EARLY LEARNING AND CHILD CARE ACT REGULATIONS AMENDMENT

Pursuant to section 76 of the *Early Learning and Child Care Act* R.S.P.E.I. 1988, Cap. E-.01, Council made the following regulations:

- 1. Subsection 18(1) of the *Early Learning and Child Care Act* Regulations (EC819/16) is amended by the deletion of the words "50 children" and the substitution of the words "80 children".
- 2. These regulations come into force on January 27, 2018.

EXPLANATORY NOTES

SECTION 1 amends subsection 18(1) of the regulations to increase the maximum number of children to whom an operator may provide services at a licensed centre, other than a family home centre.

SECTION 2 provides for the commencement of these regulations.

EC2018-21

HEALTH PROFESSIONS STATUTES REPEAL ACT DECLARATION RE

Under authority of section 3(3) of the *Health Professions Statutes Repeal Act* Stats. P.E.I. 2015, c. 29 Council ordered that a Proclamation do issue proclaiming section 3 of the said "Health Professions Statutes Repeal Act" to come into force effective January 27, 2018.

EC2018-22

ISLAND INVESTMENT DEVELOPMENT ACT FINANCIAL ASSISTANCE REGULATIONS PAN AMERICAN PROPERTIES INC. AUTHORIZATION

Pursuant to subsection 2(3) of the *Island Investment Development Act* Financial Assistance Regulations (EC2005-686), Council authorized Island Investment Development Inc. to advance a term loan in the amount of two million, one hundred thousand dollars (\$2,100,000.00) to Pan American Properties Inc. on terms and conditions satisfactory to the Board of Directors of Island Investment Development Inc.

PRINCE EDWARD ISLAND LANDS PROTECTION ACT PETITION TO ACQUIRE A LAND HOLDING RONALD MACNEILL AND GWENDOLYN MACNEILL (APPROVAL)

Pursuant to section 4 and section 9 of the Prince Edward Island Lands Protection Act R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Ronald MacNeill and Gwendolyn MacNeill, both of Fort McMurray, Alberta to acquire a land holding of approximately two decimal five (2.5) acres of land at Darnley, Lot 18, Prince County, Province of Prince Edward Island, being acquired from the Estate of Joseph L. Haverlock of Chattanooga, Tennessee PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2018-24

PRINCE EDWARD ISLAND LANDS PROTECTION ACT PETITION TO AC A LAND HOLDING ESTATE OF CARSON NEIL (APPROVAL)

Pursuant to section 4 and section 9 of the Prince Edward Island Lands Protection Act R.S.P.E.I. 1988, Cap. L-5 Council granted permission to the Estate of Carson Neil of Sarnia, Ontario to acquire a land holding of approximately eighteen (18) acres of land at Wheatley River, Lot 24, Queens County, Province of Prince Edward Island, being acquired from Earl Doucette and Anne Marie Doucette, both of Charlottetown, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2018-25

PRINCE EDWARD ISLAND LANDS PROTECTION ACT PETITION TO ACQUIRE A LAND HOLDING NOEL ANDREW PENDERGAST (APPROVAL)

Pursuant to section 4 of the Prince Edward Island Lands Protection Act R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Noel Andrew Pendergast of Halifax, Nova Scotia to acquire a land holding of approximately four decimal six two (4.62) acres of land at Darnley, Lot 18, Prince County, Province of Prince Edward Island, being acquired from Pendergast Enterprises Ltd. of Kensington, Prince Edward Island.

PRINCE EDWARD ISLAND LANDS PROTECTION ACT PETITION TO ACQUIRE A LAND HOLDING ANNA MARIE STAMMBERGER (APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands* Protection Act R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Anna Marie Stammberger of Halifax, Nova Scotia to acquire a land holding of approximately ten (10) acres of land at Darnley, Lot 18, Prince County, Province of Prince Edward Island, being acquired from Pendergast Enterprises Ltd. of Kensington, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2018-27

PRINCE EDWARD ISLAND LANDS PROTECTION ACT PETITION TO ACQUIRE A LAND HOLDING CARM-CO HOLDING INC. (APPROVAL)

Pursuant to section 5 of the Prince Edward Island Lands Protection Act R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Carm-Co Holding Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately one decimal two four (1.24) acres of land at New Glasgow, Lot 23, Queens County, Province of Prince Edward Island, being acquired from Glasgow-on-Clyde Estates Inc. of Charlottetown, Prince Edward Island.

EC2018-28

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

Pursuant to section 5 and section 9 of the Prince Edward Island Lands Protection Act R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Compton Bros. Inc. of Morell, Prince Edward Island to acquire a land holding of approximately fourteen (14) acres of land at Riverton, Lot 40, Kings County, Province of Prince Edward Island, being acquired from John David MacDonald and Mary MacDonald, both of Morell, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

PRINCE EDWARD ISLAND LANDS PROTECTION ACT PETITION TO ACQUIRE A LAND HOLDING LITTLE HARBOUR AQUA LTD. (APPROVAL)

Pursuant to section 5 and section 9 of the Prince Edward Island Lands Protection Act R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Little Harbour Aqua Ltd. of Kensington, Prince Edward Island to acquire a land holding of approximately nineteen decimal two nine (19.29) acres of land at Margate, Lot 19, Prince County, Province of Prince Edward Island, being acquired from Gwennyth Elaine Moase of Margate, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2018-30

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

Pursuant to section 5 and section 9 of the Prince Edward Island Lands Protection Act R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Lyndale Farms Inc. of Montague, Prince Edward Island to acquire a land holding of approximately forty-eight decimal four (48.4) acres of land at New Perth, Lot 52, Kings County, Province of Prince Edward Island, being acquired from Shawn Larter, Michael Larter, Paul Larter and Brian Dewar, all of O'Leary, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2018-31

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

Pursuant to section 5 and section 9 of the Prince Edward Island Lands Protection Act R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Nobra Holsteins Inc. of Kensington, Prince Edward Island to acquire a land holding of approximately one hundred and fifty-six decimal three nine (156.39) acres of land at Long River, Lot 20, Queens County, Province of Prince Edward Island, being acquired from MacEwen Farms Ltd. of New London, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

PRINCE EDWARD ISLAND LANDS PROTECTION ACT PETITION TO ACQUIRE A LAND HOLDING POWER FAMILY FARM INC. (APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Power Family Farm Inc. of Mermaid, Prince Edward Island to acquire a land holding of approximately eighty-one decimal five (81.5) acres of land at Johnstons River, Lot 35, Queens County, Province of Prince Edward Island, being acquired from Alan J. Trainor and Kevin F. Trainor, both of Johnstons River, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2018-33

PRINCE EDWARD ISLAND LANDS PROTECTION ACT APPLICATION TO LEASE LAND POWER FAMILY FARM INC. (APPROVAL)

Pursuant to section 5 and clause 5.3(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Power Family Farm Inc. of Mermaid, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to six hundred (600) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said Power Family Farm Inc. files a statement with the Island Regulatory and Appeals Commission within one year of the date of this Order and prior to 31 December in every subsequent year disclosing the parcel number, the acreage and the term of lease for each parcel leased during the reporting period covered by the statement.

EC2018-34

REGULATED HEALTH PROFESSIONS ACT OCCUPATIONAL THERAPISTS REGULATIONS

Pursuant to sections 2 and 96 of the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1, Council made the following regulations:

PART 1 - INTERPRETATION

1. In these regulations

Definitions

- (a) "Act" means the *Regulated Health Professions Act* R.S.P.E.I. Act 1988, Cap. R-10.1;
- (b) "Council" means the Council of the College of Occupational Council Therapists continued under section 3;
- (c) "occupational therapist" means a member registered in the occupational register for occupational therapy, except where otherwise provided; therapist

(d) "occupational therapy" means the health profession in which a person applies particular knowledge, skills and judgment in occupate therapy providing occupational therapy services to another person, including

occupational

- (i) promoting health and occupational performance,
- (ii) preventing or ameliorating disability,
- (iii) assessing and resolving occupational performance issues,
- (iv) promoting and optimising the well-being of individuals and groups while undertaking roles involving education, consultation, management, research and other areas of practice,
- (v) designing and adapting the physical, social and emotional environment of individuals, families, groups and populations;
- (e) "refresher program" means a refresher program in occupational refresher program therapy consisting of a formal curriculum, a set of individualized assignments of studies and experiences, a set of continuing education credits, a practicum or a combination of these elements.

PART 2 - DESIGNATION

2. (1) Occupational therapy is designated as a regulated health Designation as profession.

regulated health profession

(2) Occupational therapy is prescribed for the purpose of subsection Title protection only 2(4) of the Act.

(3) For the purpose of subsection 89(1) of the Act, the designations of Designations of a an occupational therapist include the following titles, abbreviations and member initials:

- (a) occupational therapist;
- (b) O.T.;
- (c) registered occupational therapist;
- (d) O.T. Reg.;
- (e) O.T. Reg. (PEI).
- 3. The Prince Edward Island Occupational Therapists Registration Board Continuation of established as a body corporate under the Occupational Therapists Act Board as College R.S.P.E.I. 1988, Cap. O-1.1, is continued as the College of Occupational Therapists, the college for occupational therapy.

registration

PART 3 - REGISTRATION

Register

- 4. The register for occupational therapy is divided into the following Parts of register parts:
 - (a) general registration;
 - (b) provisional registration;
 - (c) special registration.
- 5. The registrar shall register an applicant in the general registration part General registration
 - (a) the registrar is satisfied that the applicant meets all the requirements for registration set out in subsection 12(2) of the Act and these regulations and registers the applicant pursuant to subsection 12(3) of the Act; or
 - (b) subject to section 6, the Council directs the registrar to register the applicant pursuant to subsection 12(6) or reinstate the registration of the applicant pursuant to subsection 24(4) of the Act.
- 6. (1) The registrar shall register an applicant in the provisional Provisional registration part where

(a) the applicant

- (i) has not successfully completed the examinations required in section 9, or
- (ii) is required to complete a refresher program under subsection 10(2) that includes a practicum component; and
- (b) the Council directs the registrar to register the applicant pursuant to subsection 12(6) of the Act, renew the applicant's registration pursuant to subsection 22(4) of the Act or reinstate the applicant's registration pursuant to subsection 24(4) of the Act, subject to the term or condition that the applicant completes the examinations or

refresher program, as the case may be, within a specified period of

(2) An occupational therapist registered in the provisional registration subject to part shall be supervised in practising occupational therapy by an occupational therapist registered in the general registration part, approved

(3) Where an occupational therapist satisfies the term or condition Satisfaction of term imposed under clause (1)(b), the registrar shall register the occupational or condition therapist in the general registration part.

(4) Provisional registration is for a limited time and purpose and is No renewal or therefore not subject to renewal or reinstatement.

7. (1) Where the Council directs the registrar to register an applicant Special registration pursuant to subsection 13(3) of the Act, the registrar shall register the applicant in the special registration part.

(2) Special registration is for a limited time and purpose and is No renewal or therefore not subject to renewal or reinstatement.

Prescribed Requirements

8. For the purpose of clause 12(2)(c) of the Act, an applicant shall have

Education

- (a) a bachelor's degree or master's degree in occupational therapy approved by the Council; or
- (b) qualifications that the Association of Canadian Occupational Therapy Regulatory Organizations considers substantially equivalent to a degree described in clause (a).
- 9. For the purpose of clause 12(2)(d) of the Act, an applicant shall have Examinations successfully completed

(a) a provincial examination established or adopted by the Council to assess knowledge and understanding of the jurisprudence, ethical standards and standards of practice governing occupational therapy in the province; and

(b) a competency examination approved by the Council.

10. (1) For the purpose of clause 12(2)(f), subclause 22(2)(a)(ii) and clause 24(4)(c) of the Act, an applicant shall meet one of the following requirements to demonstrate currency of professional knowledge and skills:

professional knowledge and

- (a) successful completion of the educational requirements set out in section 8 within the 18 months immediately preceding the date of the application:
- (b) active practice of occupational therapy, as an occupational therapist authorized by the laws of the jurisdiction where he or she is practising to practise without any restrictions, for at least 600 hours within the three years immediately preceding the date of the application; or
- (c) successful completion of a refresher program satisfactory to the registrar, within the 18 months immediately preceding the date of the application.
- (2) Where an applicant fails to demonstrate currency under subsection Failure to (1), the Council may require the applicant to successfully complete a refresher program approved by the Council within the time period specified by the Council.

- 11. (1) For the purpose of clause 12(2)(j), subclause 22(2)(a)(v) and Insurance clauses 24(4)(f) and 25(3)(c) of the Act, an applicant or occupational therapist, as the case may be, is required to hold or be covered by professional liability insurance under a policy that
 - (a) is issued in the name of the applicant or occupational therapist or clearly covers the applicant or occupational therapist;
 - (b) applies to any practice setting in Prince Edward Island;
 - (c) provides coverage of not less than \$5,000,000 per claim or occurrence and an aggregate limit of not less than \$5,000,000, excluding legal or court costs;

- (d) covers liability for any professional service the applicant will be providing or the occupational therapist provides practising occupational therapy; and
- (e) provides an extended reporting period of at least three years in the case of a claims-based policy or a minimum retroactive date of five years in the case of an occurrence-based policy.
- (2) An applicant or occupational therapist shall provide or ensure the valid certificate registrar is provided with the most current certificate of professional required liability insurance issued by the insurer that confirms the applicant or occupational therapist is insured under a policy that meets the requirements of subsection (1).

12. (1) Subject to subsection (2), for the purpose of subclause 22(2)(a)(i) Continuing of the Act, an applicant shall have

- (a) completed at least 30 hours of continuing education that meets the standards and requirements established by the Council in accordance with section 60 of the Act in each three-year period defined by the Council, subject to proration; and
- (b) participated in any methods or programs established by the Council in accordance with section 60.1 of the Act to assess the competency of members, as required by the Council.
- (2) Where an applicant fails to meet the requirements described in Failure to meet clause (1)(a) or (b), the Council may require the applicant to do one or both of the following within the time period specified by the Council:

continuing education or competency

- (a) successfully complete a continuing education program approved requirements by the Council;
- (b) pass an examination administered or approved by the Council.
- (3) An occupational therapist shall

Record

- (a) keep a record in a form satisfactory to the registrar of the activities that the occupational therapist undertakes for the purpose of this section; and
- (b) provide copies of the record referred to in clause (a) on the request of and in accordance with the directions of the registrar.

PART 4 - GENERAL

13. For the purpose of subsection 24(1) of the Act, the maximum period Reinstatement, time of time is three years.

14. (1) For the purpose of clause 15(1)(d) of the Act, the name of a Name of corporation applying for a permit to carry on the business of providing corporation the professional services of an occupational therapist shall be, in the opinion of the registrar, in good taste, dignified and professional.

(2) Before changing its name, a health profession corporation shall Change of name obtain written confirmation from the registrar that the proposed name meets the requirements of subsection (1).

15. The following regulations are revoked:

Revocation

- (a) the Occupational Therapists Act Registration Regulations (EC385/96);
- (b) the Occupational Therapists Act Standards and Discipline Regulations (EC363/97).
- **16.** These regulations come into force on February 1, 2018.

Commencement

EXPLANATORY NOTES

SECTION 1 defines terms used in these regulations.

SECTION 2 designates occupational therapy as a regulated health profession and prescribes it as a regulated health profession that does not have a distinct and identifiable scope of practice so that the prohibition in subsection 2(3) of the Act does not apply to the practice of occupational therapy. It sets out titles, abbreviations and initials that are included in designations of an occupational therapist.

SECTION 3 continues the Prince Edward Island Occupational Therapists Registration Board as the College of Occupational Therapists.

SECTION 4 divides the register into three parts: general registration, provisional registration and special registration.

SECTION 5 sets out the circumstances in which an applicant is to be registered in the general registration part.

SECTION 6 sets out the circumstances in which an applicant is to be registered in the provisional registration part. It requires that an occupational therapist registered under that part be supervised in practising occupational therapy by an occupational therapist registered in the general registration part. It provides for the occupational therapist to be registered in the general registration part upon satisfaction of the term or condition imposed on him or her as a provisional registrant. It provides that registration in the provisional registration part is not subject to renewal or reinstatement.

SECTION 7 sets out the circumstances in which an applicant is to be registered in the special registration part. It also provides that registration in the special registration part is not subject to renewal or reinstatement.

SECTION 8 sets out the prescribed educational requirements for occupational therapy.

SECTION 9 sets out the required examinations for registration in the general registration part of the register.

SECTION 10 sets out options for demonstrating currency of professional knowledge and skills and empowers the Council to require an applicant who does not demonstrate currency to take a refresher program.

SECTION 11 sets out requirements with respect to professional liability insurance for applicants or occupational therapists, as the case may be.

SECTION 12 sets out continuing education and competency requirements for renewal of registration in the general registration part and empowers the Council to require an applicant who does not meet these requirements to fulfill other requirements. It also requires occupational therapists to keep a record of their continuing education and competency activities and provide a copy to the registrar on request.

SECTION 13 provides that a former occupational therapist may apply for reinstatement of registration if his or her registration has lapsed for less than three years.

SECTION 14 requires that the name of a corporation applying for a permit to carry on the business of providing the services of an occupational therapist shall be, in the opinion of the registrar, in good taste, dignified and professional. It requires a health profession corporation to obtain written confirmation from the registrar that any proposed name change meets those requirements.

SECTION 15 revokes regulations made under the former Act governing occupational therapists.

SECTION 16 provides for the commencement of these regulations.

(SOR/DORS)

The Lieutenant Governor in Council of Prince Edward Island, pursuant to subsection 18(1)^a of the Sex Offender InformationRegistration Act^b, makes the annexed Regulations Amending the Prince Edward Island Sex Offender Information Registration Regulations.

Regulations Amending the Prince Edward Island Sex Offender

Information Registration Regulations

Amendments

1 The Prince Edward Island Sex Offender Information Registration Regulations¹ are amended by adding the following after section 1:

Report and Notification by Telephone

- **1.1** (1) A sex offender whose main residence is located in the Province of Prince Edward Island may make any report required under paragraph 4.1(1)(a) or (b) or section 4.3 of the Act, or provide any notification required under section 6 of the Act, by telephone.
- (2) For greater certainty, subsection (1) does not remove the requirement for the sex offender to report in person under paragraph 4.1(1)(c) of the Act.
- 2 Section 2 of the Regulations is replaced by the following:
- **2** The following persons are authorized in the Province of Prince Edward Island to collect information for the purposes of the Act:
 - (a) a member of the RCMP; and
 - **(b)** a "member of a police department" as defined in paragraph 1(n) of the *Police Act*, R.S.P.E.I. 1988, c P-11.1, as amended from time to time.
- 3 Section 4 of the Regulations is replaced by the following:

4 The RCMP "L" Division headquarters located at 450 University Avenue, Charlottetown, Queens County, is designated as a registration centre in the Province of Prince Edward Island, and its designated area of service is the entire province.

Coming into Force

4 These Regulations come into force on the day on which they are registered.

Explanatory Note

(This note is not part of the Regulations)

These Regulations amend the *Prince Edward Island Sex Offender Information Registration Regulations* to change the means by which a report or notification may be made under the *Sex Offender Information Registration Act*, to change who is authorized to collect information for the purposes of that Act and to change the designated registration centre.

^a S.C. 2007, c.5, s. 49

^b S.C. 2004, c. 10

¹ SOR/2004-307

(DORS)

En vertu du paragraphe 18(1)^a de la *Loi sur l'enregistrement de renseignements sur les délinquants sexuels*^b, la lieutenante-gouverneure en conseil de l'Île-du-Prince-Édouard prend le *Règlement modifiant le Règlement de l'Île-du-Prince-Édouard sur l'enregistrement de renseignements sur les délinquants sexuels*, ci-après.

Règlement modifiant le Règlement de l'Île-du-Prince-Édouard sur l'enregistrement de renseignements sur les délinquants sexuels

Modifications

1 Le Règlement de l'Île-du-Prince-Édouard sur l'enregistrement de renseignements sur les dé-linquants sexuels¹ est modifié par adjonction, après l'article 1, de ce qui suit :

Comparution et avis par téléphone

- **1.1** (1) Le délinquant sexuel ayant sa résidence principale dans la province de l'Île-du-Prince-Édouard peut comparaître au titre des alinéas 4.1(1)a) ou b) ou de l'article 4.3 de la Loi ou fournir l'avis exigé au titre de l'article 6 de la Loi par téléphone.
- (2) Il est entendu que le paragraphe (1) ne soustrait pas le délinquant sexuel à l'obligation de comparaître en personne pour l'application de l'alinéa 4.1(1)c) de la Loi.

2 L'article 2 du même règlement est remplacé par ce qui suit :

- **2** Pour l'application de la Loi, les personnes ci-après sont autorisées dans la province de l'Île-du-Prince- Édouard à recueillir des renseignements :
 - a) tout membre de la GRC;
- **b)** toute personne visée à la définition de « member of a police department » à l'alinéa 1n) de la loi intitulée *Police Act*, R.S.P.E.I. 1988, ch. P-11.1, avec ses modifications successives.
- 3 L'article 4 du même règlement est remplacé par ce qui suit :

4 Le quartier général de la Division L de la GRC, situé au 450, avenue University, Charlottetown, comté de Queens, est désigné à titre de bureau d'inscription dans la province de l'Île-du-Prince-Édouard, lequel dessert toute cette province.

Entree en vigueur

4 Le présent règlement entre en vigueur à la date de son enregistrement.

^a L.C. 2007, c.5, s. 49 ^b L.C. 2004, c. 10 ¹ DORS/2004-307

Note explicative

(La présente note ne fait pas partie du règlement.)

Le Règlement modifiant le Règlement de l'Île-du-Prince-Édouard sur l'enregistrement de renseignements sur les délinquants sexuels modifie les modalités de comparution et d'avis au titre de la Loi sur l'enregistrement de renseignements sur les délinquants sexuels, modifie qui est autorisé à recueillir des renseignements pour l'application de cette Loi et modifie l'entité désignée à titre de bureau d'inscription.