



# *Nova Scotia College of Chiropractors Board Regulation: Provisional Licensing*

*Approved by  
the Board of  
the NSCC*

*Effective  
September 12, 2020*

*Revised:*

*Pages:  
6*

## **Subject:**

Considering applications for registration during the COVID 19 pandemic

## **Background:**

At the May 23, 2020 meeting of the College Board, the Registrar was requested to prepare a draft proposal concerning provisional licensing for those candidates who are unable to complete Canadian Chiropractic Examinations Board (CCEB) examinations due to COVID 19 pandemic restrictions.

## **Intent:**

The COVID-19 pandemic has prevented new graduates and other applicants for registration with the Nova Scotia College of Chiropractors (NSCC) from being able to complete all the gateway requirements to qualify for registration in Nova Scotia. Most notably, the CCEB examinations scheduled for Spring of 2020 were cancelled. Also, some documents used to verify the qualifications of applicants are not readily available. For example, earlier in the Spring of 2020 Canadian Memorial Chiropractic College (CMCC) registrar and staff adopted a work from home posture and as a result could not supply official transcripts to graduates or regulatory college staff.

There are compelling public interest reasons to accommodate applicants for registration who cannot attempt non-existent examinations or who cannot provide all the documentary verification necessary for registration. Accommodating such applicants enables members of the public to have greater access to chiropractic services, particularly as the pandemic has reduced access to practitioners due to voluntary and mandatory self-isolation and practice closure orders. In addition, accommodating applicants enables them to keep their competence current at the crucial time between completing their education and beginning independent practice. In terms of the General class of registration, only the educational requirement is non-exemptible. While it is extremely rare to exempt examination requirements, it is legally permissible to do so in appropriate circumstances.

The intent of this Board regulation is to assist the Registration Committee to accommodate applicants for registration during the pandemic on a principled and consistent basis. The principles underlying this regulation include the following:

1. The public interest requires that anyone registered as a chiropractor in Nova Scotia must be competent and ethical and who will practise safely and professionally.
2. The COVID-19 pandemic calls for exceptional measures to be taken in the public interest to accommodate applicants who cannot meet all of the registration requirements because of the pandemic.
3. Exempting successful completion of the examinations, even temporarily, is a major concession that requires adequate alternative safeguards.
4. Any accommodations should be available to applicants from any jurisdiction or to graduates of any equivalent educational program. Such accommodations should not be limited to just the graduates of the two Canadian schools.
5. Any accommodations must be transparent to the public.

6. Any accommodations should be temporary. As soon as practicable, applicants who have been exempted from a requirement should have to complete those same requirements. Certificates of registration for those who attempt but are unsuccessful in completing a requirement will expire automatically.
7. While the Registration Committee strives to be consistent, nothing in policy prevents the Registration Committee from making a different decision where the individual circumstances of the case warrant a different approach.

## Current regulatory environment: Nova Scotia Chiropractic Act and Regulations

### The Chiropractic Act:

#### Entries to be made in Register

19(1) The Board shall direct the Registrar to enter in the Register the name, address and qualifications of any person who

- (a) has successfully completed the certification exam if prescribed by the regulations;
- (b) has successfully completed a chiropractic program prescribed by the regulations;
- (c) satisfies the Board that the person possesses the qualifications required in the regulations for registration in the Register;
- (d) complies with this Act and the regulations and any conditions imposed by the Registrar and the Board; and
- (e) complies with Section 25.

(2) Upon receiving a direction from the Board pursuant to subsection (1), the Registrar shall

- (a) enter the name, address and qualifications of the person named in the direction in the Register; and
- (b) issue a licence to the person.

### Chiropractic Regulation:

#### Application for registration

4 (1) All applicants for registration must provide the following to the Board in accordance with any deadlines determined in the Board Regulations:

- a) a completed application on a form prescribed in the Board Regulations;
- b) evidence to the satisfaction of the Board that the applicant is legally entitled to work in Canada;
- c) sufficient evidence of completion of a Board-approved chiropractic educational program;
- d) evidence of successful completion of written and practical examinations prescribed in the Board Regulations;
- e) evidence of good standing in any prior jurisdiction of practice;
- f) evidence that neither their professional conduct nor their practices are under investigation in any other jurisdiction;
- g) evidence of good character;
- h) submission of any other documents as required by the Board; and
- i) any fees prescribed in the Board Regulations.

## Board Regulations

### 14. Recognition of Schools and examinations

(Pursuant to 6(2)(i) of the Act)

Effective date: May 12, 2007

(14.1) The Board recognizes the Canadian Federation of Chiropractic Regulatory and Educational Accrediting Boards (CFCREAB) and the Council on Chiropractic Education International (CCEI) accredited chiropractic programs

(14.2) The Board recognizes the CCEB Clinical Assessment Exam and Examinations A and B as valid tests of chiropractic competency as prerequisites to registration and licensing

### 16. Examinations for registration

(Pursuant to 6(2)(m) of the Act)

Effective date: September 12, 2009

Replacing: May 12, 2007

(16.1) All applicants for registration are required to successfully complete examinations of the Canadian Chiropractic Examining Board (CCEB).

(16.2) All applicants are required to obtain a certificate of competency from the CCEB by successfully completing Examinations A, B, and Clinical Skills. Examinations A & B must be successfully completed within three (3) years of the application. The Clinical Skills examination must be successfully completed within twelve (12) months of the application.

(16.3) All applicants are required to successfully complete the Nova Scotia Jurisprudence and Ethics Examination under the direction of the Registrar. A Jurisprudence Examination will be held at a regular schedule of twice yearly, administered by the NSCC Board, in conjunction with the spring and fall meetings of the College.

## Proposed addition to Board Regulations:

### **(16.4)**

#### **Requirements for General (Provisional) Certificate of Registration**

The NSCC may offer the following accommodations to the applicant, during the COVID-19 pandemic only, where an applicant meets all of the other registration requirements (e.g., graduation from an accredited chiropractic program, graduation within the last two years, professional liability protection, payment of registration and certificate fee).

1. Part C of the CCEB examination and NSCC's Jurisprudence and Ethics Examination may be exempted with the following terms, conditions and limitations:

- a. The applicant has successfully passed Parts A and B of the CCEB examinations;
  - b. The applicant has registered for Part C of the CCEB examinations for the Fall 2020 sitting; and
  - c. The applicant is otherwise not ineligible to register for Part C of the CCEB examinations for the Fall 2020 sitting
2. The applicant shall only practice under the supervision of a member of NSCC who:
- a. Holds an active certificate of registration;
  - b. Has been registered in the active class of registration for at least five years from the date of application;
  - c. Is currently actively providing direct care to patients;
  - d. Is in good standing with NSCC;
  - e. Is not the subject of any disciplinary or incapacity proceeding, and does not have an outstanding referral for a disciplinary or incapacity proceeding; and
  - f. Effectively supervises the applicant's performance of patient-related activities, including the requirement that the member be physically present on the premises and available for consultation at all times during the applicant's performance of patient-related activities.
3. The applicant shall use the title "Chiropractor (Provisional)" in all written and oral communications describing the applicant's professional or registration status.
4. When providing a professional service to a patient for the first time, the applicant shall inform each patient that the applicant's registration status is provisional because the applicant has not yet completed their registration examinations. The applicant shall ensure that the patient has confirmed this disclosure in writing in the patient record (e.g., through a consent form).
5. The applicant must successfully pass the Fall sitting of NSCC's Jurisprudence and Ethics examination.
6. The provisional certificate of registration shall expire two weeks after the notification of an unsuccessful attempt of any component of the CCEB, or eight weeks after the first available sitting of the CCEB examinations unless, at that time, the applicant has successfully passed all components of the CCEB examinations and NSCC's Jurisprudence and Ethics Examination, at which point the applicant may be issued an certificate of registration without these Terms Conditions or Limitations (TCLs). No additional registration or certificate fee will be owing from the applicant, if this fee has already been paid for the Provisional certificate of registration. It is mandatory for applicants to notify the Registrar of their exam results within 2 weeks of the exam attempt.

As a result of the COVID-19 pandemic, NSCC may accept alternatives to other registration requirements, such as the requirement to provide an official versus unofficial transcript. These alternatives may be decided based on the ongoing state of the COVID-19 pandemic and the accessibility to the services involved with these requirements.

Applicants obtaining exemptions from the examinations should understand that, while these certificates of registration are technically Active certificates of registration, they are in substance a different type of registration: Provisional. As such, applicants obtaining such a certificate of registration should not assume that they will be able to register as chiropractors in other Canadian jurisdictions under the Canada Free Trade Agreement.

## Process for Application for an Active (Provisional) Certificate of Registration:

Applicants wishing to take advantage of the accommodations described in this regulation shall complete an application for provisional licensure form specifically designed by the NSCC for such applications.

Exemptions may be granted by the Registration Committee.

An expedited process is available where the applicant consents to TCLs proposed by the Registrar. In such a case, the applicant will be registered with those TCLs if a panel of the Registration Committee approves. Where the Registrar indicates to the panel of the Registration Committee that the application falls within the parameters of this regulation and also indicates that the Registrar does not believe there are any special circumstances and the applicant indicates consent to the applicable TCLs, the Registration Committee will generally approve the issuance of the certificate of registration expeditiously.

Where the applicant does not consent to the TCLs, or the Registrar is unable to indicate that the application falls within the parameters of this regulation or where the Registrar indicates that the Registrar believes there are special circumstances, the Registrar shall refer the application to the Registration Committee for more rigorous individual consideration.

The reasons for decision of the panel of the Registration Committee issuing a certificate of registration with the conditions outlined above will typically include the following points:

- The exemptions provided are exceptional and are only made because of the COVID-19 pandemic. There is a temporary, but compelling, public interest in ensuring public access to chiropractic services and in ensuring that applicants who have completed comprehensive training do not lose their competence by a pandemic-caused inability to practice or sit examinations.
- The TCLs are related to examinations, courses and assessments which are necessary to protect the public by ensuring that applicants provide safe and ethical services.
- The TCLs related to verifying information are necessary to ensure that applicants do not permanently escape the usual scrutiny of such information.

## Principles for Terms Conditions, and Limitations and Supervision of the Applicant Under the Active (Provisional) Certificate of Regulation:

For the purposes of this regulation, the following additional TCLs and requirements shall be applied to the Applicant under the General (Provisional) Certificate of Registration:

1. The applicant shall identify the primary supervising member and the business address of the practice of that member in the Active (Provisional) application form. The primary supervising member shall sign the applicant's Active (Provisional) application form.
2. The applicant may list up to two additional members of NSCC in the Active (Provisional) application form who may perform the supervisory role identified in this regulation for that applicant. These additional two members must meet the criteria of the supervising member in this regulation and work with the primary supervising member at the indicated business address.

3. The applicant may list up to two additional business address(es) in the Active (Provisional) application where the primary supervising member practices.
4. In the delivery of patient care, safe, ethical and effective care of patients and compliance with NSCC regulations, standards of practice, policies and guidelines must always be upheld.
5. Any contractual agreement regarding supervision of the applicant by the member, must have terms that are equitable and agreeable to all parties and maintain professional integrity and offer high quality care.
6. The primary supervising member shall make any mandatory reports to NSCC or any other authorities.
7. At any point, the primary supervising member may end their supervisory relationship with the applicant by notifying NSCC. At this point, the applicant's Active (Provisional) class of registration would expire, unless a secondary supervising member or another member who meets the criteria of this regulation immediately confirms to NSCC that will serve as the new primary supervising member.

## Declaration:

*I acknowledge that I have reviewed this regulation and will comply with all terms, conditions and limitations and requirements related to the Active (Provisional) certificate of registration and will immediately (no more than 24 hours) advise NSCC of any change in the Active (provisional) form.*

Printed Name of Applicant:

Signature of Applicant:

Printed Name of Witness:

Witness:

Date:

Printed Name of Primary Supervising Chiropractor:

Signature of Primary Supervising Chiropractor:

Printed Name of Witness: