



**Executive
Council**

Nova Scotia

*A certified copy of an Order in Council dated
October 11, 2011*

2011-368

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated September 8, 2011, and pursuant to Section 12 of Chapter 37 of the Acts of 2008, the *Counselling Therapists Act*, is pleased to approve new regulations respecting counselling therapists made by the Board of Directors of the Nova Scotia Association of Counselling Therapists, functioning as the Board of the Nova Scotia College of Counselling Therapists in accordance with subsection 8(4) of the *Counselling Therapists Act*, in the form set forth in Schedule "A" attached to and forming part of the Report and Recommendation, effective on and after October 11, 2011.

Certified to be a true copy

A handwritten signature in black ink, appearing to read 'Greg Keefe', written over a horizontal dotted line.

**Greg Keefe
Clerk of the Executive Council**

Approved by Order in Council

.....2011-368..... dated

.....Oct 11, 2011.....

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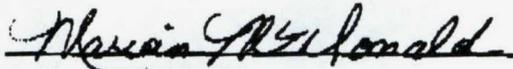
Greg Keefe

Clerk of the Executive Council

Schedule "A"

I hereby certify that at a duly convened meeting of the Board of Directors of the Nova Scotia Association of Counselling Therapists held on Saturday, March 28, 2009, the Board carried a motion to approve the attached regulations pursuant to Section 12 of Chapter 37 of the Acts of 2008, *The Counselling Therapists Act*.

Dated at Brookfield, Nova Scotia this 3rd day of March, 2010



Marian H. McDonald

Chair

Board of Directors of the Nova Scotia Association of Counselling Therapists

**Regulations Respecting Counselling Therapists made
pursuant to Section 12 of Chapter 37 of the Acts of 2008,
the *Counselling Therapists Act***

Interpretation

Citation

1 These regulations may be cited as the *Counselling Therapists Regulations*.

Definitions for Act and regulations

2 (1) In these regulations,

“Act” means the *Counselling Therapists Act*;

“active-practising candidate” means a person whose name is entered in the active-practising candidate roster ;

“competence assessment” means a process approved by the Board that uses the methods and tools described in Section 3.

“competencies” means the specific knowledge, skills and judgment required for a counselling therapist to be considered competent in a designated role and practice setting;

“licensing year” means a 12-month period determined by the Board;

“notice of hearing” means the notice required by Section 44 of the Act;

“prescribed fee” means the applicable fee set out in the bylaws of the Board under Section 11 of the Act;

“Registration Committee” means the Committee appointed under Section 15 of the Act;

“supervisor” means a counselling therapist or other registered mental health professional approved by the Registration Committee to supervise an active-practising candidate.

- (2) In the Act and these regulations,

“counselling therapist candidate” has the same meaning as “active-practising candidate”;

“licence” is further defined to include an active-practising candidate licence and a temporary with conditions or restrictions licence.

- (3) In clause 2(o) of the Act, “equivalent to the programs approved by the Board” means a program that meets both of the following criteria:

- (a) the program is obtained from a government-authorized degree-granting institution in Canada or a degree-granting institution in another country that has been recognized or authorized by a governmental or other authority approved by the Board; and
- (b) the program is subject to the oversight of a recognized external academic authority recognized and approved by the Board.

Registration, Licensing and Membership

Competence assessment

- 3 (1) The methods used in a competence assessment may include but are not limited to interviewing, verification of documents, observation, reflective practice, self-assessments or testing.
- (2) The tools used in a competence assessment may include, but are not limited to, chart audits, self-assessments, written tests or live demonstrations of competencies.

Information in Register

- 4 In addition to the name of each person entitled to be registered, as required by subsection 13(1) of the Act, the Register must contain all of the following information for each member:
- (a) name and location of the school of counselling therapy attended;
 - (b) year the member graduated from the school of counselling therapy;
 - (c) date of entry in the Register.

Categories of licences

- 5 (1) The following are the categories of licences:

- (a) active-practising;
 - (b) active-practising with conditions or restrictions;
 - (c) active-practising candidate;
 - (d) temporary;
 - (e) temporary with conditions or restrictions.
- (2) All information about the licensing status of persons in a roster must be available to the public.

Criteria for registration

- 6 (1) An applicant for registration must submit a completed application form together with the prescribed fee along with proof that the applicant meets the registration criteria in subsection (2).
- (2) In addition to completion of a counselling-therapy education program, as required by subsection 16(1) of the Act, the following are the criteria for registration:
- (a) successful completion of any registration examinations approved by the Board;
 - (b) no outstanding complaints or licensing sanctions against the applicant from any jurisdiction where the applicant was previously practising counselling therapy;
 - (c) demonstration of proficiency in the English language in the manner required by the Registrar;
 - (d) meeting the criteria for entry in any of the following rosters:
 - (i) the active-practising roster in Section 7,
 - (ii) the active-practising with conditions or restrictions roster in Section 10,
 - (iii) the active-practising candidate roster in Section 14;
 - (e) successful completion of 1 of the following:
 - (i) an ethics course as part of the counselling-therapy education program completed,

- (ii) an ethics workshop approved by the Registration Committee after completing the counselling-therapy education program,
 - (iii) an ethics exam as approved by the Registration Committee;
- (f) successful completion of 1 of the following:
- (i) a supervised practicum or internship as part of the counselling-therapy education program completed, with a minimum of 120 practice hours of direct contact between the counselling therapist and clients,
 - (ii) a supervised practicum or internship after completing the counselling-therapy education program, with a minimum of 120 practice hours of direct contact between the counselling therapist and clients and in a setting approved by the Registration Committee.

Criteria for entry in the active-practising roster

- 7 (1) An applicant for entry in the active-practising roster must submit a completed application form together with the prescribed fee, along with proof that the applicant meets the criteria in subsection (2).
- (2) The following are the criteria for entry in the active-practising roster:
- (a) the member is not currently subject to any disciplinary finding that would prohibit the practice of counselling therapy;
 - (b) the member has completed at least 2 years of supervised experience in the practice of counselling therapy in accordance with Section 8;
 - (c) the member's eligibility to practise counselling therapy is not subject to any conditions or restrictions;
 - (d) the member has provided any information the Registration Committee requires to establish that the member has the capacity, competence, capability and character to safely and ethically practise counselling therapy;
 - (e) the member has provided any information the Registration Committee requires to establish that Section 41 of the Act does not apply to the member;

- (f) the member has completed the continuing-education credits required by the Board;
- (g) unless the requirement for professional liability insurance is waived by the Registration Committee, the member has provided any information the Registration Committee requires to establish that the member is covered by professional liability insurance in at least the minimum amount approved by the Board.

Supervised experience

8 The 2 years of supervised experience required by clause 7(2)(b) must include at least 2000 hours in the practice of counselling therapy as an active-practising candidate, with the following minimum content:

- (a) 50 hours spent as direct contact hours with a supervisor;
- (b) 800 hours counselling with individuals, couples, families or groups.

Entitlements of members in active-practising roster

9 A member whose name is in the active-practising roster is entitled to all of the following:

- (a) use the designation “counselling therapist”, “registered counselling therapist”, “RCT” or any derivation or abbreviation of those designations, in accordance with Section 33 of the Act;
- (b) practise counselling therapy;
- (c) if elected, hold office on the Board;
- (d) attend, participate and vote at meetings of the College;
- (e) serve as an appointed member on any committee of the College;
- (f) receive all official College publications.

Active-practising with conditions or restrictions roster

10 (1) The Registrar must record the name of a member in the active-practising with conditions or restrictions roster who meets all of the criteria for entry in the active-practising roster in subsection 7(2), except the criterion in clause 7(2)(c), and has conditions or restrictions imposed on their licence by 1 of the following:

- (a) the Registrar under Section 16 of the Act at the time of application for registration or licensing;
 - (b) a decision of the Complaints Committee, the Professional Conduct Committee, the Re-instatement Committee, the Registration Appeal Committee or any other Committee of the College authorized to impose conditions or restrictions on a licence, or an equivalent committee from another jurisdiction.
- (2) A member in the active-practising with conditions or restrictions roster is entitled to all of the privileges listed in Section 9, subject to the particular conditions or restrictions that are imposed on their licence.

Term of licences other than temporary licences

- 11 (1) A licence remains in effect until the end of the licensing year in which it is issued, unless
- (a) these regulations provide that the licence expires earlier than the end of the licensing year;
 - (b) it is suspended;
 - (c) it is revoked;
 - (d) it is replaced with a licence with restrictions or conditions.
- (2) The Registrar must renew a licence if the licence holder does all of the following:
- (a) applies for renewal and pays the prescribed fee, including any penalty for late applications;
 - (b) satisfies the Registration Committee that all remaining criteria for entry in the applicable roster have been met.

Restrictions or conditions on a previous licence

- 12 Restrictions or conditions imposed on any member's licence that have not expired remain in effect on any new licence issued to the member.

Member struck from the Register if licence not renewed

- 13 (1) The Registrar must strike from the applicable roster the name of a member who does not renew their licence in accordance with subsection 11(2) from the applicable roster, effective the day after their licence expires, and the member remains non-active until their name is restored under subsection (2).

- (2) The Registrar must restore the name of a non-active member referred to in subsection (1) to the applicable roster when the member meets the criteria for entry in the roster and pays any prescribed fee and penalty.

Active-practising candidate roster

- 14
- (1) An applicant for entry in the active practising candidate roster must submit a completed application form together with the prescribed fee along with proof that the applicant meets the criteria in subsection (2).
 - (2) Except as provided in subsection (3), in addition to completion of a counselling-therapy education program as required by subsection 16(1) of the Act, the following are the criteria for entry in the active-practising candidate roster:
 - (a) the applicant is of good character;
 - (b) the applicant has entered into a supervisory relationship to complete the supervised experience required by clause 7(2)(b) for entry in the active-practising roster;
 - (c) the applicant is not subject to any disciplinary finding that has suspended or revoked their ability to practise as an active-practising candidate;
 - (d) the applicant has completed the required continuing-education credits required by the Board.
 - (3) An active-practising candidate who does not meet the criteria for an active-practising licence within 5 years of becoming an active-practising candidate is no longer eligible for the active-practising candidate roster, unless they meet additional criteria determined by the Registration Committee.
 - (4) Membership on the active-practising candidate roster must be renewed annually.

Entitlements of members in active-practising candidate roster

- 15
- A member whose name is in the active-practising candidate roster is entitled to all of the following:
- (a) use the designation “active-practising candidate”, “registered counselling therapist candidate” or derivations or abbreviations of these designations;
 - (b) practise counselling therapy under supervision in accordance with

the Act and these regulations;

- (c) display a certificate of registration as an active-practising candidate;
- (d) if elected, hold office on the Board, other than the positions of chair and vice chair;
- (e) attend, participate and vote at meetings of the College;
- (f) serve as an appointed member on any committee of the College;
- (g) receive all official College publications.

Entitlements of temporary licence holders

16 The Registrar may determine whether the holder of the temporary licence or a temporary licence with conditions or restrictions is authorized to use any of the designations permitted in clauses 9(a) and 15(a).

Expiry of temporary licences

17 A temporary licence or a temporary licence with conditions or restrictions ceases to be valid upon the earliest of all of the following dates:

- (a) the date the licence holder is no longer eligible to write the registration examination;
- (b) the date that a licence, other than a temporary licence, is issued to the licence holder;
- (c) the expiry date of the temporary licence;
- (d) the date the temporary licence is suspended or revoked under the professional conduct process.

Waiver by Registration Committee

18 The Registration Committee may waive any of the criteria for registration or licensing required by these regulations for either of the following reasons:

- (a) it is required by the Agreement on Internal Trade or by law;
- (b) it is consistent with the objects and purposes of the College and the Registration Committee considers it necessary.

Affiliated Members

Categories of affiliation

19 The following are the categories of affiliation with the College:

- (a) retired;
- (b) student;
- (c) associate;
- (d) honorary.

Retired member affiliation

20 (1) A member is eligible for affiliation with the College as a retired member if the member submits a completed application form and pays the prescribed fee and meets all of the following criteria:

- (a) they are not practising as a counselling therapist;
- (b) they do not hold a licence, but previously held an active-practising licence.

(2) A retired member is entitled to all of the following:

- (a) attend, participate and vote at general meetings of the College;
- (b) if elected, hold office on the Board;
- (c) serve as an appointed member on any committee of the College;
- (d) receive all official College publications.

Student affiliation

21 (1) A person who is engaged in full or part time studies in a counselling-therapy education program is eligible for affiliation with the College as a student if the person submits a completed application form and pays the prescribed fee.

(2) After completing their counselling-therapy education program, a student may retain student affiliation with the College until the end of the current College licensing year.

(3) A student affiliated with the College is entitled to all of the following:

- (a) if elected, hold office as an *ex officio* member of the Board;
- (b) serve as an appointed member on any committee of the College, except where indicated otherwise in the Act;
- (c) receive all official College publications.

Associate affiliation

- 22 (1) A person who supports the objects of the College but does not meet the criteria for membership or another category of affiliation is eligible for affiliation with the College as an associate of the College if the person submits a completed application form, pays the prescribed fee, and receives the Registration Committee's approval.
- (2) An associate of the College is entitled to all of the following:
- (a) serve as an appointed member on any committee of the College, except where indicated otherwise in the Act;
 - (b) receive all official College publications.

Honorary affiliation

- 23 (1) The Board may grant an honorary affiliation to a person in any circumstances the Board considers appropriate.
- (2) A person granted honorary status is entitled to the rights and privileges determined by the Board.

Professional Conduct

Functions of Registrar

- 24 (1) On receiving a complaint, the Registrar must send copies of the complaint to both of the following:
- (a) the respondent;
 - (b) the Complaints Committee.
- (2) The Complaints Committee may appoint an investigator, who may or may not be a member of the Complaints Committee, to investigate a complaint.
- (3) The investigator may do 1 or more of the following:
- (a) request additional written or oral explanation from the

- complainant, the respondent or a third party;
- (b) request an interview with the complainant, the respondent or a third party;
 - (c) informally resolve the complaint in the interests of the respondent, the complainant, the public and the College.
- (4) An investigator may investigate any matter relating to the respondent, in addition to the complaint, that arises in the course of the investigation that may constitute any of the following:
- (a) professional misconduct;
 - (b) conduct unbecoming the profession;
 - (c) incompetence;
 - (d) incapacity.
- (5) A respondent may submit medical information and any other information relevant to the complaint to an investigator.
- (6) When an investigation is finished, the investigator must prepare a report of the investigation and give a copy to the Complaints Committee and a copy to the respondent.

Additional information to Complaints Committee

- 25 (1) At any time, the Complaints Committee may direct an investigator to conduct any investigation the Complaints Committee considers necessary.
- (2) At any time before or during a meeting, the Complaints Committee may receive information in addition to the report of the investigation if the information is relevant to the matters before it.
- (3) If the Complaints Committee receives additional information under subsection (1) or (2), the respondent must be given sufficient opportunity to respond to the information.

Powers of Complaints Committee and disposition of complaint

- 26 (1) For purposes of this Section:
- (a) “caution” by the Complaints Committee means a determination that a member has breached the standards of professional ethics or practice expected of members, but the breach does not constitute

professional misconduct, conduct unbecoming the profession, incompetence or incapacity, and a caution is not considered to be a licensing sanction;

- (b) “counsel” by the Complaints Committee means a determination that a member could benefit from professional guidance from the College about the subject matter of the complaint, but the member’s conduct does not constitute professional misconduct, conduct unbecoming the profession, incompetence or incapacity, and a counsel is not considered to be a licensing sanction.

(2) When a matter is referred to a Complaints Committee, it must do 1 of the following:

- (a) dismiss the complaint and provide any guidance the Complaints Committee considers useful to the complainant, the respondent or any other person associated with the complaint, if the Complaints Committee decides that any of the following apply:
 - (i) the subject matter of the complaint is outside the jurisdiction of the College,
 - (ii) the complaint is frivolous, vexatious or constitutes an abuse of process,
 - (iii) the complaint does not allege facts that, if proven, would constitute professional misconduct, conduct unbecoming the profession, incompetence or incapacity, or would merit a counsel or a caution, or both,
 - (iv) the complaint cannot be substantiated;
- (b) give the complainant, the respondent and any person it considers appropriate a reasonable opportunity to appear before the Complaints Committee and to submit representations, explanations or documentation, including medical information and other information relevant to the complaint.

(3) After the Complaints Committee has given the parties the opportunity to appear before the Complaints Committee under clause (2)(b), the Complaints Committee may require the respondent to do 1 or more of the following:

- (a) submit to disciplinary examinations by a qualified person or persons designated by the Complaints Committee, and authorize

- the reports from the examinations to be given to the Complaints Committee;
- (b) submit to a review of the respondent's practice by a qualified person or persons designated by the Complaints Committee and authorize a copy of the review to be given to the Complaints Committee;
 - (c) complete a competence assessment or other assessment or examination the Complaints Committee directs to determine whether the respondent is competent to practise counselling therapy, and authorize the assessment or the report of the examination to be given to the Complaints Committee;
 - (d) produce any records or documents kept at the respondent's practice.
- (4) After the Complaints Committee has given the parties the opportunity to appear before the Committee under clause (2)(b), the Committee must do one or more of the following:
- (a) dismiss the complaint and provide any guidance the Complaints Committee considers useful to the complainant, the respondent, or any other person associated with the complaint;
 - (b) counsel the respondent;
 - (c) caution the respondent;
 - (d) with the respondent's consent, order that the respondent receive a reprimand, or that conditions or restrictions be placed on their licence and that the reprimand, conditions or restrictions be communicated to the respondent, the complainant and any other person the Complaints Committee considers appropriate;
 - (e) if a determination is made that the matter or matters before the Complaints Committee warrant a hearing, refer the matter or matters to the Professional Conduct Committee;
 - (f) informally resolve the complaint.
- (5) A reprimand issued under clause (4)(d) and conditions or restrictions placed on a respondent's licence under clause (4)(d) are licensing sanctions against the respondent and must be dealt with in the same manner as a finding made under Section 51 of the Act.

Compliance with requirements of Complaints Committee

- 27 (1) If a respondent fails to comply with subsection 26(3), the Complaints Committee may suspend or restrict the respondent's licence until the suspension or restriction is lifted, superseded or annulled by the Complaints Committee or Professional Conduct Committee.
- (2) Expenses incurred for a respondent to comply with a requirement of the Complaints Committee under subsection 26(3) must be initially paid by the College but may be awarded as costs against the respondent under Section 47.

Preparing and tendering settlement proposals

- 28 (1) A settlement proposal may be tendered in writing to the other party.
- (2) A settlement proposal must include all of the following:
- (a) an admission or admissions by the respondent to 1 or more of the allegations set out in the notice of hearing;
 - (b) the respondent's consent to a specified disposition, conditional upon the acceptance of the settlement proposal by the Complaints Committee and the Professional Conduct Committee.
- (3) If both parties agree with a settlement proposal tendered under subsection (1), the College must send the settlement proposal to the Complaints Committee for consideration.
- (4) The parties may agree to use a mediator to prepare a settlement proposal and the costs of the mediator must be divided equally between the College and the respondent, unless the parties agree to a different division of the costs.

Complaints Committee actions when settlement proposal referred

- 29 (1) The Complaints Committee may recommend acceptance of a settlement proposal if it is satisfied that all of the following criteria are met:
- (a) the public is protected;
 - (b) the conduct or its causes can be, or have been, successfully remedied or treated and the respondent is likely to successfully pursue any remediation or treatment required;
 - (c) settlement is in the best interests of the public and the profession.

- (2) If the Complaints Committee recommends acceptance of a settlement proposal, the Complaints Committee must refer the settlement proposal to the Professional Conduct Committee for consideration.
- (3) If the Complaints Committee does not recommend acceptance of a settlement proposal, the Complaints Committee must do 1 of the following:
 - (a) recommend changes to the settlement proposal that
 - (i) if agreed upon by the parties will result in acceptance by the Complaints Committee, or
 - (ii) if not agreed upon by the parties will result in rejection by the Complaints Committee;
 - (b) reject the settlement proposal and forward the complaint considered by the Complaints Committee to the Professional Conduct Committee for hearing.

Professional Conduct Committee actions when settlement proposal referred

- 30
- (1) If the Professional Conduct Committee accepts a settlement proposal, the settlement proposal forms part of the order of the Professional Conduct Committee disposing of the matter and, except as provided in subsection 31(3), there is no hearing.
 - (2) If the Professional Conduct Committee does not accept a settlement proposal, it must do 1 of the following:
 - (a) suggest amendments to the settlement proposal and return it to the parties for review;
 - (b) reject the settlement proposal, in which case the matter must be forwarded to another panel of the Professional Conduct Committee for a hearing.
 - (3) If both parties do not agree with the amendments to the settlement proposal made under clause 2(a), the settlement proposal is deemed to be rejected and the matter must be referred to another panel of the Professional Conduct Committee for a hearing.
 - (4) If both parties agree with the amendments to the settlement proposal made under clause 2(a), the settlement proposal must be sent back to the Complaints Committee who must do 1 of the following:

- (a) accept the settlement proposal;
 - (b) reject the settlement proposal and refer the matter to another panel of the Professional Conduct Committee for a hearing.
- (5) A person who sits on a panel of the Professional Conduct Committee that reviews a rejected settlement proposal must not sit on the panel of the Professional Conduct Committee that conducts a hearing related to the same complaint.

Settlement proposals and hearings

- 31 (1) If a settlement proposal is rejected by the Professional Conduct Committee, the hearing must proceed without reference to the settlement proposal or any admissions contained in the settlement proposal until after the Professional Conduct Committee has determined whether professional misconduct, conduct unbecoming the profession, incompetence or incapacity has been proven.
- (2) Before deciding whether to award costs in a hearing, the Professional Conduct Committee may be given a copy of any settlement proposals exchanged between the parties.
- (3) Any alleged breach by a respondent of an undertaking given in an accepted settlement proposal or a condition of an accepted settlement proposal must be referred to a Professional Conduct Committee and may form the subject of a new hearing.
- (4) A settlement proposal may include any disposition that could be ordered by the Professional Conduct Committee under the Act or these regulations.

Consent revocation

- 32 (1) A respondent who does not contest the allegations or admits some or all of the allegations set out in a complaint or a notice of hearing may, with the consent of the College, ask the Professional Conduct Committee to revoke the respondent's licence.
- (2) The Professional Conduct Committee may consent to revoke a respondent's licence in accordance with subsection (1) with or without conditions, or may refuse consent.
- (3) A respondent whose licence is revoked under this Section must, in all respects, be treated as though their licence has been revoked by the Professional Conduct Committee
- (4) Notification of a revocation under this Section must be given in

accordance with Section 45.

Notice of hearing

- 33 (1) A notice of hearing must be served in accordance with Section 45 of the Act.
- (2) A notice of hearing sent by mail is deemed to have been served on the date it was posted.
- (3) A notice of hearing must state all of the following:
- (a) the details of the charges;
 - (b) the time and place of the hearing;
 - (c) that the respondent may be represented by legal counsel, a union representative or another representative.

Amendment of notice of hearing

- 34 (1) At any time before or during a hearing, the Professional Conduct Committee may, on its own motion or on the motion of a party to the hearing, amend or alter the notice of hearing for any of the following reasons:
- (a) to correct an alleged defect in substance or form;
 - (b) to make the notice conform to the evidence, if there appears to be a difference between the evidence and the notice, or if the evidence discloses any of the following that is not alleged in the notice:
 - (i) professional misconduct,
 - (ii) conduct unbecoming the profession,
 - (iii) incapacity,
 - (iv) incompetence.
- (2) A respondent must be given an opportunity to prepare an answer to an amendment or alteration to a notice of hearing made by the Professional Conduct Committee pursuant to subsection (1).
- (3) After receiving the respondent's answer under subsection (2), the Professional Conduct Committee may decide that an amendment or alteration to the notice of hearing should not be made, and if considered

appropriate, may refer any new allegations to the Registrar for processing in accordance with Section 24.

Public notice of hearing

35 The College must give public notice of all of the following through its website or by any alternate means the College considers appropriate:

- (a) the date, time and location of the hearing;
- (b) any application being made for an order under Section 36.

Attendance at a hearing

36 (1) Except as provided in subsections (2) and (3), a hearing is open to the public.

(2) At the request of a party, the Professional Conduct Committee may order that the public, in whole or in part, be excluded from a hearing or any part of it, if the Professional Conduct Committee is satisfied that any of the following criteria apply:

- (a) personal, medical, financial or other matters may be disclosed at the hearing are of such a nature that avoiding public disclosure of those matters in the interest of the public or any person affected outweighs adhering to the principle that hearings be open to the public;
- (b) the safety of any person may be jeopardized by permitting public attendance.

(3) The Professional Conduct Committee may make an order that the public be excluded from a part of a hearing that deals with an application for an order to exclude the public in whole or in part under subsection (2).

(4) The Professional Conduct Committee may make any order it considers necessary, including orders prohibiting publication or broadcasting, to prevent the public disclosure of matters disclosed in a hearing or in any part of a hearing.

(5) Subject to any order made under this Section, the Professional Conduct Committee must state at a hearing its reasons for any order made under this Section.

Hearing procedures

37 (1) A complainant cannot participate as a party at a hearing.

- (2) The Professional Conduct Committee may determine any additional rules of procedure for hearings not covered by the Act or these regulations.
- (3) Witnesses at a hearing must testify under oath or affirmation.
- (4) An oath or affirmation taken at a hearing may be administered by any member of the Professional Conduct Committee or other person in attendance authorized by law to administer oaths or affirmations.
- (5) The Professional Conduct Committee may require a respondent to do 1 or more of the following during a hearing:
 - (a) submit to physical or mental examinations by a qualified person or persons designated by the Professional Conduct Committee and authorize examination reports to be given to the Professional Conduct Committee;
 - (b) submit to a review of the respondent's practice by a qualified person or persons designated by the Professional Conduct Committee and authorize a copy of the review to be given to the Professional Conduct Committee;
 - (c) submit to a competence assessment, or other assessment or examination the Professional Conduct Committee directs, to determine whether the respondent is competent to practise counselling therapy, and authorize the assessment or the examination reports to be given to the Professional Conduct Committee;
 - (d) produce any records kept about the respondent's practice that the Professional Conduct Committee considers appropriate.

Compliance with requirement of Professional Conduct Committee

- 38** (1) If a respondent fails to comply with a requirement under subsection 37(5), the Professional Conduct Committee may order that the respondent be suspended until the respondent complies.
- (2) The costs of complying with the requirements described in subsection 37(5) must be initially borne by the College and may be awarded as costs against a respondent pursuant to Section 47.

Respondent's failure to attend hearing

- 39** After receiving proof of service of the notice of hearing in accordance with Section 33, the Professional Conduct Committee may proceed with a hearing in the respondent's absence and take any action authorized under the Act and these

regulations without further notice to the respondent.

Subpoenaed witness fees

40 Witnesses who are present under subpoena at a hearing are entitled to the same allowances as witnesses attending a trial of an action in the Supreme Court of Nova Scotia.

Recording evidence at hearing

- 41 (1) All evidence presented at a hearing must be recorded by a person authorized by the College.
- (2) Evidence may be presented at a hearing in any manner that the Professional Conduct Committee considers appropriate, and the Committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.

Preserving the evidence

42 Evidence presented to the Professional Conduct Committee and information obtained by the Complaints Committee or an investigator regarding a complaint that has not been dismissed by the Complaints Committee must be preserved for at least 5 years from the date the evidence is presented or information is obtained.

Disposition by Professional Conduct Committee

43 A Professional Conduct Committee that finds professional misconduct, conduct unbecoming the profession, incompetence or incapacity on the part of a respondent, may do 1 or more of the following and must include orders for it in the Committee's disposition of the matter:

- (a) revoke the respondent's registration and licence and remove the respondent's name from the appropriate rosters;
- (b) for a respondent who held a temporary licence or a temporary licence with conditions or restrictions at the time of the incident giving rise to the complaint, revoke the respondent's ability to obtain registration, or require the respondent to comply with any conditions or restrictions imposed by the Committee if registration is granted;
- (c) authorize the respondent to resign from the Register and remove the member's name from the appropriate rosters;
- (d) suspend the respondent's licence for a specific period of time and remove the respondent's name from the rosters where the name is entered;

- (e) suspend the respondent's licence until any conditions the Professional Conduct Committee orders are complied with;
- (f) suspend the respondent's ability to obtain a licence for a specified period of time;
- (g) impose any restrictions or conditions, or both, on the respondent's licence for a specified period of time;
- (h) reprimand the member and direct that the reprimand be recorded in the records of the College;
- (i) direct the respondent to pass a particular course of study or satisfy the Professional Conduct Committee, or any other committee established under the Act, of the respondent's general competence to practise counselling therapy or competence in a particular field of practice;
- (j) for findings that involve practising counselling therapy while not holding a valid licence, direct the respondent to pay a fine in an amount determined by the Professional Conduct Committee;
- (k) publish or disclose its findings in accordance with the Act and the regulations.

Written decision of Professional Conduct Committee

44 The Professional Conduct Committee must prepare a written report of its disposition of a hearing including the reasons for the decision in accordance with clause 48(2)(c) of the Act, and must provide copies of its decision or information from its decision in accordance with Section 45.

Disclosing and publishing decisions and licensing sanctions imposed without hearing

- 45** (1) Except as prohibited by any publication bans, the Professional Conduct Committee may disclose or publish a decision or part of a decision that dismissed a complaint in a manner determined by the Professional Conduct Committee.
- (2) Except as prohibited by any publication bans, the Registrar must do all of the following for any licensing sanction that is issued other than through a hearing:
- (a) make the appropriate entries in the Register and the rosters of the College and, if applicable, on the member's licence;
 - (b) publish a summary of the decision in accordance with subsection

- (3) in all of the following:
- (i) the College website,
 - (ii) the Professional Conduct Digest retained by the College and available to the public,
 - (iii) any official publication determined by the Professional Conduct Committee;
- (c) notify all of the following of the licensing sanction ordered, and include any other information requested:
- (i) registering bodies in other Canadian counselling therapy jurisdictions,
 - (ii) registering bodies in a jurisdiction where the respondent was originally registered or licensed;
 - (iii) registering bodies in other jurisdictions where the member is known to have practised;
- (d) give the respondent a copy of the decision;
- (e) give some or all of the decision to the complainant, as permitted by the Professional Conduct Committee or the Complaints Committee;
- (f) give any of the following to any person the Committee making the decision directs:
- (i) notice of decision,
 - (ii) a summary of the decision,
 - (iii) parts of the decision,
 - (iv) copy of the decision.
- (3) Except for information that must be excluded under subsection (4), the summary of a decision required by subsection (2) must be prepared by the College and must contain all of the following information:
- (a) the member's city or town of residence and registration number;

- (b) the provision of the Act or these regulations under which the licensing sanction is issued;
 - (c) the date of the decision;
 - (d) the allegations that were upheld by the Professional Conduct Committee or the Complaints Committee or for a consent revocation, the allegations that were either admitted by or not contested by the respondent;
 - (e) whether the allegations amounted to professional misconduct, conduct unbecoming the profession, incompetence, or incapacity;
 - (f) the disposition ordered by the Complaints Committee or the Professional Conduct Committee;
 - (g) the reasons for the decision;
 - (h) any information the College considers necessary to meet the objects of the College.
- (4) If a complaint is resolved without a hearing and any allegations have been found to constitute incapacity, the specific nature of the incapacity must not be included in the summary of the decision under subsection (3).

Disclosing and publishing decisions and licensing sanctions imposed through hearing

46 Except as prohibited by any publication bans, the Registrar must take all of the actions set out subsection 45(2) for any licensing sanction issued following a hearing, and in addition must do the following:

- (a) provide some or all of the decision, as determined by the Professional Conduct Committee, to the relevant employer or employers;
- (b) publish a copy of the full decision in the College's Professional Conduct Digest and make the Professional Conduct Digest available to the public.

Costs awarded after hearing

47 (1) In this Section, "costs" includes all of the following:

- (a) expenses incurred by the College in the investigation of a complaint;

- (b) expenses incurred by the College for the activities of the Complaints Committee and the Professional Conduct Committee;
 - (c) expenses incurred under subsections 27(2) and 38(2);
 - (d) the College's solicitor and client costs, including disbursements and HST, relating to the investigation and hearing of a complaint, including those of College counsel and counsel for the Professional Conduct Committee;
 - (e) fees for retaining a court reporter and preparing transcripts of the proceedings;
 - (f) travel costs and reasonable expenses of any witnesses, including expert witnesses, required to appear at a hearing.
- (2) Except when awarded costs under this Section, a respondent is responsible for all expenses incurred in their defence.
 - (3) If the Professional Conduct Committee finds professional misconduct, conduct unbecoming the profession, incompetence or incapacity on the part of a respondent, it may order that the respondent pay costs in whole or in part.
 - (4) If the Professional Conduct Committee considers that a hearing was not necessary, it may order the College to pay some or all of the respondent's legal costs.
 - (5) The Registrar may suspend the licence of any respondent who fails to pay the costs under this Section within the time ordered, until payment is made or satisfactory arrangements for payment are made.

Application for re-instatement

- 48 (1) An application for re-instatement of registration or a licence under the Act or these regulations must be sent in writing to the Registrar together with the prescribed fee by the Board.
- (2) An application for re-instatement must include any information the Re-instatement Committee requires to assist it in determining whether the objects of the College will be met if re-instatement is granted.

Investigation on re-instatement application

- 49 (1) On receiving an application for re-instatement, the Registrar may request that an investigation be conducted to gather relevant information about the application.

- (2) A person who conducts an investigation must give a written report to the Re-instatement Committee and the applicant that contains all material relevant to the application, including the decision of the Professional Conduct Committee that revoked the applicant's registration or licence and any relevant information gathered during the investigation.

Notice of re-instatement proceeding

50 The Re-instatement Committee must set a date for a proceeding to review a re-instatement application and must

- (a) advise the applicant of the date; and
- (b) provide notice to the public of all of the following through its website or by any alternate means the College considers appropriate:
 - (i) the date, time and location of the proceeding,
 - (ii) any application being made for an order under Section 51.

Attendance at proceeding for review of re-instatement application

- 51** (1) The parties to a proceeding to review an application for re-instatement are the College and the applicant for re-instatement.
- (2) Except as provided in subsections (3) and (4), a proceeding to review an application for re-instatement is open to the public.
- (3) At the request of a party, the Re-instatement Committee may order that the public, in whole or part, be excluded from a proceeding to review a re-instatement application, or any part of it, if the Re-instatement Committee is satisfied that any of the following apply:
- (a) personal, medical, financial or other matters may be disclosed at the proceeding are of such a nature that avoiding public disclosure of those matters in the interest of the public or any person affected outweighs adhering to the principle that hearings be open to the public;
 - (b) the safety of any person may be jeopardized by permitting public attendance.
- (4) The Re-instatement Committee may make an order that the public be excluded from a part of a hearing that deals with an application for an order to exclude the public in whole or in part under subsection (3).

- (5) The Re-instatement Committee may make any order it considers necessary, including orders prohibiting publication or broadcasting, to prevent the public disclosure of matters disclosed in any proceeding to review a re-instatement application, or part of such proceeding.
- (6) Subject to any order made under this Section, the Re-instatement Committee must state at the proceeding to review a re-instatement application its reasons for any order made under this Section.

Re-instatement proceeding procedures

- 52
- (1) The Re-instatement Committee may determine any additional rules of procedure for its proceedings not covered by the Act or these regulations.
 - (2) The evidence presented to the Re-Instatement Committee must be taken under oath and recorded, and is subject to cross-examination.
 - (3) An oath or affirmation required for a proceeding may be administered by any member of the Re-instatement Committee or other person in attendance authorized by law to administer oaths or affirmations.

Decision of Re-instatement Committee

- 53
- (1) After considering the evidence and representations from an applicant and the College representative, the Re-instatement Committee must decide to accept or reject the re-instatement application and must communicate its decision, together with reasons, in writing to the applicant and to the Registrar.
 - (2) If the Re-instatement Committee decides to re-instate an applicant, the Committee may impose any restrictions and conditions it considers appropriate on the applicant's re-instatement, and the applicant must satisfy all criteria required for a licence.
 - (3) Except as provided in subsection (4), a decision of the Re-instatement Committee about re-instatement of registration or a licence is final.
 - (4) An applicant may resubmit an application for re-instatement after 1 year has passed since the date of the Re-instatement Committee's initial decision, or after a longer period determined by the Re-instatement Committee that rejected the application.

Costs of re-instatement proceeding

- 54
- (1) Whether an application for re-instatement is accepted or rejected, the Re-instatement Committee may recover costs from the applicant, including

any of the following:

- (a) expenses incurred by the College in investigating the re-instatement application;
 - (b) expenses incurred by the College for the activities of the Re-instatement Committee;
 - (c) the College's solicitor and client costs, including disbursements and HST, relating to a re-instatement application, including those of College counsel and counsel for the Re-instatement Committee;
 - (d) fees for retaining an expert, preparing reports and preparing transcripts of the proceedings;
 - (e) travel costs and reasonable expenses of any witnesses, including expert witnesses, required to appear at a proceeding to review a re-instatement application.
- (2) An applicant is responsible for all expenses incurred in their re-instatement application and proceeding.
- (3) The Registrar may suspend the licence of any member who fails to pay the costs under this Section within the time ordered, until the payment is made or satisfactory arrangements for payment are made.