

**Medical Professional Corporations Regulations
made under Section 17 of the
Medical Professional Corporations Act
S.N.S. 1995-96, c. 11
O.I.C. 96-637 (August 28, 1996), N.S. Reg. 140/96
as amended by O.I.C. 1998-391 (August 5, 1998), N.S. Reg. 56/98**

- 1** In these regulations
 - (a) “Act” means the Medical Professional Corporations Act;
 - (b) “Council” means the Council of the College of Physicians and Surgeons of Nova Scotia constituted by the Medical Act;
 - (c) “permit” means a permit issued and in force pursuant to Section 4 of these regulations permitting a corporation to engage in the practice of medicine;
 - (d) “Registrar” means the Registrar under the Medical Act;
 - (e) “physician” means a medical practitioner as defined by the Medical Act;
 - (f) “prescribed” means prescribed by these regulations;
 - (g) “professional corporation” means a corporation issued a permit pursuant to this Act;
 - (h) “spouse” means a person married to another person and includes a man and woman who, not being married to each other, live together as husband and wife for at least one year.
- 2** A corporation may engage in the practice of medicine upon being issued a permit pursuant to these regulations.
- 3** An application for a permit or to renew a permit shall be made to the Registrar.
- 4** The Registrar may issue a permit to a corporation that
 - (a) files a completed application in accordance with Form A attached to these regulations under seal of the professional corporation;
 - (b) pays a fee of \$150.00 on initial application or a renewal fee of \$100.00 as applicable;
 - (c) provides the Registrar with a certificate of incorporation of the company

pursuant to the Companies Act, and satisfies the Registrar that the professional corporation is a company limited by shares in good standing under the Companies Act and the Corporations Registration Act, and that it is a private company as defined by the Securities Act;

- (d) satisfies the Registrar that the name of the corporation is a fit and proper name for a corporation engaged in the practice of medicine;
- (e) satisfies the Registrar that the majority of issued shares of the professional corporation are beneficially owned by one or more physicians;
- (f) satisfies the Registrar that the majority of the issued voting shares of the professional corporation are legally and beneficially owned by one or more physicians;
- (g) satisfies the Registrar that all of the directors of the professional corporation are licensed physicians;
- (h) provides the Registrar with written confirmation stating that the persons who will carry on the practice of medicine for or on behalf of the corporation are physicians.

5 A permit issued pursuant to Section 4 is valid for the licensing year in which it is issued.

6 A permit may be renewed upon application to the Registrar in accordance with Form B attached to these regulations under seal of the professional corporation and upon satisfying the Registrar that the corporation continues to meet the conditions specified in Section 4.

Section 6 amended: O.I.C. 1998-391, N.S. Reg. 56/98.

7 An application to renew a permit shall be made not earlier than 90 days and not later than 30 days prior to the expiry date of the license.

8 (1) Where it appears to the Registrar that the professional corporation fails to meet any of the requirements specified in Section 4, the Registrar may, after giving written notice, suspend, revoke, or refuse to renew a permit issued under Section 4.

(2) Reference to the specific requirements of Section 4 which appear to the Registrar to have been contravened by the professional corporation shall be included in the notice.

9 Where, pursuant to Section 8, the permit of a professional corporation is suspended, revoked, or not renewed, the professional corporation may, within 15 calendar days, request that the Council review the Registrar's decision.

10 (1) Where a professional corporation requests a review by the Council pursuant to Section 9, the professional corporation shall within 30 days of receiving notice of the Registrar's decision, make written submission to the Registrar and to the Council.

(2) The Council may investigate the matter as it sees fit, and may require the professional corporation, its directors, officers, employees or shareholders

to provide information and documentation to the Council.

- (3) The Council may ratify, reverse or modify the decision of the Registrar as it sees fit.
- (4) Where the Council reinstates or re-issues a permit suspended, revoked or not renewed pursuant to Section 8, the Council may prescribe terms and conditions upon which reinstatement or re-issuance of a permit may be granted.
- 11 No fees or other remuneration shall be paid to any individual or company holding a non-voting share in a professional corporation or holding company as trustee except for fees payable to the trustee solely for services rendered as trustee in an amount not exceeding the fees which might be fixed by the Supreme Court of Nova Scotia pursuant to the Trustee Act and in any such trust arrangement it shall be stipulated that such fees shall be subject to review by the court for the purpose of determining whether the fees are reasonable in the circumstances.
- 12 The professional corporation shall at all times display the current permit issued to it in a conspicuous place at its premises.
- 13 Where a professional corporation holding a permit proposes to change its name or operate under a business name other than its own name, it shall first satisfy the Registrar that the proposed name or business name is a fit and proper name for use by a professional corporation engaged in the practice of medicine.
- 14 The Memorandum of Association of the professional corporation shall not be changed without the written consent of the Registrar.
- 15 A professional corporation required to give notice to the Registrar pursuant to Section 9 of the Act shall give such notice in writing and satisfy the Registrar that it will continue to fulfil the requirements for issuance of a permit.
- 16 No physician shall cause or commit a proposed professional corporation or a holding company to engage in or invest in any business that is contrary to the proper and ethical practice of medicine or which creates a conflict of interest for the professional corporation or its employees.
- 17 Regulations made pursuant to the Medical Act with respect to advertising by members shall apply mutatis mutandis to any professional corporation which holds a permit under Section 4 of these regulations.
- 18 The Registrar may suspend the permit of a professional corporation without notice or investigation where the Registrar believes that it has contravened any regulation that requires it to pay a fee or assessment, file a document, or do any other act by a specified or ascertainable date.
- 19 A permit suspended by the Registrar pursuant to Section 18 may be reinstated by the Registrar upon payment of the fee or assessment, or upon receipt of a document required to be filed, or upon any other required act being performed by the professional corporation.
- 20 The Registrar shall maintain a Register of Professional Corporations and enter

the name and address of the professional corporation upon issuance or re-issuance of a permit.

- 21** Every professional corporation shall
 - (a) maintain current financial records in accordance with generally accepted accounting principles;
 - (b) cause financial statements to be prepared at the end of each fiscal year;
 - (c) maintain current patient records; and
 - (d) maintain, in accordance with generally accepted business standards, records with respect to its employees.

- 22** The names and business names by which a professional corporation, a partnership of two or more professional corporations or a partnership of one or more professional corporations and one or more individual physicians may be known shall
 - (a) be in good taste;
 - (b) not imply superiority of qualifications, experience or education over that of other medical practitioners.

- 23** Upon 7 days written notice, a professional corporation shall provide the Registrar with access to the minute book records and such other business and financial records as may be reasonably required.

- 24** Any notice required to be given to a professional corporation pursuant to the Act or these regulations may be by prepaid registered mail to the address indicated on the Register of Professional Corporations and shall be deemed to have been received on the third day after the notice is sent.

- 25** Where notice of any act or thing is required to be given to the Registrar or the Council pursuant to the Act or these regulations, it shall be in writing by prepaid registered mail and shall be deemed to have been received by the Registrar or Council, as the case may be, on the third day after the notice is sent.