



COLLEGE OF
PHYSICIANS & SURGEONS
OF NOVA SCOTIA

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By-Laws

College of Physicians and Surgeons of Nova Scotia

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By-Laws

College of Physicians and Surgeons of Nova Scotia

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By-Laws Relating to the Activities and Operation of the College of Physicians and Surgeons of Nova Scotia

References in this document to the Act, Regulations and By-Laws, refer to the *Medical Act*, S.N.S. 2011, c.38 and Regulations and By-Laws made under that Act.

PART 1 – DEFINITIONS

- 1.1** In these By-Laws, words that are not otherwise defined in Article 1.2 shall have the same meaning as set out in the Act and regulations.
- 1.2** In these By-Laws:
- 1.2.1 "Act" means the *Medical Act*;
 - 1.2.2 "College" means the College of Physicians and Surgeons of Nova Scotia;
 - 1.2.3 "consecutive" means that thirty-six months or less occurred between the end of one term and the commencement of the next;
 - 1.2.4 "Council" means the Council of the College;
 - 1.2.5 "Councillor" means a person serving on the Council of the College;
 - 1.2.6 "election year" means a year in which an election of Councillors is to be held;
 - 1.2.7 "good standing" describes a practitioner who:
 - 1.2.7.1 is not subject to any current licensing sanctions;
 - 1.2.7.2 is not subject to any voluntary undertakings or written agreements with the College that limit the registrant's practice; or
 - 1.2.7.3 has not been subject to licensing sanctions within the previous three year period.
 - 1.2.8 "member" means a person on Council or a committee who may be a registrant, Councillor or a Public Representative;
 - 1.2.9 "Province" means the Province of Nova Scotia;
 - 1.2.10 "Registrant" means an individual who is registered on a Register of the College and who holds a licence, but does not include a student member, or a person holding a clinical assessment or temporary licence;
 - 1.2.11 "regulations" means the regulations passed under the Act;

- 1.2.12 "Residents' position on Council" means the seat on Council to be filled by a physician holding a post-graduate training licence, appointed by the Maritime Resident Doctors;
- 1.2.13 "student member" means a person whose name is on the undergraduate medical education student list maintained by the College;
- 1.2.14 "Virtual care" encompasses all means by which healthcare providers remotely interact with their patients using communications and digital technology.

PART 2 – COLLEGE SEAL

2.1 Seal

The seal of the College bearing the following design is and shall continue to be the seal of the College:



2.2 Control and Use

The seal shall be under the control of the Registrar and shall be affixed by the Registrar to all documents required to be sealed on behalf of the College.

PART 3 – MANAGEMENT OF THE COLLEGE

3.1 Office

The office of the College shall be at such place in the Province as the Council shall from time-to-time determine.

3.2 Fiscal Period

The fiscal year of the College shall end on the 31st day of December in each year.

3.3 Cheques

- 3.3.1 All cheques or orders for payment shall be signed by any two of:
- Registrar and CEO
 - Director of Finance & Administration
 - Member of the Finance & Audit Committee or President of Council, as appropriate

3.4 Auditors

- 3.4.1 Auditors shall be recommended by the Council, but shall be subject to the approval of the registrants of the College at the annual meeting.
- 3.4.2 The auditor(s) shall hold office until the next annual meeting of the College and shall be eligible for re-appointment.
- 3.4.3 Any vacancy in the office of the auditor(s) may be filled by appointment made by the Executive Committee to continue until the next annual meeting of the registrants of the College.
- 3.4.4 The audited Financial Statements must be presented to the Finance and Audit Committee in February of each year. The Finance and Audit Committee must present the Financial Statements to Council for approval in March of each year.
- 3.4.5 Council shall submit to each annual general meeting of the registrants of the College the audited financial statement of the College's operations for the past fiscal year.

PART 4 – COUNCIL

4.1 Council Composition

- 4.1.1 The Council of the College shall consist of the Registrar who is a non-voting member of Council, and the following voting members:
- 4.1.1.1 Eight (8) elected physicians, four physicians from District 5, and one physician each of Districts 1, 2, 3, and 4, as set out in Article 7.1;
- 4.1.1.2 the Dean of the Faculty of Medicine of Dalhousie University or the Dean's delegate;
- 4.1.1.3 Public representatives of not less than 33.3 percent of the total number of Council members, who are appointed by Council as set out in the regulations; and

4.1.1.4 one person who holds the Residents' position on Council appointed by the Maritime Resident Doctors.

4.1.2 Public representatives appointed in accordance with Article 4.1.1.3 shall remain in office for two or three year terms as determined by Council, in order to provide a staggering of terms of the serving public representatives.

4.2 Quorum

4.2.1 For the purpose of a Council meeting, any eight (8) voting members of the Council constitute a quorum.

4.2.2 When there is no quorum present within thirty minutes after the time for which a meeting is called, the President or the President-Elect, or in their absence the Registrar, shall adjourn the meeting to some other time, and the Registrar shall give Councillors notice of the time and place of the adjourned meeting.

4.3 Council Code of Conduct

4.3.1 Members of Council and its committees must behave in an ethical and businesslike manner and must abide by the College's Code of Conduct, approved by Council.

4.4 Resignation or Removal of members of Council

4.4.1 A member of the Council ceases to hold office when:

4.4.1.1 the member resigns as a member of Council by submitting a letter of resignation delivered to the President. Such resignation shall be effective immediately, unless otherwise determined by the President;

4.4.1.2 the member is an elected member of a district, and ceases to practice medicine in the medical electoral district for which the member was elected;

4.4.1.3 the member holds the Residents' position on Council and no longer holds a post-graduate training licence;

4.4.1.4 the member ceases to be a registrant in good standing of the College;

4.4.1.5 the member is absent from three consecutive meetings of the Council, unless excused by the Council; or

- 4.4.1.6 Council, by a two-thirds majority vote of Councillors casting votes following a properly constituted meeting, determines that the member of Council should be removed from office for breaching the Act, regulations, by-laws or the Council's Code of Conduct.

PART 5 – MEETINGS OF COUNCIL

5.1 Holding of Meetings of Council

- 5.1.1 The Council shall meet at least three times in each calendar year.
- 5.1.2 The President shall preside at all meetings of the Council and of the College.
- 5.1.3 Where the President is absent from a meeting, the President-Elect or, in the President-Elect's absence, some other member chosen by the members present shall preside at the meeting.
- 5.1.4 Except in the event of an equal number of votes being given for and against a resolution at any meeting, the President or other presiding officer shall not vote.

5.2 Conduct of Council Meetings

- 5.2.1 Unless otherwise provided for in these By-Laws, proceedings of all meetings shall be conducted according to *Roberts' Rules of Order* (latest edition).
- 5.2.2 Any Council meetings conducted pursuant to the Act, Regulations or By-Laws may be conducted via the internet, teleconference, video conference or other electronic means.

5.3 Fixing the Time and Place for Regular Meetings of the Council

Scheduled meeting dates for the following year will be circulated to Council members for approval at the last Council meeting of the year. Upon approval, members shall be immediately provided with a schedule of meeting dates for the upcoming year.

5.4 Notification of Meetings

- 5.4.1 A package of preparatory meeting materials as required will be sent to each Council member so as to arrive no later than one week in advance of the Council meetings.
- 5.4.2 Despite Article 5.4.1, where information arrives later than one week in advance of the Council meeting, the Council may waive the one week notice and proceed to consider the matter.

- 5.4.3 Special meetings of the Council may be called as the need arises. Staff will contact each member of the Council, where possible, at the contact information provided by the Council member, to give notification of a special meeting of the Council. Preparatory materials for these meetings will be forwarded to Council members as much in advance of the meeting as possible.

PART 6 – COMMITTEES APPOINTED BY COUNCIL

6.1 Committees of the Council

The Council may appoint annually such committees from among members of the Council, the College, or the public, as the Council considers necessary to assist it in carrying out its duties pursuant to the Act.

6.2 Standing Committees

- 6.2.1 In addition to the statutory committees appointed pursuant to the Act and the regulatory committees appointed pursuant to the regulations, the following are Standing Committees of the College:

- 6.2.1.1 Assessment Committee.
- 6.2.1.2 Executive Committee;
- 6.2.1.3 Finance and Audit Committee;
- 6.2.1.4 Investigations Committee;
- 6.2.1.5 Nominating Committee;
- 6.2.1.6 Professional Standards Committee;
- 6.2.1.7 Registration Committee;
- 6.2.1.8 Registration Policy Committee; and
- 6.2.1.9 Registrar Review Committee;

- 6.2.2 The Council shall appoint the Chair of each Standing Committee, and may appoint a Vice-Chair of each Standing Committee.

6.3 Terms of Reference

Council shall establish terms of reference for each of its committees which stipulate:

- 6.3.1 the Committee's mandate, including powers, duties and responsibilities of the committee;

- 6.3.2 reporting authority;
- 6.3.3 membership;
- 6.3.4 frequency of meetings; and
- 6.3.5 quorum.

6.4 Executive Committee

In addition to and notwithstanding the Terms of Reference set for the Executive Committee, the Executive Committee may exercise all of the powers and shall perform all the duties of the Council with respect to any matters that the Council may delegate to it or that in the opinion of the Executive Committee require immediate attention.

6.5 Quorum

Despite any provision of these By-Laws, where the quorum for a Committee is not stipulated in its Terms of Reference, the Act or Regulations, the quorum shall be a majority of the members of the Committee.

6.6 Conduct of Committee Meetings

- 6.6.1 Unless otherwise provided for in these By-Laws, proceedings of all meetings shall be conducted according to *Roberts' Rules of Order*.
- 6.6.2 Any committee meetings may be conducted via the internet, teleconference, video conference or other electronic means.

6.7 Notification of Meetings

- 6.7.1 A package of preparatory meeting materials as required will be sent to each committee member so as to arrive no later than one week in advance of the committee meetings.
- 6.7.2 Despite Article 6.7.1, where information arrives later than one week in advance of the committee meeting, the committee may waive the one week notice and proceed to consider the matter.

6.8 Committee Code of Conduct

Members of committees must behave in an ethical and businesslike manner and must abide by the provisions of the College's Code of Conduct, approved by Council, that are applicable to committee members.

6.9 Termination of Committee Appointments

A member of a committee ceases to hold office when:

- 6.9.1 the member's term on a committee has expired;
- 6.9.2 the member resigns as a member of the committee by submitting a letter of resignation delivered to the Chair of the committee. The resignation shall be effective immediately unless otherwise determined by the Chair;
- 6.9.3 the member ceases to be a member in good standing of the College;
- 6.9.4 the member is absent from three consecutive meetings of the committee, unless excused by the Chair of the committee; or
- 6.9.5 Council by a two-thirds majority vote of Councillors casting votes following a properly constituted meeting, determines that the member of the committee should be removed from the committee for breaching the Act, regulations, by-laws or the Code of Conduct applicable to committee members.

PART 7 – ELECTIONS

7.1 Electoral District

The following electoral districts are established for the purpose of elections:

- 7.1.1 District #1, the counties of Antigonish, Guysborough, Inverness, Richmond, Victoria and Cape Breton.
- 7.1.2 District #2, the counties of Pictou, Cumberland and Colchester.
- 7.1.3 District #3, the counties of Yarmouth, Shelburne, Queens, and Lunenburg.
- 7.1.4 District #4, the counties of Hants, Kings, Annapolis and Digby.
- 7.1.5 District #5, the County of Halifax.

7.2 Alteration of Electoral Districts

No new electoral districts shall be established and the area of any existing electoral district shall not be altered in any way except with the approval of Council.

7.3 Number of Elected Councillors

- 7.3.1 From each electoral district, there shall be the following number of members of the College elected to Council:

Electoral District

District #1 – one member

District #2 – one member

District #3 – one member

District #4 – one member

District #5 – four members

7.3.2 A member of Council elected to the position of President-Elect, or filling the position of President, or Past-President, shall continue to hold his or her Council position throughout his or her term as President-Elect, President and Past-President.

7.3.3 For clarity, no vacancies exist and no elections for district positions shall be held while the President-Elect, President, or Past-President from those districts occupy those offices.

7.4 Term of Office

7.4.1 Public representatives shall be appointed for two or three year terms, as determined by Council, in order to provide a staggering of terms of the serving public representatives.

7.4.2 Subject to Article 9.6, elected members of Council shall be elected to office for a term of three years.

7.4.3 Except for the Dean of the Faculty of Medicine of Dalhousie University, or the Dean's delegate, elected or appointed members of the Council shall not be members of Council for more than three consecutive terms.

7.4.4 Elected members of Council who have served as President, Past President, or President Elect, may stand for re-election for a third term, even if re-election would result in a total term on Council of more than 9 consecutive years.

7.4.5 Despite the above provisions of this Article, a Councillor's term shall end in the event the Councillor is removed or resigns pursuant to the provisions of Article 4.4.

7.5 Election Date

At the Annual General Meeting of the College, the Council shall by resolution:

7.5.1 fix a date in the following year upon which the next election of Councillors shall be held and the hour on that day fixed as the deadline for receipt of ballots;

- 7.5.2 fix a date in the following year for receipt of nominations in the election; and
- 7.5.3 appoint two scrutineers and two alternates and fix the remuneration, if any, to be paid to the scrutineers and the alternate scrutineers.

7.6 Eligibility to Vote

- 7.6.1 The following are eligible to vote for Councillors for the electoral districts:
 - 7.6.1.1 a registered physician who, on the date fixed for receipt of nominations, practices medicine in the electoral district for which an election is held; and
 - 7.6.1.2 a registered physician who is not actively engaged in the practice of medicine anywhere in the province on the date fixed for receipt of nominations, whose principal place of residence is in the electoral district for which the election is held.
- 7.6.2 Registered physicians holding a current post-graduate training licence on the date fixed for receipt of nominations, are eligible to vote in the electoral district available to these physicians if they are eligible to vote in accordance with Article 7.6.1.

7.7 Extent of Right to Vote

A registered physician of the College may vote for as many candidates for Council as there are vacancies to be filled for the position(s) for which the registered physician is eligible to vote in accordance with Article 7.6.

7.8 Eligibility for Nomination

- 7.8.1 The following physicians are eligible for nomination as Councillors for the electoral districts:
 - 7.8.1.1 a registered physician in good standing who practices medicine in the electoral district for which an election is held on the date fixed for receipt of nominations;
 - 7.8.1.2 a registered physician who is not actively engaged in the practice of medicine in any electoral district in the province, whose principal place of residence is in the electoral district for which any election is held;
 - 7.8.1.3 a nominee must not sit on a Board or represent a health organization whose mission may conflict with that of the College. This includes but is not limited to: Doctors Nova Scotia, Canadian Medical Association, and the Canadian Medical Protective Association.

In addition to the requirements set out in Article 7.8.1.1, 7.8.1.2, and 7.8.1.3, a physician must consent to the nomination in writing and be nominated by at least five registered physicians who are practicing in the electoral district for which the election is held on the date fixed for receipt of nominations.

7.9 Nominations

7.9.1 A nomination must be received by the Registrar no later than the date fixed by the Nominating Committee for receipt of nominations.

7.9.2 At least thirty days before the date fixed for receiving nominations in any election, the Registrar shall send to every eligible voting registered physician a letter:

7.9.2.1 advising of the election date;

7.9.2.2 seeking nominations;

7.9.2.3 advising of the last date for receiving nominations; and

7.9.2.4 enclosing the form of nominating paper set forth in Schedule "A" and forming part of this by-law.

7.10 Insufficient Number of Candidates

Where at the close of receipt of nominations, the number of candidates nominated is less than the number of Councillors to be elected, the Executive Committee shall, as soon as practical, nominate from amongst the eligible registered physicians a sufficient number of consenting candidates so that the total nominations equal the required number of Councillors to be elected.

7.11 Election by Acclamation

Where at the close of receipt of nominations the number of nominated candidates equals the number of Councillors to be elected for that position, the candidate(s) so nominated shall be declared duly elected and the Registrar shall write to the candidate(s) confirming the election.

7.12 Election by Voting

7.12.1 Where at the close of receipt of nominations there are more candidates than positions such that an election is needed, then, as soon as practical, the Registrar shall send to every registered physician of the College eligible to vote for that position, an e-mail to the physician at the e-mail address listed with the College as that physician's e-mail-address containing:

7.12.1.1 an electronic ballot in the form which appears in the approximate form as Schedule "B" forming part of this by-law; and

7.12.1.2 a biography for each physician running in the election.

7.12.2 The Registrar shall act as Returning Officer and the College through its electronic election process, shall receive ballots up to the hour and date fixed as the deadline for submission of ballots. Physicians will be unable submit their vote following the deadline for receipt of ballots.

7.12.3 The Registrar shall take all appropriate steps to ensure that the election is conducted by secret ballot.

7.12.4 Following the deadline for submission of ballots, the Registrar, in the presence of two scrutineers selected by Council, shall review the electronic results of the election. In the case of only one position on Council open for election, the candidate with the majority of votes cast for that position shall be declared elected. In the case of an election for two positions on Council, the two candidates holding the highest and second highest number of votes for the electoral district shall be declared elected. In the event of a tie vote, no candidate shall be declared elected, and a run-off election shall be held in accordance with Article 7.14.

7.12.5 The electronic ballots used at an election shall not be destroyed until all petitions pursuant to Article 7.13 in respect of the election have been decided and, until that time, shall be retained by the Registrar, together with all other documentation in connection with the election.

7.13 Petition against Election

7.13.1 A person may petition the Council against the election of a person to the Council by filing a petition with the Registrar within fifteen days after the election.

7.13.2 The petitioner shall state in the petition the grounds on which the election is disputed.

7.13.3 The petitioner shall serve a copy of the petition upon the person whose election is disputed.

7.13.4 Where a petition is filed with the Registrar pursuant to subsection (1), the Council shall hold an inquiry and if

7.13.4.1 the election is found to contravene these By-laws, or is otherwise contrary to law; or

7.13.4.2 the person is found not to be eligible to be nominated as a candidate for membership on Council,

shall order that a new election be held.

7.13.5 An inquiry held pursuant to Article 7.13.4, may be conducted in any manner in which the Council deems appropriate, and does not require the Council to take evidence under oath, or to provide opportunities for personal attendance. The decision of the Council, following the holding of an inquiry shall be final.

7.14 Certain Elections Held by Registrar

The Registrar:

7.14.1 in the case of a tie vote, or in the case of a failure for any other reason to elect the required number of Councillors; or

7.14.2 subject to Article 9.5.3, in the case of a vacancy occurring from the death, unavailability or resignation of a member of the Council, or from any other cause outlined in Article 4.4,

shall cause an election to be held within sixty days for the purpose of filling the vacancy. The election shall be held in accordance with the provisions of Article 7.12.

7.15 Filling Vacancy

Notwithstanding Article 7.14.2, but subject to Articles 9.5 and 9.6, where a vacancy occurs for any reason within six months before the date of the next Council election, the vacancy shall be filled at such election.

7.16 Term of Office of Physician Filling Vacancy

Where an election is held pursuant to Article 7.14.2 to fill a vacant Council position, the term of office for the vacant Council position shall be the remainder of the unexpired term of such position.

PART 8 – MEETINGS OF THE REGISTRANTS

8.1 Annual General Meeting

8.1.1 There shall be an annual meeting of the registrants of the College at such time and place as the Council determines.

8.1.2 An annual report shall be:

8.1.2.1 published on the College's website before the annual meeting for review by the membership;

- 8.1.2.2 distributed in any other manner as directed by Council; and
- 8.1.2.3 include a report by the College's auditor.
- 8.1.3 Auditors shall be recommended by the Council, but shall be subject to the approval of the registrants of the College at the annual meeting.
- 8.1.4 The agenda shall include the following:
 - 8.1.4.1 approval of the minutes of the previous annual general meeting;
 - 8.1.4.2 business arising from the minutes;
 - 8.1.4.3 President's Report;
 - 8.1.4.4 Auditor's Report;
 - 8.1.4.5 Resolutions:
 - 8.1.4.5.1 to appoint auditors;
 - 8.1.4.5.2 to fix dates for elections; and
 - 8.1.4.5.3 to appoint scrutineers for elections;
 - 8.1.4.6 Report of the Professional Conduct Process, reporting on the investigations and hearings of the College, prepared by the Chairs of the Investigation Pool and the Hearing Pool;
 - 8.1.4.7 Report of the Nominating Committee;
 - 8.1.4.8 New Business;
 - 8.1.4.9 any other matters as determined by Council.
- 8.1.5 At least 21 days prior to the meeting date, members shall be issued the notice of the meeting, indicating the time and place of the meeting, the agenda for the meeting, and copies, if any, of proposed resolutions.

8.2 Special General Meeting

- 8.2.1 Special meetings of the College shall be called to deal with unusual or extraordinary circumstances of an immediate nature. These meetings may be called:
 - 8.2.1.1 by at least two-thirds majority vote of the Council; or
 - 8.2.1.2 upon receipt of written requests from a minimum of 10% of the number of registrants in the College.

Requests shall include the subject(s) to be considered.

8.2.2 Council shall set the date for the special meeting within 21 business days of the request for the meeting under Article 8.2.1.

8.2.3 Notice of the special meeting, indicating the time, place and the business to be transacted at the meeting shall be given to each member at least 15 business days in advance of the special meeting.

PART 9 – OFFICERS

9.1 College Officers

The following are the officers of the College:

9.1.1 The President;

9.1.2 The President Elect;

9.1.3 The Past President.

9.2 Responsibilities of Officers

The officers, as members of the Council, act in a position of trust for the public and for the membership, and are responsible for the effective governance of the organization and for ensuring the Council meets its statutory, fiduciary and ethical responsibilities.

9.3 Past President

The President shall assume the position of Past President upon election of a new President.

9.4 The President

The President-Elect shall succeed to the office of President, upon completion of the incumbent President's term.

9.5 The President-Elect

9.5.1 Upon completion of the election process for Council in a year when a new President-Elect is due to be elected by Council, the Nominating Committee shall recommend the name of one Councillor as President-Elect for approval by Council;

9.5.2 Council, upon receipt of the recommendation from the Nominating Committee, shall elect the President-Elect.

- 9.5.3 If for any reason a vacancy occurs in the presidency of the College, the President-Elect shall assume the presidency for the balance of the unexpired term, and Council shall elect a new President-Elect.

9.6 Term of Office of Officers

The President serves for a two year term, the Past President will serve for a one year term during the first year of the President's term, and the President-Elect will serve for a one year term during the second year of the President's term, unless removed or vacated from office in accordance with Article 4.4.

9.7 Other Appointments

The Council may appoint such other officers or agents of the College at such remuneration, and for such term of office, as the Council considers necessary to assist it in carrying out its duties pursuant to the Act. In addition, in the absence, death, incapacity or other unavailability of the Registrar, the Council may appoint an acting Registrar, who shall exercise the powers and duties of the Registrar for such term and under such conditions as Council may direct.

PART 10 – VIRTUAL CARE

10.1 Telemedicine

In accordance with the College's *Professional Standards Regarding Virtual Care* (approved by Council):

- 10.1.1 the College expects any Nova Scotia registrant who provides virtual care to have the same standards of practice as a registrant who sees a patient directly.
- 10.1.2 the College will review written complaints received from within Nova Scotia or from outside the province with regard to the provision of virtual care by any of its registrants.
- 10.1.3 if the College receives a complaint regarding virtual care provided to a Nova Scotia resident by a registrant licensed in another Canadian or foreign jurisdiction, it may forward the complaint to the appropriate medical licensing authority in that jurisdiction.

The guidelines do not refer to intra-professional (eg. doctor-to-doctor) consultations.

PART 11 – CODE OF ETHICS

- 11.1** The Code of Ethics for the College is the Canadian Medical Association (CMA) *Code of Ethics* (most recent edition).

PART 12 – NOT-FOR PROFIT STATUS

- 12.1** No part of the College's income shall be payable to, or otherwise available for the personal benefit of, any member provided that this restriction shall not prevent a member from receiving reasonable remuneration, including fees, wages, honoraria and expense reimbursement, for any service provided by such member to or for the benefit of the College.
- 12.2** It is further specifically provided that in the event of dissolution or winding up of the College, all of its remaining assets after payment of its liabilities shall be distributed or disposed of to other not-for-profit or charitable organizations in the Province of Nova Scotia which carry on work and activities similar.

SCHEDULE "B"

COLLEGE OF PHYSICIANS AND SURGEONS OF NOVA SCOTIA

BALLOT

A ballot shall be sent in the following format:

BALLOT

District # _____

Dr. _____

Dr. _____

Dr. _____

Mark your ballot for ___ **candidates only** by making an "X" opposite the candidates of your