PLEASE NOTE

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

For more information concerning the history of this Act, please see the ***Table of Public Acts*.**

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CHAPTER E-6.11

EMERGENCY MEDICAL TECHNICIANS ACT

1. (1) In this Act, Definitions

(a) "ambulance" means an ambulance as defined in the *Ambulance Services Act* R.S.P.E.I. 1988, Cap. A-10.01; ambulance

(b) "ambulance services" means ambulance services as defined in the *Ambulance Services Act* R.S.P.E.I. 1988, Cap. A-10.01; ambulance service

(c) "Board" means the Emergency Medical Services Board continued under section 2; Board

(d) "emergency medical technician" or "EMT" means a person qualified to practise emergency medical technology in accordance with this Act and the regulations; emergency medical technician

(e) "emergency medical technology" means the practice of providing emergency medical care and other health services in accordance with the scope of practice and standards of practice established by this Act and the regulations; emergency medical technology

(e.1) "former Act" means the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30; former Act

(f) "license" or "EMT license" means a license issued by the Board to practise emergency medical technology; license

(g) "licensee" means a person who has been granted a license pursuant to this Act; licensee

(h) "Minister" means the Minister of Health and Wellness; Minister

(i) "misconduct" means misconduct

(i) conduct unbecoming an EMT or other conduct, including gross negligence and incompetence,

(ii) any conduct that is considered in the opinion of the Board

(A) to be contrary to the best interests of the public or to the practice of emergency medical technology in the province,

(B) to be contrary to any standards of practice adopted by the Board or prescribed by the regulations,

(iii) carrying on the practice of emergency medical technology while unlicensed under this Act,

(iv) an EMT placing himself or herself in a conflict of interest as prescribed by the regulations, or

(v) other conduct that may be prescribed by the regulations;

prior Regulations

(j) "prior Regulations" means the Ambulance Services Regulations (EC83/72);

Provincial Coordinator

(k) "Provincial Coordinator" means a person designated by the Minister to provide executive assistance to the Board and to be responsible generally for carrying out the directions of the Board with respect to the coordination of matters respecting the regulation of EMTs;

Provincial Emergency Medical Director

(l) "Provincial Emergency Medical Director" means the medical practitioner designated by the Minister as the medical consultant to the Board on matters respecting emergency medical services for the province.

Exceptions

(2) This Act does not apply to

(a) a person who provides assistance in circumstances to which the *Volunteers Liability Act* R.S.P.E.I. 1988, Cap. V-5 applies;

(b) ambulance and emergency personnel based outside the province providing an inter-provincial service;

(c) staff of a hospital who perform procedures for which they are professionally qualified or trained;

(d) police, firefighters, lifeguards and persons similarly prepared for emergency first-response, when they carry out procedures for which they have been trained, or when they render emergency services that are essential because emergency medical services, emergency medical technician services or ambulance services are not immediately available;

(e) persons performing emergency services under disaster circumstances. 2012(2nd),c.7,s.1; 2013,c.31,s.1.

Emergency Medical Services Board

2. (1) The Emergency Medical Services Board is continued as a body corporate.

Purpose of Board

(2) The purpose of the Board is to regulate EMTs.

Functions of Board

(3) The functions of the Board are to

(a) accept and assess applications and issue licenses;

(b) monitor adherence to prescribed standards by licensees;

(c) make such policy and guidelines and approve such forms as the Board considers necessary for the carrying out of its functions;

(d) investigate and take remedial or disciplinary action as necessary in cases of alleged negligence, incompetence, misconduct, or non-compliance with prescribed standards;

(e) advise the Minister and make recommendations for regulations respecting

(i) qualifications for the licensing and standards for the practice of emergency medical technology, and

(ii) any other matter concerning the provision of emergency medical services. 2012(2nd),c.7,s.2.

Composition of Board

3. (1) The Board shall be composed of nine voting members, appointed by the Minister, as follows:

(a) the Provincial Emergency Medical Director;

(b) two members who shall be EMTs licensed under this Act;

(c) one member who shall be an educator who works in the training of EMTs;

(d) one member who shall be a medical practitioner licensed to practise in the province;

(e) one member who shall be a registered nurse who works in a hospital's emergency services department;

(f) two members who shall be laypersons representative of the general public, one of whom shall have experience in a health-related field; and

(g) one member who shall be a representative of the Department.

Term

(2) The standard term of appointment to the Board shall be up to three years, but terms may be varied or adjusted so as to maintain continuity in such a way that no more than approximately one-third of the membership changes in any one year.

Re-appointment

(3) Board members may be re-appointed, in accordance with the regulations.

Provincial Coordinator

(4) The Provincial Coordinator is an administrative resource to the Board.

Officers, procedures

(5) The Board shall determine the appointment of its officers and its procedures by means of bylaw or written policy.

Quorum

(6) The quorum of the Board shall be five members.

Committees

(7) The Board may appoint such committees as it considers necessary to perform its functions under this section. 2012(2nd),c.7,s.3; 2013,c.31,s.2.

EMT LICENSE

EMT license

4. (1) An application for a license to practise emergency medical technology shall be on the form approved by the Board and shall include such information and fees as may be prescribed by the regulations.

Additional information

(2) The Board may require changes or clarification in any documentation submitted in support of an application, and, in determining whether or not to issue or renew a license, the Board may

request any additional information from an applicant or other person as the Board considers necessary.

Board issues license

(3) Where the Board is satisfied that the applicant has complied with this Act and the regulations, the Board may issue or renew a license to the applicant and place any conditions on the license that the Board considers necessary.

Prior license

(4) Notwithstanding subsection (3), an EMT who was licensed under the prior Regulations and meets the requirements of the regulations shall be issued a license in accordance with the regulations. 2012(2nd),c.7,s.4.

Expiry

5. An EMT license expires on the date specified on the license. 2012(2nd),c.7,s.5.

License shall state level

6. (1) An EMT license shall state that its holder is licensed at a level prescribed by the regulations.

Qualifications

(2) Subject to the regulations, qualification for the various levels of EMT practice shall be by meeting the prescribed requirements and by

(a) successful completion of the training and supervised practical experience required by the Board; and

(b) successful completion of the examination required by the Board, conducted by

(i) the Provincial Coordinator, or

(ii) a training organization approved by the Board. 2012(2nd),c.7,s.6.

EMT license mandatory

7. (1) No person shall act as an EMT who does not hold a currently valid EMT license issued pursuant to this Act.

Continuing education

(2) An EMT shall comply with continuing education requirements prescribed by the regulations.

Within scope of practice

(3) A person licensed as an EMT shall perform functions within the terms of the EMT license and within the scope of practice as determined by the regulations.

Trainee

(4) Notwithstanding subsections (1) and (3), a trainee may perform such EMT functions under direct supervision within a training program, or an upgrade or refresher program as may be approved by the Board.

Additional approved procedures

(5) Notwithstanding subsection (3) and subject to the regulations, an EMT may perform additional procedures under specific medical direction or supervision as approved by the Board. 2012(2nd),c.7,s.7.

Suspension or Revocation of EMT License

Suspension, revocation, refusal of license

8. (1) The Board may refuse to issue or renew a license, or suspend, revoke or attach conditions to a license if, in the opinion of the Board, the applicant or licensee

(a) presents information or qualifications that are incomplete, false or misleading;

(b) fails to comply with the conditions of a license;

(c) fails to comply with an order of the Board;

(d) fails to employ equipment, instruments, materials, and other aids or techniques that enable the rendering of service to a patient according to the standards required by this Act and the regulations;

(e) gives information respecting a patient to unauthorized persons;

(f) stores or disposes of patient records in a manner that does not maintain the confidentiality of the records;

(g) fails to comply with any provision of this Act or the regulations;

(h) is the subject of a written complaint to the Board or the Board has cause to believe that the person may be guilty of misconduct in accordance with the regulations;

(i) is currently being investigated or subject to a hearing by the Board or by a regulatory body in another jurisdiction, pending the outcome of such investigation or hearing;

(j) is charged with or convicted of an offence that in the opinion of the Board renders the applicant unsuitable to practise as an emergency medical technician in the province; or

(k) has arrears owing on any fees or levies prescribed by the regulations.

Notice of hearing

(2) Subject to subsection (5), where the Board proposes to refuse to issue or renew a license, or to suspend, revoke or place conditions on a license, it shall hold a hearing within 30 days of the date of service of a Notice of Hearing pursuant to subsection (3).

Notice of Hearing

(3) The Board shall serve a Notice of Hearing on the applicant or licensee by personal service or by registered mail at the address shown in the records maintained by the Board,

(a) stating the reasons for the proposed refusal, suspension, revocation or conditions; and

(b) specifying a date for the hearing, which shall be not less than 15 days from the date of service.

Immediate suspension, revocation

(4) Notwithstanding subsection (2), if the Board considers it to be in the public interest, the Board, without prior notice of hearing, may impose conditions on a license or may order the suspension or revocation of a license.

Hearing not required

(5) Subsection (2) does not apply

(a) where the Board requires further information for the application to be complete;

(b) where the applicant withdraws the application;

(c) where the Board revokes the license at the request of the EMT; or

(d) to conditions of a license prescribed by the regulations. 2012(2nd),c.7,s.8.

Board determines procedures

9. (1) The Board may determine its own procedures respecting a hearing.

Right to be heard and right to counsel

(2) The applicant or licensee shall have the right to be heard at the hearing and to be represented by counsel. 2012(2nd),c.7,s.9.

Board order

10. (1) Subject to the regulations and after completion of the hearing, the Board may, by order,

(a) issue a license with such conditions, if any, as the Board may consider necessary;

(b) issue a provisional license with such conditions as the Board may consider necessary;

(c) issue a license on a temporary basis;

(d) place conditions on an existing license;

(e) refuse, suspend or revoke a license; or

(f) determine that there are no grounds for suspension or revocation of the license.

Costs of hearing

(2) The Board may order the applicant or licensee to pay all or part of the costs of the investigation and hearing process.

Publication of order

(3) The Board may release the order to the public upon such terms as the Board considers necessary in the public interest.

Board may make order even when no hearing

(4) Notwithstanding subsection (1), the Board may make orders where the applicant or the licensee waives the right to a hearing or fails to appear at the hearing.

Reasons for decision

(5) The Board shall issue written reasons for its decision within ten working days of the completion of the hearing. 2012(2nd),c.7,s.10.

Appeals

Appeal

11. (1) Subject to subsection (2), a decision of the Board pursuant to subsection 10(1) may be appealed to the Court of Appeal, by filing a notice of appeal with the court, within 30 days of receiving notice of the Board's decision.

Not subject to appeal

(2) The following are not subject to an appeal under this section:

(a) conditions imposed by the regulations on a license;

(b) suspension or revocation for failure to pay prescribed fees;

(c) suspension or revocation of a license at the request of the EMT holding the license. 2012(2nd),c.7,s.11.

General

No action against Board

12. No action or proceeding lies or shall be instituted against the Board, its members, officers, committees, inspectors, staff or others acting on its behalf for acting under the authority of this Act, nor for anything done or omitted to be done in good faith pursuant to or in the exercise of powers or the carrying out of duties under this Act or the regulations. 2012(2nd),c.7,s.12.

Prohibited words, descriptions, etc.

13. No person shall use the words "emergency medical technician", "medic" or "paramedic", or similar words, descriptions, titles, acronyms, pictures or graphics signifying or implying that the person is an emergency medical technician or is entitled to practise emergency medical technology, unless the person is an emergency medical technician. 2012(2nd),c.7,s.13.

Regulations

14. The Lieutenant Governor in Council may make regulations

(a) respecting the scope of practice of EMTs;

(b) respecting reappointment of Board members;

(c) respecting licenses for EMTs including, without limiting the foregoing, establishing levels of license and the qualifications and other requirements specific to each level, and different categories of license;

(d) respecting applications for licenses under subsection 4(1) and the requirements that must be met by an applicant for a license;

(e) respecting the issuing of licenses, including the fee for a license or the renewal of a license;

(f) respecting terms and conditions that may be imposed by the Board on a license issued under subsection 4(3);

(g) respecting the suspension of revocation of a license issued under subsection 4(3) and providing for an appeal from the Board's decision to suspend or revoke a license;

(h) respecting requirements for continuing education for EMTs;

(i) respecting types of acts or omissions that constitute professional misconduct;

(j) establishing or adopting standards, codes or guidelines respecting emergency medical practice or professional conduct or ethics of EMTs, including a standard, code or guideline dealing with conflict of interest;

(k) respecting any other matter or thing in that the Lieutenant Governor in Council considers necessary in order to give full effect to the intent and purpose of this Act. 2012(2nd),c.7,s.14.

TRANSITIONAL PROVISIONS

Board members - transitional

15. (1) The persons who, immediately before the coming into force of this Act, were appointed under clauses 26(1)(b) to (g), respectively, of the former Act as members of the Board, are deemed, on the coming into force of this Act, to have been appointed under clauses 3(1)(b) to (g), respectively, as members of the Board until such time as their appointments under the former Act would otherwise have expired if that Act had not been repealed, unless they sooner cease to hold office under this Act.

Termination of former appointments

(2) The persons who, immediately before the coming into force of this Act, were appointed under clause 26(1)(a) of the former Act as members of the Board, cease to be members of the Board on the coming into force of this Act.

EMT License - transitional

(3) A person who, immediately before the coming into force of this Act, holds a valid and subsisting EMT license issued under the former Act, is deemed to hold a valid and subsisting EMT license on the coming into force of this Act, until the expiry date on the license, unless it is sooner suspended or revoked under this Act or the regulations. 2012(2nd),c.7,s.15; 2013,c.31,s.3.