled person is to be provided with, or to be reimbursed or indemnified for, all or part of the cost of a basic health service, except for a contract that covers a person for the cost of basic health services for the first two months after the person takes up residence in Prince Edward Island. An insurer may make or renew or make payment under a contract under which an entitled person is to be provided with, or to be reimbursed or indemnified for, all or part of the cost of a health service other than a basic health service.

SECTION 38 authorizes the Minister to disclose information obtained in the administration of the Act

- in connection with the administration of the *Workers Compensation Act*; and
- to surveyors authorized by the Canadian Council on health Services for the purpose of carrying out an accreditation survey.

The section also authorizes the Minister to provide access to the electronic information maintained in the claims processing system to persons responsible for the implementation, support, maintenance and development of the system.

SECTION 39 requires the provision of the following information to the Minister for the purposes of subsection 22(3) of the Act:

- copies of the pleadings of all of the parties,
- a copy of the memorandum of settlement or judgment, as the case may be,
- the amount claimed as the cost of basic health services, if not specified in the pleadings, and
- the amount payable to the Minister.

The section further provides that, for the purposes of subsection 22(14) of the Act, the payment of recovery fees shall be as follows:

- 15% on the first \$5000 or less that is recovered,
- 10% on the next \$10,000 that is recovered, and
- 5% on the amount recovered in excess of \$15,000.

SECTION 40 revokes the *Health Services Payment Act Regulations* (EC453/96).

SECTION 41 provides for the commencement of these regulations.

EC2013-500

**LABOUR ACT
LABOUR RELATIONS BOARD
APPOINTMENTS**

Pursuant to subsections 3(2) and 3(2.1) of the *Labour Act* R.S.P.E.I. 1988, Cap. L-1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
as vice-chairperson	
Matthew MacFarlane Summerside (reappointed)	4 February 2013 to 4 February 2016
as employee representative	
Craig Walsh Kelvin Grove (vice Thane Arsenault, resigned)	2 July 2013 to 2 July 2016

EC2013-501

**LAND SURVEYORS ACT
ADMISSION TO MEMBERSHIP REGULATIONS
AMENDMENT**

Pursuant to section 6(8) of the *Land Surveyors Act* R.S.P.E.I. 1988, Cap. L-3.1, the Board, with the approval of the Lieutenant Governor in Council, made the following regulations:

1. Section 1 of the *Land Surveyors Act* Admission To Membership Regulations (EC95/05) is amended

(a) by the revocation of clause (b); and

(b) by the addition of the following after clause (c):

(c.1) "Canadian Board" means the Canadian Board of Examiners for Professional Surveyors as presently constituted or its successors; Canadian Board

2. The regulations are amended in the following provisions by the deletion of the words "Atlantic Board" and the substitution of the words "Canadian Board":

(a) clause 1(d);

(b) subclause 3(1)(d)(ii);

(c) subsections 6(1), (2), (3), and (5).

3. (1) Subsection 3(1) of the regulations is amended by the deletion of the words "The educational requirements prescribed for the purposes of clause 8(1)(b) of the Act are as follows:" and the substitution of the words "The educational and examination requirements prescribed for the purposes of clauses 8(1)(b) and 8(1)(d) of the Act are as follows:".

(2) Subsection 3(2) of the regulations is amended by addition of the words "or from the Association of Canada Land Surveyors" after the word "Canada".

4. Section 4 of the regulations is amended

(a) in the words preceding clause (a), by addition of the words “, or by the Association of Canada Land Surveyors” after the word “Canada”;

(b) by the deletion of the word “or” following clause (a) and the substitution of the word “and”; and

(c) by the revocation of clause (b) and the substitution of the following:

(b) successfully complete an examination of laws relating to land surveying in the province.

5. Subsection 6(4) of the regulations is amended

(a) by the deletion of the words “Atlantic Board” and the substitution of the words “Canadian Board”; and

(b) by the deletion of the words “Atlantic Board’s” and the substitution of the words “Canadian Board’s”.

6. These regulations come into force on July 20, 2013.

EXPLANATORY NOTES

SECTIONS 1 and 2 amend various provisions of the regulations to replace references to the Atlantic Provinces Board of Examiners for Land Surveyors with references to the Canada Board of Examiners for Land Surveyors.

SECTION 3 clarifies that a provision of the regulations, which lists certain requirements to be met by an applicant for a certificate of qualification, sets out the examination requirements referred to in the Act. Currently the provision only expressly states that it sets out the educational requirements referred to in the Act.

This section also exempts a person who applies for a certificate of qualification from a requirement for certain surveyor training if the person holds a license from the Association of Canada Land Surveyors.

SECTION 4 amends a provision of the regulations respecting the educational, competency and examination requirements that pertain to out of province applicants for a certificate of qualification.

This section expands the scope of the provision being amended. Currently, the provision applies only to persons who hold a license from another province or territory. The amendment will ensure that the provision also applies to persons who hold a license from the Association of Canada Land Surveyors.

In addition, this section also requires out of province applicants to successfully complete an examination in respect of the laws relating to land surveying in the province.

SECTION 5 amends a provision of the regulations to replace references to the Atlantic Provinces Board of Examiners for Land Surveyors with references to the Canada Board of Examiners for Land Surveyors.

SECTION 6 provides for the commencement of these regulations.

EC2013-502

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 MARIAN KELLY AND BARBARA MACISAAC
 (APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Marian Kelly of Antigonish, Nova Scotia and Barbara MacIsaac of Pembroke, Ontario to acquire a land holding of approximately sixty-six decimal four one (66.41) acres of land in Lot 9, Prince County, Province of Prince Edward Island, being acquired from the Estate of Horace MacNevin of Brae, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2013-503

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 LLOYD DOUGLAS MACLEOD
 (APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Lloyd Douglas MacLeod of Toronto, Ontario to acquire a land holding of approximately one decimal nine (1.9) acres of land in Lot 41, Kings County, Province of Prince Edward Island, being acquired from The Roman Catholic Episcopal Corporation of the Diocese of Charlottetown of Charlottetown, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2013-504

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 LLOYD DOUGLAS MACLEOD
 (APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Lloyd Douglas MacLeod of Toronto, Ontario to acquire a land holding of approximately twenty-five (25) acres of land in Lot 41, Kings County, Province of Prince Edward Island, being acquired from Robert N. Anderson of Halifax, Nova Scotia PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2013-505

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
SHANNITA HEUVELMANS AND FRANCOIS MARTINEAU
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Shannita Heuvelmans and Francois Martineau, both of Hawkesbury, Ontario to acquire a land holding of approximately sixty-nine (69) acres of land in Lot 40, Kings County, Province of Prince Edward Island, being acquired from Garth MacDougall of St. Ann, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2013-506

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
BLACK RIVER HOLDINGS LTD.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Black River Holdings Ltd. of Mount Albion, Prince Edward Island to acquire a land holding of approximately fifty-one decimal nine (51.9) acres of land in Lot 48, Queens County, Province of Prince Edward Island, being acquired from Erica VanNieuwenhuyzen of Mount Albion, Prince Edward Island .

EC2013-507

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
BLACK RIVER HOLDINGS LTD.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Black River Holdings Ltd. of Mount Albion, Prince Edward Island to acquire a land holding of approximately seventy-one decimal five (71.5) acres of land in Lot 33, Queens County, Province of Prince Edward Island, being acquired from Erica VanNieuwenhuyzen of Mount Albion, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2013-508

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
CALLAGHAN FARMS INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Callaghan Farms Inc. of Miminegash, Prince Edward Island to acquire a land holding of approximately two hundred and fourteen (214) acres of land in Lot 6, Prince County, Province of Prince Edward Island, being acquired from Warren Ellis of O'Leary, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2013-509

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
CALLAGHAN FARMS INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Callaghan Farms Inc. of Miminegash, Prince Edward Island to acquire a land holding of approximately twenty-five decimal five (25.5) acres of land in Lot 6, Prince County, Province of Prince Edward Island, being acquired from 7034245 Canada Inc. of O'Leary, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property No. 502112, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

EC2013-510

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
CLIFTON FARMS INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Clifton Farms Inc. of Stratford, Prince Edward Island to acquire a land holding of approximately four decimal two eight (4.28) acres of land in Lot 48, Queens County, Province of Prince Edward Island, being acquired from the Estate of George Herbert Mason of Stratford, Prince Edward Island.

EC2013-511

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 HOG HAVEN FARMS LTD.
 (APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Hog Haven Farms Ltd. of Tignish, Prince Edward Island to acquire a land holding of approximately seventy-eight decimal seven eight (78.78) acres of land in Lot 6, Prince County, Province of Prince Edward Island, being acquired from Marlene Ellis of O'Leary, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2013-512

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 HOG HAVEN FARMS LTD.
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Hog Haven Farms Ltd. of Tignish, Prince Edward Island to acquire a land holding of approximately forty-nine (49) acres of land in Lot 8, Prince County, Province of Prince Edward Island, being acquired from 7034245 Canada Inc. of O'Leary, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property No. 45070, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

EC2013-513

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 HOG HAVEN FARMS LTD.
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Hog Haven Farms Ltd. of Tignish, Prince Edward Island to acquire a land holding of approximately zero decimal one three (0.13) acres of land in Lot 6, Prince County, Province of Prince Edward Island, being acquired from Warren Ellis of O'Leary, Prince Edward Island.

EC2013-514

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
HOG HAVEN FARMS LTD.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Hog Haven Farms Ltd. of Tignish, Prince Edward Island to acquire a land holding of approximately ninety-three decimal two six (93.26) acres of land in Lot 6, Prince County, Province of Prince Edward Island, being acquired from Warren Ellis of O'Leary, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2013-515

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
HUNTER WAREHOUSING & STORAGE LTD.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Hunter Warehousing & Storage Ltd. of Indian River, Prince Edward Island to acquire a land holding of approximately four hundred and twelve decimal zero five (412.05) acres of land in Lot 22, Queens County, Province of Prince Edward Island, being acquired from PEI Agromart Ltd. of Albany, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property Nos. 231548, 576652, 835751, 842229, 842211, 892661 and 92536, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply to all except for sixty-six decimal four six (66.46) acres, being that part of Provincial Property No. 92536 located in the Cavendish Resort Municipality.

EC2013-516

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
L & A MACEACHERN HOLDINGS INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to L & A MacEachern Holdings Inc. of Stratford, Prince Edward Island to acquire a land holding of approximately one decimal nine four (1.94) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from the Estate of George Keith King of Charlottetown, Prince Edward Island.

EC2013-517

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MARTIN RD FARMS LTD.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Martin Rd Farms Ltd. of Tignish, Prince Edward Island to acquire a land holding of approximately zero decimal two two (0.22) acres of land in Lot 2, Prince County, Province of Prince Edward Island, being acquired from Keith Doucette of Tignish, Prince Edward Island.

EC2013-518

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
RED ISLAND MULCHERS INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Red Island Mulchers Inc. of Nail Pond, Prince Edward Island to acquire a land holding of approximately zero decimal nine two (0.92) acres of land in Lot 1, Prince County, Province of Prince Edward Island, being acquired from Maritime Sea Products Ltd. of Elmsdale, Prince Edward Island.

EC2013-519

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
SILVER HILL FUR FARM LTD.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Silver Hill Fur Farm Ltd. of Sea Cow Pond, Prince Edward Island to acquire a land holding of approximately four decimal eight six (4.86) acres of land in Lot 1, Prince County, Province of Prince Edward Island, being acquired from Leigh Gavin and Rose Gavin, both of Sea Cow Pond, Prince Edward Island.

EC2013-520

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
SPUD ISLE FARMS (2010) LTD.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Spud Isle Farms (2010) Ltd. of Morell, Prince Edward Island to acquire a land holding of approximately fifty (50) acres of land in Lot 37, Queens County, Province of Prince Edward Island, being acquired from Janie Mae MacDonald of Morell, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2013-521

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
TAYLOR BUILT HOLDINGS INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Taylor Built Holdings Inc. of Covehead Road, Prince Edward Island to acquire a land holding of approximately zero decimal three two (0.32) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from L & A MacEachern Holdings Ltd. of Stratford, Prince Edward Island.

EC2013-522

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
TAYLOR BUILT HOLDINGS INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Taylor Built Holdings Inc. of Covehead Road, Prince Edward Island to acquire a land holding of approximately one decimal four three (1.43) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from L & A MacEachern Holdings Ltd. of Stratford, Prince Edward Island.

EC2013-523

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
WALLACE FAMILY FARM LIMITED
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Wallace Family Farm Limited of Cascumpec, Prince Edward Island to acquire a land holding of approximately twenty-eight (28) acres of land in Lot 5, Prince County, Province of Prince Edward Island, being acquired from MacLean Farms Ltd. of Coleman, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property No. 682252, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

EC2013-524

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
WALSH FARMS LIMITED
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Walsh Farms Limited of Georgetown, Prince Edward Island to acquire a land holding of approximately eight (8) acres of land at Georgetown, Kings County, Province of Prince Edward Island, being acquired from John Walsh and Mary Lou Walsh, both of Georgetown, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2013-525

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
HUNTER WAREHOUSING & STORAGE LTD.
(APPROVAL)

Council, having under consideration Order-in-Council EC2012-57 of February 14, 2012, rescinded the said Order forthwith, thus rescinding permission for Hunter Warehousing & Storage Ltd. of Indian River, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to one thousand, four hundred and fifty (1,450) acres of land as part of the said corporation's aggregate land holdings.

EC2013-526

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 APPLICATION TO LEASE LAND
 HUNTER WAREHOUSING & STORAGE LTD.
 (APPROVAL)

Pursuant to section 5 and clause 5.3(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Hunter Warehousing & Storage Ltd. of Indian River, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to one thousand and forty-four decimal five (1,044.5) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said Hunter Warehousing & Storage Ltd. files a statement with the Island Regulatory and Appeals Commission within one year of the date of this Order and prior to 31 December in every subsequent year disclosing the parcel number, the acreage and the term of lease for each parcel leased during the reporting period covered by the statement.

EC2013-527

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 APPLICATION TO LEASE LAND
 MARTIN RD FARMS LTD.
 (APPROVAL)

Pursuant to section 5 and clause 5.3(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Martin Rd Farms Ltd. of Tignish, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to one thousand, two hundred (1,200) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said Martin Rd Farms Ltd. files a statement with the Island Regulatory and Appeals Commission within one year of the date of this Order and prior to 31 December in every subsequent year disclosing the parcel number, the acreage and the term of lease for each parcel leased during the reporting period covered by the statement.

EC2013-528

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PROPERTY NO. 292334, LOT 64, KINGS COUNTY
 IDENTIFICATION FOR NON-DEVELOPMENT USE
 AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately thirteen (13) acres of land, being Provincial Property No. 292334 located in Lot 64, Kings County, Prince Edward Island and currently owned by East Coast Grains & Oilseeds Inc. of Belle River, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately one decimal one five (1.15) acres SUBJECT TO the subdivided parcel being consolidated with the adjacent Provincial Property No. 292243. Further Council determined that following subdivision, identification for non-development use shall continue to apply to the remaining land.

This Order-in-Council comes into force on July 9, 2013.