



HOUSE USE ONLY

CHAIR:

WITH / WITHOUT

1st SESSION, 67th GENERAL ASSEMBLY
Province of Prince Edward Island
2 CHARLES III, 2024

(Bill No. 52)

Stretcher Transportation Act

Hon. Mark McLane
Minister of Health and Wellness

GOVERNMENT BILL

Andrea MacRae
Acting King's Printer
Charlottetown, Prince Edward Island



STRETCHER TRANSPORTATION ACT

BILL NO. 52

2024

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

Interpretation and Administration

1. Definitions

In this Act

- (a) “**inspector**” means an inspector appointed under subsection 3(3) and includes the registrar;
- (b) “**licence**” means a licence to operate a stretcher transportation operation, issued under section 5;
- (c) “**Minister**” means the Minister of Health and Wellness;
- (d) “**operator**” means a person who holds a valid licence;
- (e) “**registrar**” means the registrar appointed by the Minister under subsection 3(2);
- (f) “**stretcher transportation operation**” means a business or undertaking that provides stretcher transportation services;
- (g) “**stretcher transportation services**” means services to provide ground transportation of a person on a stretcher, including
 - (i) assisting a person onto a stretcher using appropriate techniques,
 - (ii) securing a person to a stretcher and loading the stretcher into a stretcher transportation vehicle,
 - (iii) safely transporting the person on a stretcher,
 - (iv) monitoring and providing assistance to the person during transport, and
 - (v) unloading the stretcher from the stretcher transportation vehicle and assisting the person off of the stretcher using appropriate techniques;
- (h) “**stretcher transportation vehicle**” means a vehicle designed, constructed or adapted for the transportation of persons on a stretcher.

2. Application of Act

This Act does not apply in respect of

- (a) an ambulance operation or the provision of ambulance services governed by the *Ambulance Services Act* R.S.P.E.I. 1988, Cap. A-10.01; or
- (b) ambulance and emergency personnel based outside the province providing a service for the interprovincial transportation of patients by ambulance.

3. Minister responsible for Act

- (1) The Minister is responsible for the administration of this Act.

Registrar

- (2) The Minister shall appoint a registrar to perform functions set out in this Act and the regulations, and any other functions assigned by the Minister.

Inspectors

- (3) The Minister may appoint inspectors to perform functions set out in this Act and the regulations, and any other functions assigned by the Minister.

Registrar is inspector

- (4) The registrar is an inspector by virtue of the office.

Licence

4. Licence required for stretcher transportation operation

No person shall operate a stretcher transportation operation without a valid licence.

5. Application for licence

- (1) A person may apply to the registrar, in the form required by the registrar and accompanied by the information required by the registrar and any prescribed fees, for a licence to operate a stretcher transportation operation.

Requirements for licence

- (2) On receipt of an application in accordance with subsection (1), the registrar may issue a licence to the applicant if the following requirements are met:
 - (a) where the applicant is an individual, the applicant is 18 years of age or older;
 - (b) the vehicles and equipment that the applicant intends to use to provide stretcher transportation services meet the prescribed requirements and standards;
 - (c) the applicant holds public liability insurance with the prescribed coverage;
 - (d) any other prescribed requirements.

Inspection

- (3) For the purpose of clause (2)(b), the registrar may inspect or direct an inspector to inspect the vehicles and equipment that the applicant intends to use to provide stretcher transportation services and subsections 9(1) to (3) and 11(1) apply in respect of the applicant.

Terms and conditions

- (4) The registrar may impose terms and conditions on the licence that the registrar considers appropriate.

Expiry

- (5) A licence expires on the date specified on the licence.

Not transferable

- (6) A licence is not transferable.

Notice of decision and opportunity to object

- (7) Where the registrar refuses to issue a licence to an applicant or imposes terms and conditions on a licence, the registrar shall serve the applicant with written notice of
- (a) the refusal or imposition, with reasons; and
 - (b) the applicant's right to object in writing within seven days after receiving the notice.

Notice of decision and right to appeal

- (8) After considering any objection made by the applicant, the registrar shall serve the applicant with written notice of
- (a) the registrar's decision to confirm, vary or nullify the refusal to issue, or imposition of terms and conditions on, the licence, with reasons; and
 - (b) the applicant's right to appeal a refusal or imposition in accordance with section 7.

6. Suspension, revocation of licence

- (1) The registrar may suspend, for a specified period of time or until a specified condition is met, or revoke a licence, if the operator
- (a) ceases to hold public liability insurance with the prescribed coverage;
 - (b) ceases to meet a prescribed requirement for a licence; or
 - (c) contravenes or fails to comply with a provision of this Act or the regulations.

Notice and opportunity to object

- (2) The registrar shall serve the operator with written notice of
- (a) the suspension or revocation of the licence, with reasons; and
 - (b) the operator's right to object in writing within seven days after receiving the notice.

Notice of decision and right to appeal

- (3) After considering any objection made by the operator, the registrar shall serve the operator with written notice of
- (a) the registrar's decision to confirm, vary or nullify the suspension or revocation of the licence, with reasons; and
 - (b) the operator's right to appeal a suspension or revocation in accordance with section 7.

7. Appeal

- (1) A person who is aggrieved by the registrar's
- (a) refusal to issue a licence to the person;
 - (b) imposition of terms and conditions on the person's licence; or
 - (c) suspension or revocation of the person's licence,
- may appeal the refusal, imposition, suspension or revocation to the Supreme Court within 30 days after being served with notice of the refusal or imposition or notice confirming or varying the suspension or revocation, as the case may be.

Powers of court

- (2) On hearing an appeal, the court may
- (a) confirm, vary or nullify the decision of the registrar;
 - (b) refer the matter, or any issue, back to the registrar for further consideration; or
 - (c) provide any direction that it considers appropriate.

Vehicles, Equipment and Supplies**8. No vehicle other than stretcher transportation vehicle**

- (1) No operator shall use a vehicle other than a stretcher transportation vehicle to provide stretcher transportation services.

Use of stretcher transportation vehicle

- (2) No operator shall use a stretcher transportation vehicle to provide stretcher transportation services unless
- (a) the vehicle meets the prescribed requirements or standards respecting
 - (i) the construction, design, maintenance and safety of the vehicle, and
 - (ii) the vehicle equipment and supplies carried in the vehicle;
 - (b) the vehicle has been inspected and approved for use by an inspector within the preceding six months; and
 - (c) the vehicle is operated with the prescribed complement of staff.

9. Inspection

- (1) An inspector may, at any time during business hours, enter the business premises of a stretcher transportation operation to
- (a) inspect the vehicles, equipment and supplies used or intended to be used by the operator to provide stretcher transportation services; and
 - (b) examine, extract information from and make copies of any records relating to the stretcher transportation operation.

Request for information

- (2) An inspector may request an operator, or any person employed by an operator, to provide to the inspector any record or information relating to the stretcher transportation operation.

Compliance with request

- (3) Any person who receives a request from an inspector under subsection (2) shall comply with the request within a reasonable time.

Warrant

- (4) On application, with or without notice, a judicial justice of the peace may issue a warrant authorizing an inspector to carry out an inspection in accordance with subsection (1), where the judicial justice of the peace is satisfied based on information provided under oath that the inspector has been or will be prevented from doing so.

10. Obstruction of inspector

- (1) No person shall hinder, obstruct or interfere with, or attempt to hinder, obstruct or interfere with, an inspector in the exercise or performance of the inspector's functions under this Act or the regulations.

False information

- (2) No person shall provide false information to an inspector.

11. Inspector's report

- (1) An inspector shall, within 30 days after completing an inspection,
- (a) prepare a written report respecting the inspection; and
 - (b) deliver a copy of the report to the operator and, where the inspector is not the registrar, to the registrar.

Direction to refrain from using vehicle, equipment

- (2) Where, after completing an inspection, an inspector has reasonable grounds to believe that a stretcher transportation vehicle or any vehicle equipment or supplies under the control of an operator do not meet the requirements as set out in the regulations, the inspector may, in writing, direct the operator to
- (a) refrain from using the vehicle, equipment or supplies; or
 - (b) take the action that the inspector considers appropriate in the public interest to repair or remedy the deficiency, within the time specified by the inspector.

Compliance with direction

- (3) Every operator who receives a direction from an inspector shall comply with the direction.

Application for injunction

- (4) Where an operator fails to comply with a direction from an inspector, the inspector may apply to the Supreme Court for an injunction against the operator.

Court may grant injunction

- (5) The Supreme Court may grant an injunction restraining an operator from using a stretcher transportation vehicle, equipment or supplies as directed under clause (2)(a) or until the deficiencies are repaired or remedied as directed under clause (2)(b).

General**12. Service of documents**

- (1) Any notice or other document required to be served on a person under this Act or the regulations is considered to be sufficiently served
- (a) upon a copy being personally served on the person to whom it is directed;
 - (b) upon a copy being sent by facsimile or other electronic means to the person to whom it is directed and an acknowledgement of receipt being received; or
 - (c) five days after a copy is sent by registered mail addressed to the person to whom it is directed at the last known address for that person.

Service on corporation

- (2) Where the person to be served is a corporation, service on a director, officer or recognized agent of the corporation in accordance with subsection (1) is considered to be service on the corporation.

13. Limitation of liability

No action or proceeding lies or shall be instituted against the Minister, the registrar, an inspector or any other person involved in the administration of this Act or the regulations for anything done or omitted to be done in good faith in the performance or exercise, or intended performance or exercise, of any function under this Act or the regulations.

14. Offences and penalties

- (1) Every person who contravenes or fails to comply with this Act or the regulations is guilty of an offence and liable on summary conviction, to a fine of not less than \$500 and not more than \$5,000.

Officer, director or agent of a corporation

- (2) Every officer, director or agent of a corporation who directs, authorizes, assents to, acquiesces in, or participates in, the commission of an offence under this Act or the regulations by that corporation is also guilty of the offence and is liable on summary conviction, to a fine of not less than \$500 and not more than \$5,000.

Not dependent on prosecution or conviction of corporation

- (3) Subsection (2) applies whether or not the corporation has been prosecuted or convicted of the offence.

15. Injunction

The Supreme Court may, on the application of the registrar and on being satisfied that there is reason to believe that there is or will be a contravention of section 4 or 8, grant an injunction restraining a person from committing or continuing the contravention.

16. Regulations

The Lieutenant Governor in Council may make regulations

- (a) respecting the construction, design, maintenance and safety requirements for a stretcher transportation vehicle;
- (b) prescribing the vehicle equipment and supplies to be carried in a stretcher transportation vehicle;
- (c) requiring the cleaning, disinfection or decontamination of a stretcher transportation vehicle, or equipment or supplies carried in a stretcher transportation vehicle, in specified circumstances;
- (d) prescribing required methods of cleaning, disinfection or decontamination for the purpose of clause (c);
- (e) respecting the staff complement required for a stretcher transportation vehicle;
- (f) requiring an operator to keep prescribed records and provide prescribed reports to the registrar in the time, form and manner required by the registrar;
- (g) prescribing the retention period for records and reports;

- (h) defining any word or expression used in this Act or the regulations that is not defined in this Act;
- (i) prescribing anything described in the Act as being prescribed.

17. Ambulance Services Act

(1) This section amends the *Ambulance Services Act R.S.P.E.I. 1988, Cap. A-10.01.*

(2) Subclause 1(1)(o)(ii) of the Act is repealed and the following substituted:

- (ii) has been judged by a medical practitioner to require, while being transported, the care or supervision of a medical practitioner, registered nurse or emergency medical technician;

(3) Clause 5(2)(b) of the Act is repealed and the following substituted:

- (b) requires or is likely to require, while being transported, the care or supervision of a medical practitioner, registered nurse or emergency medical technician.

18. Commencement

This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.

(Bill No. 52)

Stretcher Transportation Act

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	February 27, 2024
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Darlene Compton, Speaker

Joseph Jeffrey, Clerk

Hon. Mark McLane
Minister of Health and Wellness

GOVERNMENT BILL

2024
1st SESSION, 67th GENERAL ASSEMBLY