

## Fitness-to-Practise Committee – Terms of Reference

Policy Number:	Next Review Date:
Approved by: NSRDDA Board	Approval Date:

### 1. Purpose

The Fitness-to-Practise Committee is established under the *Regulated Health Professions Act, 2023* (Nova Scotia) (*RHPA-NS* or *Act*) to hold hearings and make determinations in cases where a registrant's physical or mental capacity may impair their ability to practise safely and competently. The Committee's primary role is to protect the public while ensuring that registrants are treated fairly and with dignity in a non-disciplinary process.

The Committee operates in a manner that reflects the NSRDDA's commitment to EDIRA (equity, diversity, inclusion, reconciliation and accessibility), by recognizing diverse cultural experiences and removing barriers to participation to support fairness for all.

### 2. Mandate

Subject to the *Act*, regulations and NSRDDA bylaws, the Fitness-to-Practise Committee's mandate generally includes the following:

- Receive and consider referrals from the Complaints Committee or Registrar regarding a registrant's capacity to practise
- Conduct meetings with a registrant referred to the fitness-to-practise process in accordance with the *RHPA-NS* and applicable regulations, bylaws and policies
- Determine whether a registrant is incapacitated (as defined in the *RHPA-NS*)
- Decide what, if any, orders or restrictions are necessary to protect the public and support the registrant's return to safe practice, including:
  - a. Approval of the registrant's return to practise, subject to terms and conditions determined by the Committee and with which the registrant agrees
  - b. Variation of the terms and conditions under which the registrant is practising if the registrant agrees to such variation, or
  - c. Denial of the return to practise or variation request and referral of the registrant back to the Registrar
- Retain jurisdiction over any registrant who is subject to ongoing terms and conditions of practice agreed upon with the committee until such terms and conditions have been met or the matter has been referred back to the Registrar under the *Act*

### 3. Authority

The Fitness-to-Practise Committee derives its authority from the Act, regulations and NSRDDA bylaws.

### 4. Membership and Terms

- The Committee shall be composed of at least the following:
  - (a) One public representative
  - (b) Two Dentists in good standing, and
  - (c) One licensed Dental Assistant in good standing.
- Members shall be appointed by the Board in accordance with applicable legislative requirements.
- In appointing members to the Committee, the NSRDDA strives to reflect a diversity of professional backgrounds, lived experiences, and perspectives that support equitable and inclusive decision-making.
- Committee members must not have been involved in the investigation or referral of the matter.
- The term of a member of the Fitness-to-Practise Committee shall not exceed three years. The Board may reappoint a member of the Fitness-to-Practise Committee for further terms.
- The Registrar is not a member of the Committee but may attend Committee meetings, in an ex officio administrative support role.

### 5. Chair and Vice-Chair

- The Board shall appoint a Chair and a Vice-Chair of the Fitness-to-Practise Committee, both of whom must be Dentists. The terms of the Chair and Vice-Chair of the Fitness-to-Practise Committee shall not exceed three years. The Board may reappoint a Chair or Vice-Chair of the Committee for further terms.
- The Chair is responsible for presiding over meetings and coordinating decision-making processes.
- The Vice-Chair acts for the Chair in the absence of the Chair.
- The Chair shall be entitled to vote on all matters before the Fitness-to-Practise Committee and in the event of a tied vote, the Chair shall have an additional casting vote.

### 6. Panel Appointments

- Upon referral of a matter to the Fitness-to-Practise Committee, the Chair of the Committee shall appoint a Panel or Joint Panel of at least three members of the Committee, and include a public representative and at least one member from the same profession as the registrant in question.
- Where the Chair or Vice-Chair of the Fitness-to-Practise Committee is not appointed to the Panel, the Chair of the Committee shall appoint a Chair for the Panel from among the Panel members.
- The Panel Chair shall be entitled to vote on all matters before the Panel and in the event of a tied vote, the Panel Chair shall have an additional casting vote.

## 7. Meetings and Quorum

- A meeting of the Fitness-to-Practise Committee may be in-person, virtual or hybrid.
- Committee meetings involving the registrant in question are conducted in accordance with the *Act* and applicable rules of procedure established by the Committee.
- The quorum of the Fitness-to-Practice Committee consists of three members, including at least one public member and one member of the same profession as the person being reviewed for fitness-to-practise.

## 8. Decision-Making

- The Committee's decisions shall be guided by principles of procedural fairness and informed by the NSRDDA's commitment to EDIRA.
- A decision of the Fitness-to-Practice Committee requires the vote a majority of the Panel of the Committee appointed by the Committee Chair.
- At the conclusion of its consideration of fitness-to-practise referral, the Committee shall issue a written decision within a reasonable timeframe in accordance with any standards established by the Board in this regard.

## 9. Confidentiality

Deliberations and all documents related to matters before the Committee are confidential. Public access to complaint-related outcomes is governed by statute and applicable regulations, bylaws or Board policies. Confidential information must be protected in accordance with the *Act* and applicable privacy legislation.

## 10. Conflict of Interest

Members must declare any actual or perceived conflicts of interest and recuse themselves where impartiality may be compromised.

## 11. Reporting and Records

- The Committee shall ensure that the NSRDDA maintains confidential records of all of its proceedings and outcomes.
- An annual report summarizing anonymized activity, trends, and outcomes shall be submitted to the Board.
- The Committee may recommend changes to the Board regarding NSRDDA standards, policies, or education based on its findings.

## 12. Review and Amendment

These Terms of Reference shall be reviewed by the Board periodically and updated as required to reflect changes in legislation, best practices, or organizational needs.

## 13. Accountability

The Chair of the Fitness-to-Practise Committee is accountable for ensuring the Committee's compliance with these Terms of Reference and any requirements under the *Act*, its regulations or the NSRDDA's Bylaws.