

BILL NO. 127

(as introduced)



*2nd Session, 60th General Assembly
Nova Scotia
57 Elizabeth II, 2008*

Government Bill

Health Professions Disciplinary Proceedings Protection (2008) Act

An Act Respecting the Protection of Confidential Disciplinary Proceedings of Health Professions

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Health Professions Disciplinary Proceedings Protection (2008) Act*.

3 Chapter 3 of the Acts of 1992, the Dental Act, is amended by adding immediately after Section 34 the following Section:

34A (1) In this Section, "legal proceeding" means any civil proceeding, discovery, inquiry, proceeding before a tribunal, board of commission or arbitration, in which evidence may be given, and includes an action or proceeding for the imposition of punishment by fine, penalty or imprisonment for the violation of a Provincial enactment, but does not include any proceeding or hearing conducted pursuant to this Act or the regulations.

(2) A witness in any legal proceeding, whether a party to the proceeding or not, is excused from answering any question as to any proceedings of the Complaints Committee or the Discipline Committee, and is excused from producing any report, statement, memorandum, recommendation, document or information prepared for the purpose of the investigative, disciplinary and hearing processes of the Board, including any information gathered in the course of an investigation or produced for the Complaints Committee, the Discipline Committee or staff members of the Board.

(3) Subsection (2) does not apply to documents or records that have been made available to the public by the Board.

(4) Unless otherwise determined by a court of competent jurisdiction, a decision of the Complaints Committee or the Discipline Committee is not admissible in a civil proceeding other than in an appeal or a review pursuant to this Act.