

The Medical Laboratory Technologists Act

being

Chapter M-9.3 of the *Statutes of Saskatchewan, 1995* (effective February 1, 1996) as amended by the *Statutes of Saskatchewan, 2004, c.65; 2009, c.T-23.01; 2010, c.B-12, c.19 and 20; 2014, c.E-13.1; 2020, c.9; 2021, c.6; and 2023, c.6.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER M-9.3

An Act respecting Medical Laboratory Technologists

SHORT TITLE AND INTERPRETATION

Short title

1 This Act may be cited as *The Medical Laboratory Technologists Act*.

Interpretation

2 In this Act:

- (a) “**administrative bylaw**” means a bylaw made for a purpose set out in subsection 14(1);
- (b) “**bylaws**” means the valid and subsisting bylaws of the society;
- (c) “**council**” means the council of the society;
- (d) “**court**” means the Court of Queen’s Bench;
- (e) “**executive director**” means the executive director appointed pursuant to section 11;
- (f) “**member**” means a member of the society who is in good standing;
- (g) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (h) “**practising member**” means a member to whom a current licence to practise has been issued pursuant to section 18;
- (i) “**register**” means the register kept pursuant to section 17;
- (j) “**regulatory bylaw**” means a bylaw made for a purpose set out in subsection 14(2);
- (k) “**society**” means the Saskatchewan Society of Medical Laboratory Technologists continued pursuant to section 3.

1995, c.M-9.3, s.2.

SOCIETY

Society continued

3 The Saskatchewan Society of Medical Laboratory Technologists Inc., a corporation incorporated pursuant to *The Non-profit Corporations Act*, is continued as a corporation under the name Saskatchewan Society of Medical Laboratory Technologists.

1995, c.M-9.3, s.3.

Membership

4 The membership of the society consists of:

- (a) those persons who are members of the Saskatchewan Society of Medical Laboratory Technologists Inc. on the day before this Act comes into force; and
- (b) those persons who are admitted as members of the society pursuant to this Act and the bylaws.

1995, c.M-9.3, s.4.

Duty and objects of society

3.1(1) It is the duty of the society at all times:

- (a) to serve and protect the public; and
- (b) to exercise its powers and discharge its responsibilities in the public interest and not in the interests of the members.

(2) The objects of the society are:

- (a) to regulate the practice of the profession and to govern the members in accordance with this Act and the bylaws; and
- (b) to assure the public of the knowledge, skill, proficiency and competency of members in the practice of the profession.

(3) In furtherance of its duty and objects, the society may:

- (a) establish, maintain and enforce standards for registration and of continuing competency and standards of practice for members;
- (b) establish, maintain and enforce a code of ethics for members;
- (c) approve programs of study and education courses for the purposes of registration requirements;
- (d) establish and maintain a continuing competency program to promote high practice standards among members; and
- (e) carry out any other regulatory activity that the society determines is consistent with its duty and objects.

2023, c 6, s.6-2.

Property

5(1) The society may acquire, hold, mortgage, lease, sell or dispose of any property.

(2) All fees, fines and penalties receivable or recoverable pursuant to this Act are the property of the society.

(3) The society may:

- (a) invest its funds in investments in which trustees are authorized to invest pursuant to *The Trustee Act, 2009*; and
- (b) sell or otherwise dispose of those investments and reinvest the proceeds in similar investments.

1995, c.M-9.3, s.5; 2009, c.T-23.01, s.64.

Meetings

- 6(1)** An annual meeting of the society is to be held at the time and place that is determined by the council in accordance with the bylaws.
- (2) A special meeting of the society for the transaction of the business that is specified in the resolution or demand is to be held:
- (a) on resolution of the council; or
 - (b) on the demand, in writing, of the number of members specified in the bylaws.
- (3) The procedure at an annual or special meeting is to be determined by bylaw.
- (4) The executive director shall send a notice of an annual meeting to each member at least 30 days before the annual meeting.
- (5) The executive director shall send a notice of a special meeting to each member at least 15 days before the special meeting.

1995, c.M-9.3, s.6.

COUNCIL**Council**

- 7(1)** The council shall govern, manage and regulate the affairs and business of the society.
- (2) The council consists of:
- (a) the number of persons elected or appointed in accordance with the bylaws; and
 - (b) the persons appointed pursuant to section 8.
- (3) Members of the council elected or appointed pursuant to clause (2)(a) are entitled to remuneration and reimbursement for expenses in the amount prescribed in the bylaws.
- (4) Each person elected or appointed as a member of the council pursuant to clause (2)(a) holds office:
- (a) for the term prescribed in the bylaws; and
 - (b) until the person's successor is elected or appointed, as the case may be.

2023, c 6, s.6-3.

Public appointees

- 8(1)** The Lieutenant Governor in Council may appoint two persons who reside in Saskatchewan as members of the council.
- (2) Where the Lieutenant Governor in Council appoints a person as a member of the council, the term of office of that person is not to exceed three years.

- (3) Subject to subsection (4), a member of the council appointed pursuant to this section holds office until that person's successor is appointed and is eligible for reappointment, but is not eligible to hold office for more than two consecutive terms.
- (4) A member of the council appointed pursuant to this section ceases to hold office if that person ceases to be a resident of Saskatchewan.
- (5) A member of the council appointed pursuant to this section may exercise rights and serve as a member of committees to the same extent as other members of the council.
- (6) At least one member of the council appointed pursuant to this section shall be a member of the discipline committee.
- (7) The absence or inability to act as a member of the discipline committee by a member of the council appointed pursuant to this section or the failure to appoint a member of the council pursuant to this section does not impair the ability of the other members of the discipline committee to act.
- (8) The minister shall remunerate and reimburse for expenses the members of the council appointed pursuant to this section at the rate determined by the Lieutenant Governor in Council.

1995, c.M-9.3, s.8.

Resignation

- 9(1)** A member of the council elected or appointed pursuant to clause 7(2)(a) may resign by giving a written notice of resignation to the council.
- (2) A member of the council appointed pursuant to section 8 may resign by giving a written notice of resignation to the minister and the council.
- (3) The resignation of a member of the council is effective on the date stated on the written notice or, if no date is stated:
- (a) in the case of the resignation of a member of the council elected or appointed pursuant to clause 7(2)(a), on the date the written notice is received by the council; or
 - (b) in the case of the resignation of a member of the council appointed pursuant to section 8, on the date the written notice is received by the minister.

2023, c6, s.6-4.

Vacancy

- 10(1)** When the office of a person elected or appointed as a member of the council pursuant to clause 7(2)(a) becomes vacant, the remaining members of the council may appoint another person to fill the vacancy until the earlier of:
- (a) the expiry of the term of office of the person who ceased to be a member of the council; and
 - (b) the day on which a person is elected or appointed to fill the vacancy in accordance with this Act and the bylaws.

- (2) A vacancy in the membership of the council does not impair the power of the remaining members of the council to act.
- (3) If the licence of a member serving as a member of the council is suspended, the member's powers and duties as a member of the council are suspended for the same period.
- (4) If a member serving as a member of the council is expelled from the society, the member ceases to be a member of the council on the day the member is expelled.

2023, c.6, s.6-4.

Officers and employees

- 11(1) The officers of the society are to be those that are:
 - (a) designated in the bylaws; and
 - (b) appointed or elected in accordance with the bylaws.
- (2) The council shall appoint an executive director.
- (3) The council may engage any employees that it considers necessary to carry out the duties and functions of the society.
- (4) Subject to this Act and the bylaws, the council shall determine the duties, responsibilities and remuneration of employees of the society.

1995, c.M-9.3, s.11.

Committees

- 12(1) The council may establish any committees that are provided for by the bylaws or that it considers necessary.
- (2) The council shall appoint persons to any committees that are provided for by this Act or the bylaws or that it has established pursuant to subsection (1).
- (3) Subject to this Act and the bylaws, the council, on any terms or conditions that it may determine, may delegate any of its powers or duties to a committee provided for by this Act, the bylaws or established pursuant to this section.
- (4) The council shall not delegate the power to make bylaws.
- (5) Subject to this Act and the bylaws, a committee may establish its own procedures.

1995, c.M-9.3, s.12.

BYLAWS

Procedures

- 13(1) The council may make bylaws for any purpose set out in section 14.
- (2) The executive director shall notify each member of each bylaw made pursuant to subsection (1) within 60 days after the bylaw is made.

- (3) Failure to comply with subsection (2) does not invalidate a bylaw.
- (4) Subject to subsection (5), an administrative bylaw comes into force on the date specified in the bylaw, which date shall not be earlier than the date on which the bylaw is passed by the council.
- (5) If an administrative bylaw does not specify the date on which it comes into force, the bylaw comes into force on the date on which it is passed by the council.
- (6) No regulatory bylaw made by the council comes into force until it is:
 - (a) approved by the minister pursuant to section 15; and
 - (b) published in the Gazette.

2023, c 6, s.6-5.

Bylaws

14(1) Subject to this Act, administrative bylaws may be made pursuant to section 13 for the following purposes:

- (a) prescribing the seal of the society;
- (b) providing for the execution of documents by the society;
- (c) respecting the banking and financial dealings of the society;
- (d) fixing the fiscal year of the society and providing for the audit of the accounts and transactions of the society;
- (e) respecting the management of the property of the society;
- (f) prescribing the number and terms of office of members of the council, other than persons appointed pursuant to section 8;
- (g) prescribing the officers of the society and governing the procedure for the appointment or election of those officers;
- (h) prescribing the duties of members of the council, and officers and employees of the society;
- (i) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 8;
- (j) prescribing the organization, powers and procedures of the council and regulating the council in the performance of its duties;
- (k) respecting the holding and procedures of meetings of the council and annual and special meetings of the society;
- (l) prescribing the amount of registration, licensing and other fees payable to the society, the times of payment and penalties for late payment;
- (m) providing for the receipt, management and investment of contributions, donations or bequests;

- (n) regulating joint participation by the society with any educational institution or any person, group, association, organization or body corporate having goals or objectives similar to those of the society;
 - (o) establishing any committees that the council considers necessary and prescribing the manner of election or appointment of committee members;
 - (p) prescribing the remuneration and reimbursement for expenses for members of the council and committees, other than persons appointed pursuant to section 8.
- (2) Subject to this Act, regulatory bylaws may be made pursuant to section 13 for the following purposes:
- (a) prescribing the qualifications, standards and tests of competency for:
 - (i) the registration of persons or any category of persons as members;
 - (ii) the issuing of licences;
 - (b) prescribing:
 - (i) the procedures governing registration of persons or any category of persons as members;
 - (ii) the procedures governing the issuing of licences;
 - (iii) the terms and conditions of licences;
 - (c) setting standards of professional conduct, competency and proficiency of members;
 - (d) providing for a code of ethics for members;
 - (e) setting standards regarding the manner and method of practice of members;
 - (f) prescribing procedures for:
 - (i) the review, investigation and disposition by the counselling and investigation committee of complaints alleging that a member is guilty of professional misconduct or professional incompetence;
 - (ii) hearings by the discipline committee of complaints alleging that a member is guilty of professional misconduct or professional incompetence;
 - (iii) reviews pursuant to subsection 19(4);
 - (f.1) respecting the establishment of panels of the counselling and investigation committee and the discipline committee and the composition of the panels, determining the duties of the panels and establishing procedures for the operation of the panels;
 - (g) establishing categories of membership in the society and prescribing the rights and privileges of each category;

- (h) prescribing the circumstances under which members are required to attend re-entry education programs and courses and approving programs and courses for that purpose;
- (i) governing the approval of education programs for the purposes of registration pursuant to this Act and prescribing terms and conditions for initial or continued approval of those programs;
- (j) setting standards for continuing education and the participation of members in continuing education;
- (k) governing the reinstatement of a member who has been expelled;
- (l) setting requirements for maintenance of membership;
- (m) regulating advertising by members;
- (n) prescribing the number of members required to demand a special meeting of the society;
- (o) prescribing the minimum amount of liability protection that members are required to obtain;
- (p) prescribing the form, content and maintenance of the register and the information to be provided by members for the purposes of the register;
- (q) respecting the reporting and publication of decisions and reports of the council and committees;
- (r) respecting the types and service of notices that may be served via electronic means;
- (s) prescribing any other matters considered necessary for the better carrying out of this Act.

1995, c.M-9.3, s.14; 2023, c6, s.6-6.

Filing of bylaws

15(1) The society shall file with the minister two copies, certified by the executive director to be true copies, of:

- (a) all regulatory bylaws; and
 - (b) any amendment to a regulatory bylaw together with two certified copies of the regulatory bylaw to which the amendment relates.
- (2) Where the minister does not advise the society in writing within 90 days of receiving copies of the regulatory bylaw or amendment that the minister approves the regulatory bylaw or amendment, the regulatory bylaw or amendment is deemed not to be approved.
- (3) Where the minister approves a regulatory bylaw or an amendment to a regulatory bylaw, the minister shall file with the Registrar of Corporations two copies, certified by the executive director to be true copies, of the regulatory bylaw or amendment.

- (4) Where an amendment to a regulatory bylaw is filed pursuant to subsection (3), the minister shall file two copies, certified by the executive director to be true copies, of the regulatory bylaw with the amendment.
- (5) Within 30 days after administrative bylaws or amendments to administrative bylaws are made, the council shall file with the Registrar of Corporations two copies, certified by the executive director to be true copies, of all administrative bylaws and all amendments made to those bylaws.
- (6) Where an amendment to an administrative bylaw is filed pursuant to subsection (5), the council shall also file two copies, certified by the executive director to be true copies, of the administrative bylaw with the amendment.
- (7) An administrative bylaw or an amendment to an administrative bylaw that is not filed within the time required by subsection (5) is deemed to be revoked on the expiration of the 30 days mentioned in subsection (5).

1995, c.M-9.3, s.15; 2010, c.B-12, s.39; 2021, c6, s.23-26.

MEMBERSHIP AND REGISTRATION

Admission

- 16(1)** The council, in accordance with this Act and the bylaws, may admit persons as members.
- (2) The council may issue licences to members.

1995, c.M-9.3, s.16.

Register

- 17(1)** In accordance with the bylaws, the council shall keep a register in which the name and address of every member is to be recorded.
- (2) The register is to be:
- (a) kept at the head office of the society; and
 - (b) open for inspection by all persons, without fee, during normal office hours of the society.
- (2.1) The register may be made available in any other manner acceptable to the council, including an electronic format.
- (3) A certificate purporting to be signed by the executive director and stating that a named person was or was not, on a specified day or during a specified period, a member or a suspended member according to the register or an extract from the register that is certified by the executive director, is admissible in evidence as proof, in the absence of evidence to the contrary, of its contents without proof of the executive director's appointment or signature.

1995, c.M-9.3, s.17; 2020, c9, s.20.

Registration

18(1) The council may register as a member, and issue a licence to, a person who produces evidence establishing to the satisfaction of the council that the person:

- (a) has paid the prescribed fees;
- (b) has complied with this section and the bylaws with respect to registration as a member;
- (c) is of good character; and
- (d) has successfully completed a medical laboratory technology education program that is recognized by the council.

(1.1) Notwithstanding subsection (1), the council may register as a member, and issue a licence to, a person who produces evidence establishing to the satisfaction of the council that the person:

- (a) has paid the prescribed fees;
- (b) has complied with this section and the bylaws with respect to registration as a member;
- (c) is of good character; and
- (d) is registered as the equivalent of a medical laboratory technologist in good standing pursuant to the legislation of another jurisdiction in Canada.

(2) The council may register as a member, and issue a temporary licence to, a person who produces evidence establishing to the satisfaction of the council that the person:

- (a) has paid the prescribed fees;
- (b) has complied with this section and the bylaws with respect to registration as a member;
- (c) is of good character; and
- (d) is eligible, according to the bylaws, to be a member of the society and to practise medical laboratory technology.

(3) A person granted a temporary licence shall comply with the bylaws governing persons who practise under temporary licences.

1995, c.M-9.3, s.18; 2004, c.65, s.16; 2010, c.19, s.17.

Delegation and appeal

19(1) The council may delegate to the executive director the power to:

- (a) admit persons as members;
- (b) issue licences to members; or
- (c) do both of the things mentioned in clauses (a) and (b).

- (2) Where a power is delegated pursuant to this section, the exercise of that power by the executive director is deemed to be an exercise of the power by the council.
- (3) The council may impose any terms and conditions that it considers appropriate on a delegation of its powers.
- (4) A person who is aggrieved by a decision of the executive director made pursuant to a delegated power may apply to the council to review that decision.
- (5) On a review pursuant to subsection (4), the council shall hear the review and may:
 - (a) direct the executive director to exercise the power in a manner that the council considers appropriate; or
 - (b) confirm the executive director's decision.
- (6) On a review pursuant to subsection (4), the person aggrieved by the decision of the executive director has the right to appear in person before the council in support of the application.
- (7) The council shall cause the applicant to be informed in writing of its decision regarding the review.

1995, c.M-9.3, s.19.

PROHIBITION

Protection of title

20 No person other than a member shall use the title “medical laboratory technologist” or “registered medical laboratory technologist” or any word, title or designation, abbreviated or otherwise, to imply that the person is a member.

1995, c.M-9.3, s.20.

DISCIPLINE

Interpretation re discipline provisions

20.1 In sections 20.2 to 35, “**member**” includes a former member.

2010, c.20, s.34.

Proceedings against former members

20.2(1) No proceedings conducted pursuant to this Act shall be commenced against a former member more than two years after the day he or she became a former member.

(2) For the purposes of this section, a proceeding is commenced when the counselling and investigation committee, pursuant to subsection 22(1), is requested by the council to consider a complaint or is in receipt of a written complaint alleging that a member is guilty of professional misconduct or professional incompetence.

2010, c.20, s.34.

Examination to assess whether curtailment of practice should be ordered

20.3(1) If the executive director or the counselling and investigation committee has reasonable grounds to believe that a member may be suffering a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs the member's ability to practise in the profession and causes the continued practice in the profession by the member to constitute a danger to the public, the executive director or counselling and investigation committee may:

- (a) direct the member to submit to a physical or mental examination, or both, by a person or at a facility specified by the executive director or counselling and investigation committee;
 - (b) request the person or facility conducting the examination of the member to report, with written reasons and within a time specified by the executive director or counselling and investigation committee, to:
 - (i) the counselling and investigation committee; and
 - (ii) the member; and
 - (c) for the period necessary to allow the executive director or counselling and investigation committee to act pursuant to clauses (a) and (b) and to receive, consider and act pursuant to this section on the report:
 - (i) impose limitations or conditions on the member's licence; or
 - (ii) suspend the member's licence.
- (2) If the executive director or counselling and investigation committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the executive director or counselling and investigation committee must give the member an opportunity to be heard within 15 days after the imposition of the limitations, conditions or suspension.
- (3) If the counselling and investigation committee receives a report pursuant to clause (1)(b) concluding that:
- (a) the continued practice of the member constitutes a danger to the public; and
 - (b) remedial measures are necessary and, if these remedial measures are taken, the public will be adequately protected;

the counselling and investigation committee may:

- (c) impose limitations or conditions on the member's licence; or
- (d) suspend the member's licence;

and the limitations, conditions or suspension apply until the member satisfies the counselling and investigation committee that it should act pursuant to clause (5)(a).

(4) The counselling and investigation committee must not act pursuant to subsection (3) unless it has first given the member an opportunity to respond to the proposed limitations, conditions or suspension.

- (5) If action has been taken pursuant to subsection (3) concerning a member, the counselling and investigation committee may do all or any of the following:
- (a) cancel or amend a limitation or condition or cancel the suspension to allow the member to resume practice if the counselling and investigation committee is satisfied, on the member's application, that the member can resume practice without constituting a danger to the public;
 - (b) delay any investigation or written report mentioned in section 22;
 - (c) decide not to refer the complaint to a hearing before the discipline committee if the counselling and investigation committee is satisfied that:
 - (i) the member's condition mentioned in subsection (1) caused or substantially contributed to the member's conduct described in the complaint; and
 - (ii) the actions taken pursuant to subsection (3) have provided appropriate public protection.
- (6) If the counselling and investigation committee acts pursuant to subsection (5), the counselling and investigation committee must deliver written notice of its decision, with written reasons, to the complainant within 30 days after making its decision.
- (7) A member aggrieved by a decision of the executive director or the counselling and investigation committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 32 and 33 apply, with any necessary modification, to the appeal.
- (8) Failure by a member to submit to an examination directed pursuant to subsection (1) or to comply with a limitation, condition or suspension imposed on the member pursuant to subsection (3) is professional misconduct within the meaning of this Act.

2023, c6, s.6-7.

Counselling and investigation committee

- 21(1)** The counselling and investigation committee is established consisting of at least three persons appointed by the council, the majority of whom are to be practising members.
- (2) No member of the discipline committee is eligible to be a member of the counselling and investigation committee.
- (3) If a panel of the counselling and investigation committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the counselling and investigation committee.

1995, c.M-9.3, s.21 ; 2023, c6, s.6-8.

Investigation

22(1) If the counselling and investigation committee is requested by the council to consider a complaint or is in receipt of a written complaint alleging that a member is guilty of professional misconduct or professional incompetence, the committee shall review and investigate the complaint.

(2) In investigating the complaint, the counselling and investigation committee may take any steps authorized by section 22.1.

(3) On completion of its investigation, the counselling and investigation committee may do one or more of the following:

(a) make a written report to the discipline committee recommending that the discipline committee hear and determine the formal complaint set out in the written report;

(b) make a written report to the discipline committee recommending that no further action be taken with respect to the matter under investigation;

(c) refer the complaint to mediation, if the counselling and investigation committee decides that the complaint is of concern only to the complainant and the investigated member, both of whom agree to mediation;

(d) require the investigated member to appear before the counselling and investigation committee, or a panel of the committee, to be cautioned;

(e) require the investigated member to complete a specified continuing education or remediation program;

(f) accept the voluntary surrender of the investigated member's registration or licence;

(g) accept an undertaking from the investigated member that provides for one or more of the following:

(i) assessment of the investigated member's capacity or fitness to practise in the profession;

(ii) counselling or treatment of the investigated member;

(iii) monitoring or supervision of the investigated member's practice;

(iv) completion by the investigated member of a specified course of studies by way of remedial training;

(v) placing conditions on the investigated member's right to practise in the profession;

(h) take any other action that the counselling and investigation committee considers appropriate that is not inconsistent with or contrary to this Act or the bylaws.

(4) The formal complaint set out in a written report made pursuant to clause (3)(a) may relate to any matter disclosed in the complaint received pursuant to subsection (1) or the investigation conducted pursuant to subsection (2).

(5) A report signed by a majority of the counselling and investigation committee is the decision of that committee.

- (6) A copy of a written report made pursuant to clause (3)(b) recommending that no further action be taken shall be provided by the executive director to:
- (a) the council;
 - (b) the complainant, if any; and
 - (c) the member whose conduct is the subject of the complaint mentioned in subsection (1).

2023, c 6, s.6-9.

Investigative powers

22.1(1) The counselling and investigation committee may take any steps that it considers proper and may summon any person who is under investigation and any other person whose information may be relevant to the investigation.

(2) For the purposes of an investigation, the counselling and investigation committee may, at any reasonable time:

- (a) require any person to answer any relevant questions and direct the person to answer the questions under oath or affirmation;
- (b) require any person to give to the committee any book, record, document or thing relevant to the investigation that is in the person's possession or under the person's control;
- (c) enter and inspect any premises or place where the investigated member practises or has practised in the profession;
- (d) inspect, observe or audit the investigated member's practice; and
- (e) examine any equipment, materials or any other thing used by the investigated member.

(3) For the purposes of an investigation, the counselling and investigation committee may:

- (a) require the investigated member to provide access to any computer system used in connection with the member's practice in order to produce a record in readable form;
- (b) photograph or create images of the premises or place; or
- (c) use any copying equipment at the premises or place to make copies of any record related to the investigated member's practice.

(4) The counselling and investigation committee may apply, without notice or on any notice that the court may direct, to a judge of the court for an order directing any person:

- (a) to attend before the committee to answer any relevant questions that the committee may have relating to the investigation; and
- (b) to produce to the committee any book, record, document or thing relevant to the investigation that is in the person's possession or under the person's control.

- (5) On application and payment of the appropriate fee, the local registrar of the court at any judicial centre shall issue writs of *subpoena ad testificandum* or *subpoena duces tecum* to:
- (a) a member of the counselling and investigation committee; or
 - (b) counsel acting for the counselling and investigation committee.
- (6) If a writ issued pursuant to subsection (5) is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.
- (7) If any book, record, document or thing is produced to the counselling and investigation committee, the committee may authorize any person to copy or make extracts from the book, record, document or thing.
- (8) No person shall obstruct the counselling and investigation committee or a member of the committee making an investigation pursuant to this Act or withhold from the committee or the member or conceal, alter or destroy any book, record, document or thing relevant to the matter being investigated.
- (9) A judge of the Provincial Court of Saskatchewan, on an application without notice by the counselling and investigation committee, may issue an order authorizing a person making the investigation, together with any peace officer called to assist the person making the investigation, to enter and search, by force if necessary, any building, dwelling, receptacle, premises or place specified in the order for any book, record, document or thing and to examine them, if the judge is satisfied that:
- (a) the counselling and investigation committee is conducting an investigation pursuant to this Act; and
 - (b) there are reasonable grounds for believing that there is in any building, dwelling, receptacle, premises or place any book, record, document or thing relating to the person whose affairs are being investigated and to the matter of the investigation.
- (10) An application for an order pursuant to subsection (9) to enter a dwelling shall specifically indicate that the application relates to a dwelling.
- (11) An entry and search under an order made pursuant to subsection (9) may be conducted only between 8 a.m. and 8 p.m. unless the order specifies otherwise.
- (12) A person authorized by an order made pursuant to subsection (9) to conduct an entry and search may remove any book, record, document or thing examined by the person.
- (13) If it is practicable to copy a book, record, document or thing removed pursuant to subsection (12), the counselling and investigation committee shall return the book, record, document or thing within a reasonable time.
- (14) A copy or extract of a book, record, document or thing certified to be a true copy by a member of the counselling and investigation committee or other person who made the copy or extract pursuant to this section is admissible in evidence in any proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original item and its contents.

(15) The counselling and investigation committee may delegate any aspect of its investigation pursuant to this section to an investigator.

(16) An investigator who acts pursuant to the authority of a delegation has the authority and power of the counselling and investigation committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

2023, c 6, s.6-9.

Suspension pending outcome of investigation

22.2(1) If the executive director or the discipline committee believes, on the basis of a complaint or the nature of the case, that, pending the outcome of an investigation by the counselling and investigation committee, a member's licence should be suspended or a member's ability to practise in the profession should be limited or restricted, the executive director or the discipline committee may:

- (a) suspend the member's licence; or
- (b) impose limitations or conditions on the member's licence.

(2) A member aggrieved by a decision of the executive director or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 32 and 33 apply, with any necessary modification, to the appeal.

2023, c 6, s.6-9.

Discipline committee

23(1) The discipline committee is established consisting of at least five persons appointed by the council.

(2) A majority of members of the discipline committee are to be practising members.

(3) One of the members of the discipline committee is to be one of the persons appointed to the council by the Lieutenant Governor in Council pursuant to subsection 8(1).

(4) No member of the counselling and investigation committee is eligible to be appointed as a member of the discipline committee.

(5) Subject to this Act and the bylaws, the discipline committee may make rules regulating its business and proceedings.

(6) If a panel of the discipline committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the discipline committee.

1995, c.M-9.3, s.23; 2023, c 6, s.6-10.

Discipline hearing

24(1) Where a report of the counselling and investigation committee recommends that the discipline committee hear and determine a formal complaint, the executive director shall, at least 30 days before the date the discipline committee is to sit:

- (a) send a copy of the formal complaint to the member whose conduct is the subject of the hearing; and
 - (b) serve notice on the member whose conduct is the subject of the hearing of the date, time and place of the hearing.
- (2) The counselling and investigation committee shall prosecute or direct the prosecution of the complaint, but its members shall not participate in any other manner in the hearing of the complaint except as witnesses when required.
- (3) The discipline committee shall hear the complaint and shall determine whether or not the member is guilty of professional misconduct or professional incompetence, notwithstanding that the determination of a question of fact may be involved, and the discipline committee need not refer any question to a court for adjudication.
- (4) The discipline committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.
- (5) The discipline committee may employ, at the expense of the society, any legal or other assistance that it considers necessary, and the member whose conduct is the subject of the hearing, at his or her own expense, may be represented by counsel.
- (6) The testimony of witnesses is to be under oath or affirmation administered by the chairperson of the discipline committee.
- (7) At a hearing by the discipline committee, there is to be full right:
- (a) to examine, cross-examine and re-examine all witnesses; and
 - (b) to present evidence in defence and reply.
- (8) On application and payment of the appropriate fee, the local registrar of the court at any judicial centre shall issue writs of *subpoena ad testificandum* or *subpoena duces tecum* to:
- (a) a member whose conduct is the subject of a hearing pursuant to this Act;
 - (b) a member of the counselling and investigation committee;
 - (c) a member of the discipline committee.
- (9) Where a writ issued pursuant to subsection (8) is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.
- (10) Where the member whose conduct is the subject of the hearing fails to attend the hearing, the discipline committee, on proof of service of the notice mentioned in subsection (1), may proceed with the hearing in his or her absence.
- (11) If, during the course of a hearing, the evidence shows that the member whose conduct is the subject of the hearing may be guilty of a charge different from or in addition to any charge specified in the formal complaint, the discipline committee shall notify the member of that fact.

- (12) If the discipline committee proposes to amend, add to or substitute the charge in the formal complaint, the discipline committee shall adjourn the hearing for any period that the discipline committee considers sufficient to give the member an opportunity to prepare a defence to the amended formal complaint, unless the member consents to continue the hearing.
- (13) The person, if any, who made the complaint pursuant to section 22:
- (a) is to be advised orally or in writing by the executive director of the date, time and place of the hearing; and
 - (b) subject to subsection (15), is entitled to attend the hearing.
- (14) Subject to subsection (15), the discipline committee shall conduct all hearings in public.
- (15) The discipline committee may exclude members of the public and the person who made the complaint from any part of the hearing when the committee is of the opinion that evidence brought in the presence of the person or persons to be excluded will unduly violate the privacy of a person other than the member whose conduct is the subject of the hearing.

1995, c.M-9.3, s.24.

Disciplinary powers

- 25(1)** Where the discipline committee finds a member guilty of professional misconduct or professional incompetence, it may make one or more of the following orders:
- (a) an order that the member be expelled from the society and that the member's name be struck from the register;
 - (b) an order that the member be suspended from the society for a specified period;
 - (c) an order that the member be suspended pending the satisfaction and completion of any conditions specified in the order;
 - (d) an order that the member may continue to practise only under conditions specified in the order, which may include, but are not restricted to, an order that the member:
 - (i) not do specified types of work;
 - (ii) successfully complete specified classes or courses of instruction;
 - (iii) obtain medical treatment, counselling or both;
 - (e) an order reprimanding the member;
 - (f) any other order that the discipline committee considers just.
- (2) In addition to any order made pursuant to subsection (1), the discipline committee may order:
- (a) that the member pay to the society, within a fixed period:
 - (i) a fine in a specified amount not exceeding \$2,000; and

- (ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the counselling and investigation committee and the discipline committee and costs of legal services and witnesses; and
- (b) where a member fails to make payment in accordance with an order pursuant to clause (a), that the member be suspended from the society.
- (3) The executive director shall send a copy of an order made pursuant to this section to the member whose conduct is the subject of the order and to the person, if any, who made the complaint.
- (4) Where a member is expelled or suspended, the executive director shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.
- (5) Where a member is found guilty of professional misconduct or professional incompetence, the discipline committee may inform that member's employer of the order made against the member.

1995, c.M-9.3, s.25.

Professional incompetence

26 Professional incompetence is a question of fact, but the display by a member of:

- (a) a lack of knowledge, skill or judgment; or
- (b) a disregard for the welfare of members of the public served by the profession;

of a nature or to an extent that demonstrates that the member is unfit to continue in the practice of the profession is professional incompetence within the meaning of this Act.

1995, c.M-9.3, s.26.

Professional misconduct

27 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act if:

- (a) it is harmful to the best interests of the public or the members;
- (b) it tends to harm the standing of the profession;
- (c) it is a breach of this Act or the bylaws; or
- (d) it is a failure to comply with an order of the counselling and investigation committee, the discipline committee or the council.

1995, c.M-9.3, s.27.

Criminal conviction

28 The discipline committee may, by order, expel a member from the society where:

- (a) the member has been convicted of an indictable offence pursuant to the *Criminal Code*;

- (b) a report of the counselling and investigation committee is made to the discipline committee respecting the conviction mentioned in clause (a);
- (c) the discipline committee has given the member mentioned in clause (a) an opportunity to be heard; and
- (d) the discipline committee finds that the conduct of the member giving rise to the conviction makes the member unfit to continue to be a member.

1995, c.M-9.3, s.28.

Criminal conduct

29 If, in the course of an investigation pursuant to this Act, the counselling and investigation committee obtains information that leads to a reasonable belief that a member has been engaged or is engaging in possible criminal activity, the committee shall disclose the information to the appropriate law enforcement agency.

2023, c6, s.6-10.

30 Repealed. 2023, c6, s.6-12.

Review by council

31(1) A member may appeal the decision or any order of the discipline committee to the council by serving the executive director with a notice of appeal within 30 days of the decision or order where:

- (a) the member has been found guilty of professional misconduct or professional incompetence by the discipline committee; or
- (b) the member has been expelled pursuant to section 28.

(2) An appellant shall set out the grounds of appeal in a notice of appeal mentioned in subsection (1).

(3) On receipt of a notice of appeal, the executive director shall file with the council a true copy of:

- (a) the formal complaint and notice served pursuant to section 24 or the report of the counselling and investigation committee pursuant to section 28;
- (b) the transcript of the evidence presented to the discipline committee; and
- (c) the decision and order of the discipline committee.

(4) The appellant or the appellant's solicitor or agent may obtain from the executive director a copy of the documents filed pursuant to subsection (3) on payment of the costs of producing them.

(5) On hearing an appeal, the council may:

- (a) dismiss the appeal;
- (b) quash the finding of guilt;
- (c) direct a new hearing or further inquiries by the discipline committee;
- (d) vary the order of the discipline committee; or
- (e) substitute its own decision for the decision appealed from.

(6) The council may make any order as to costs that it considers appropriate.

1995, c.M-9.3, s.31.

Appeal to court

32 A member whose conduct is the subject of an order of the discipline committee pursuant to section 25 or of the council pursuant to section 31 may appeal that order to a judge of the court within 30 days of the order and section 31 applies with any necessary modification.

1995, c.M-9.3, s.32.

Effect of appeal

33 The commencement of an appeal pursuant to section 31 or 32 does not stay the effect of the decision or order appealed from, but, on five days' notice to the executive director, the appellant may apply to the court for a stay of the decision or order pending the disposition of the appeal.

1995, c.M-9.3, s.33.

Effect of expulsion

34 When a member is expelled or suspended from the society pursuant to this Act, that member's rights and privileges as a member are removed for the period during which he or she is expelled or suspended.

1995, c.M-9.3, s.34.

Reinstatement

35(1) A person who has been expelled as a member may apply to the council for reinstatement.

(2) Subject to the bylaws, on receipt of an application pursuant to subsection (1), the council shall:

- (a) review the application; and
- (b) investigate the application by taking any steps it considers necessary.

(3) On completion of its investigation, the council may:

- (a) where it is satisfied that the person's subsequent conduct and any other facts warrant reinstatement, order that the person be reinstated as a member on any terms and conditions that the council considers appropriate; or
- (b) by order, refuse to reinstate the person.

(4) Where, on an application pursuant to subsection (1), the council refuses to reinstate the person as a member, the person, within 30 days after the date of the order, may appeal the order of the council to a judge of the court and the judge may allow or disallow the appeal.

(5) On an appeal pursuant to subsection (4), the judge shall consider:

- (a) the proceedings before the council on the application for reinstatement;

- (b) the past record of the appellant as shown by the books and records of the society; and
 - (c) the evidence taken before the council and any committee that dealt with the expulsion and application for reinstatement and the report of that committee.
- (6) A person whose application for reinstatement is refused or whose appeal of a refusal is dismissed may make another application for reinstatement, based on new information, at any time.

1995, c.M-9.3, s.35.

GENERAL

Immunity

36 No action lies or shall be instituted against:

- (a) members of the council;
- (b) the counselling and investigation committee;
- (c) the discipline committee;
- (d) any member of any committee; or
- (e) any officer, employee or agent;

of the society for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the bylaws or in the carrying out or supposed carrying out of any decision or order made pursuant to this Act or the bylaws or any duty imposed by this Act or the bylaws.

1995, c.M-9.3, s.36.

Offence and penalty

37 Every person who contravenes section 20 is guilty of an offence and liable on summary conviction to a fine of:

- (a) for a first offence, not more than \$2,000;
- (b) for a second offence, not more than \$4,000; and
- (c) for each subsequent offence, not more than \$6,000 or to imprisonment for a term of not more than six months, or to both that fine and imprisonment.

1995, c.M-9.3, s.37.

Limitation of prosecution

38 No prosecution for a contravention of section 20 is to be commenced:

- (a) after the expiration of 24 months from the date of the alleged offence; and
- (b) without the consent of the Minister of Justice or the council.

1995, c.M-9.3, s.38.

Report of termination of employment

39 Any employer who terminates for cause the employment of a member shall report the termination to the society where the employer reasonably believes the cause is professional incompetence or professional misconduct.

1995, c.M-9.3, s.39.

Review by Legislative Assembly

40(1) One copy of every bylaw and amendment filed with the Registrar of Corporations pursuant to section 15 is to be laid before the Legislative Assembly by the minister responsible for the administration of *The Business Corporations Act, 2021* in accordance with section 13 of *The Executive Government Administration Act*.

(2) Where any bylaw or amendment laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, that bylaw or amendment ceases to have any effect and is deemed to have been revoked.

1995, c.M-9.3, s.40; 2010, c.B-12, s.39; 2014, c.E-13.1, s.62; 2021, c.6, s.23-26.

Record of revocation and notification

41(1) Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw or amendment has ceased to have effect, the Clerk of the Legislative Assembly shall immediately:

- (a) forward two copies of the Votes and Proceedings to the Registrar of Corporations; and
- (b) advise him or her that the copies are forwarded pursuant to this subsection.

(2) On receipt of the copies mentioned in subsection (1), the Registrar of Corporations shall immediately:

- (a) file one of the copies with the bylaw or amendment to which it relates;
- (b) forward the other copy to the society; and
- (c) advise the society that the copy is forwarded pursuant to this subsection.

1995, c.M-9.3, s.41; 2010, c.B-12, s.39; 2021, c.6, s.23-26.

Annual register

42 On or before February 1 in each year, the society shall file with the Registrar of Corporations a list, certified by the executive director to be a true list, showing:

- (a) the names of all members as at December 31 in the preceding year;
- (b) the addresses of the members mentioned in clause (a) as shown by the records of the society; and
- (c) the respective dates of admission of the members mentioned in clause (a).

1995, c.M-9.3, s.42; 2010, c.B-12, s.39; 2021, c.6, s.23-26.

Annual report

43 The society shall file an annual report with the minister in the form, with the contents and in the time prescribed by the minister.

1995, c.M-9.3, s.43.

Compliance

44 Every member shall comply with this Act and the bylaws.

1995, c.M-9.3, s.44.

Service of notices, etc.

45(1) Unless otherwise provided for in this Act or the bylaws, any notice or other document that is required to be served pursuant to this Act may be served by:

- (a) personal service made:
 - (i) in the case of an individual, on that individual;
 - (ii) in the case of a partnership, on any partner; or
 - (iii) in the case of a corporation, on any officer or director; or
- (b) registered mail addressed to the last business or residential address of the person to be served known to the executive director.

(2) A notice or document sent by registered mail is deemed to have been served on the seventh day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the notice or document or received it at a later date.

1995, c.M-9.3, s.45.

TRANSITIONAL AND COMING INTO FORCE**Transitional — council**

46 A person who is a member of the board of directors of The Saskatchewan Society of Medical Laboratory Technologists Inc., on the day before this Act comes into force, continues as a member of council until the earlier of:

- (a) the date members of council are elected or appointed pursuant to this Act; or
- (b) the date the member dies, resigns or otherwise ceases to be a member of council.

1995, c.M-9.3, s.46.

