

Nova Scotia Regulator of Respiratory Therapy

Bylaws

(Draft for Consultation)

Implementation Date: November 1, 2025
Revised:

ACKNOWLEDGEMENT

The Nova Scotia Regulator of Respiratory Therapy acknowledges that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People and pays respect to the Indigenous knowledges held by the Mi'kmaq People, and to the wisdom of their Elders past and present.

The Mi'kmaq People signed Peace and Friendship Treaties with the Crown, and section 35 of the Constitution Act, 1982 recognizes and affirms Aboriginal and Treaty rights. We are all Treaty people.

The Regulator of Respiratory Therapy also acknowledges the histories, contributions, and legacies of African Nova Scotians, who have been here for over 400 years.

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1. DEFINITIONS

1.1 All words used in these bylaws that are not otherwise defined in the bylaws have the same meaning as set out in the Act or regulations.

1.2 In these bylaws, unless the context requires:

“Act” refers to the *Regulated Health Professions Act*, SNS 2023, c13;

“Auditor” means the person or firm appointed under the Regulated Health Professions Act, SNS 2003, c13, s10(1)(e);

“Board,” when used in these bylaws includes the Initial Board and Subsequent Boards, unless the Initial Board or Subsequent Board is specifically identified;

“Board Code of Conduct” means the policy approved by the Board governing the conduct of Board members;

“Board Composition Matrix” means the list of competencies, qualities and other criteria approved by the Board to describe the collective desired composition of the Board;

“Bylaw” means these bylaws and other bylaws of the Regulator as amended and which are, from time to time, in force and effect;

“Chair” means the Chair of the initial Board or the Chair of a subsequent Board, as the context requires;

“employee” means an individual employed on a full or part-time basis by the Regulator, but does not include an independent contractor, consultant or facilitator who otherwise provides services to the Regulator;

“good standing” for purposes of eligibility of a registrant to serve on the Board or a committee, means the status of a registrant who:

- (i) holds a practising licence or a conditional licence, unless there is a condition on the licence restricting the registrant from eligibility to serve on the Board,
- (ii) is current in their continuing competence requirements,
- (iii) does not owe any outstanding fees or costs to the Regulator, and
- (iv) is not subject to any licensing sanction or ongoing regulatory process that in the opinion of the Board, impacts their ability to ethically and competently serve as a member of the Board, or would otherwise be contrary to the objects of the Regulator;

“Initial Board” means the Board of the Regulator continued from the Legacy Board following the date of repeal of the *Respiratory Therapists Act*, SNS 2007, c. 13;

“Legacy Board” means the Board of the Nova Scotia College of Respiratory Therapists in existence immediately prior to the repeal of the *Respiratory Therapists Act*, SNS 2007, c. 13;

“Meeting Rules” means such rules approved by the Board that govern the conduct of Board meetings that are not inconsistent with these bylaws;

“Officer” or “officers” means any 1 or more persons, respectively, who have been appointed as officers of the Regulator, and includes the Chair, Vice-Chair, and Treasurer;

“public representative director” means a public representative serving on the Board as either an officer or director;

“registrant Board member” means any registrant officer or registrant director serving on the Board;

“registrant director” means a registrant Board member who is not an Officer or a public representative director;

“Regulations” include the *Regulated Health Professions General Regulations* and the *Respiratory Therapy Regulations* approved by Order in Council under the authority of the *Regulated Health Professions Act*; SNS 2023, c13;

“reserved practice” means an activity, procedure or service within the scope of practice of the profession of respiratory therapy that

1.2.1 involves sufficient risk to clients that the Board requires additional education, training or other requirements beyond an entry to practice level, and

1.2.2 requires approval of the Registrar before an individual registrant may engage in the activity, procedure or service;

“Subsequent Board” includes each Board appointed after the expiry of the term of the Initial Board,;

“Vice-Chair” means the Vice-Chair of the Initial Board or any Subsequent Board, as the context requires.

2. CORPORATE SEAL

2.1 The seal of the Regulator shall have the words “Nova Scotia Regulator of Respiratory Therapy” endorsed thereon and shall be in the custody of the Registrar.

3. **HEAD OFFICE**

- 3.1 The head office of the Regulator shall be maintained within the province of Nova Scotia and located as to reasonably carry on the business of the Regulator.

4. **FORMS**

- 4.1 Any forms required pursuant to the Act, regulations or by-laws shall be as approved by the Registrar.

5. **NOTICES**

- 5.1 All notices or materials that are required to be issued pursuant to the Act, regulations or bylaws that are not otherwise required by the Act, regulations or bylaws to be served in a specified manner, shall be deemed to be issued on the date such notices or materials are sent by the most appropriate method, as determined by the Registrar; to include mail, courier, electronic communication or any other form of issuance.

6. **APPOINTMENTS COMMITTEE**

- 6.1 The Board shall establish and appoint an Appointments Committee comprised of at least

6.1.1 two registrants in good standing, who are neither serving on the Board nor are seeking a nomination to serve on the Board, and

6.1.2 one public representative, who is neither serving on the Board nor is intending to serve on the Board, and who is not required to be appointed by the Governor in Council.

- 6.2 The members of the Appointments Committee shall hold office for such term as set by the Board who appoints them, which shall not be longer than 3 years.

- 6.3 A member of the Appointments Committee may be appointed for one additional term by the Board.

- 6.4 The Board shall appoint one of the members as Chair of the Appointments Committee.

- 6.5 The Board shall approve Terms of Reference for the Appointments Committee and the Committee shall act in accordance with such Terms of Reference as long as they do not conflict with the Act, Regulations or bylaws.

7. **INITIAL BOARD**

- 7.1 The Initial Board shall consist of the members of the Legacy Board as follows:

7.1.1 the Past President;

7.1.2 the President;

- 7.1.3 the President-Elect;
 - 7.1.4 the Treasurer;
 - 7.1.5 three directors-at-large;
 - 7.1.6 three public representatives.
- 7.2 The term of the Initial Board and the term for each member of the Initial Board shall expire at noon on the day the *Respiratory Therapy Regulations* come into effect.
- 7.3 The officers of the Initial Board are the Past President, President, President-Elect and Treasurer of the Legacy Board, and for purposes of these bylaws, the President and President-Elect of the Legacy Board shall be known as the Chair and Vice-Chair of the Initial Board.
- 7.4 The quorum for the Initial Board is a majority of its members, excluding vacancies, which must include at least one public representative.
- 7.5 Where a vacancy occurs of a registrant director position on the Initial Board prior to the expiration of the term of the Initial Board, that vacancy shall not be filled.
- 7.6 Where a vacancy occurs of the Chair of the Initial Board, the Vice-Chair shall assume the role of Chair and the time served prior to the expiration of the term of the Initial Board is not considered part of the Chair's term.
- 7.7 Where a vacancy occurs of the Vice-Chair of the Initial Board, that vacancy may be filled by the Initial Board with a member from amongst their number, in such manner as determined by the Initial Board, and the time served prior to the expiration of the Initial Board is not considered part of the Vice-Chair's term.
- 7.8 Where a vacancy occurs of the Treasurer of the Initial Board, that vacancy may be filled by the Initial Board with a member from amongst their number, in such manner as determined by the Initial Board, and the time served prior to the expiration of the Initial Board is not considered part of the Treasurer's term.
- 7.9 Where a vacancy occurs due to the resignation, removal or otherwise of the Past-President of the Initial Board, that vacancy shall not be filled.
- 7.10 The Initial Board shall approve the Board Composition Matrix for the Subsequent Boards, prior to the expiry of the term of the Initial Board.
- 7.11 The term served by any registrant Board member on the Initial Board does not count toward any term limit for service on Subsequent Boards.
8. **COMPOSITION OF SUBSEQUENT BOARDS AND FIRST APPOINTMENT PROCESS**
- 8.1 Each subsequent Board shall consist of 7 persons, which must include:

- 8.1.1 4 registrant Board members, who may be registrant directors or registrant Officers; and
 - 8.1.2 3 public representatives, any one or more of whom may be Officers.
- 8.2 The officers of each Subsequent Board are the Chair, the Vice-Chair and the Treasurer.
- 8.3 The quorum for Subsequent Boards is a majority of its members, excluding vacancies, which must include at least one public representative.
- 8.4 Subject to Article 8.6, registrant Officers of Subsequent Boards shall be appointed in accordance with a process asset out in Article 16.
- 8.5 Subject to Article 8.6, registrant Directors of Subsequent Boards shall be appointed in accordance with a process as set out in Article 17.
- 8.6 Notwithstanding any other provision of these bylaws, for purposes of the appointment of the Subsequent Board immediately following the expiration of the term of the Initial Board:
 - 8.6.1 the Past President of the Initial Board shall become a registrant Director, with a term expiring on a day set by the Subsequent Board in November, 2026, or such earlier date as the position may be vacated;
 - 8.6.2 the Chair of the Initial Board shall become the Chair of the Board, with a term expiring on a day set by the Subsequent Board in November, 2026, or such earlier date as the position may be vacated;
 - 8.6.3 the Vice-Chair of the Initial Board shall become the Vice-Chair of the Board, with a term expiring on a day set by the Subsequent Board in November, 2026, or such earlier date as the position may be vacated;
 - 8.6.4 the registrant director whose term on the Legacy Board was scheduled to expire in 2026 shall continue as a registrant director on the Subsequent Board with a term expiring on a day set by the Subsequent Board in November, 2026, or such earlier date as the position may be vacated;
 - 8.6.5 the public representative serving on the Initial Board shall become a public representative on the Board, whose term expires on such date as established by the Governor-in Council, or such earlier date as the position may be vacated;
 - 8.6.6 two additional public representative Board members shall be appointed by the Governor-in Council, with terms expiring on such date as established by the Governor-in Council, or such earlier dates as the positions may be vacated; and
 - 8.6.7 one person appointed under articles 8.6.4, 8.6.5 or 8.6.6 shall be appointed by the remaining Subsequent Board members as the Treasurer of the Board, through such process as determined by the Initial Board, and

the term of the Treasurer shall expire on the date set by the remaining members of the Subsequent Board at the time of appointment, or such earlier date as the position may be vacated.

9. TERMS OF OFFICE FOR REGISTRANT DIRECTORS ON A SUBSEQUENT BOARD

- 9.1 Subject to Article 8.6, the term of office of a registrant director is 3 years.
- 9.2 A registrant director is eligible to be appointed to a Subsequent Board as a registrant director for two consecutive terms, not including a term served on the Initial Board.
- 9.3 A registrant director who has served two consecutive terms as a registrant director on the Initial Board or any Subsequent Board is not eligible for appointment for an additional term as a registrant director unless two years have expired since last serving as a registrant director on the Board.
- 9.4 A registrant director who has served two consecutive terms as a registrant director on any Subsequent Board remains eligible for appointment as Chair, Vice-Chair, or Treasurer of a Subsequent Board.
- 9.5 Incumbent registrant directors who are eligible and seek appointment for a second term will be subject to the same requirements and process as new candidates as set out in Article 17.

10. TERMS OF OFFICE FOR OFFICERS ON A SUBSEQUENT BOARD

- 10.1 Subject to Article 8.6, the term of office for the positions of Chair, Vice-Chair and Treasurer on a Subsequent Board is one year.
- 10.2 Subject to Article 16.9, a person is eligible to serve a maximum of two consecutive terms in each officer position of Chair, Vice-Chair or Treasurer.
- 10.3 The Vice-Chair is eligible for appointment by the Board to the position of Chair if so appointed by the Board to hold the position.
- 10.4 Subject to Article and 16.9, for clarity, a person is eligible to serve a maximum of two consecutive terms as Vice-Chair followed immediately by two consecutive terms as Chair, if so appointed by a Subsequent Board.
- 10.5 Subject to Article 16.9, a person serving as Treasurer is eligible for election as Vice-Chair or Chair, regardless of whether the person has served as a registrant director prior to holding the position of Treasurer.
- 10.6 Incumbent officers who are eligible and seek appointment for a second term will be subject to the same requirements and process as new candidates as set out in Article 16.

- 10.7 A person who has served in an Officer position is not eligible for appointment to a registrant director position unless two years have expired since last serving as an officer.

11. VACANCIES: GENERAL

- 11.1 A registrant Board member shall be considered to have vacated their position on the Board in any of the following circumstances:

11.1.1 the member resigns from office;

11.1.2 the Board removes the member in accordance with Article 19 of these bylaws;

11.1.3 the member ceases to be in good standing;

11.1.4 the member dies;

11.1.5 the member becomes an employee of the Regulator;

11.1.6 the provisions of subsection 8(2) of the Act apply; or

11.1.7 the member becomes an employee of or holds any position of responsibility with a professional association that may be incompatible with service on the Regulator's Board, as determined by the Board.

12. VACANCY OF CHAIR ON A SUBSEQUENT BOARD

- 12.1 If the position of the Chair on a Subsequent Board becomes vacant, the Board shall appoint a replacement Chair from among the serving Board members, or in the absence of a Board member being willing to serve as Chair, from among the registrants.

- 12.2 The replacement Chair will serve for the balance of the term of the outgoing Chair.

- 12.3 Notwithstanding any provision of these bylaws, the Board may determine that the replacement Chair may serve an additional year as Chair in addition to the unexpired term of the outgoing Chair.

- 12.4 For clarity, where a person is appointed to fill a vacancy under Article 12.1, the unexpired term served to fill the vacancy does not count towards the term limit pursuant to Articles 10.1 and 10.2.

- 12.5 Where the Vice-Chair is appointed to fill the role of Chair, the Board shall appoint a new Vice-Chair from among the serving Board members, whose term shall mirror the term of the replacement Chair.

- 12.6 Where the person appointed to fill a vacancy under this Article is a registrant, the registrant must be in good standing.

- 12.7 When filling a vacancy under Article 12.1, the Board may seek the assistance of the Appointments Committee.

13. VACANCY OF VICE-CHAIR ON A SUBSEQUENT BOARD

- 13.1 If the position of Vice-Chair on a Subsequent Board becomes vacant, the Board shall appoint a replacement Vice-Chair from among the serving Board members, or in the absence of a Board member being willing to serve as Vice-Chair, from among the registrants .
- 13.2 The replacement Vice-Chair shall serve for the balance of the unexpired term of the outgoing Vice-Chair.
- 13.3 Notwithstanding any provision of these bylaws, the Board may determine that the replacement Vice-Chair may serve an additional year as Vice-Chair in addition to the unexpired term of the outgoing Vice-Chair.
- 13.4 For clarity, where a person is appointed to fill a vacancy under Article 13.1, the unexpired term served to fill the vacancy does not count towards the term limit pursuant to Articles 10.1 and 10.2.
- 13.5 Where a person appointed to fill a vacancy under this Article is a registrant, the registrant must be in good standing.
- 13.6 When filling a vacancy under Article 13.1, the Board may seek the assistance of the Appointments Committee.

14. VACANCY OF TREASURER ON A SUBSEQUENT BOARD

- 14.1 If the position of Treasurer on a Subsequent Board becomes vacant, the Board shall appoint a replacement Treasurer from among the serving Board members, or in the absence of a Board member being willing to serve as Treasurer, from among the registrants.
- 14.2 The replacement Treasurer shall serve for the balance of the unexpired term of the outgoing Treasurer.
- 14.3 Notwithstanding any provision of these bylaws, the Board may determine that the replacement Treasurer may serve an additional year as Treasurer in addition to the unexpired term of the outgoing Treasurer.
- 14.4 For clarity, where a person is appointed to fill a vacancy under Article 14.1, the unexpired term served to fill the vacancy does not count towards the term limit pursuant to Article 10.1 and 10.2.
- 14.5 Where a person appointed to fill a vacancy under this Article is a registrant, the registrant must be in good standing
- 14.6 When filling a vacancy under Article 14.1, the Board may seek the assistance of the Appointments Committee.

15. VACANCY OF REGISTRANT DIRECTORS A SUBSEQUENT BOARD

- 15.1 If a registrant director position on a Subsequent Board becomes vacant, the Board shall review the Board Composition Matrix and shall appoint another registrant who is in good standing and who in the opinion of the Board best meets the requirements set out in the Board Composition Matrix, to fill the position for the unexpired portion of the term.
- 15.2 Where a registrant is appointed to fill a vacancy under Article 15.1 the unexpired term served to fill the vacancy does not count towards the term limit pursuant to Articles 9.1 and 9.2.
- 15.3 The registrant appointed to fill a vacancy under this Article must be in good standing.
- 15.4 When filling a vacancy under Article 15.1, the Board may seek the assistance of the Appointments Committee.

16. APPOINTMENT OF OFFICERS FOR SUBSEQUENT BOARDS

- 16.1 The Chair, Vice-Chair and Treasurer shall be appointed by the Board members serving on the Board immediately prior to the end of the term of the incumbent Chair, Vice-Chair or Treasurer.
- 16.2 The Chair, Vice-Chair, and Treasurer shall be appointed in the following manner:
- 16.2.1 prior to the completion of the term of the incumbent Chair, Vice-Chair, or Treasurer, the Appointments Committee must request and encourage expressions of interest from current Board members seeking to serve as the next Chair, Vice-Chair, or Treasurer;
- 16.2.2 the Appointments Committee shall
- 16.2.2.1 vet the candidates using such processes as the Committee considers appropriate, including the use of the Board Composition Matrix; and
- 16.2.2.2 prepare a recommendation for upcoming openings in the positions of Chair, Vice-Chair, or Treasurer;
- 16.3 If the Board approves the recommended candidate for the position of Chair, the candidate is deemed appointed, effective the day following the date the incumbent's term expires.
- 16.4 If the Board approves the recommended candidate for the position of Vice-Chair, the candidate is deemed appointed, effective the day following the date the incumbent's term expires.
- 16.5 If the Board approves the recommended candidate for the position of Treasurer, the candidate is deemed appointed, effective the day following the date the incumbent's term expires.

- 16.6 If the Board does not approve the recommended candidate for any of the open positions, the Board will request the Appointment Committee to prepare a new recommendations for the Board's consideration, and the process will continue until a new Chair, Vice-Chair and Treasurer are appointed to fill the upcoming openings. If there are no members of the Board willing to serve in the upcoming open Officer positions, the Board shall appoint other persons to fill the openings, that will be consistent with the requirement for the Board composition set out in Article 8.1
- 16.7 When filling an opening under Article 16.6, the Board may seek the assistance of the Appointments Committee.
- 16.8 Any registrant candidates advanced for an open Officer position under this Article must be in good standing, as determined by the Board.
- 16.9 Despite any provision of these bylaws, to ensure Officer positions are filled:
- 16.9.1 a Board may extend the term of a serving Chair, Vice-Chair, or Treasurer if no other Board member is willing to serve in these roles, for such time and upon such terms as the Board may determine; and
- 16.9.2 a Board has the authority to appoint Officers in the event vacancies exist that are not otherwise addressed in these bylaws, to ensure the continuity and functioning of the Board.
- 16.10 The Board may make appointment rules and set such deadlines as it deems appropriate, as long as such rules are not inconsistent with these bylaws.
- 16.11 A Decision of the Board under this Article is final. .
- 17. APPOINTMENT OF REGISTRANT DIRECTORS TO A SUBSEQUENT BOARD**
- 17.1 In order for a registrant to be considered eligible to serve as a registrant Director, the registrant must:
- 17.1.1 be found by the Board to be in good standing;
- 17.1.2 be in compliance with the term limits for the position open for appointment in accordance with these bylaws; and
- 17.1.3 submit a form signifying a willingness to serve as a registrant director and to abide by the Act, Regulations, bylaws and policies of the Regulator.
- 17.2 The form must be submitted within such timelines as approved by the Appointments Committee.
- 17.3 Immediately after the outcome of the appointment of officers is known in accordance with Article 16, the Appointments Committee shall perform the following functions, in accordance with the process and timelines approved by the Board that are not in conflict with these bylaws, that will enable the Board to

appoint the requisite number of registrants to fill pending openings created upon the expiry of the terms of the incumbent directors:

- 17.3.1 compare the composition of the Board with the Board Composition Matrix and identify the competencies, qualities, diversity, and other criteria needed to fill pending positions;
 - 17.3.2 advertise for and seek candidates to fill upcoming registrant director positions;
 - 17.3.3 ensure that there is at least one candidate for each available position;
 - 17.3.4 advance the names of all candidates to the Board who have completed the required form, identifying any questions of good standing for the Board's decision, and requesting the Board to make decisions on good standing for all candidates;
 - 17.3.5 assess the degree to which candidates found to be in good standing meet the desired competencies, qualities, and other criteria identified in the Board Composition Matrix, and rank all such candidates in accordance with the Committee's assessment;
 - 17.3.6 advance the ranked names of all candidates found to be in good standing for each pending director- position, for consideration by the Board; and
 - 17.3.7 perform such other functions related to the appointment of registrant Board members as identified by the Board.
- 17.4 Any incumbent who wishes to be nominated for a second term must submit their name and the approved form to the Appointments Committee, and if found eligible, the incumbent's name will be put forth with other nominees for the Board vacancies.
- 17.5 Upon receipt from the Appointments Committee of the names of candidates pursuant to Article 17.3, the Board must consider candidates and determine which candidates shall be appointed to fill the number of upcoming openings on the Board for registrant directors and then appoint such persons to the Board with effective dates as determined by the Board.
- 17.6 A decision of the Board under this Article is final.

18. BOARD MEETINGS

- 18.1 The Chair of the Board shall call general meetings of the Board as often as the business of the Regulator may require, with no less than 4 general meetings in a fiscal year.
- 18.2 The Registrar shall ensure notice of a general meeting of the Board is given to Board members at least 14 days in advance of the meeting, stating the time and whether the meeting is in-person, virtual, or hybrid.

- 18.3 The Chair of the Board may call a special Board meeting at any time required by the Chair or upon the written request of 50% of the Board members, and shall indicate the subject(s) to be considered.
- 18.4 Where possible, at least 3 days prior to a special Board meeting, notice shall be issued to each Board member, and the notice shall state the purpose of the meeting.
- 18.5 No matter shall be discussed at any special Board meeting apart from that specified in the Notice, unless unanimously agreed by all Board members.
- 18.6 Meetings may be conducted by such electronic means as determined by the Board.
- 18.7 Notice of and voting at Board meetings may take place by means as determined by the Board.
- 18.8 Accidental omission to deliver notice of meetings does not invalidate proceedings at the meeting.
- 18.9 Notice requirements for meetings may be waived by unanimous vote of those participating in the meeting.
- 18.10 No business shall be transacted at any meeting of the Board unless a quorum is established at the commencement of such business.
- 18.11 Board meetings will be conducted in accordance with these bylaws and any Meeting Rules approved by the Board.
- 18.12 Where not inconsistent with the Act, regulations, bylaws or Meeting Rules, the Chair may make procedural rulings or determinations on any matter relevant to the meeting.

19. REMOVAL OF REGISTRANT BOARD MEMBERS

- 19.1 Notwithstanding any other provisions of the bylaws, the Board may, by a two-thirds majority vote of the quorum participating at any Board meeting or a special meeting called for the purpose, remove any registrant Board Members before the expiration of their term of office, where the Board believes it is consistent with the objects of the Regulator to do so.
- 19.2 Examples of where the Board may believe it consistent with the objects of the Regulator to remove a registrant Board member include, but are not limited to:
- 19.2.1 failing to attend 3 consecutive Board meetings, without sufficient cause accepted by the Board;
- 19.2.2 acting contrary to the Board Code of Conduct policy;
- 19.2.3 the Board member is no longer in good standing;

19.2.4 the Board determines the conduct of the Board member in their professional or personal life is incompatible with service on the Board.

19.2.5 A decision of the Board under this Article is final.

20. CHAIR

20.1 The Chair shall:

20.1.1 unless otherwise delegated, preside at all meetings of the Board;

20.1.2 act as the official spokesperson for the Board, unless this function is otherwise delegated;

20.1.3 perform all acts related to the office; and

20.1.4 perform such other duties as identified in a policy approved by the Board.

20.2 The Chair shall not vote at any meeting of the Board, except in the case of a tie, where the Chair shall cast the deciding vote.

21. VICE-CHAIR

21.1 The Vice-Chair shall:

21.1.1 perform the duties of the Chair in the absence of the Chair; and

21.1.2 perform such other duties as identified in a policy approved by the Board.

22. TREASURER

22.1 The Treasurer shall:

22.1.1 perform all acts related to the office; and

22.1.2 perform the duties as identified in a policy approved by the Board.

23. APPOINTMENT OF REGISTRANT COMMITTEE MEMBERS

23.1 With respect to the appointment of registrants to Committees of the Regulator, the Appointments Committee shall, at such times as directed by the Board:

23.1.1 in collaboration with Committee Chairs, advertise for and seek candidates to fill current and/or anticipated registrant vacancies on a Committee of the Regulator based on a competency matrix approved by the Board;

23.1.2 ensure all candidates are registrants in good standing, and if there is any question, seek a ruling from the Board as to the good standing of a candidate;

- 23.1.3 assess the degree to which candidates meet the desired competencies and qualities to best fulfil the role of committee members, and rank all candidates found to be in good standing;
- 23.1.4 prepare a ranked slate of candidates for each committee vacancy, based on the competency matrix, to put forward to the Board for appointment; and
- 23.1.5 perform such other functions related to the appointment of registrants to Committees of the Regulator as identified by the Board.
- 23.2 In order for a registrant to be considered by the Board, the registrant must submit a form signifying a willingness to serve as a Committee member and to abide by the Act, Regulations, bylaws and policies of the Regulator.
- 23.3 The form must be submitted within such timelines as approved by the Appointments Committee.
- 23.4 A decision of the Appointments Committee under this Article is final.
- 23.5 Upon receipt from the Appointments Committee a list names of registrants pursuant to Article 23.1, the Board must consider the names of the registrants and determine which registrants shall be appointed to fill the number of anticipated registrant vacancies on a Committee of the Regulator.
- 23.6 The terms of office of registrant members and all matters relevant to the work of the Committee shall be as set out in the Terms of Reference of the Committee, unless otherwise established under the Act or the Regulations.
- 23.7 A decision of the Board on either good standing or appointment is final.

24. APPOINTMENT OF PUBLIC REPRESENTATIVE COMMITTEE MEMBERS

- 24.1 With respect to the appointment of public representatives to Committees of the Regulator, the Appointments Committee shall:
 - 24.1.1 seek members of the public to fill current and/or anticipated public representative vacancies on a Committee of the Regulator, based on a competency matrix approved by the Board;
 - 24.1.2 publicly advertise to invite expressions of interest in serving as a public representative on a Committee of the Regulator for at least 30 days, except when the Board seeks to appoint a public representative from a pool established under Section 25 of the Act;
 - 24.1.3 assess the degree to which those expressing interest meet the desired competencies and qualities to best fulfil the role of committee members, and rank all candidates in accordance with the Appointments Committee's assessment;

- 24.1.4 advance to the Board the ranked names of all who persons who expressed interest;
- 24.1.5 perform such other functions related to the appointment of public representative Committee members as identified by the Board.
- 24.2 In order for a member of the public to be considered by the Appointments Committee, the member of the public must submit a form approved by the Appointments Committee signifying a willingness to serve as a Committee member and to abide by the Act, regulations, bylaws and policies of the Regulator.
- 24.3 The form must be submitted within such timelines as approved by the Appointments Committee.
- 24.4 Upon receipt from the Appointments Committee of the expressions of interest pursuant to Article 24.1.2, the Board must consider the names and determine which members of the public shall be appointed to fill the number of anticipated public representative vacancies on a Committee of the Regulator.
- 24.5 The terms of office of public representative members of committees and all matters relevant to the work of the Committee shall be as set out in the Terms of Reference of the Committee, unless otherwise established under the Act or the Regulations.
- 24.6 A decision of the Board is final.
25. **REMOVAL OF COMMITTEE MEMBERS**
- 25.1 Notwithstanding any other provisions of these bylaws, the Board may, by a two-thirds majority vote of the quorum participating at any Board meeting or a special meeting called for the purpose, remove any committee member before the expiration of their term of office, where the Board believes it is consistent with the objects of the Regulator to do so.
- 25.2 Examples where the Board may believe it consistent with the objects of the Regulator to remove a committee member include, but are not limited to:
- 25.2.1 failing to attend 3 consecutive committee meetings, without sufficient cause accepted by the chair of the committee;
- 25.2.2 acting contrary to any committee Code of Conduct policy;
- 25.2.3 the committee member is no longer in good standing;
- 25.2.4 the Board determines the conduct of the committee member in their professional or personal life is incompatible with service on the committee.
- 25.2.5 A decision of the Board under this Article is final.

26. **PROFESSIONAL PRACTICE COMMITTEE**

- 26.1 The Board shall establish a Professional Practice Committee comprised of at least four (4) registrants in good standing.
- 26.2 The Board shall appoint members of the Professional Practice committee for a two-year term.
- 26.3 The Board shall appoint one of the members of the Professional Practice Committee as chair of the committee.
- 26.4 The Professional Practice Committee shall perform the roles and shall act in accordance with its Terms of Reference approved by the Board.

27. **RESERVED PRACTICE**

- 27.1 The Board shall:

- 27.1.1 identify whether any professional activity, procedure or service within the scope of practice of respiratory therapy is a reserved practice, and
- 27.1.2 determine the additional education, training or other requirements beyond entry to practice level that must be completed before a registrant may engage in the reserved practice as part of their individual scope of practice.

- 27.2 A registrant must:

- 27.2.1 meet all requirements of any practice standard developed to address the reserved practice;
- 27.2.2 seek the approval of the Registrar prior to engaging in a reserved practice.

- 27.3 Where the Board determines that practice standards are required under article 27.2 the Registrar shall establish the procedure for applying for approval to engage in a reserved practice.

- 27.4 The Registrar may:

- 27.4.1 approve the application;
- 27.4.2 deny the application;
- 27.4.3 approve the application with conditions or restrictions specific to the registrant.

- 27.5 If the Registrar denies an application from a registrant to engage in a reserved practice, the Registrar shall advise the applicant of a right to seek review of the Registrar's decision by the Registration and Licensing Review Committee.

- 27.6 Applications for review of the decision must be submitted in writing to the Registrar within 30 days of the Registrar's decision.

27.7 The procedure for a review shall be conducted as set out in sections 51-58 of the Act.

27.8 The decision of the Registration and Licensing Review Committee is final.

27.9 Where the Registrar or the Registration and Licensing Review Committee approves a registrant to engage in a reserved practice, the Registrar shall publish notice of such approval as required by clause 7(1)(d) of the General Regulations.

28. REGISTRATION AND LICENSING EXAMINATIONS

28.1 The examination required for registration as a registered respiratory therapist is the entry to practice examination(s) approved by the Board.

28.2 The examination required for licensing is the jurisprudence examination approved by the Board.

29. CONTINUING COMPETENCE PROGRAM

29.1 The Board shall approve a continuing competence program for each licensing category and designation.

29.2 The Board shall approve reporting requirements for registrants respecting the continuing competence program.

29.3 A registrant must retain documentation and records related to continuing competence program activities for at least the previous 4 years.

29.4 For the purpose of verifying a registrant's compliance with the continuing competence program, the Registrar may at any time conduct an audit of the documentation and records kept under Article 29.3.

30. PRACTICE HOURS

30.1 A registrant must keep a record of the hours that the registrant worked for at least the immediately previous 4 years.

30.2 The Registrar may at any time conduct an audit of records kept under Article 30.1.

31. CURRENCY OF PRACTICE REQUIREMENTS

31.1 An applicant for a licence must provide satisfactory proof to the registration and licensing decision maker that the applicant meets one or more of the following currency of practice requirements, unless exempted from these requirements in accordance with a policy approved by the Board:

31.1.1 current licensure in an equivalent category of license in another Canadian jurisdiction;

31.1.2 graduated from an approved respiratory therapy education program no more than two years prior to applying to the Regulator;

31.1.3 engaged in practice for a minimum of 1500 hours (paid or unpaid) in the four years immediately preceding an application for a licence or renewal of a licence;

31.1.4 successfully completed a competence assessment and/or bridging education within the previous two years prior to applying to the Regulator.

32. TRANSCRIPTS

32.1 A registrant who requests that a transcript be made of a regulatory process is responsible for paying the full cost of the transcript.

33. FINES AND PENALTIES

33.1 The fine that may be imposed for the reinstatement of a suspended licence in accordance with section of 154 of the Act shall be the equivalent of double the annual licensing fee.

33.2 The fine that may be imposed by the Registrar under section 155 of the Act for a registrant who has practised without a licence shall be the equivalent of double the annual licensing fee for each month, or a portion thereof, the registrant practiced without a licence.

34. CODE OF ETHICS

34.1 The Code of the Ethics approved under the Act is the Code approved by the existing regulator prior to the establishment of the Nova Scotia Regulator of Respiratory Therapists under the Act.

35. STANDARDS OF PRACTICE

35.1 The Standards of Practice approved under the Act are those approved by the existing regulator prior to the establishment of the Nova Scotia Regulator of Respiratory Therapists under the Act.

36. COMPETENCIES

36.1 The Competencies approved under the Act are those approved by the existing regulator prior to the establishment of the Nova Scotia Regulator of Respiratory Therapists under the Act.

37. SALE OF EQUIPMENT

37.1 A registrant may only sell or promote the sale of equipment or products to a client for profit, if done in accordance with the standards of practice.