

September 11, 2024



REGULATED HEALTH PROFESSIONS ACT

PODIATRIST 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 AND ADMINISTRATION

1. Definitions

In these regulations,

- (a) “**Act**” means the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1;
- (b) “**Council**” means the Council of the College of Physicians and Surgeons of Prince Edward Island;
- (c) “**podiatrist**” means a person who is registered in the register for podiatry;
- (d) “**podiatry**” means the health profession in which a person applies particular knowledge, skills and judgment in the assessment, treatment and prevention of diseases, disorders or dysfunctions of the foot;
- (e) “**refresher program**” means a refresher program in podiatry 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.

2. Designation

Podiatry is designated as a regulated health profession.

3. College

The College of Physicians and Surgeons of Prince Edward Island is the college for podiatry.

4. Register

The register for podiatry is divided into the following parts:

- (a) general registration;
- (b) special registration.

PART 2 - REGISTRATION

General Registration

5. General registration

- (1) The registrar shall register an applicant in the general registration part where
- (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) the Council directs the registrar to register the applicant in the general registration part pursuant to subsection 12(6) of the Act or reinstate the registration of the applicant in the general registration part pursuant to subsection 24(4) of the Act.

Reinstatement period

- (2) For the purpose of subsection 24(1) of the Act, a podiatrist may apply for reinstatement of registration in the general registration part within three years after a lapse in the registration.

6. Education

For the purpose of clause 12(2)(c) of the Act, the requirement with respect to education is the successful completion of a post-secondary program in podiatry approved by the Council.

7. Currency requirements

For the purposes of clause 12(2)(f), subclause 22(2)(a)(ii) and clause 24(4)(c) of the Act, an applicant shall have done one of the following within the three years immediately preceding the date of the application to demonstrate currency of professional knowledge and skills:

- (a) successfully completed the educational requirement set out in section 6;
- (b) actively practised podiatry in the province or in another jurisdiction recognized by the Council, to an extent that is acceptable to the Council;
- (c) successfully completed a refresher program satisfactory to the registrar.

8. Insurance requirements

For the purposes of clause 12(2)(j), subclause 22(2)(a)(v) and clauses 24(4)(f) and 25(3)(c) of the Act, an applicant or a member registered under these regulations, as the case may be, is required to hold or be covered by professional liability insurance under a policy that 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.

9. Additional qualifications

For the purposes of clause 12(2)(k), subclause 22(2)(a)(v.1) and clause 24(4)(g) of the Act, an applicant shall have up-to-date certification in first aid and cardiopulmonary resuscitation, approved by the Council.

Special Registration

10. Special registration

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

No renewal or reinstatement

- (2) Registration in the special registration part may not be renewed or reinstated.

PART 3 – DESIGNATIONS AND RESERVED ACTIVITIES

11. Designations of members

For the purpose of subsection 89(1) of the Act, the designations of a podiatrist include

- (a) podiatrist;
- (b) chiroprapist; and
- (c) where the podiatrist has successfully completed a doctor of podiatric medicine degree, doctor of podiatric medicine or DPM.

12. Reserved activities

Subject to any terms or conditions imposed on the podiatrist's registration, a podiatrist is authorized to perform the following reserved activities:

- (a) communicating to a person or the person's personal representative a diagnosis identifying a disease, disorder or condition of the foot as the cause of the person's symptoms in circumstances in which it is reasonably foreseeable that the person or the person's personal representative will rely on the diagnosis;
- (b) performing a procedure on the subcutaneous tissues of the foot.

13. Application for special authorization

- (1) A podiatrist may apply to the registrar, in the form approved by the Council, for special authorization to perform one or more of the following reserved activities:

- (a) administering a drug into the foot by injection;
- (b) prescribing a drug, as defined in the *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6.1, for a purpose related to podiatry;
- (c) administering a drug or substance by inhalation;
- (d) applying electrical energy in the form of laser therapy to treat a fungal foot infection;
- (e) performing a procedure on the bone tissues of the foot.

Eligibility

- (2) An applicant is eligible for special authorization to perform a reserved activity listed in subsection (1) where the applicant has successfully completed the applicable training program:
 - (a) for the purpose of clause (1)(a), a drug administration program approved by the Council;
 - (b) for the purpose of clause (1)(b), a drug knowledge program approved by the Council;
 - (c) for the purpose of clause (1)(c), a drug inhalation program approved by the Council;

- (d) for the purpose of clause (1)(d), a laser therapy program approved by the Council;
- (e) for the purpose of clause (1)(e), a surgical training program approved by the Council.

Granting of special authorization

- (3) On receipt and review of an application made in accordance with subsection (1), where the registrar is satisfied that the applicant has completed the required training program in accordance with subsection (2), the registrar may
 - (a) grant the applicant special authorization to perform the reserved activity; and
 - (b) note the special authorization in the register in relation to the podiatrist and on the podiatrist's certificate of registration.

Referral to the Council

- (4) Where the registrar is not satisfied that the applicant has completed the required training program in accordance with subsection (2), the registrar shall refer the application to the Council.

Review by the Council

- (5) On receipt of an application referred by the registrar, the Council shall review the application and may
 - (a) direct the registrar to
 - (i) grant the applicant special authorization to perform the reserved activity, and
 - (ii) note the special authorization in the register in relation to the podiatrist and on the podiatrist's certificate of registration; and
 - (b) impose any terms and conditions on the special authorization that the Council considers appropriate.

Notice of refusal

- (6) On refusing to grant special authorization to perform a reserved activity set out in subsection (1), the Council shall serve on the applicant written notice of the refusal, including reasons, and the applicant's right to appeal the refusal.

Appeal

- (7) A podiatrist who is aggrieved by a refusal of the Council to grant a special authorization to perform a reserved activity set out in subsection (1) may appeal the refusal to the Supreme Court within 30 days after being served with notice of the refusal.

Powers of court

- (8) On hearing the appeal, the court may
 - (a) confirm the refusal;
 - (b) refer the matter, or any issue, back to the Council for further consideration; or
 - (c) provide any direction that it considers appropriate.

Costs

- (9) The court may make any order as to the costs of an appeal that it considers appropriate.

Suspension, cancellation, expiration, renewal

- (10) A special authorization granted under this section is suspended or cancelled, or expires, on the suspension, cancellation or expiration of the podiatrist's registration, as the case may be, and may be renewed on renewal of the podiatrist's registration.

PART 4 - GENERAL

14. Name of corporation

- (1) For the purpose of clause 15(2)(d) of the Act, the name of a corporation applying for a permit to carry on the business of providing the professional services of a podiatrist shall be, in the opinion of the registrar, in good taste, dignified and professional.

Change of name

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

15. Exception, corporation

The prohibition in subsection 90(1) of the Act does not apply in respect of a corporation other than a health profession corporation carrying on the business of providing the professional services of a podiatrist.

16. Commencement

These regulations come into force on