

The Atlantic Provinces Medical Peer Review



LAW OF PRINCE EDWARD ISLAND An Act to Amend the Medical Act

CHAPTER 32

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. Section 1 of the Medical Act R.S.P.E.I. 1988, Cap. M-5 is amended (p.1) Peer Assessment Committee" means the committee established pursuant to subsection 38. 1(2) or (3);
2. Clause 21(3)(f) of the said Act is repealed and the following is substituted therefor:
 - (f) satisfies the Registrar that the legal and beneficial ownership of all of the issued voting shares of the corporation are vested in one or more members of the College and that no less than two thirds of the directors of the corporation are at all times members of the College; and
3. Section 39 of the said Act is repealed and the following is substituted therefore:

PART IV.1 PEER ASSESSMENT

38.1 (1) in this section an in sections 38.2 and 51

- a) "agreement" means the agreement among any or all of the Licensing Authorities or Medical Societies in the Provinces of New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland referred to in subsection (3);
 - b) "assessment" means an assessment pursuant to a peer assessment program established under this section;
 - c) "assessors" means the assessors appointed by the Peer Assessment Committee under subsection (5);
 - d) "Licensing Authorities" means the College of Physicians and Surgeons of New Brunswick, the Provincial Medical Board of Nova Scotia, the College of Physicians and Surgeons of Prince Edward Island, and the Newfoundland Medical Board, or their successors;
 - e) "Medical Societies" means the New Brunswick Medical Society, the Medical Society of Nova Scotia, the Medical Society of Prince Edward Island, Canadian Medical Association, Prince Edward Island Division, and the Newfoundland Medical Association, or their successors.
- (2) The Council may establish a Peer Assessment Committee
- (3) The College may
- a) enter into an agreement with any or all of the other Licensing Authorities and Medical Societies for the establishment of a PeerAssessment Committee; and
 - b) agree with the other Licensing Authorities and Medical Societies to amend the agreement from time to time.

(4) The agreement shall

- a) authorize the Peer Assessment Committee to do or cause to be done, on behalf of the parties, any or all such things as the parties thereto are otherwise empowered to do and consider necessary for the development and administration of a peer assessment program;
 - b) provide for the financing of the operations of the Peer Assessment Committee and for cost-sharing arrangements;
 - c) provide for the preparation of an annual budget and its approval by the Licensing Authorities and Medical Societies;
 - d) provide for equal representation from each of the Licensing Authorities and Medical Societies that are signatories to the agreement;
 - e) provide for the incorporation of the Peer Assessment Committee if considered advisable to achieve the objectives of the Committee; and
 - f) contain such other provisions as may be necessary or desirable to provide for the administration of the Peer Assessment Committee and for its operations.
- (5) The Peer Assessment Committee may appoint members of the College or persons licensed as medical practitioners in Nova Scotia, Prince Edward Island, or Newfoundland, or in other provinces of Canada, as assessors for the purposes of the application of the peer assessment program to members of the College.

(6) Subject to the approval of the Council, the Peer Assessment Committee shall develop and administer a peer assessment program, including

- a) the assessment of the standards of practice of members including, but not limited to
 - (i) standards for the clinical assessment and care of patients, and
 - (ii) standards for the maintenance of records of care administered to patients;
 - b) the selection and education of assessors;
 - c) communication with physicians to be assessed;
 - d) budgetary and expense arrangements;
 - e) the preparation of assessment reports;
 - f) the development of policy and procedures of the Peer Assessment Committee and their delegation to subcommittees assessors, or employees as the Committee considers appropriate; and
 - g) such further activities, including the establishment of other committees or subcommittees, for the better administration of the peer assessment program.
- (7) Every member whose standards of practice are the subject of an assessment shall co-operate fully with the Peer Assessment Committee and assessors.

(8) Without limiting the generality of the co-operation required by subsection (7), a member shall

- a) permit assessors to enter and inspect the premises where the member engages in the practice of medicine;
 - b) permit the assessors to inspect the member's records of care administered to patients;
 - c) provide to the Peer Assessment Committee and assessors in the form required, information requested by the Committee or assessors, as the case may be, in respect of the clinical assessment and care of patients by the member or the member's records of care administered to patients;
 - d) confer with the Peer Assessment Committee or assessors when required to do so by the Committee or assessors;
 - e) permit the reassessments the Peer Assessment Committee or assessors consider necessary for the proper administration of a peer assessment program; and
 - f) comply with the remedial recommendations of the Peer Assessment Committee.
- (9) Upon completion of an assessment, an assessor shall report to the Peer Assessment Committee who may
- a) receive the report of the assessor and make no recommendations to the member assessed; or