

# BILL

## No. 120

An Act to Standardize Certain Provisions of the Health Profession Acts of Saskatchewan and to make consequential amendments to other Acts

(Assented to )

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

### PART 1 Preliminary Matters

#### Short title

**1-1** This Act may be cited as *The Miscellaneous Statutes (Health Professions) Amendment Act, 2022*.

### PART 2 Amendments to *The Chiropractic Act, 1994*

#### SS 1994, c C-10.1 amended

**2-1** *The Chiropractic Act, 1994* is amended in the manner set forth in this Part.

#### New section 3.1

**2-2** The following section is added after section 3:

#### “Duty and objects of association

**3.1(1)** It is the duty of the association 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 association 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 association 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;

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- (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 association determines is consistent with its duty and objects”.

**New section 7**

**2-3 Section 7 is repealed and the following substituted:**

**“Board**

- 7(1) The board shall govern, manage and regulate the affairs and business of the association.
- (2) The board 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 board 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 board 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”.

**New sections 9 and 10**

**2-4 Sections 9 and 10 are repealed and the following substituted:**

**“Resignation**

- 9(1) A member of the board elected or appointed pursuant to clause 7(2)(a) may resign by giving a written notice of resignation to the board.
- (2) A member of the board appointed pursuant to section 8 may resign by giving a written notice of resignation to the minister and the board.
- (3) The resignation of a member of the board 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 board elected or appointed pursuant to clause 7(2)(a), on the date the written notice is received by the board; or
  - (b) in the case of the resignation of a member of the board appointed pursuant to section 8, on the date the written notice is received by the minister.

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**“Vacancy**

**10(1)** When the office of a person elected or appointed as a member of the board pursuant to clause 7(2)(a) becomes vacant, the remaining members of the board 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 board; 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 board does not impair the power of the remaining members of the board to act.

(3) If the licence of a member serving as a member of the board is suspended, the member’s powers and duties as a member of the board are suspended for the same period.

(4) If a member serving as a member of the board is expelled from the association, the member ceases to be a member of the board on the day the member is expelled”.

**New section 14**

**2-5 Section 14 is repealed and the following substituted:**

**“Procedures**

**14(1)** The board may make bylaws for any purpose set out in section 15.

(2) The registrar 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 board.

(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 board.

(6) No regulatory bylaw made by the board comes into force until it is:

- (a) approved by the minister pursuant to section 16; and
- (b) published in the Gazette”.

**Section 15 amended**

**2-6(1) Subsection 15(1) is amended:**

**(a) by striking out the portion preceding clause (a) and substituting the following:**

“Subject to this Act, administrative bylaws may be made pursuant to section 14 for the following purposes:”; **and**

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**(b) by repealing clauses (f) to (i) and substituting the following:**

“(f) prescribing the number and terms of office of members of the board, other than persons appointed pursuant to section 8;

“(f.1) prescribing the officers of the association and governing the procedure for the appointment, election or removal of those officers;

“(g) prescribing the duties of members of the board and officers and employees of the association;

“(h) prescribing the remuneration and reimbursement for expenses for members of the board and committees, other than persons appointed pursuant to section 8;

“(i) governing the procedures for the election or appointment of members of the board, other than persons appointed pursuant to section 8”.

**(2) Subsection 15(2) is amended:****(a) by striking out the portion preceding clause (a) and substituting the following:**

“Subject to this Act, regulatory bylaws may be made pursuant to section 14 for the following purposes.”; **and**

**(b) by adding the following clause after clause (m):**

“(m.1) respecting the establishment of panels of the 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”.

**New section 25.3****2-7 The following section is added after section 25.2:****“Examination to assess whether curtailment of practice should be ordered**

**25.3(1)** If the registrar or the 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 registrar or 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 registrar or 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 registrar or investigation committee, to:

(i) the investigation committee; and

(ii) the member; and

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(c) for the period necessary to allow the registrar or 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 registrar or investigation committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or 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 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 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 investigation committee that it should act pursuant to clause (5)(a).

(4) The 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 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 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 29;
- (c) decide not to refer the complaint to a hearing before the discipline committee if the 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.

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(6) If the investigation committee acts pursuant to subsection (5), the 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 registrar or the investigation committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 40 to 43 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”.

**Section 28 amended****2-8 The following subsection is added after subsection 28(2):**

“(3) If a panel of the investigation committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the investigation committee”.

**New sections 29 to 30****2-9 Sections 29 and 30 are repealed and the following substituted:****“Investigation**

**29(1)** If the investigation committee is requested by the board 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 investigation committee may take any steps authorized by section 29.1.

(3) On completion of its investigation, the 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 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 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;

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(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 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 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 registrar to:

- (a) the board;
- (b) the complainant, if any; and
- (c) the member whose conduct is the subject of the complaint mentioned in subsection (1).

**“Investigative powers**

**29.1(1)** The 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 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;

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- (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 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 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 investigation committee; or
  - (b) counsel acting for the 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 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 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 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 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.



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(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 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 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 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 investigation committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

**“Suspension pending outcome of investigation**

**30(1)** If the registrar 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 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 registrar 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 registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 40 to 43 apply, with any necessary modification, to the appeal”.

**Section 31 repealed**

**2-10 Section 31 is repealed.**

**Section 32 amended**

**2-11 The following subsection is added after subsection 32(3):**

“(4) 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”.

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## New section 37

**2-12 Section 37 is repealed and the following substituted:****“Criminal conduct**

**37** If, in the course of an investigation pursuant to this Act, the 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”.

## Section 38 repealed

**2-13 Section 38 is repealed.**

## PART 3

**Amendments to *The Dental Disciplines Act***

## SS 1997, c D-4.1 amended

**3-1** *The Dental Disciplines Act* is amended in the manner set forth in this Part.

## Section 2 amended

**3-2** **Clause 2(t) is amended by adding “or by the minister pursuant to section 17” after “subsection 15(2)”.**

## New section 3.1

**3-3 The following section is added after section 3:****“Duty and objects of the association**

**3.1(1)** It is the duty of each of the associations mentioned in section 3 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 each association 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, each association 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 each association determines is consistent with its duty and objects”.

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**New section 8**

**3-4 Section 8 is repealed and the following substituted:**

**“Council**

- 8(1) The council of each association shall govern, manage and regulate the affairs and business of its association.
- (2) Each council consists of:
  - (a) the number of councillors elected or appointed in accordance with the association’s bylaws; and
  - (b) the persons appointed pursuant to section 9.
- (3) Councillors 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 councillor elected or appointed 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”.

**New sections 10 and 11**

**3-5 Sections 10 and 11 are repealed and the following substituted:**

**“Resignation**

- 10(1) A councillor elected or appointed pursuant to clause 8(2)(a) may resign by giving a written notice of resignation to the council.
- (2) A councillor appointed pursuant to section 9 may resign by giving a written notice of resignation to the minister and the council.
- (3) The resignation of a councillor 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 councillor elected or appointed pursuant to clause 8(2)(a), on the date the written notice is received by the council; or
  - (b) in the case of the resignation of a councillor appointed pursuant to section 9, on the date the written notice is received by the minister.

**“Vacancy**

- 11(1) When the office of a person elected or appointed as a councillor pursuant to clause 8(2)(a) becomes vacant, the remaining councillors 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 councillor; 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 councillors to act.

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(3) If the licence of a member serving as a councillor is suspended, the member's powers and duties as a councillor are suspended for the same period.

(4) If a member serving as a councillor is expelled from the association, the member ceases to be a councillor on the day the member is expelled”.

**New section 14****3-6 Section 14 is repealed and the following substituted:****“Procedures**

**14(1)** Each council may make bylaws for any purpose set out in section 15.

(2) The registrar shall notify each member of each bylaw made by the member's association 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 16; and
- (b) published in the Gazette”.

**Section 15 amended****3-7(1) Subsection 15(1) is amended:****(a) by repealing clause (f) and substituting the following:**

“(f) prescribing the number and terms of office of councillors, other than persons appointed pursuant to section 9”;

**(b) by repealing clause (i) and substituting the following:**

“(i) governing the procedures for the election or appointment of councillors, other than persons appointed pursuant to section 9”; **and**

**(c) by repealing clause (p) and substituting the following:**

“(p) prescribing the remuneration and reimbursement for expenses for councillors and committees members, other than persons appointed pursuant to section 9”.

**(2) The following clause is added after clause 15(2)(f):**

“(f.1) respecting the establishment of panels of the professional conduct 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”.

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## New section 25.3

**3-8 The following section is added after section 25.2:****“Examination to assess whether curtailment of practice should be ordered**

**25.3(1)** If the registrar or the professional conduct committee of an association 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 registrar or professional conduct 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 registrar or professional conduct 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 registrar or professional conduct committee, to:
  - (i) the professional conduct committee; and
  - (ii) the member; and
- (c) for the period necessary to allow the registrar or professional conduct 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 registrar or professional conduct committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee that it should act pursuant to clause (5)(a).

(4) The professional conduct 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.

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(5) If action has been taken pursuant to subsection (3) concerning a member, the professional conduct 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 professional conduct 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 29;
- (c) decide not to refer the complaint to a hearing before the discipline committee if the professional conduct 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 professional conduct committee acts pursuant to subsection (5), the professional conduct 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 registrar or the professional conduct committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 38 to 40 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".

## Section 28 amended

**3-9 The following subsection is added after subsection 28(2):**

"(3) If a panel of the professional conduct committee of an association is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the professional conduct committee".

## New sections 29 to 31

**3-10 Sections 29 to 31 are repealed and the following substituted:****"Investigation**

**29(1)** If the professional conduct committee is requested by its 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 professional conduct committee may take any steps authorized by section 30.

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(3) On completion of its investigation, the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 registrar 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).

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**“Investigative powers**

**30(1)** The professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee; or
- (b) counsel acting for the professional conduct 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.



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- (7) If any book, record, document or thing is produced to the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

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**“Suspension pending outcome of investigation**

**31(1)** If the registrar or the discipline committee of an association believes, on the basis of a complaint or the nature of the case, that, pending the outcome of an investigation by the professional conduct committee, a member’s licence should be suspended or a member’s ability to practise in the profession should be limited or restricted, the registrar 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 registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 38 to 40 apply, with any necessary modification, to the appeal”.

**Section 32 amended****3-11 The following subsection is added after subsection 32(5):**

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

**New section 36****3-12 Section 36 is repealed and the following substituted:****“Criminal conduct**

**36** If, in the course of an investigation pursuant to this Act, the professional conduct committee of an association 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”.

**Section 37 repealed****3-13 Section 37 is repealed.****Section 47 amended****3-14 Subsection 47(1) is amended by adding “or 17” after “section 16”.**

## PART 4

**Amendments to *The Dietitians Act*****SS 2001, c D-27.1 amended****4-1 *The Dietitians Act* is amended in the manner set forth in this Part.****Section 2 amended****4-2 Section 2 is amended:**

- (a) by repealing clause (b);
- (b) by adding the following clause after clause (d):

“(d.1) ‘college’ means the Saskatchewan College of Dietitians continued pursuant to section 3”; and

- (c) by adding the following clause after clause (e):

“(e.1) ‘former association’ means the Saskatchewan Dietitians Association as it existed on the day before the coming into force of Part 4 of *The Miscellaneous Statutes (Health Professions) Amendment Act, 2022*”.

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**New heading**

**4-3 The heading before section 3 is struck out and the following substituted:**

**“COLLEGE”.**

**New sections 3 to 4**

**4-4 Sections 3 and 4 are repealed and the following substituted:**

**“College continued**

**3(1)** The Saskatchewan Dietitians Association is continued as a corporation to be known as the Saskatchewan College of Dietitians.

(2) A reference in any Act, regulation, order, bylaw, contract or other document to the former association is deemed to be a reference to the college.

**“Duty and objects of college**

**3.1(1)** It is the duty of the college 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 college 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 college 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 college determines is consistent with its duty and objects.

**“Membership**

**4(1)** The membership of the college consists of those persons who are admitted as members of the college pursuant to this Act and the bylaws.

(2) A person who was a member of the former association continues as a member of the college, subject to any term, condition or limitation to which the person's membership is subject”.

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**New section 7****4-5 Section 7 is repealed and the following substituted:****“Board**

- 7(1) The board shall govern, manage and regulate the affairs and business of the college.
- (2) The board 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 board 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 board 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.
- (5) A person who was a member of the board of the former association continues as a member of the board of the college for the remainder of the person’s term and until the person’s successor is elected or appointed, as the case may be”.

**New sections 9 and 10****4-6 Sections 9 and 10 are repealed and the following substituted:****“Resignation**

- 9(1) A member of the board elected or appointed pursuant to clause 7(2)(a) may resign by giving a written notice of resignation to the board.
- (2) A member of the board appointed pursuant to section 8 may resign by giving a written notice of resignation to the minister and the board.
- (3) The resignation of a member of the board 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 board elected or appointed pursuant to clause 7(2)(a), on the date the written notice is received by the board; or
  - (b) in the case of the resignation of a member of the board appointed pursuant to section 8, on the date the written notice is received by the minister.

**“Vacancy**

- 10(1) When the office of a person elected or appointed as a member of the board pursuant to clause 7(2)(a) becomes vacant, the remaining members of the board 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 board; and
  - (b) the day on which a person is elected or appointed to fill the vacancy in accordance with this Act and the bylaws.

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(2) A vacancy in the membership of the board does not impair the power of the remaining members of the board to act.

(3) If the licence of a member serving as a member of the board is suspended, the member's powers and duties as a member of the board are suspended for the same period.

(4) If a member serving as a member of the board is expelled from the college, the member ceases to be a member of the board on the day the member is expelled".

**New section 13**

**4-7 Section 13 is repealed and the following substituted:**

**"Procedures**

**13(1)** The board may make bylaws for any purpose set out in section 14.

(2) The registrar 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 board.

(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 board.

(6) No regulatory bylaw made by the board comes into force until it is:

- (a) approved by the minister pursuant to section 15; and
- (b) published in the Gazette".

**Section 14 amended**

**4-8(1) Subsection 14(1) is repealed and the following substituted:**

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

- (a) prescribing the seal of the college;
- (b) providing for the execution of documents by the college;
- (c) respecting the banking and financial dealings of the college;
- (d) fixing the fiscal year of the college and providing for the audit of the accounts and transactions of the college;
- (e) respecting the management of the property of the college;
- (f) prescribing the number and terms of office of members of the board, other than persons appointed pursuant to section 8;
- (g) prescribing the officers of the college and governing the procedure for the appointment, election or removal of those officers;
- (h) prescribing the duties of members of the board and officers and employees of the college;

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- (i) prescribing the remuneration and reimbursement for expenses for members of the board and committees, other than persons appointed pursuant to section 8;
- (j) governing the procedures for the election or appointment of members of the board, other than persons appointed pursuant to section 8;
- (k) prescribing the organization, powers and procedures of the board and regulating the board in the performance of its duties;
- (l) respecting the holding and procedures of meetings of the board and annual and special meetings of the college;
- (m) prescribing the amount of registration, licensing and other fees payable to the college, the times of payment and the penalties for late payment;
- (n) providing for the receipt, management and investment of contributions, donations and bequests;
- (o) establishing and governing scholarships, bursaries and prizes;
- (p) regulating joint participation by the college with any educational institution or any person, group, association, organization or body corporate having goals or objectives similar to those of the college;
- (q) establishing any committees that the board considers necessary, prescribing the manner of election, appointment or removal of committee members, determining the duties of committees and establishing procedures for the operation of committees;
- (r) providing for any other thing that is necessary for the effective administration of the college”.

**(2) The following clause is added after clause 14(2)(f):**

“(f.1) respecting the establishment of panels of the professional conduct 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”.

**New section 21.3****4-9 The following section is added after section 21.2:****“Examination to assess whether curtailment of practice should be ordered**

**21.3(1)** If the registrar or the professional conduct 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 registrar or professional conduct 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 registrar or professional conduct committee;

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(b) request the person or facility conducting the examination of the member to report, with written reasons and within a time specified by the registrar or professional conduct committee, to:

(i) the professional conduct committee; and

(ii) the member; and

(c) for the period necessary to allow the registrar or professional conduct 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 registrar or professional conduct committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee that it should act pursuant to clause (5)(a).

(4) The professional conduct 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 professional conduct 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 professional conduct 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 25;

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(c) decide not to refer the complaint to a hearing before the discipline committee if the professional conduct 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 professional conduct committee acts pursuant to subsection (5), the professional conduct 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 registrar or the professional conduct committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 35 and 36 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”.

## Section 24 amended

**4-10 The following subsection is added after subsection 24(2):**

“(3) If a panel of the professional conduct committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the professional conduct committee”.

## New sections 25 to 26

**4-11 Sections 25 and 26 are repealed and the following substituted:****“Investigation**

**25(1)** If the professional conduct committee is requested by the board 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 professional conduct committee may take any steps authorized by section 25.1.

(3) On completion of its investigation, the professional conduct 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 professional conduct committee decides that the complaint is of concern only to the complainant and the investigated member, both of whom agree to mediation;



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- (d) require the investigated member to appear before the professional conduct 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 professional conduct 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 professional conduct 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 registrar to:
- (a) the board;
  - (b) the complainant, if any; and
  - (c) the member whose conduct is the subject of the complaint mentioned in subsection (1).

**“Investigative powers**

- 25.1(1)** The professional conduct 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 professional conduct 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;

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- (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 professional conduct 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 professional conduct 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 professional conduct committee; or
  - (b) counsel acting for the professional conduct 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 professional conduct 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 professional conduct 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.

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(9) A judge of the Provincial Court of Saskatchewan, on an application without notice by the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

**“Suspension pending outcome of investigation**

**26(1)** If the registrar 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 professional conduct committee, a member’s licence should be suspended or a member’s ability to practise in the profession should be limited or restricted, the registrar 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 registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 35 and 36 apply, with any necessary modification, to the appeal”.

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## Section 27 amended

**4-12(1)** Subsection 27(2) is amended by striking out “and no elected member of the board” and substituting “or member of the board elected or appointed pursuant to clause 7(2)(a)”.

**(2) The following subsection is added after subsection 27(3):**

“(4) 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”.

## Section 28 amended

**4-13 Subsection 28(5) is repealed and the following substituted:**

“(5) The discipline committee may employ, at the expense of the college, any legal or other assistance that it considers necessary, and the member whose conduct is the subject of the hearing, at the member’s own expense, may be represented by counsel”.

## New section 32

**4-14 Section 32 is repealed and the following substituted:**

**“Criminal conduct**

**32** If, in the course of an investigation pursuant to this Act, the professional conduct 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”.

## Section 33 repealed

**4-15 Section 33 is repealed.**

## New section 37

**4-16 Section 37 is repealed and the following substituted:**

**“Effect of expulsion or suspension**

**37** When a member is expelled from the college or a member’s licence is suspended, that person’s rights and privileges as a member are removed for the period during which the person is expelled from the college or the person’s licence is suspended”.

## Section 43 amended

**4-17 Subsection 43(1) is amended by adding “or 16” after “section 15”.**

## Schedule 1

**4-18 The provisions of *The Dietitians Act* listed in Schedule 1 to this Act are amended by striking out “association” wherever it appears and in each case substituting “college”.**

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## PART 5

**Amendments to *The Licensed Practical Nurses Act, 2000***

SS 2000, c L-14.2 amended

**5-1** *The Licensed Practical Nurses Act, 2000* is amended in the manner set forth in this Part.

New section 3.1

**5-2 The following section is added after section 3:**

**“Duty and objects of association**

**3.1(1)** It is the duty of the association 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 association 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 association 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 association determines is consistent with its duty and objects”.

New section 7

**5-3 Section 7 is repealed and the following substituted:**

**“Council**

**7(1)** The council shall govern, manage and regulate the affairs and business of the association.

(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.

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(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".

**New sections 9 and 10**

**5-4 Sections 9 and 10 are repealed and the following substituted:**

**"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.

**"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 association, the member ceases to be a member of the council on the day the member is expelled".

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**New section 13****5-5 Section 13 is repealed and the following substituted:****“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”.

**Section 14 amended****5-6(1) Subsection 14(1) is amended:****(a) by repealing clause (f) and substituting the following:**

“(f) prescribing the number and terms of office of members of the council, other than persons appointed pursuant to section 8”; **and**

**(b) by repealing clauses (i) and (j) and substituting the following:**

“(i) prescribing the remuneration and reimbursement for expenses for members of the council and committees, other than persons appointed pursuant to section 8;

“(j) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 8”.

**(2) The following clause is added after clause 14(2)(f):**

“(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”.

## MISCELLANEOUS STATUTES (HEALTH PROFESSIONS), 2022

## New section 22.3

**5-7 The following section is added after section 22.2:****“Examination to assess whether curtailment of practice should be ordered**

**22.3(1)** If the registrar 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 registrar 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 registrar 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 registrar 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 registrar 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 registrar or counselling and investigation committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar 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).



MISCELLANEOUS STATUTES (HEALTH PROFESSIONS), 2022

(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 26;

(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 registrar or the counselling and investigation committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 36 and 37 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".

**Section 25 amended**

**5-8 The following subsection is added after subsection 25(2):**

"(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".

**New sections 26 to 27**

**5-9 Sections 26 and 27 are repealed and the following substituted:**

**"Investigation**

**26(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.

## MISCELLANEOUS STATUTES (HEALTH PROFESSIONS), 2022

- (2) In investigating the complaint, the counselling and investigation committee may take any steps authorized by section 26.1.
- (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 registrar 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).

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**“Investigative powers**

**26.1(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.

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- (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.

## MISCELLANEOUS STATUTES (HEALTH PROFESSIONS), 2022

**“Suspension pending outcome of investigation**

**27(1)** If the registrar 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 registrar 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 registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 36 and 37 apply, with any necessary modification, to the appeal”.

**Section 28 amended**

**5-10(1)** Subsection 28(2) is amended by striking out “and no elected member of the council” and substituting “or member of the council elected or appointed pursuant to clause 7(2)(a)”.

**(2)** The following subsection is added after subsection 28(3):

“(4) 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”.

**New section 33**

**5-11** Section 33 is repealed and the following substituted:

**“Criminal conduct**

**33** 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”.

**Section 34 repealed**

**5-12** Section 34 is repealed.

**Section 45 amended**

**5-13** Subsection 45(1) is amended by adding “or 16” after “section 15”.

## PART 6

***Amendments to The Medical Laboratory Technologists Act*****SS 1995, c M-9.3 amended**

**6-1** *The Medical Laboratory Technologists Act* is amended in the manner set forth in this Part.

**New section 3.1**

**6-2** The following section is added after section 3:

**“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.

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- (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”.

**New section 7****6-3 Section 7 is repealed and the following substituted:****“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”.

**New sections 9 and 10****6-4 Sections 9 and 10 are repealed and the following substituted:****“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.

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(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.

**“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”.

**New section 13**

**6-5 Section 13 is repealed and the following substituted:**

**“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”.



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## Section 14 amended

**6-6(1) Subsection 14(1) is amended:****(a) by repealing clause (f) and substituting the following:**

“(f) prescribing the number and terms of office of members of the council, other than persons appointed pursuant to section 8”;

**(b) by repealing clause (i) and substituting the following:**

“(i) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 8”; **and**

**(c) by repealing clause (p) and substituting the following:**

“(p) prescribing the remuneration and reimbursement for expenses for members of the council and committees, other than persons appointed pursuant to section 8”.

**(2) The following clause is added after clause 14(2)(f):**

“(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”.

## New section 20.3

**6-7 The following section is added after section 20.2:****“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.



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(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.

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(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”.

**Section 21 amended****6-8 The following subsection is added after subsection 21(2):**

“(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”.

**New sections 22 to 22.2****6-9 Section 22 is repealed and the following substituted:****“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;

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- (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).

**“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;

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- (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.

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(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.

**“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”.

**Section 23 amended**

**6-10 The following subsection is added after subsection 23(5):**

“(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”.

**New section 29**

**6-11 Section 29 is repealed and the following substituted:**

**“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”.

**Section 30 repealed**

**6-12 Section 30 is repealed.**

## MISCELLANEOUS STATUTES (HEALTH PROFESSIONS), 2022

## PART 7

**Amendments to *The Medical Profession Act, 1981***

SS 1980-81, c M-10.1 amended

**7-1** *The Medical Profession Act, 1981* is amended in the manner set forth in this Part.

Section 2 amended

**7-2** **Section 2 is amended:**

- (a) **by repealing clause (e); and**
- (b) **by repealing clause (h).**

New section 3.1

**7-3** **The following section is added after section 3:****“Duty and objects of college****3.1(1)** It is the duty of the college 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 college 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 college 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 college determines is consistent with its duty and objects”.

New sections 5 to 5.2

**7-4** **Section 5 is repealed and the following substituted:****“Council**

- 5(1)** The council shall govern, manage and regulate the affairs and business of the college.
- (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 9.

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(3) Members of the council 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.

**“Resignation**

**5.1(1)** A member of the council elected or appointed pursuant to clause 5(2)(a) may resign by giving a written notice of resignation to the council.

(2) A member of the council appointed pursuant to section 9 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 5(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 9, on the date the written notice is received by the minister.

**“Vacancy**

**5.2(1)** When the office of a person elected or appointed as a member of the council pursuant to clause 5(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 college, the member ceases to be a member of the council on the day the member is expelled”.

**Section 6 amended**

**7-5 Subsection 6(1) is amended:**

- (a) by repealing clause (e); and



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**(b) by repealing clauses (e.1) and (e.2) and substituting the following:**

“(e.1) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 9;

“(e.2) prescribing the number and terms of office of members of the council, other than persons appointed pursuant to section 9”.

**Section 10 repealed****7-6 Section 10 is repealed.****Sections 12 to 16 repealed****7-7 Sections 12 to 16 are repealed.****Sections 18 to 21 repealed****7-8 Sections 18 to 21 are repealed.****New section 43.2****7-9 The following section is added after section 43.1:****“Examination to assess whether curtailment of practice should be ordered**

**43.2(1)** If the registrar or the executive committee has reasonable grounds to believe that a person registered under this Act may be suffering a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs the person’s ability to practise in the profession and causes the continued practice in the profession by the person to constitute a danger to the public, the registrar or executive committee may:

(a) direct the person registered under this Act to submit to a physical or mental examination, or both, by a person or at a facility specified by the registrar or executive committee;

(b) request the person or facility conducting the examination to report, with written reasons and within a time specified by the registrar or executive committee, to:

(i) the executive committee; and

(ii) the person registered under this Act; and

(c) for the period necessary to allow the registrar or executive 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 person’s licence; or

(ii) suspend the person’s licence.

(2) If the registrar or executive committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or executive committee must give the person registered under this Act an opportunity to be heard within 15 days after the imposition of the limitations, conditions or suspension.

(3) If the executive committee receives a report pursuant to clause (1)(b) concluding that:

(a) the continued practice of the person registered under this Act constitutes a danger to the public; and



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- (b) remedial measures are necessary and, if these remedial measures are taken, the public will be adequately protected;

the executive committee may:

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

and the limitations, conditions or suspension apply until the person registered under this Act satisfies the executive committee that it should act pursuant to clause (5)(a).

(4) The executive committee must not act pursuant to subsection (3) unless it has first given the person registered under this Act an opportunity to respond to the proposed limitations, conditions or suspension.

(5) If action has been taken pursuant to subsection (3) concerning a person registered under this Act, the executive committee may do all or any of the following:

- (a) cancel or amend a limitation or condition or cancel the suspension to allow the person registered under this Act to resume practice if the executive committee is satisfied, on the person's application, that the person can resume practice without constituting a danger to the public;
- (b) delay a decision to appoint a competency committee pursuant to section 45 or a preliminary inquiry committee pursuant to section 47;
- (c) decide not to take further action in response to the written allegation received pursuant to section 43.1 if the executive committee is satisfied that:
  - (i) the condition mentioned in subsection (1) of the person registered under this Act caused or substantially contributed to the person's conduct described in the allegation; and
  - (ii) the actions taken pursuant to subsection (3) have provided appropriate public protection.

(6) If the executive committee acts pursuant to subsection (5), the executive committee must deliver written notice of its decision, with written reasons, to the complainant within 30 days after making its decision.

(7) A person registered under this Act who is the subject of a decision of the registrar or the executive committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 62 to 66 apply, with any necessary modification, to the appeal.

(8) Failure by a person registered under this Act to submit to an examination directed pursuant to subsection (1) or to comply with a limitation, condition or suspension imposed on the person pursuant to subsection (3) is unbecoming, improper, unprofessional or discreditable conduct within the meaning of this Act”.

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**New section 44****7-10 Section 44 is repealed and the following substituted:****“Appointment of preliminary inquiry committee**

44(1) The council or the executive committee may appoint preliminary inquiry committees each consisting of:

- (a) a physician; or
- (b) two or more persons, at least one of whom is a physician.

(2) No member of the discipline committee shall be a member of a preliminary inquiry committee.

(3) Subject to subsections (1) and (2), the council may make bylaws respecting the size, composition and operation of preliminary inquiry committees.

(4) Subject to this Act and the bylaws, a preliminary inquiry committee may regulate its own business and manner of proceeding”.

**New sections 47 and 47.1****7-11 Sections 47 and 47.1 are repealed and the following substituted:****“Action by council or the executive committee**

47(1) If the council or the executive committee has reasonable grounds to believe that a person registered under this Act may be guilty of unbecoming, improper, unprofessional or discreditable conduct, the council or the executive committee may appoint a preliminary inquiry committee for the purpose of investigating whether the person may be guilty of unbecoming, improper, unprofessional or discreditable conduct.

(2) After investigating a written allegation received pursuant to section 43.1, or after receiving a report from a preliminary inquiry committee pursuant to section 47.4, with respect to a person registered under this Act, the council or the executive committee may do one or more of the following:

- (a) lay before the discipline committee a charge against the investigated person;
- (b) refer the complaint to mediation, if the council or the executive committee decides that the complaint is of concern only to the complainant and the investigated person, both of whom agree to mediation;
- (c) require the investigated person to appear before the council or the executive committee to be cautioned;
- (d) require the investigated person to complete a specified continuing education or remediation program;
- (e) accept the voluntary surrender of the investigated person’s registration or licence;
- (f) accept an undertaking from the investigated person that provides for one or more of the following:
  - (i) assessment of the investigated person’s capacity or fitness to practise in the profession;

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- (ii) counselling or treatment of the investigated person;
- (iii) monitoring or supervision of the investigated person's practice;
- (iv) completion by the investigated person of a specified course of studies by way of remedial training;
- (v) placing conditions on the investigated person's right to practise in the profession;
- (g) take any other action that the council or the executive committee considers appropriate that is not inconsistent with or contrary to this Act or the bylaws.

**“Investigative powers**

**47.1(1)** A preliminary inquiry committee appointed pursuant to subsection 47(1) 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, a preliminary inquiry 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 person practises or has practised in the profession;
- (d) inspect, observe or audit the investigated person's practice; and
- (e) examine any equipment, materials or any other thing used by the investigated person.

(3) For the purposes of an investigation, a preliminary inquiry committee may:

- (a) require the investigated person to provide access to any computer system used in connection with the person'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 person's practice.

(4) A preliminary inquiry 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.

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(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 a preliminary inquiry committee; or
- (b) counsel acting for a preliminary inquiry 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 a preliminary inquiry 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 preliminary inquiry 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 a preliminary inquiry 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 preliminary inquiry 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) A judge of the Provincial Court of Saskatchewan, on an application without notice by the council or the executive committee, may issue an order authorizing a person named in the order, together with any peace officer called to assist that person, 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 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 registered under this Act who is being investigated that will afford evidence:

- (a) of a contravention of section 80; or
- (b) that the person is guilty of unbecoming, improper, unprofessional or discreditable conduct.

(11) An application for an order pursuant to subsection (9) or (10) to enter a dwelling shall specifically indicate that the application relates to a dwelling.

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(12) An entry and search under an order made pursuant to subsection (9) or (10) may be conducted only between 8 a.m. and 8 p.m. unless the order specifies otherwise.

(13) A person authorized by an order made pursuant to subsection (9) or (10) to conduct an entry and search may remove any book, record, document or thing examined by the person.

(14) If it is practicable to copy a book, record, document or thing removed pursuant to subsection (13), the council or committee shall return the book, record, document or thing within a reasonable time.

(15) A copy or extract of a book, record, document or thing certified to be a true copy by a member of a preliminary inquiry 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.

(16) A preliminary inquiry committee may delegate any aspect of its investigation pursuant to this section to an investigator.

(17) An investigator who acts pursuant to the authority of a delegation has the authority and power of the preliminary inquiry committee, and subsections (1) to (15) apply, with any necessary modification, to that investigator”.

**Sections 47.2 and 47.3 repealed**

**7-12 Sections 47.2 and 47.3 are repealed.**

**Section 47.4 amended**

**7-13 Section 47.4 is amended by striking out “section 47” and substituting “section 47.1”.**

**Section 47.7 amended**

**7-14 Section 47.7 is amended by striking out “section 45 or 47” and substituting “section 45 or 47.1”.**

**New sections 48**

**7-15 Section 48 is repealed and the following substituted:**

**“Suspension pending outcome of investigation**

**48(1)** If the executive committee or the discipline committee believes, on the basis of a complaint or the nature of the case, that, pending the outcome of an investigation or a hearing, a member or a person authorized to practise in Saskatchewan should be suspended or the member’s or person’s ability to practise in the profession should be limited or restricted, the executive committee or the discipline committee may:

- (a) suspend the member or person; or
- (b) impose limitations or conditions on the member’s or person’s ability to practise.

**(2)** The executive committee shall not suspend a member or person pursuant to subsection (1) until:

- (a) the executive committee has given notice or caused notice to be given, verbally or in writing, to the member or person; and

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(b) the member or person has been given the opportunity to make representations to the executive committee in any manner that the executive committee may determine.

(3) The registrar, after consultation with the executive committee or the president of the council, may suspend, for a period not exceeding 7 days, a member or a person authorized to practise in Saskatchewan against whom allegations have been made, or a charge has been laid, without conducting a hearing or giving notice or causing notice to be given to the member or person if the registrar is of the opinion that an emergency exists.

(4) A member or person aggrieved by a decision of the executive committee or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 62 to 66 apply, with any necessary modification, to the appeal”.

## New section 54.2

**7-16 The following section is added after section 54.1:**

**“Criminal conduct**

**54.2** If the executive committee obtains information that leads to a reasonable belief that a person registered under this Act has been engaged or is engaging in possible criminal activity, the committee shall disclose the information to the appropriate law enforcement agency”.

## Section 55.3 amended

**7-17(1) Clause 55.3(1)(b) is repealed.**

**(2) Subsection 55.3(2) is amended in the portion preceding clause (a) by striking out “, a preliminary inquiry committee”.**

## PART 8

**Amendments to *The Medical Radiation Technologists Act, 2006***

## SS 2006, c M-10.3 amended

**8-1** *The Medical Radiation Technologists Act, 2006* is amended in the manner set forth in this Part.

## New long title

**8-2 The long title is repealed and the following substituted:**

**“An Act respecting Medical Radiation and Imaging Professionals”.**

## Section 1 amended

**8-3 Section 1 is amended by striking out “*The Medical Radiation Technologists Act, 2006*” and substituting “*The Medical Radiation and Imaging Professionals Act*”.**

## Section 2 amended

**8-4 Section 2 is amended:**

**(a) by repealing clause (b);**

**(b) by adding the following clause after clause (c):**

**“(c.1) ‘college’ means the College of Medical Radiation and Imaging Professionals of Saskatchewan continued pursuant to section 3”; and**

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**(c) by adding the following clause after clause (e):**

“(e.1) ‘**former association**’ means the Saskatchewan Association of Medical Radiation Technologists as it existed on the day before the coming into force of Part 8 of *The Miscellaneous Statutes (Health Professions) Amendment Act, 2022*”.

**New heading****8-5 The heading before section 3 is struck out and the following substituted:**

“COLLEGE”.

**New sections 3 to 5****8-6 Sections 3 to 5 are repealed and the following substituted:****“College continued**

**3(1)** The Saskatchewan Association of Medical Radiation Technologists is continued as a corporation to be known as the College of Medical Radiation and Imaging Professionals of Saskatchewan.

(2) A reference in any Act, regulation, order, bylaw, contract or other document to the former association is deemed to be a reference to the college.

**“Duty and objects of college**

**4(1)** It is the duty of the college 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 college 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 college 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 college determines is consistent with its duty and objects.

**“Membership**

**5(1)** The membership of the college consists of those persons who are admitted as members of the college pursuant to this Act and the bylaws.

(2) A person who was a member of the former association continues as a member of the college, subject to any term, condition or limitation to which the person’s membership is subject”.



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**New section 8****8-7 Section 8 is repealed and the following substituted:****“Council**

8(1) The council shall govern, manage and regulate the affairs and business of the college.

(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 9.

(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.

(5) A person who was a member of the council of the former association continues as a member of the council of the college for the remainder of the person’s term and until the person’s successor is elected or appointed, as the case may be”.

**New sections 10 and 11****8-8 Sections 10 and 11 are repealed and the following substituted:****“Resignation**

10(1) A member of the council elected or appointed pursuant to clause 8(2)(a) may resign by giving a written notice of resignation to the council.

(2) A member of the council appointed pursuant to section 9 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 8(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 9, on the date the written notice is received by the minister.

**“Vacancy**

11(1) When the office of a person elected or appointed as a member of the council pursuant to clause 8(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



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- (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 college, the member ceases to be a member of the council on the day the member is expelled".

**New section 14**

**8-9 Section 14 is repealed and the following substituted:**

**"Procedures**

- 14(1)** The council may make bylaws for any purpose set out in section 15.
- (2) The registrar 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 16; and
  - (b) published in the Gazette".

**Section 15 amended**

**8-10(1) Subsection 15(1) is repealed and the following substituted:**

- "(1)** Subject to this Act, administrative bylaws may be made pursuant to section 14 for the following purposes:
  - (a) prescribing the seal of the college;
  - (b) providing for the execution of documents by the college;
  - (c) respecting the banking and financial dealings of the college;
  - (d) fixing the fiscal year of the college and providing for the audit of the accounts and transactions of the college;
  - (e) respecting the management of the property of the college;
  - (f) prescribing the number and terms of office of members of the council, other than persons appointed pursuant to section 9;
  - (g) prescribing the officers of the college and governing the procedure for the appointment, election or removal of those officers;

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- (h) prescribing the duties of members of the council and officers and employees of the college;
- (i) prescribing the remuneration and reimbursement for expenses for members of the council and committees, other than persons appointed pursuant to section 9;
- (j) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 9;
- (k) prescribing the organization, powers and procedures of the council and regulating the council in the performance of its duties;
- (l) respecting the holding and procedures of meetings of the council and annual and special meetings of the college;
- (m) prescribing the amount of registration, licensing and other fees payable to the college, the times of payment and the penalties for late payment;
- (n) providing for the receipt, management and investment of contributions, donations and bequests;
- (o) establishing and governing scholarships, bursaries and prizes;
- (p) regulating joint participation by the college with any educational institution or any person, group, association, organization or body corporate having goals or objectives similar to those of the college;
- (q) establishing any committees that the council considers necessary, prescribing the manner of election, appointment or removal of committee members, determining the duties of committees and establishing procedures for the operation of committees;
- (r) providing for any other thing that is necessary for the effective administration of the college”.

**(2) Subsection 15(2) is amended:****(a) by adding the following clause after clause (f):**

“(f.1) respecting the establishment of panels of the professional conduct 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”; **and**

**(b) by repealing clause (h) and substituting the following:**

“(h) respecting the medical radiation technology and imaging education programs required to be successfully completed for the purposes of registration pursuant to this Act”.

**Section 20 amended****8-11(1) Clause 20(1)(c) is repealed and the following substituted:**

“(c) has successfully completed a medical radiation technology or imaging education program that is prescribed in the bylaws”.

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**(2) Clause 20(1.1)(c) is repealed and the following substituted:**

“(c) is registered as the equivalent of a medical radiation or imaging professional in good standing pursuant to the legislation of another jurisdiction in Canada”.

**New section 22****8-12 Section 22 is repealed and the following substituted:****“Protection of title**

**22** No person other than a member shall use any of the following words, titles or designations, abbreviated or otherwise, to imply that the person is a member:

- (a) Medical Radiation Technologist – Radiography, MRT(R) or RTR;
- (b) Medical Radiation Technologist – Radiation Therapy or Medical Radiation Technologist - Radiation Therapist, MRT(T) or RTT;
- (c) Medical Radiation Technologist – Nuclear Medicine, MRT(N) or RTNM;
- (d) Medical Radiation Technologist – Magnetic Resonance, MRT(MR) or RTMR;
- (e) Diagnostic Medical Sonographer, DMS”.

**New section 22.3****8-13 The following section is added after section 22.2:****“Examination to assess whether curtailment of practice should be ordered**

**22.3(1)** If the registrar or the professional conduct 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 registrar or professional conduct 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 registrar or professional conduct 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 registrar or professional conduct committee, to:
  - (i) the professional conduct committee; and
  - (ii) the member; and
- (c) for the period necessary to allow the registrar or professional conduct 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.

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(2) If the registrar or professional conduct committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee that it should act pursuant to clause (5)(a).

(4) The professional conduct 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 professional conduct 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 professional conduct 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 26;
- (c) decide not to refer the complaint to a hearing before the discipline committee if the professional conduct 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 professional conduct committee acts pursuant to subsection (5), the professional conduct 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 registrar or the professional conduct committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 36 and 37 apply, with any necessary modification, to the appeal.

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(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”.

**Section 25 amended**

**8-14 The following subsection is added after subsection 25(2):**

“(3) If a panel of the professional conduct committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the professional conduct committee”.

**New sections 26 to 27**

**8-15 Sections 26 and 27 are repealed and the following substituted:**

**“Investigation**

**26(1)** If the professional conduct 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 professional conduct committee may take any steps authorized by section 26.1.

(3) On completion of its investigation, the professional conduct 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 professional conduct 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 professional conduct 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;

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- (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 professional conduct 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 professional conduct 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 registrar 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).

**“Investigative powers**

- 26.1(1)** The professional conduct 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 professional conduct 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 professional conduct 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;

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- (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 professional conduct 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 professional conduct committee; or
  - (b) counsel acting for the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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.



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(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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

**“Suspension pending outcome of investigation**

**27(1)** If the registrar 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 professional conduct committee, a member’s licence should be suspended or a member’s ability to practise in the profession should be limited or restricted, the registrar 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 registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 36 and 37 apply, with any necessary modification, to the appeal”.

**Section 28 amended**

**8-16(1)** **Subsection 28(2) is amended by striking out** “and no elected member of the council” **and substituting** “or member of the council elected or appointed pursuant to clause 8(2)(a)”.

**(2) The following subsection is added after subsection 28(3):**

“(4) 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”.

**Section 29 amended**

**8-17** **Subsection 29(5) is repealed and the following substituted:**

“(5) The discipline committee may employ, at the expense of the college, any legal or other assistance that it considers necessary, and the member whose conduct is the subject of the hearing, at the member’s own expense, may be represented by counsel”.



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## New section 33

**8-18 Section 33 is repealed and the following substituted:****“Criminal conduct**

**33** If, in the course of an investigation pursuant to this Act, the professional conduct 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”.

## Section 34 repealed

**8-19 Section 34 is repealed.**

## New section 38

**8-20 Section 38 is repealed and the following substituted:****“Effect of expulsion or suspension**

**38** When a member is expelled from the college or a member’s licence is suspended, that person’s rights and privileges as a member are removed for the period during which the person is expelled from the college or the person’s licence is suspended”.

## Schedule 2

**8-21 The provisions of *The Medical Radiation Technologists Act, 2006* listed in Schedule 2 to this Act are amended by striking out “association” wherever it appears and in each case substituting “college”.**

## PART 9

**Amendments to *The Midwifery Act***

## SS 1999, c M-14.1 amended

**9-1 *The Midwifery Act*** is amended in the manner set forth in this Part.

## Section 3.1 amended

**9-2(1) Clause 3.1(2)(b) is amended by striking out “midwifery” and substituting “the profession”.**

**(2) The following subsection is added after subsection 3.1(2):**

**“(3) In furtherance of its duty and objects, the college 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 college determines is consistent with its duty and objects”.

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**Section 7 amended**

**9-3(1) Subsection 7(1) is amended by adding “govern,” after “shall”.**

**(2) Subsections 7(2) to (5) are repealed and the following substituted:**

“(2) The council consists of:

- (a) the number of councillors elected or appointed in accordance with the bylaws; and
- (b) the persons appointed pursuant to section 8.

“(3) Councillors 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 councillor elected or appointed 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”.

**New sections 9 and 10**

**9-4 Sections 9 and 10 are repealed and the following substituted:**

**“Resignation**

**9(1)** A councillor elected or appointed pursuant to clause 7(2)(a) may resign by giving a written notice of resignation to the council.

(2) A councillor 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 councillor 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 councillor 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 councillor appointed pursuant to section 8, on the date the written notice is received by the minister.

**“Vacancy**

**10(1)** When the office of a person elected or appointed as a councillor pursuant to clause 7(2)(a) becomes vacant, the remaining councillors 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 councillor; 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 councillors to act.

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(3) If the licence of a member serving as a councillor is suspended, the member's powers and duties as a councillor are suspended for the same period.

(4) If a member serving as a councillor is expelled from the college, the member ceases to be a councillor on the day the member is expelled”.

**New section 13**

**9-5 Section 13 is repealed and the following substituted:**

**“Procedures**

**13(1)** The council may make bylaws for any purpose set out in section 14.

(2) The registrar 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”.

**Section 14 amended**

**9-6(1) Subsection 14(1) is amended:**

**(a) by repealing clause (f) and substituting the following:**

“(f) prescribing the number and terms of office of councillors, other than persons appointed pursuant to section 8”; and

**(b) by repealing clauses (i) and (j) and substituting the following:**

“(i) prescribing the remuneration and reimbursement for expenses for councillors and committees members, other than persons appointed pursuant to section 8;

“(j) governing the procedures for the election or appointment of councillors, other than persons appointed pursuant to section 8”.

**(2) The following clause is added after clause 14(2)(g):**

“(g.1) respecting the establishment of panels of the professional conduct 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”.

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**New section 23.3****9-7 The following section is added after section 23.2:****“Examination to assess whether curtailment of practice should be ordered**

**23.3(1)** If the registrar or the professional conduct 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 registrar or professional conduct 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 registrar or professional conduct 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 registrar or professional conduct committee, to:
  - (i) the professional conduct committee; and
  - (ii) the member; and
- (c) for the period necessary to allow the registrar or professional conduct 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 registrar or professional conduct committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee that it should act pursuant to clause (5)(a).

(4) The professional conduct 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.

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(5) If action has been taken pursuant to subsection (3) concerning a member, the professional conduct 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 professional conduct 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 27;
- (c) decide not to refer the complaint to a hearing before the discipline committee if the professional conduct 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 professional conduct committee acts pursuant to subsection (5), the professional conduct 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 registrar or the professional conduct committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 36 and 37 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".

**Section 26 amended**

**9-8 The following subsection is added after subsection 26(2):**

"(3) If a panel of the professional conduct committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the professional conduct committee".

**New sections 27 to 28**

**9-9 Sections 27 and 28 are repealed and the following substituted:**

**"Investigation**

**27(1)** If the professional conduct 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 professional conduct committee may take any steps authorized by section 27.1.

(3) On completion of its investigation, the professional conduct 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;

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- (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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 registrar 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).

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**“Investigative powers**

**27.1(1)** The professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee; or
- (b) counsel acting for the professional conduct 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.

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(7) If any book, record, document or thing is produced to the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.



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**“Suspension pending outcome of investigation**

**28(1)** If the registrar 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 professional conduct committee, a member’s licence should be suspended or a member’s ability to practise in the profession should be limited or restricted, the registrar 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 registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 36 and 37 apply, with any necessary modification, to the appeal”.

**Section 29 amended**

**9-10(1)** Subsection 29(2) is amended by striking out “or elected councillor” and substituting “or councillor elected or appointed pursuant to clause 7(2)(a)”.

**(2)** The following subsection is added after subsection 29(3):

“(4) 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”.

**New section 34**

**9-11** Section 34 is repealed and the following substituted:

**“Criminal conduct**

**34** If, in the course of an investigation pursuant to this Act, the professional conduct 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”.

**Section 35 repealed**

**9-12** Section 35 is repealed.

**Section 44 amended**

**9-13** Subsection 44(1) is amended by adding “or 16” after “section 15”.

## PART 10

**Amendments to *The Naturopathic Medicine Act*****SS 2015, c N-3.11 amended**

**10-1** *The Naturopathic Medicine Act* is amended in the manner set forth in this Part.

**Section 4 amended**

**10-2(1)** Clause 4(2)(b) is amended by striking out “naturopathic medicine” and substituting “the profession”.

**(2)** The following subsection is added after subsection 4(2):

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

- (a) establish, maintain and enforce standards for registration and of continuing competency and standards of practice for members;

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- (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 college determines is consistent with its duty and objects”.

**New section 8****10-3 Section 8 is repealed and the following substituted:****“Council**

- 8(1) The council shall govern, manage and regulate the affairs and business of the college.
- (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 9.
- (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”.

**New sections 10 and 11****10-4 Sections 10 and 11 are repealed and the following substituted:****“Resignation**

- 10(1) A member of the council elected or appointed pursuant to clause 8(2)(a) may resign by giving a written notice of resignation to the council.
- (2) A member of the council appointed pursuant to section 9 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 8(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 9, on the date the written notice is received by the minister.

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**“Vacancy**

**11(1)** When the office of a person elected or appointed as a member of the council pursuant to clause 8(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 college, the member ceases to be a member of the council on the day the member is expelled”.

**New section 14**

**10-5 Section 14 is repealed and the following substituted:**

**“Procedures**

**14(1)** The council may make bylaws for any purpose set out in section 15.

(2) The registrar 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 16; and
- (b) published in the Gazette”.

**Section 15 amended**

**10-6(1) Subsection 15(1) is amended:**

**(a) by repealing clause (f) and substituting the following:**

“(f) prescribing the number and terms of office of members of the council, other than persons appointed pursuant to section 9”; **and**

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**(b) by repealing clauses (i) and (j) and substituting the following:**

“(i) prescribing the remuneration and reimbursement for expenses for members of the council and committees, other than persons appointed pursuant to section 9;

“(j) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 9”.

**(2) The following clause is added after clause 15(2)(g):**

“(g.1) respecting the establishment of panels of the professional conduct 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”.

**New section 26.1****10-7 The following section is added after section 26:****“Examination to assess whether curtailment of practice should be ordered**

**26.1(1)** If the registrar or the professional conduct 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 registrar or professional conduct 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 registrar or professional conduct 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 registrar or professional conduct committee, to:

(i) the professional conduct committee; and

(ii) the member; and

(c) for the period necessary to allow the registrar or professional conduct 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 registrar or professional conduct committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or professional conduct 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 professional conduct 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

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- (b) remedial measures are necessary and, if these remedial measures are taken, the public will be adequately protected;

the professional conduct 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 professional conduct committee that it should act pursuant to clause (5)(a).

(4) The professional conduct 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 professional conduct 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 professional conduct 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 30;
- (c) decide not to refer the complaint to a hearing before the discipline committee if the professional conduct 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 professional conduct committee acts pursuant to subsection (5), the professional conduct 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 registrar or the professional conduct committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 40 and 41 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".

**Section 29 amended**

**10-8 The following subsection is added after subsection 29(2):**

"(3) If a panel of the professional conduct committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the professional conduct committee".

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## New sections 30 to 31

**10-9 Sections 30 and 31 are repealed and the following substituted:****“Investigation**

**30(1)** If the professional conduct 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 professional conduct committee may take any steps authorized by section 30.1.

(3) On completion of its investigation, the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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).

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- (5) A report signed by a majority of the professional conduct 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 registrar 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).

**“Investigative powers**

- 30.1(1)** The professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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.



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(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 professional conduct committee; or
- (b) counsel acting for the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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.



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(15) The professional conduct 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 professional conduct committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

**“Suspension pending outcome of investigation**

**31(1)** If the registrar 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 professional conduct committee, a member’s licence should be suspended or a member’s ability to practise in the profession should be limited or restricted, the registrar 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 registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 40 and 41 apply, with any necessary modification, to the appeal”.

**Section 32 amended**

**10-10(1)** Subsection 32(2) is amended by striking out “and no elected member of the council” and substituting “or member of the council elected or appointed pursuant to clause 8(2)(a)”.

**(2) The following subsection is added after subsection 32(3):**

“(4) 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”.

**New section 37**

**10-11** Section 37 is repealed and the following substituted:

**“Criminal conduct**

**37** If, in the course of an investigation pursuant to this Act, the professional conduct 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”.

**Section 38 repealed**

**10-12** Section 38 is repealed.

PART 11

**Amendments to *The Occupational Therapists Act, 1997***

**SS 1997, c O-1.11 amended**

**11-1** *The Occupational Therapists Act, 1997* is amended in the manner set forth in this Part.

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## Section 2 amended

**11-2 Section 2 is amended:****(a) by adding the following clause after clause (b):**

“(b.1) ‘college’ means the Saskatchewan College of Occupational Therapists continued pursuant to section 3”;

**(b) by adding the following clause after clause (e):**

“(e.1) ‘former society’ means the Saskatchewan Society of Occupational Therapists as it existed on the day before the coming into force of Part 11 of *The Miscellaneous Statutes (Health Professions) Amendment, 2022*”; and

**(c) by repealing clause (m).**

## New heading

**11-3 The heading before section 3 is struck out and the following substituted:**

“COLLEGE”.

## New sections 3 to 4

**11-4 Sections 3 and 4 are repealed and the following substituted:****“College continued**

**3(1)** The Saskatchewan Society of Occupational Therapists is continued as a corporation to be known as the Saskatchewan College of Occupational Therapists.

**(2)** A reference in any Act, regulation, order, bylaw, contract or other document to the former society is deemed to be a reference to the college.

**“Duty and objects of college**

**3.1(1)** It is the duty of the college 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 college 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 college 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;

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- (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 college determines is consistent with its duty and objects.

**“Membership**

- 4(1) The membership of the college consists of those persons who are admitted as members of the college pursuant to this Act and the bylaws.
- (2) A person who was a member of the former society continues as a member of the college, subject to any term, condition or limitation to which the person's membership is subject”.

**New section 7**

**11-5 Section 7 is repealed and the following substituted:**

**“Council**

- 7(1) The council shall govern, manage and regulate the affairs and business of the college.
- (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.
- (5) A person who was a member of the council of the former society continues as a member of the council of the college for the remainder of the person's term and until the person's successor is elected or appointed, as the case may be”.

**New sections 9 and 10**

**11-6 Sections 9 and 10 are repealed and the following substituted:**

**“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.

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(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.

**“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 college, the member ceases to be a member of the council on the day the member is expelled”.

**New section 13**

**11-7 Section 13 is repealed and the following substituted:**

**“Procedures**

**13(1)** The council may make bylaws for any purpose set out in section 14.

(2) The registrar 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”.

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**Section 14 amended****11-8(1) Subsection 14(1) is repealed and the following substituted:**

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

- (a) prescribing the seal of the college;
- (b) providing for the execution of documents by the college;
- (c) respecting the banking and financial dealings of the college;
- (d) fixing the fiscal year of the college and providing for the audit of the accounts and transactions of the college;
- (e) respecting the management of the property of the college;
- (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 college and governing the procedure for the appointment, election or removal of those officers;
- (h) prescribing the duties of members of the council and officers and employees of the college;
- (i) prescribing the remuneration and reimbursement for expenses for members of the council and committees, other than persons appointed pursuant to section 8;
- (j) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 8;
- (k) prescribing the organization, powers and procedures of the council and regulating the council in the performance of its duties;
- (l) respecting the holding and procedures of meetings of the council and annual and special meetings of the college;
- (m) prescribing the amount of registration, licensing and other fees payable to the college, the times of payment and the penalties for late payment;
- (n) providing for the receipt, management and investment of contributions, donations and bequests;
- (o) establishing and governing scholarships, bursaries and prizes;
- (p) regulating joint participation by the college with any educational institution or any person, group, association, organization or body corporate having goals or objectives similar to those of the college;
- (q) establishing any committees that the council considers necessary, prescribing the manner of election, appointment or removal of committee members, determining the duties of committees and establishing procedures for the operation of committees;

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- (r) providing for the establishment of branches of the college;
- (s) providing for any other thing that is necessary for the effective administration of the college”.

**(2) The following clause is added after clause 14(2)(f):**

“(f.1) respecting the establishment of panels of the professional conduct 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”.

**New section 21.3****11-9 The following section is added after section 21.2:****“Examination to assess whether curtailment of practice should be ordered**

**21.3(1)** If the registrar or the professional conduct 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 registrar or professional conduct 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 registrar or professional conduct 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 registrar or professional conduct committee, to:
  - (i) the professional conduct committee; and
  - (ii) the member; and
- (c) for the period necessary to allow the registrar or professional conduct 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 registrar or professional conduct committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or professional conduct 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 professional conduct 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;

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the professional conduct 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 professional conduct committee that it should act pursuant to clause (5)(a).

(4) The professional conduct 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 professional conduct 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 professional conduct 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 25;
- (c) decide not to refer the complaint to a hearing before the discipline committee if the professional conduct 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 professional conduct committee acts pursuant to subsection (5), the professional conduct 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 registrar or the professional conduct committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 35 and 36 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".

**Section 24 amended**

**11-10 The following subsection is added after subsection 24(2):**

"(3) If a panel of the professional conduct committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the professional conduct committee".

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## New sections 25 to 26

**11-11 Sections 25 and 26 are repealed and the following substituted:****“Investigation**

**25(1)** If the professional conduct 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 professional conduct committee may take any steps authorized by section 25.1.

(3) On completion of its investigation, the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee considers appropriate that is not inconsistent with or contrary to this Act or the bylaws.



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- (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 professional conduct 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 registrar 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).

**“Investigative powers**

- 25.1(1)** The professional conduct 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 professional conduct 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 professional conduct 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.

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- (4) The professional conduct 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 professional conduct committee; or
  - (b) counsel acting for the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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.

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(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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

**“Suspension pending outcome of investigation**

**26(1)** If the registrar 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 professional conduct committee, a member’s licence should be suspended or a member’s ability to practise in the profession should be limited or restricted, the registrar 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 registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 35 and 36 apply, with any necessary modification, to the appeal”.

**Section 27 amended**

**11-12(1)** Subsection 27(2) is amended by striking out “or elected member of the council” and substituting “or member of the council elected or appointed pursuant to clause 7(2)(a)”.

**(2)** The following subsection is added after subsection 27(3):

“(4) 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”.

**Section 28 amended**

**11-13** Subsection 28(5) is repealed and the following substituted:

“(5) The discipline committee may employ, at the expense of the college, any legal or other assistance that it considers necessary, and the member whose conduct is the subject of the hearing, at the member’s own expense, may be represented by counsel”.

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## New section 32

**11-14 Section 32 is repealed and the following substituted:****“Criminal conduct**

**32** If, in the course of an investigation pursuant to this Act, the professional conduct 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”.

## Section 33 repealed

**11-15 Section 33 is repealed.**

## New section 37

**11-16 Section 37 is repealed and the following substituted:****“Effect of expulsion or suspension**

**37** When a member is expelled from the college or a member’s licence is suspended, that person’s rights and privileges as a member are removed for the period during which the person is expelled from the college or the person’s licence is suspended”.

## Schedule 3

**11-17 The provisions of *The Occupational Therapists Act, 1997* listed in Schedule 3 to this Act are amended by striking out “society” wherever it appears and in each case substituting “college”.**

## PART 12

**Amendments to *The Opticians Act***

## SS 2010, c O-5.1 amended

**12-1 *The Opticians Act* is amended in the manner set forth in this Part.**

## New section 4

**12-2 Section 4 is repealed and the following substituted:****“Duty and objects of college**

**4(1)** It is the duty of the college 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 college 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 college 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;

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- (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 college determines is consistent with its duty and objects”.

**New section 8****12-3 Section 8 is repealed and the following substituted:****“Council**

- 8(1) The council shall govern, manage and regulate the affairs and business of the college.
- (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 9.
- (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”.

**New sections 10 and 11****12-4 Sections 10 and 11 are repealed and the following substituted:****“Resignation**

- 10(1) A member of the council elected or appointed pursuant to clause 8(2)(a) may resign by giving a written notice of resignation to the council.
- (2) A member of the council appointed pursuant to section 9 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 8(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 9, on the date the written notice is received by the minister.

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**“Vacancy**

**11(1)** When the office of a person elected or appointed as a member of the council pursuant to clause 8(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 college, the member ceases to be a member of the council on the day the member is expelled”.

**New section 14****12-5 Section 14 is repealed and the following substituted:****“Procedures**

**14(1)** The council may make bylaws for any purpose set out in section 15.

(2) The registrar 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 16; and
- (b) published in the Gazette”.

**Section 15 amended****12-6(1) Subsection 15(1) is amended:****(a) by repealing clause (f) and substituting the following:**

“(f) prescribing the number and terms of office of members of the council, other than persons appointed pursuant to section 9”; **and**

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**(b) by repealing clauses (i) and (j) and substituting the following:**

“(i) prescribing the remuneration and reimbursement for expenses for members of the council and committees, other than persons appointed pursuant to section 9;

“(j) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 9”.

**(2) The following clause is added after clause 15(2)(f):**

“(f.1) respecting the establishment of panels of the professional conduct 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”.

**New section 25.1****12-7 The following section is added after section 25:****“Examination to assess whether curtailment of practice should be ordered**

**25.1(1)** If the registrar or the professional conduct 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 registrar or professional conduct 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 registrar or professional conduct 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 registrar or professional conduct committee, to:

(i) the professional conduct committee; and

(ii) the member; and

(c) for the period necessary to allow the registrar or professional conduct 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 registrar or professional conduct committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or professional conduct committee must give the member an opportunity to be heard within 15 days after the imposition of the limitations, conditions or suspension.

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(3) If the professional conduct 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 professional conduct 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 professional conduct committee that it should act pursuant to clause (5)(a).

(4) The professional conduct 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 professional conduct 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 professional conduct 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 29;
- (c) decide not to refer the complaint to a hearing before the discipline committee if the professional conduct 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 professional conduct committee acts pursuant to subsection (5), the professional conduct 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 registrar or the professional conduct committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 39 and 40 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".



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**Section 28 amended****12-8 The following subsection is added after subsection 28(2):**

“(3) If a panel of the professional conduct committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the professional conduct committee”.

**New sections 29 to 30****12-9 Sections 29 and 30 are repealed and the following substituted:****“Investigation**

**29(1)** If the professional conduct 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 professional conduct committee may take any steps authorized by section 29.1.

(3) On completion of its investigation, the professional conduct 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 professional conduct 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 professional conduct 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;

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(h) take any other action that the professional conduct 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 professional conduct 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 registrar 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).

**“Investigative powers**

**29.1(1)** The professional conduct 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 professional conduct 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 professional conduct 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.

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- (4) The professional conduct 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 professional conduct committee; or
  - (b) counsel acting for the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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.

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(13) If it is practicable to copy a book, record, document or thing removed pursuant to subsection (12), the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

**“Suspension pending outcome of investigation**

**30(1)** If the registrar 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 professional conduct committee, a member’s licence should be suspended or a member’s ability to practise in the profession should be limited or restricted, the registrar 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 registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 39 and 40 apply, with any necessary modification, to the appeal”.

**Section 31 amended**

**12-10(1)** Subsection 31(2) is amended by striking out “and no elected member of the council” and substituting “or member of the council elected or appointed pursuant to clause 8(2)(a)”.

**(2) The following subsection is added after subsection 31(3):**

“(4) 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”.

**New section 36**

**12-11 Section 36 is repealed and the following substituted:**

**“Criminal conduct**

**36** If, in the course of an investigation pursuant to this Act, the professional conduct 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”.

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Section 37 repealed

**12-12 Section 37 is repealed.**

## PART 13

**Amendments to *The Optometry Act, 1985***

SS 1984-85-86, c O-6.1 amended

**13-1** *The Optometry Act, 1985* is amended in the manner set forth in this Part.

New section 2

**13-2 Section 2 is repealed and the following substituted:**

“Definitions

**2** In this Act:

‘**administrative bylaw**’ means a bylaw made for a purpose set out in subsection 11(1);

‘**association**’ means the Saskatchewan Association of Optometrists continued pursuant to section 3;

‘**business day**’ means a day other than a Saturday, Sunday or holiday;

‘**bylaws**’ means the valid and subsisting bylaws of the association;

‘**certificate**’ means a professional certificate issued pursuant to section 17;

‘**competence**’ means having adequate skill and knowledge to engage in the practice of optometry and the ability and capacity to practise optometry in a manner that does not constitute a danger to the public;

‘**council**’ means the council of the association;

‘**court**’ means the Court of King’s Bench;

‘**licence**’ means an annual licence issued pursuant to section 20;

‘**member**’ means a member of the association;

‘**minister**’ means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

‘**practice of optometry**’ means the performance of services usually rendered by an optometrist, which may include:

- (a) measuring and assessing vision;
- (b) prescribing and dispensing ophthalmic appliances and orthoptics for the relief or correction of visual or muscular errors or defects of the eye; and
- (c) prescribing and using pharmaceutical agents for diagnostic and treatment purposes as set out in the bylaws;

‘**record**’ means any information that is recorded or stored in any medium or by means of any device, including a computer or electronic media;

‘**register**’ means the register kept pursuant to section 19;

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**‘registrar’** means the registrar of the association;

**‘regulatory bylaw’** means a bylaw made:

- (a) for a purpose set out in subsection 11(2); or
- (b) by the minister pursuant to section 13”.

**New section 3.1****13-3 The following section is added after section 3:****“Duty and objects of association**

**3.1(1)** It is the duty of the association 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 association 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 association 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 association determines is consistent with its duty and objects”.

**New section 6****13-4 Section 6 is repealed and the following substituted:****“Council**

**6(1)** The council shall govern, manage and regulate the affairs and business of the association.

(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.

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(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".

**Section 7 repealed**

**13-5 Section 7 is repealed.**

**New sections 8 to 8.2**

**13-6 Section 8 is repealed and the following substituted:**

**"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, but is not eligible to be an officer of the association.

(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.

**"Resignation**

8.1(1) A member of the council elected or appointed pursuant to clause 6(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 6(2)(a), on the date the written notice is received by the council; or

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- (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.

**“Vacancy**

**8.2(1)** When the office of a person elected or appointed as a member of the council pursuant to clause 6(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 college, the member ceases to be a member of the council on the day the member is expelled”.

**New section 10.1**

**13-7 The following section is added after section 10:**

**“Procedures**

**10.1(1)** The council may make bylaws for any purpose set out in section 11.

(2) The registrar 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 12; and
- (b) published in the Gazette”.

**New sections 11 to 13**

**13-8 Sections 11 to 13 are repealed and the following substituted:**

**“Bylaws**

**11(1)** Subject to this Act, administrative bylaws may be made pursuant to section 10.1 for the following purposes:

- (a) prescribing the seal of the association;



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- (b) providing for the execution of documents by the association;
  - (c) respecting the banking and financial dealings of the association;
  - (d) fixing the fiscal year of the association and providing for the audit of the accounts and transactions of the association;
  - (e) prescribing the number and terms of office of members of the council, other than persons appointed pursuant to section 8;
  - (f) prescribing the officers of the association and governing the procedure for the appointment, election or removal of those officers;
  - (g) prescribing the duties of members of the council and officers and employees of the association;
  - (h) prescribing the remuneration and reimbursement for expenses for members of the council and committees, other than persons appointed pursuant to section 8;
  - (i) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 8;
  - (j) respecting the calling, holding and conducting of meetings of the council;
  - (k) respecting participation with associations or organizations in other provinces having the same or similar powers and duties;
  - (l) providing for committees of the council and their duties and powers;
  - (m) prescribing the amount of registration and license fees and the times at which those fees are to be paid;
  - (n) governing any special assessment that may be required for the efficient and proper operation of the association;
  - (o) prescribing any forms that are required for the purposes of administering this Act;
  - (p) providing for any other thing that is necessary for the effective administration of the association.
- (2) Subject to the Act, regulatory bylaws may be made pursuant to section 10.1 for the following purposes:
- (a) prescribing the qualifications for registration of members and governing the issue of licences to members;
  - (b) governing the examinations to be held for the purposes of this Act and prescribing the examination fees;
  - (c) establishing a code of ethics and standards of professional conduct, competence and proficiency to be maintained by members and governing the manner and method of their practice;

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- (d) defining professional misconduct and prescribing procedures for the investigation of complaints or allegations of professional misconduct or professional incompetence on the part of a member, or complaints or allegations that a member has violated any of the provisions of this Act or the bylaws;
- (e) respecting the establishment of panels of the mediation 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;
- (f) defining activities which constitute a conflict of interest and prohibiting a member from engaging in those activities;
- (g) providing for the qualifications of members to be reviewed periodically;
- (h) defining the circumstances under which members are required to attend refresher training programs and other courses of training and approving programs and courses for those purposes;
- (i) prescribing the maintenance of records relating to the examination, authorized to prescribe and use treatment and counselling of patients by members and providing for the inspection of those records and the premises in which members conduct the practice of optometry;
- (j) regulating advertising by members and regulating, limiting and prohibiting the use of titles or designations by members;
- (k) regulating the practice of optometry by a person under the supervision of a practising optometrist for the purpose of complying with clause 16(b);
- (l) designating those pharmaceutical agents and dosages that may be prescribed and used for diagnostic and treatment purposes by members;
- (m) prescribing the qualifications necessary for a member to prescribe and use those pharmaceutical agents that are designated in the bylaws made pursuant to clause (l) and authorizing the issue of a certificate to a member who is those pharmaceutical agents;
- (n) prescribing any other matters considered necessary for the better carrying out of this Act.

**“Filing of bylaws**

**12(1)** The association shall file with the minister two copies, certified by the registrar 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) If the minister does not advise the association in writing within 90 days after 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.

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(3) If 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 registrar to be true copies, of the regulatory bylaw or amendment.

(4) Within 30 days after an administrative bylaw or an amendment to an administrative bylaw is made, the council shall file with the Registrar of Corporations two copies, certified by the registrar to be true copies, of the administrative bylaw or amendment.

(5) If an administrative bylaw or an amendment to an administrative bylaw is not filed within the 30-day period mentioned in subsection (4), the administrative bylaw or amendment is deemed to be revoked on the expiration of the period.

**“Ministerial bylaws**

**13(1)** The minister may request the council to amend or revoke a regulatory bylaw or to make a new regulatory bylaw if the minister is satisfied that it is necessary or advisable.

(2) If the minister makes a request pursuant to subsection (1), the council shall be provided with the reasons for the request and, if the minister considers it appropriate, a draft of a bylaw to amend or revoke the regulatory bylaw or a draft of a new regulatory bylaw.

(3) If the council does not comply with a request pursuant to subsection (1) within 90 days after the date of the request, the minister may amend or revoke the existing regulatory bylaw or make the new regulatory bylaw in accordance with that request.

(4) A regulatory bylaw made pursuant to this section or an amendment or revocation of a regulatory bylaw pursuant to this section comes into force on the day on which it is published in the Gazette.

(5) If the minister makes, amends or revokes a regulatory bylaw, the minister shall file with the Registrar of Corporations two copies of the regulatory bylaw, amendment or revocation”.

**Section 18 amended**

**13-9 Section 18 is amended by striking out “in accordance with section 40” and substituting “, and sections 39 and 39.1 apply, with any necessary modification, to the appeal”.**

**Section 23.1 amended**

**13-10 Section 23.1 is amended by striking out “46” and substituting “45”.**

**Section 23.2 amended**

**13-11 Subsection 23.2(2) is repealed and the following substituted:**

“(2) For the purposes of this section, a proceeding is commenced when the mediation committee, pursuant to subsection 25.1(1), is requested by the council to consider a complaint or receives a written complaint alleging that a member is guilty of professional misconduct or professional incompetence”.

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New sections 23.3 to 23.5

**13-12 The following sections are added after section 23.2:**

**“Examination to assess whether curtailment of practice should be ordered**

**23.3(1)** If the registrar or the mediation 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 registrar or mediation 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 registrar or mediation 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 registrar or mediation committee, to:
  - (i) the mediation committee; and
  - (ii) the member; and
- (c) for the period necessary to allow the registrar or mediation 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 registrar or mediation committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or mediation 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 mediation 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 mediation 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 mediation committee that it should act pursuant to clause (5)(a).

(4) The mediation 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.

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(5) If action has been taken pursuant to subsection (3) concerning a member, the mediation 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 mediation 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 25.1;
- (c) decide not to refer the complaint to a hearing before the discipline committee if the mediation 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 mediation committee acts pursuant to subsection (5), the mediation 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 registrar or the mediation committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 39 and 39.1 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.

**“Professional incompetence**

**23.4** Professional incompetence is a question of fact, but the display by a member of a lack of knowledge, skill or judgment or a disregard for the welfare of a member of the public served by the profession of a nature or to an extent that demonstrates that the member is unfit to:

- (a) continue in the practice of the profession; or
- (b) provide one or more services ordinarily provided as a part of the practice of the profession;

is professional incompetence within the meaning of this Act.

**“Professional misconduct**

**23.5** 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 mediation committee, the discipline committee or the council”.

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**New sections 24 to 26.2****13-13 Sections 24 to 26 are repealed and the following substituted:****“Discipline committee**

**24(1)** The discipline committee is established consisting of at least three persons appointed by the council, the majority of whom are to be practising members and one of whom is a member of the council appointed pursuant to section 8.

(2) No member of the mediation committee or member of the council elected or appointed pursuant to clause 6(2)(a) is eligible to be appointed as a member of the discipline committee.

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

(4) 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.

**“Mediation committee**

**25(1)** The mediation 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 council or member of the discipline committee is eligible to be a member of the mediation committee.

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

**“Investigation**

**25.1(1)** If the mediation 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 mediation committee may take any steps authorized by section 25.2.

(3) On completion of its investigation, the mediation 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 mediation committee decides that the complaint is of concern only to the complainant and the investigated member, both of whom agree to mediation;

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- (d) require the investigated member to appear before the mediation 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 mediation 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 mediation 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 registrar 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).

**“Investigative powers**

- 25.2(1)** The mediation 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 mediation 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;

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- (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 mediation 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 mediation 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 mediation committee; or
  - (b) counsel acting for the mediation 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 mediation 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 mediation 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.



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(9) A judge of the Provincial Court of Saskatchewan, on an application without notice by the mediation 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 mediation 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 mediation 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 mediation 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 mediation 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 mediation committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

**“Suspension pending outcome of investigation**

**25.3(1)** If the registrar 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 mediation committee, a member’s licence should be suspended or a member’s ability to practise in the profession should be limited or restricted, the registrar 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 registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 39 and 39.1 apply, with any necessary modification, to the appeal.

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**“Discipline hearing**

**26(1)** If a report of the mediation committee recommends that the discipline committee hear and determine a formal complaint, the registrar shall, at least 10 business days before the date on which 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 mediation committee shall prosecute or direct the prosecution of the formal complaint, but its members shall not participate in any other manner in the hearing of the formal complaint except as witnesses when required.
- (3) The discipline committee shall hear the formal 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 association, any legal or other assistance that it considers necessary, and the member whose conduct is the subject of the hearing, at the member's 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 mediation committee;
  - (c) a member of the discipline committee.
- (9) If a writ issued pursuant to subsection (8) is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.
- (10) Subject to *The Evidence Act* and section 8-2 of *The Provincial Health Authority Act* and notwithstanding any other Act or the regulations made pursuant to any other Act, the records of any facility operated by the provincial health authority or an affiliate, as defined in *The Provincial Health Authority Act*, may be brought before the discipline committee, without special order, by writ of *subpoena duces tecum* issued pursuant to subsection (8) and served on the chief executive officer of the provincial health authority or affiliate.

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- (11) If 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 the member's absence.
- (12) 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.
- (13) 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.
- (14) The person, if any, who made the complaint pursuant to section 25.1:
  - (a) is to be advised orally or in writing by the registrar of the date, time and place of the hearing; and
  - (b) subject to subsection (16), is entitled to attend the hearing.
- (15) Subject to subsection (16), the discipline committee shall conduct all hearings in public.
- (16) The discipline committee may exclude members of the public and the person who made the complaint from any part of the hearing if 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.

**“Disciplinary powers**

**26.1(1)** If 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 association and that the member's name be struck from the register;
- (b) an order that the member's licence be suspended for a specified period;
- (c) an order that the member's licence be suspended pending the satisfaction and completion of any conditions specified in the order;
- (d) an order that the member may continue to practise, but 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 or other treatment or counselling or both;
- (e) an order reprimanding the member;
- (f) any other order that the discipline committee considers just.

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(2) In addition to any order made pursuant to subsection (1), the discipline committee may order:

- (a) that the member pay to the association, within a fixed period:
  - (i) a fine in a specified amount not exceeding \$5,000; and
  - (ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the mediation committee and the discipline committee and costs of legal services and witnesses; and
- (b) if a member fails to make payment in accordance with an order pursuant to clause (a), that the member's licence be suspended.

(3) After the conclusion of its hearing pursuant to section 26, the discipline committee shall:

- (a) make its decision as soon as possible; and
- (b) within 10 business days after the decision, send to the member whose conduct is the subject of the complaint and the person, if any, who made the complaint:
  - (i) a copy of its decision; and
  - (ii) if the discipline committee makes an order pursuant to this section, a copy of the order.

(4) If a member is expelled from the association or a member's licence is suspended, the registrar shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.

(5) The discipline committee may inform a member's employer of the order made against that member if that member has been found guilty of professional misconduct or professional incompetence.

**“Continuity of committee**

**26.2** If an investigation is commenced by the mediation committee or a hearing is commenced by the discipline committee and the term of office of a member of the committee expires or is terminated before the investigation or hearing is disposed of, the person shall remain a member of the mediation committee or the discipline committee, as the case may be, for the purposes of completing the investigation or hearing, in the same manner as if the member's term of office had not expired or been terminated”.

**Sections 27 to 35 repealed**

**13-14 Sections 27 to 35 are repealed.**

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**New section 36****13-15 Section 36 is repealed and the following substituted:****“Review by council**

**36(1)** A member may appeal a decision or any order of the discipline committee to the council by serving the registrar with a notice of appeal within 30 days after the decision or order is made if:

- (a) the member has been found guilty of professional misconduct or professional incompetence by the discipline committee; or
- (b) the member is subject to an order made pursuant to section 42.

(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 registrar shall file with the council a true copy of:

- (a) the formal complaint sent and notice served pursuant to section 26 or the report of the mediation committee made pursuant to clause 42(b);
- (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 lawyer or agent may obtain from the registrar 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.

(7) A member of the council appointed pursuant to section 8 who is a member of the discipline committee shall not participate in the hearing of an appeal pursuant to this section”.

**Sections 37 and 38 repealed****13-16 Sections 37 and 38 are repealed.****New sections 39 to 40****13-17 Sections 39 and 40 are repealed and the following substituted:****“Appeal to court**

**39** A member whose conduct is the subject of an order of the council pursuant to section 36 may appeal that order to a judge of the court within 30 days after the date of the order of the council, and section 36 applies, with any necessary modification.

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**“Effect of appeal**

**39.1** The commencement of an appeal pursuant to section 36 or 39 does not stay the effect of the decision or order appealed from, but, on five days’ notice to the registrar, the appellant may apply to the court for a stay of the decision or order, pending the disposition of the appeal.

**“Appeal to Court of Appeal**

**40** With leave of the Court of Appeal, the council or a person who makes an appeal pursuant to section 39 may appeal a decision of the court on a point of law to the Court of Appeal”.

**Section 41 repealed**

**13-18 Section 41 is repealed.**

**New sections 42 and 42.1**

**13-19 Section 42 is repealed and the following substituted:**

**“Criminal conviction**

**42** The discipline committee may make any order pursuant to section 26.1 if:

- (a) the member has been convicted of an offence pursuant to the *Criminal Code*, the *Controlled Drugs and Substances Act* (Canada) or the *Food and Drugs Act* (Canada);
- (b) a report of the mediation 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 is professional misconduct.

**“Criminal conduct**

**42.1** If, in the course of an investigation pursuant to this Act, the mediation 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”.

**Section 46 repealed**

**13-20 Section 46 is repealed.**

**Section 49 amended**

**13-21 Section 49 is amended by striking out “clause 11(2)(j)” and substituting “clause 11(2)(k)”.**

**Sections 54 and 55 repealed**

**13-22 Sections 54 and 55 are repealed.**

**Section 56 amended**

**13-23 Subsection 56(1) is amended by striking out “pursuant to section 54” and substituting “with the Registrar of Corporations pursuant to section 12 or 13”.**

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## New section 58.1

**13-24 The following section is added after section 58:****“Annual report**

**58.1** The association shall file an annual report with the minister in the form, with the contents and in the time prescribed by the minister”.

## PART 14

**Amendments to *The Paramedics Act***

## SS 2007, c P-0.1 amended

**14-1** *The Paramedics Act* is amended in the manner set forth in this Part.

## Section 4 amended

**14-2(1)** Clause 4(2)(b) is amended by striking out “emergency medical services” and substituting “the profession”.

**(2) The following subsection is added after subsection 4(2):**

“(3) In furtherance of its duty and objects, the college 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 college determines is consistent with its duty and objects”.

## New section 8

**14-3 Section 8 is repealed and the following substituted:****“Council**

**8(1)** The council shall govern, manage and regulate the affairs and business of the college.

**(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 9.

**(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”.

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**New sections 10 and 11****14-4 Sections 10 and 11 are repealed and the following substituted:****“Resignation**

**10(1)** A member of the council elected or appointed pursuant to clause 8(2)(a) may resign by giving a written notice of resignation to the council.

(2) A member of the council appointed pursuant to section 9 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 8(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 9, on the date the written notice is received by the minister.

**“Vacancy**

**11(1)** When the office of a person elected or appointed as a member of the council pursuant to clause 8(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 college, the member ceases to be a member of the council on the day the member is expelled”.

**New section 14****14-5 Section 14 is repealed and the following substituted:****“Procedures**

**14(1)** The council may make bylaws for any purpose set out in section 15.

(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.



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- (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 16; and
  - (b) published in the Gazette”.

**Section 15 amended****14-6(1) Subsection 15(1) is amended:**

- (a) **by repealing clause (f) and substituting the following:**
    - “(f) prescribing the number and terms of office of members of the council, other than persons appointed pursuant to section 9”; **and**
  - (b) **by repealing clauses (i) and (j) and substituting the following:**
    - “(i) prescribing the remuneration and reimbursement for expenses for members of the council and committees, other than persons appointed pursuant to section 9;
    - “(j) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 9”.
- (2) The following clause is added after clause 15(2)(f):**
- “(f.1) respecting the establishment of panels of the professional conduct 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”.

**New section 23.3****14-7 The following section is added after section 23.2:****“Examination to assess whether curtailment of practice should be ordered**

**23.3(1)** If the executive director or the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee, to:
  - (i) the professional conduct committee; and
  - (ii) the member; and

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(c) for the period necessary to allow the executive director or professional conduct 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 professional conduct committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the executive director or professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee that it should act pursuant to clause (5)(a).

(4) The professional conduct 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 professional conduct 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 professional conduct 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 27;
- (c) decide not to refer the complaint to a hearing before the discipline committee if the professional conduct 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.

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(6) If the professional conduct committee acts pursuant to subsection (5), the professional conduct 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 professional conduct committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 37 and 38 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”.

**Section 26 amended****14-8 The following subsection is added after subsection 26(2):**

“(3) If a panel of the professional conduct committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the professional conduct committee”.

**New sections 27 to 28****14-9 Sections 27 and 28 are repealed and the following substituted:****“Investigation**

**27(1)** If the professional conduct 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 professional conduct committee may take any steps authorized by section 27.1.

(3) On completion of its investigation, the professional conduct 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 professional conduct 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 professional conduct 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;

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(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 professional conduct 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 professional conduct 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).

**“Investigative powers**

**27.1(1)** The professional conduct 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 professional conduct 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.

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- (3) For the purposes of an investigation, the professional conduct 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 professional conduct 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 professional conduct committee; or
  - (b) counsel acting for the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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.

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(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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

**“Suspension pending outcome of investigation**

**28(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 professional conduct 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 37 and 38 apply, with any necessary modification, to the appeal”.

**Section 29 amended**

**14-10(1)** Subsection 29(2) is amended by striking out “and no elected member of the council” and substituting “or member of the council elected or appointed pursuant to clause 8(2)(a)”.

**(2) The following subsection is added after subsection 29(3):**

“(4) 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”.

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## New section 34

**14-11 Section 34 is repealed and the following substituted:****“Criminal conduct**

**34** If, in the course of an investigation pursuant to this Act, the professional conduct 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”.

## Section 35 repealed

**14-12 Section 35 is repealed.**

## PART 15

**Amendments to *The Pharmacy and Pharmacy Disciplines Act***

## SS 1996, c P-9.1 amended

**15-1** *The Pharmacy and Pharmacy Disciplines Act* is amended in the manner set forth in this Part.

## Section 2 amended

**15-2 Section 2 is amended:**

- (a) by repealing clause (b);
- (b) by repealing clause (i); and
- (c) by repealing clause (bb) and substituting the following:
  - “(bb) ‘regulatory bylaw’ means a bylaw made:
    - (i) for a purpose set out in subsection 14(2); or
    - (ii) by the minister pursuant to section 52”.

## New section 3.1

**15-3 The following section is added after section 3:****“Duty and objects of college**

**3.1(1)** It is the duty of the college 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 college 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 college may:
- (a) establish, maintain and enforce standards for registration and of continuing competency and standards of practice for members;

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- (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 college determines is consistent with its duty and objects”.

**New section 7****15-4 Section 7 is repealed and the following substituted:****“Council**

- 7(1) The council shall govern, manage and regulate the affairs and business of the college.
- (2) The council consists of:
  - (a) the number of councillors elected or appointed in accordance with the bylaws; and
  - (b) the persons appointed pursuant to section 8.
- (3) Councillors 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 councillor elected or appointed 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”.

**Section 8 amended**

- 15-5(1) Subsection 8(3) is amended by striking out “an appointed councillor” and substituting “a councillor appointed pursuant to this section”.**
- (2) Subsection 8(4) is amended by striking out “An appointed councillor” and substituting “A councillor appointed pursuant to this section”.**
- (3) Subsection 8(5) is amended by striking out “An appointed councillor” and substituting “A councillor appointed pursuant to this section”.**
- (4) Subsection 8(6) is amended by striking out “One of the appointed councillors” and substituting “At least one councillor appointed pursuant to this section”.**
- (5) Subsection 8(7) is amended by striking out “an appointed councillor” and substituting “a councillor appointed pursuant to this section”.**
- (6) Subsection 8(8) is amended by striking out “appointed councillors” and substituting “councillors appointed pursuant to this section”.**



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**New sections 9 and 10**

**15-6 Sections 9 and 10 are repealed and the following substituted:**

**“Resignation**

- 9(1)** A councillor elected or appointed pursuant to clause 7(2)(a) may resign by giving a written notice of resignation to the council.
- (2) A councillor 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 councillor 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 councillor 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 councillor appointed pursuant to section 8, on the date the written notice is received by the minister.

**“Vacancy**

- 10(1)** When the office of a person elected or appointed as a councillor pursuant to clause 7(2)(a) becomes vacant, the remaining councillors 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 councillor; 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 councillors to act.
- (3) If the licence of a member serving as a councillor is suspended, the member’s powers and duties as a councillor are suspended for the same period.
- (4) If a member serving as a councillor is expelled from the college, the member ceases to be a councillor on the day the member is expelled”.

**New section 13**

**15-7 Section 13 is repealed and the following substituted:**

**“Procedures**

- 13(1)** The council may make bylaws for any purpose set out in section 14.
- (2) The registrar 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.

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- (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”.

**Section 14 amended**

**15-8(1) Subsection 14(1) is amended:**

- (a) **by repealing clauses (j) to (l) and substituting the following:**

“(j) prescribing the number and terms of office of councillors, other than persons appointed pursuant to section 8;

“(k) governing the procedures for the election or appointment of councillors, other than persons appointed pursuant to section 8;

“(l) prescribing the conditions disqualifying persons from sitting on the council, and governing the filling of vacancies on the council, other than with respect to councillors appointed pursuant to section 8”; **and**

- (b) **by repealing clause (o) and substituting the following:**

“(o) prescribing the remuneration and reimbursement for expenses for councillors, officers and committee members, other than persons appointed pursuant to section 8”.

- (2) **The following clause is added after clause 14(2)(n):**

“(n.1) respecting the establishment of panels of the complaints 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”.

**Section 15 amended**

**15-9(1) Subsection 15(4) is repealed.**

- (2) **Subsection 15(5) is repealed and the following substituted:**

“(5) Within 30 days after an administrative bylaw or an amendment to an administrative bylaw is made, the council shall file with the Registrar of Corporations two copies, certified by the registrar to be true copies, of the administrative bylaw or amendment”.

- (3) **Subsection 15(6) is repealed.**

**New section 23.1**

**15-10 The following section is added before section 24:**

**“Examination to assess whether curtailment of practice should be ordered**

**23.1(1)** If the registrar or the complaints committee has reasonable grounds to believe that a member or a proprietor 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 or proprietor to constitute a danger to the public, the registrar or complaints committee may:

- (a) direct the member or proprietor to submit to a physical or mental examination, or both, by a person or at a facility specified by the registrar or complaints committee;

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(b) request the person or facility conducting the examination of the member or proprietor to report, with written reasons and within a time specified by the registrar or complaints committee, to:

(i) the complaints committee; and

(ii) the member or proprietor; and

(c) for the period necessary to allow the registrar or complaints 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 proprietor's permit; or

(ii) suspend the member's licence or proprietor's permit.

(2) If the registrar or complaints committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or complaints committee must give the member or proprietor an opportunity to be heard within 15 days after the imposition of the limitations, conditions or suspension.

(3) If the complaints committee receives a report pursuant to clause (1)(b) concluding that:

(a) the continued practice of the member or proprietor 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 complaints committee may:

(c) impose limitations or conditions on the member's licence or proprietor's permit; or

(d) suspend the member's licence or proprietor's permit;

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

(4) The complaints 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 or proprietor, the complaints 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 or proprietor to resume practice if the complaints committee is satisfied, on the application of the member or proprietor, that the member or proprietor can resume practice without constituting a danger to the public;

(b) delay any investigation or written report mentioned in section 28;

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(c) decide not to refer the complaint to a hearing before the discipline committee if the complaints committee is satisfied that:

- (i) the member's or proprietor's condition mentioned in subsection (1) caused or substantially contributed to the member's or proprietor's conduct described in the complaint; and
- (ii) the actions taken pursuant to subsection (3) have provided appropriate public protection.

(6) If the complaints committee acts pursuant to subsection (5), the complaints committee must deliver written notice of its decision, with written reasons, to the complainant within 30 days after making its decision.

(7) A member or proprietor aggrieved by a decision of the registrar or the complaints committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 42 and 43 apply, with any necessary modification, to the appeal.

(8) Failure by a member or proprietor to submit to an examination directed pursuant to subsection (1) or to comply with a limitation, condition or suspension imposed on the member or proprietor pursuant to subsection (3) is professional misconduct by the member, or proprietary misconduct by the proprietor, within the meaning of this Act".

**Section 27 amended**

**15-11(1) Subsection 27(2) is amended by striking out** "and no elected member of the council" **and substituting** "or councillor elected or appointed pursuant to clause 7(2)(a)".

**(2) The following subsection is added after subsection 27(2):**

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

**New sections 28 to 30**

**15-12 Sections 28 to 30 are repealed and the following substituted:**

**"Investigation**

**28(1)** If the complaints 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, or that a proprietor is guilty of proprietary misconduct, the committee shall review and investigate the complaint.

(2) In investigating the complaint, the complaints committee may take any steps authorized by section 29.

(3) On completion of its investigation, the complaints 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;

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- (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 complaints committee decides that the complaint is of concern only to the complainant and the investigated member or proprietor, both of whom agree to mediation;
  - (d) require the investigated member or proprietor to appear before the complaints committee, or a panel of the committee, to be cautioned;
  - (e) require the investigated member or proprietor to complete a specified continuing education or remediation program;
  - (f) accept the voluntary surrender of the registration, licence or permit of the investigated member or proprietor;
  - (g) accept an undertaking from the investigated member or proprietor that provides for one or more of the following:
    - (i) assessment of the capacity or fitness of the investigated member or proprietor to practise in the profession;
    - (ii) counselling or treatment of the investigated member or proprietor;
    - (iii) monitoring or supervision of the practice of the investigated member or proprietor;
    - (iv) completion by the investigated member or proprietor of a specified course of studies by way of remedial training;
    - (v) placing conditions on the investigated member's or proprietor's right to practise in the profession;
  - (h) take any other action that the complaints 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 complaints 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 registrar to:
- (a) the council;
  - (b) the complainant, if any; and
  - (c) the member or proprietor whose conduct is the subject of the complaint mentioned in subsection (1).

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**“Investigative powers**

**29(1)** The complaints 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 complaints 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 or proprietor practises or has practised in the profession;
- (d) inspect, observe or audit the practice of the investigated member or proprietor; and
- (e) examine any equipment, materials or any other thing used by the investigated member or proprietor.

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

- (a) require the investigated member or proprietor to provide access to any computer system used in connection with the member's or proprietor'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 practice of the investigated member or proprietor.

(4) The complaints 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 complaints committee; or
- (b) counsel acting for the complaints 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.

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- (7) If any book, record, document or thing is produced to the complaints 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 complaints 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 complaints 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 complaints 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 complaints 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 complaints 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 complaints 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 complaints committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

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**“Suspension pending outcome of investigation**

**30(1)** If the registrar 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 complaints committee, a member’s licence should be suspended, a member’s ability to practise in the profession should be limited or restricted, or a proprietor’s permit should be suspended or restricted, the registrar or the discipline committee may:

- (a) in the case of a member:
  - (i) suspend the member’s licence; or
  - (ii) impose limitations or conditions on the member’s licence; or
- (b) in the case of a proprietor:
  - (i) suspend the proprietor’s permit; or
  - (ii) impose limitations or conditions on the proprietor’s permit.

(2) A member or proprietor aggrieved by a decision of the registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 42 and 43 apply, with any necessary modification, to the appeal”.

**Section 31 amended**

**15-13(1)** Subsection 31(2) is amended by striking out “and no elected member of the council” and substituting “or member of the council elected or appointed pursuant to clause 7(2)(a)”.

**(2) The following subsection is added after subsection 31(3):**

“(4) 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”.

**Section 33 repealed**

**15-14** Section 33 is repealed.

**New section 38**

**15-15** Section 38 is repealed and the following substituted:

**“Criminal conduct**

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

**Section 39 repealed**

**15-16** Section 39 is repealed.

**Section 61 amended**

**15-17** Subsection 61(1) is amended by adding “or 52” after “section 15”.



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## PART 16

**Amendments to *The Physical Therapists Act, 1998***

SS 1998, c P-11.11 amended

**16-1** *The Physical Therapists Act, 1998* is amended in the manner set forth in this Part.

New section 3.1

**16-2** The following section is added after section 3:

“Duty and objects of college

3.1(1) It is the duty of the college 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 college 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 college 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 college determines is consistent with its duty and objects”.

New section 7

**16-3** Section 7 is repealed and the following substituted:

“Council

7(1) The council shall govern, manage and regulate the affairs and business of the college.

(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.

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(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".

## New sections 9 and 10

**16-4 Sections 9 and 10 are repealed and the following substituted:****"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.

**"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 college, the member ceases to be a member of the council on the day the member is expelled".

## New section 13

**16-5 Section 13 is repealed and the following substituted:****"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.

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- (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”.

**Section 14 amended****16-6(1) Subsection 14(1) is amended:**

- (a) **by repealing clause (f) and substituting the following:**

“(f) prescribing the number and terms of office of members of the council, other than persons appointed pursuant to section 8”; **and**
- (b) **by repealing clauses (i) and (j) and substituting the following:**

“(i) prescribing the remuneration and reimbursement for expenses for members of the council and committees, other than persons appointed pursuant to section 8;

“(j) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 8”.

**(2) The following clause is added after clause 14(2)(f):**

“(f.1) respecting the establishment of panels of the professional conduct 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”.

**New section 21.3****16-7 The following section is added after section 21.2:****“Examination to assess whether curtailment of practice should be ordered**

**21.3(1)** If the executive director or the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee, to:
  - (i) the professional conduct committee; and
  - (ii) the member; and

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(c) for the period necessary to allow the executive director or professional conduct 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 professional conduct committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the executive director or professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee that it should act pursuant to clause (5)(a).

(4) The professional conduct 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 professional conduct 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 professional conduct 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 25;
- (c) decide not to refer the complaint to a hearing before the discipline committee if the professional conduct 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.

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(6) If the professional conduct committee acts pursuant to subsection (5), the professional conduct 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 professional conduct committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 35 and 36 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”.

**Section 24 amended****16-8 The following subsection is added after subsection 24(2):**

“(3) If a panel of the professional conduct committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the professional conduct committee”.

**New sections 25 to 26****16-9 Sections 25 and 26 are repealed and the following substituted:****“Investigation**

**25(1)** If the professional conduct 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 professional conduct committee may take any steps authorized by section 25.1.

(3) On completion of its investigation, the professional conduct 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 professional conduct 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 professional conduct 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;

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(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 professional conduct 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 professional conduct 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).

**“Investigative powers**

**25.1(1)** The professional conduct 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 professional conduct 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;

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- (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 professional conduct 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 professional conduct 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 professional conduct committee; or
  - (b) counsel acting for the professional conduct 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 professional conduct 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 professional conduct 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.

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(9) A judge of the Provincial Court of Saskatchewan, on an application without notice by the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

**“Suspension pending outcome of investigation**

**26(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 professional conduct 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.



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(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 35 and 36 apply, with any necessary modification, to the appeal”.

Section 27 amended

**16-10 The following subsection is added after subsection 27(3):**

“(4) 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”.

New section 32

**16-11 Section 32 is repealed and the following substituted:**

“Criminal conduct

**32** If, in the course of an investigation pursuant to this Act, the professional conduct 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”.

Section 33 repealed

**16-12 Section 33 is repealed.**

Section 43 amended

**16-13 Subsection 43(1) is amended by adding “or 16” after “section 15”.**

PART 17

**Amendments to *The Podiatry Act***

SS 2003, c P-14.1 amended

**17-1 *The Podiatry Act* is amended in the manner set forth in this Part.**

New section 3.1

**17-2 The following section is added after section 3:**

“Duty and objects of college

**3.1(1)** It is the duty of the college 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 college 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 college may:

- (a) establish, maintain and enforce standards for registration and of continuing competency and standards of practice for members;

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- (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 college determines is consistent with its duty and objects”.

**New section 7****17-3 Section 7 is repealed and the following substituted:****“Council**

- 7(1) The council shall govern, manage and regulate the affairs and business of the college.
- (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”.

**New sections 9 and 10****17-4 Sections 9 and 10 are repealed and the following substituted:****“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.

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**“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 college, the member ceases to be a member of the council on the day the member is expelled”.

**New section 13****17-5 Section 13 is repealed and the following substituted:****“Procedures**

**13(1)** The council may make bylaws for any purpose set out in section 14.

(2) The registrar 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”.

**Section 14 amended****17-6(1) Subsection 14(1) is amended:****(a) by repealing clause (f) and substituting the following:**

“(f) prescribing the number and terms of office of members of the council, other than persons appointed pursuant to section 8”; **and**

**(b) by repealing clauses (i) and (j) and substituting the following:**

“(i) prescribing the remuneration and reimbursement for expenses for members of the council and committees, other than persons appointed pursuant to section 8;

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“(j) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 8”.

**(2) The following clause is added after clause 14(2)(f):**

“(f.1) respecting the establishment of panels of the professional conduct 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”.

**New section 22.3**

**17-7 The following section is added after section 22.2:**

**“Examination to assess whether curtailment of practice should be ordered**

**22.3(1)** If the registrar or the professional conduct 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 registrar or professional conduct 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 registrar or professional conduct 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 registrar or professional conduct committee, to:
  - (i) the professional conduct committee; and
  - (ii) the member; and
- (c) for the period necessary to allow the registrar or professional conduct 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 registrar or professional conduct committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or professional conduct 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 professional conduct 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;

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the professional conduct 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 professional conduct committee that it should act pursuant to clause (5)(a).

(4) The professional conduct 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 professional conduct 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 professional conduct 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 26;
- (c) decide not to refer the complaint to a hearing before the discipline committee if the professional conduct 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 professional conduct committee acts pursuant to subsection (5), the professional conduct 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 registrar or the professional conduct committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 36 and 37 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".

**Section 25 amended**

**17-8 The following subsection is added after subsection 25(2):**

"(3) If a panel of the professional conduct committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the professional conduct committee".

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New sections 26 to 27

**17-9 Sections 26 and 27 are repealed and the following substituted:**

**“Investigation**

**26(1)** If the professional conduct 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 professional conduct committee may take any steps authorized by section 26.1.

(3) On completion of its investigation, the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee considers appropriate that is not inconsistent with or contrary to this Act or the bylaws.

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- (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 professional conduct 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 registrar 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).

**“Investigative powers**

- 26.1(1)** The professional conduct 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 professional conduct 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 professional conduct 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.

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- (4) The professional conduct 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 professional conduct committee; or
  - (b) counsel acting for the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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.



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(13) If it is practicable to copy a book, record, document or thing removed pursuant to subsection (12), the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

**“Suspension pending outcome of investigation**

**27(1)** If the registrar 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 professional conduct committee, a member’s licence should be suspended or a member’s ability to practise in the profession should be limited or restricted, the registrar 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 registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 36 and 37 apply, with any necessary modification, to the appeal”.

**Section 28 amended**

**17-10(1)** Subsection 28(2) is amended by striking out “and no elected member of the council” and substituting “or member of the council elected or appointed pursuant to clause 7(2)(a)”.

**(2) The following subsection is added after subsection 28(3):**

“(4) 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”.

**New section 33**

**17-11** Section 33 is repealed and the following substituted:

**“Criminal conduct**

**33** If, in the course of an investigation pursuant to this Act, the professional conduct 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”.

**Section 34 repealed**

**17-12** Section 34 is repealed.

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PART 18  
**Amendments to *The Psychologists Act, 1997***

SS 1997, c P-36.01 amended

**18-1** *The Psychologists Act, 1997* is amended in the manner set forth in this Part.

New section 3.1

**18-2 The following section is added after section 3:**

**“Duty and objects of college**

**3.1(1)** It is the duty of the college 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 college 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 college 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 college determines is consistent with its duty and objects”.

New section 7

**18-3 Section 7 is repealed and the following substituted:**

**“Council**

**7(1)** The council shall govern, manage and regulate the affairs and business of the college.

(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.

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(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".

**New sections 9 and 10**

**18-4 Sections 9 and 10 are repealed and the following substituted:**

**"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.

**"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 college, the member ceases to be a member of the council on the day the member is expelled".

**New section 14**

**18-5 Section 14 is repealed and the following substituted:**

**"Procedures**

**14(1)** The council may make bylaws for any purpose set out in section 15.

(2) The registrar shall notify each member of each bylaw made pursuant to subsection (1) within 60 days after the bylaw is made.

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- (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 16; and
  - (b) published in the Gazette”.

**Section 15 amended****18-6(1) Subsection 15(1) is amended:**

- (a) **by repealing clause (f) and substituting the following:**

“(f) prescribing the number and terms of office of members of the council, other than persons appointed pursuant to section 8”; **and**
- (b) **by repealing clauses (h) and (i) and substituting the following:**

“(h) prescribing the remuneration and reimbursement for expenses for members of the council and committees, other than persons appointed pursuant to section 8;

“(i) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 8”.

**(2) The following clause is added after clause 15(2)(k):**

“(k.1) respecting the establishment of panels of the professional conduct 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”.

**New section 24.3****18-7 The following section is added after section 24.2:****“Examination to assess whether curtailment of practice should be ordered**

**24.3(1)** If the registrar or the professional conduct 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 registrar or professional conduct 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 registrar or professional conduct committee;

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(b) request the person or facility conducting the examination of the member to report, with written reasons and within a time specified by the registrar or professional conduct committee, to:

- (i) the professional conduct committee; and
- (ii) the member; and

(c) for the period necessary to allow the registrar or professional conduct 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 registrar or professional conduct committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee that it should act pursuant to clause (5)(a).

(4) The professional conduct 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 professional conduct 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 professional conduct 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 28;
- (c) decide not to refer the complaint to a hearing before the discipline committee if the professional conduct 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

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(ii) the actions taken pursuant to subsection (3) have provided appropriate public protection.

(6) If the professional conduct committee acts pursuant to subsection (5), the professional conduct 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 registrar or the professional conduct committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 37 and 38 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”.

**Section 27 amended****18-8 The following subsection is added after subsection 27(3):**

“(4) If a panel of the professional conduct committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the professional conduct committee”.

**New sections 28 to 29****18-9 Sections 28 and 29 are repealed and the following substituted:****“Investigation**

**28(1)** If the professional conduct 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 professional conduct committee may take any steps authorized by section 28.1.

(3) On completion of its investigation, the professional conduct 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 professional conduct 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 professional conduct committee, or a panel of the committee, to be cautioned;

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

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(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 professional conduct 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 professional conduct 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 registrar 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).

**“Investigative powers**

**28.1(1)** The professional conduct 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 professional conduct 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;

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- (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 professional conduct 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 professional conduct 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 professional conduct committee; or
  - (b) counsel acting for the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee is conducting an investigation pursuant to this Act; and



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(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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

**“Suspension pending outcome of investigation**

**29(1)** If the registrar 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 professional conduct committee, a member’s licence should be suspended or a member’s ability to practise in the profession should be limited or restricted, the registrar 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 registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 37 and 38 apply, with any necessary modification, to the appeal”.

**Section 30 amended**

**18-10(1)** Subsection 30(2) is amended by striking out “elected member of the council” and substituting “member of the council elected or appointed pursuant to clause 7(2)(a)”.

**(2) The following subsection is added after subsection 30(3):**

“(4) 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”.

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## New section 34

**18-11 Section 34 is repealed and the following substituted:****“Criminal conduct**

**34** If, in the course of an investigation pursuant to this Act, the professional conduct 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”.

## Section 35 repealed

**18-12 Section 35 is repealed.**

## Section 45 amended

**18-13 Subsection 45(1) is amended by adding “or 17” after “section 16”.**

## PART 19

**Amendments to *The Registered Nurses Act, 1988***

## SS 1988-89, c R-12.2 amended

**19-1** *The Registered Nurses Act, 1988* is amended in the manner set forth in this Part.

## New section 2

**19-2 Section 2 is repealed and the following substituted:****“Definitions**

**2** In this Act:

**‘administrative bylaw’** means a bylaw made for a purpose set out in subsection 15(1);

**‘bylaws’** means the valid and subsisting bylaws of the college;

**‘client’** means the person or group of persons to whom nursing activities are directed;

**‘college’** means the College of Registered Nurses of Saskatchewan continued pursuant to section 3;

**‘council’** means the council of the college;

**‘court’** means the Court of King’s Bench;

**‘executive director’** means the executive director appointed pursuant to section 12;

**‘former association’** means The Saskatchewan Registered Nurses’ Association as it existed on the day before the coming into force of Part 19 of *The Miscellaneous Statutes (Health Professions) Amendment Act, 2022*;

**‘graduate nurse’** means a person who is registered pursuant to section 20 and whose registration is not suspended or who is not expelled;

**‘member’** means a member of the college who is in good standing;

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**‘minister’** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

**‘nurse’** means a graduate nurse or a registered nurse;

**‘practice of registered nursing’** means the performance or coordination of health care services, including but not limited to:

- (a) observing and assessing the health status of clients and planning, implementing and evaluating nursing care; and
- (b) the counselling, teaching, supervision, administration and research that is required to implement or complement health care services;

for the purpose of promoting, maintaining or restoring health, preventing illness and alleviating suffering where the performance or coordination of those services requires:

- (c) the knowledge, skill or judgment of a person who qualifies for registration pursuant to section 19 or 20;
- (d) specialized knowledge of nursing theory other than that mentioned in clause (c);
- (e) skill or judgment acquired through nursing practice other than that mentioned in clause (c); or
- (f) other knowledge of biological, physical, behavioural, psychological and sociological sciences that is relevant to the knowledge, skill or judgment mentioned in clause (c), (d) or (e);

**‘practising member’** means a registered nurse who qualifies as a practising member in accordance with the bylaws;

**‘record’** means any information that is recorded or stored in any medium or by means of any device, including a computer or electronic media;

**‘register’** means the register kept pursuant to section 18;

**‘registered nurse’** means a person who is registered pursuant to section 19 and whose registration is not suspended or who is not expelled;

**‘registrar’** means:

- (a) the registrar appointed pursuant to section 12;
- (b) in the absence of an appointment, the executive director;

**‘regulatory bylaw’** means a bylaw made for a purpose set out in subsection 15(2)”.

## New heading

**19-3 The heading before section 3 is struck out and the following substituted:**

“COLLEGE”.

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**New sections 3 to 4****19-4 Sections 3 and 4 are repealed and the following substituted:****“College continued**

3(1) The Saskatchewan Registered Nurses’ Association is continued as a corporation to be known as the College of Registered Nurses of Saskatchewan.

(2) A reference in any Act, regulation, order, bylaw, contract or other document to the former association is deemed to be a reference to the college.

**“Duty and objects of college**

3.1(1) It is the duty of the college 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 college 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 college 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 college determines is consistent with its duty and objects.

**“Membership**

4(1) The membership of the college consists of those persons who are admitted as members of the college pursuant to this Act and the bylaws.

(2) A person who was a member of the former association continues as a member of the college, subject to any term, condition or limitation to which the person’s membership is subject”.

**New section 7****19-5 Section 7 is repealed and the following substituted:****“Council**

7(1) The council shall govern, manage and regulate the affairs and business of the college.

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- (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 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.
- (5) A person who was a member of the council of the former association continues as a member of the council of the college for the remainder of the person's term and until the person's successor is elected or appointed, as the case may be".

New sections 9 and 10

**19-6 Sections 9 and 10 are repealed and the following substituted:**

**“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.

**“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.

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(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 college, the member ceases to be a member of the council on the day the member is expelled".

**New sections 14 to 16****19-7 Sections 14 to 16 are repealed and the following substituted:****"Procedures**

14(1) The council may make bylaws for any purpose set out in section 15.

(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 16; and
- (b) published in the Gazette.

**"Bylaws**

15(1) Subject to this Act, administrative bylaws may be made pursuant to section 14 for the following purposes:

- (a) prescribing the seal of the college;
- (b) providing for the execution of documents by the college;
- (c) respecting the banking and financial dealings of the college;
- (d) fixing the fiscal year of the college and providing for the audit of the accounts and transactions of the college;
- (e) respecting the management of the property of the college;
- (f) prescribing the number and terms of office of members of the council, other than the persons appointed pursuant to section 8;
- (g) prescribing the duties of members of the council and officers and employees of the college;
- (h) prescribing the remuneration and reimbursement for expenses for members of the council and committees;
- (i) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 8;

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- (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 or special meetings of the college;
  - (l) prescribing the amount of registration, licensing and other fees payable to the college, the times of payment and the penalties for late payment;
  - (m) providing for the receipt, management and investment of contributions, donations and bequests from nurses or other persons;
  - (n) establishing and governing scholarships, bursaries and prizes;
  - (o) regulating joint participation by the college with any educational institution or any person, group, association, organization or body corporate having goals or objectives similar to those of the college;
  - (p) establishing any committees that the council considers necessary, prescribing the manner of election, appointment or removal of committee members, determining the duties of committees and establishing procedures for the operation of committees;
  - (q) providing for any other thing that is necessary for the effective administration of the college.
- (2) Subject to this Act, regulatory bylaws may be made pursuant to section 14 for the following purposes:
- (a) prescribing the qualifications, standards and tests of competency and good character for:
    - (i) the registration of persons as members; and
    - (ii) the issuing of licences;
  - (b) prescribing:
    - (i) the procedures governing registration of persons as members;
    - (ii) the procedures governing the issuing of licences;
    - (iii) the terms and conditions of licences;
  - (c) providing for a code of professional ethics;
  - (d) setting standards of professional conduct, competency and proficiency of nurses;
  - (e) setting standards regarding the manner and method of the practice of registered nursing;
  - (f) establishing and governing a program for the purpose of reviewing and improving the quality of nursing care provided by members and requiring the participation of members in the program;

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- (g) establishing categories of practice and prescribing the requirements for admission to each of those categories and the practising rights and privileges associated with each category;
- (h) governing the prescribing and dispensing of drugs by a registered nurse;
- (i) designating screening and diagnostic tests that a registered nurse may order, perform, receive or interpret and prescribing conditions or restrictions on the ordering, performing, receiving or interpreting of those tests;
- (j) designating minor surgical and invasive procedures that a registered nurse may perform and prescribing conditions or restrictions on the performing of those procedures;
- (k) prescribing procedures for:
  - (i) the investigation by the investigation committee of reports; and
  - (ii) hearings by the discipline committee of complaints;
 alleging that a nurse is guilty of professional misconduct or professional incompetence;
- (l) respecting the establishment of panels of the 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;
- (m) governing the reinstatement of a nurse who has been expelled;
- (n) prescribing qualifications for admission to practising membership;
- (o) establishing categories of membership in the college and prescribing the rights and privileges of each category;
- (p) prescribing the circumstances under which nurses are required to attend re-entry education programs and courses and approving programs and courses for that purpose;
- (q) governing the approval of registered nursing education programs for purposes of registration pursuant to this Act and prescribing terms and conditions for initial or continued approval of those programs;
- (r) governing examinations to be held for the purposes of section 19;
- (s) governing persons who practise under temporary licences issued for the purposes of section 20;
- (t) prescribing the minimum amount of liability protection that nurses or a category of nurses are required to obtain;
- (u) prescribing any other matters considered necessary for the better carrying out of this Act.



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**“Filing of bylaws**

**16(1)** The college 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) If the minister does not advise the college in writing within 90 days after 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) If 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) Within 30 days after an administrative bylaw or an amendment to an administrative bylaw is made, the council shall file with the Registrar of Corporations two copies, certified by the executive director to be true copies, of the administrative bylaw or amendment.

(5) If an administrative bylaw or an amendment to an administrative bylaw is not filed within the 30-day period mentioned in subsection (4), the administrative bylaw or amendment is deemed to be revoked on the expiration of the period”.

**New section 24.3**

**19-8 The following section is added after section 24.2:**

**“Examination to assess whether curtailment of practice should be ordered**

**24.3(1)** If the registrar or the investigation committee has reasonable grounds to believe that a nurse may be suffering a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs the nurse’s ability to practise in the profession and causes the continued practice in the profession by the nurse to constitute a danger to the public, the registrar or investigation committee may:

- (a) direct the nurse to submit to a physical or mental examination, or both, by a person or at a facility specified by the registrar or investigation committee;
- (b) request the person or facility conducting the examination of the nurse to report, with written reasons and within a time specified by the registrar or investigation committee, to:
  - (i) the investigation committee; and
  - (ii) the nurse; and

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(c) for the period necessary to allow the registrar or 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 nurse's licence; or
- (ii) suspend the nurse's licence.

(2) If the registrar or investigation committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or investigation committee must give the nurse an opportunity to be heard within 15 days after the imposition of the limitations, conditions or suspension.

(3) If the investigation committee receives a report pursuant to clause (1)(b) concluding that:

- (a) the continued practice of the nurse 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 investigation committee may:

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

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

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

(5) If action has been taken pursuant to subsection (3) concerning a nurse, the 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 nurse to resume practice if the investigation committee is satisfied, on the nurse's application, that the nurse can resume practice without constituting a danger to the public;
- (b) delay any investigation or written report mentioned in section 28;
- (c) decide not to refer the complaint to a hearing before the discipline committee if the investigation committee is satisfied that:
  - (i) the nurse's condition mentioned in subsection (1) caused or substantially contributed to the nurse's conduct described in the complaint; and
  - (ii) the actions taken pursuant to subsection (3) have provided appropriate public protection.

(6) If the investigation committee acts pursuant to subsection (5), the investigation committee must deliver written notice of its decision, with written reasons, to the complainant within 30 days after making its decision.

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(7) A nurse aggrieved by a decision of the registrar or the investigation committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 35 and 36 apply, with any necessary modification, to the appeal.

(8) Failure by a nurse to submit to an examination directed pursuant to subsection (1) or to comply with a limitation, condition or suspension imposed on the nurse pursuant to subsection (3) is professional misconduct within the meaning of this Act”.

**Section 27 amended**

**19-9 The following subsection is added after subsection 27(3):**

“(4) If a panel of the investigation committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the investigation committee”.

**New sections 28 to 28.2**

**19-10 Section 28 is repealed and the following substituted:**

**“Investigation**

**28(1)** If the investigation committee is requested by the council to consider a complaint or is in receipt of a written complaint alleging that a nurse is guilty of professional misconduct or professional incompetence, the committee shall review and investigate the complaint.

(2) In investigating the complaint, the investigation committee may take any steps authorized by section 28.1.

(3) On completion of its investigation, the 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 investigation committee decides that the complaint is of concern only to the complainant and the investigated nurse, both of whom agree to mediation;

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

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

(f) accept the voluntary surrender of the investigated nurse’s registration or licence;

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

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

(ii) counselling or treatment of the investigated nurse;

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- (iii) monitoring or supervision of the investigated nurse's practice;
  - (iv) completion by the investigated nurse of a specified course of studies by way of remedial training;
  - (v) placing conditions on the investigated nurse's right to practise in the profession;
  - (h) take any other action that the 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 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 nurse whose conduct is the subject of the complaint mentioned in subsection (1).

**“Investigative powers**

- 28.1(1)** The 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 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 nurse practises or has practised in the profession;
  - (d) inspect, observe or audit the investigated nurse's practice; and
  - (e) examine any equipment, materials or any other thing used by the investigated nurse.
- (3) For the purposes of an investigation, the investigation committee may:
- (a) require the investigated nurse to provide access to any computer system used in connection with the nurse's practice in order to produce a record in readable form;

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- (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 nurse's practice.
- (4) The 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 investigation committee; or
  - (b) counsel acting for the 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 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 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 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 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.

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(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 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 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 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 investigation committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

**“Suspension pending outcome of investigation**

**28.2(1)** If the registrar 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 investigation committee, a nurse’s licence should be suspended or a nurse’s ability to practise in the profession should be limited or restricted, the registrar or the discipline committee may:

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

(2) A nurse aggrieved by a decision of the registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 35 and 36 apply, with any necessary modification, to the appeal”.

**Section 29 amended**

**19-11 The following subsection is added after subsection 29(4):**

“(5) 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”.

**New section 32**

**19-12 Section 32 is repealed and the following substituted:**

**“Criminal conduct**

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

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## Section 44 amended

**19-13 Subsection 44(1) is amended by adding “with the Registrar of Corporations” after “filed”.**

## Schedule 4

**19-14 The provisions of *The Registered Nurses Act, 1988* listed in Schedule 4 to this Act are amended by striking out “association” wherever it appears and in each case substituting “college”.**

## PART 20

**Amendments to *The Registered Psychiatric Nurses Act***

## SS 1993, c R-13.1 amended

**20-1 *The Registered Psychiatric Nurses Act* is amended in the manner set forth in this Part.**

## New section 2

**20-2 Section 2 is repealed and the following substituted:**

**“Definitions**

**2** In this Act:

**‘administrative bylaw’** means a bylaw made for a purpose set out in subsection 15(1);

**‘association’** means the Registered Psychiatric Nurses Association of Saskatchewan continued pursuant to section 3;

**‘bylaws’** means the valid and subsisting bylaws of the association;

**‘council’** means the council of the association;

**‘court’** means the Court of King’s Bench;

**‘executive director’** means the executive director appointed pursuant to section 12;

**‘graduate psychiatric nurse’** means a person registered pursuant to section 20 who is in good standing;

**‘member’** means a member of the association who is in good standing;

**‘minister’** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

**‘practising member’** means a registered psychiatric nurse to whom an annual licence to practise is issued pursuant to section 19;

**‘record’** means any information that is recorded or stored in any medium or by means of any device, including a computer or electronic media;

**‘register’** means the register kept pursuant to section 18;

**‘registered psychiatric nurse’** means a person registered pursuant to section 19 who is in good standing;

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**‘registrar’** means:

- (a) the registrar appointed pursuant to section 12; or
- (b) in the absence of an appointment, the executive director;

**‘regulatory bylaw’** means a bylaw made for a purpose set out in subsection 15(2)”.

**New section 3.1**

**20-3 The following section is added after section 3:**

**“Duty and objects of association**

**3.1(1)** It is the duty of the association 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 association 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 association 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 association determines is consistent with its duty and objects”.

**New section 7**

**20-4 Section 7 is repealed and the following substituted:**

**“Council**

**7(1)** The council shall govern, manage and regulate the affairs and business of the association.

(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.



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(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".

**Section 8 amended**

**20-5(1) Subsection 8(1) is amended by adding "three" after "may appoint".**

**(2) Subsection 8(2) is repealed.**

**(3) Subsection 8(3) is amended by striking out "two years" and substituting "three years".**

**New sections 9 and 10**

**20-6 Sections 9 and 10 are repealed and the following substituted:**

**"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.

**"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.

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(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 association, the member ceases to be a member of the council on the day the member is expelled".

**New section 14****20-7 Section 14 is repealed and the following substituted:****"Procedures**

**14(1)** The council may make bylaws for any purpose set out in section 15.

(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 16; and
- (b) published in the Gazette".

**Section 15 amended****20-8(1) Subsection 15(1) is repealed and the following substituted:**

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

- (a) prescribing the seal of the association;
- (b) providing for the execution of documents by the association;
- (c) respecting the banking and financial dealings of the association;
- (d) fixing the fiscal year of the association and providing for the audit of the accounts and transactions of the association;
- (e) respecting the management of the property of the association;
- (f) prescribing the number and terms of office of members of the council, other than persons appointed pursuant to section 8;
- (g) prescribing the duties of members of the council and officers and employees of the association;
- (h) prescribing the remuneration and reimbursement for expenses for members of the council and committees, other than persons appointed pursuant to section 8;

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- (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 association;
- (l) prescribing the amount of registration, licensing and other fees payable to the association, the times of payment and the penalties for late payment;
- (m) providing for the receipt, management and investment of contributions, donations or bequests from members or other persons;
- (n) establishing and governing scholarships, bursaries and prizes;
- (o) regulating joint participation by the association with any educational institution or any person, group, association, organization or body corporate having goals or objectives similar to those of the association;
- (p) establishing any committees that the council considers necessary, prescribing the manner of election, appointment or removal of committee members, determining the duties of committees and establishing procedures for the operation of committees;
- (q) providing for the establishment of branches and specialized practice groups of the association;
- (r) providing for any other thing that is necessary for the effective administration of the association”.

**(2) Subsection 15(2) is amended:**

- (a) in the portion preceding clause (a) by adding “regulatory” before “bylaws”;**
- (b) by adding the following clause after clause (i):**
  - “(i.1) respecting the establishment of panels of the professional conduct 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”; **and**
- (c) by repealing clause (u) and substituting the following:**
  - “(u) prescribing any other matters considered necessary for the better carrying out of this Act”.

**New section 16****20-9 Section 16 is repealed and the following substituted:****“Filing of bylaws**

**16(1)** The association 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.

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(2) If the minister does not advise the association in writing within 90 days after 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) If 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) Within 30 days after an administrative bylaw or an amendment to an administrative bylaw is made, the council shall file with the Registrar of Corporations two copies, certified by the executive director to be true copies, of the administrative bylaw or amendment.

(5) If an administrative bylaw or an amendment to an administrative bylaw is not filed within the 30-day period mentioned in subsection (4), the administrative bylaw or amendment is deemed to be revoked on the expiration of the period”.

**New section 22.3****20-10 The following section is added after section 22.2:****“Examination to assess whether curtailment of practice should be ordered**

**22.3(1)** If the registrar or the professional conduct 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 registrar or professional conduct 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 registrar or professional conduct 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 registrar or professional conduct committee, to:
  - (i) the professional conduct committee; and
  - (ii) the member; and
- (c) for the period necessary to allow the registrar or professional conduct 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 registrar or professional conduct committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or professional conduct committee must give the member an opportunity to be heard within 15 days after the imposition of the limitations, conditions or suspension.

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(3) If the professional conduct 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 professional conduct 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 professional conduct committee that it should act pursuant to clause (5)(a).

(4) The professional conduct 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 professional conduct 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 professional conduct 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 24;
- (c) decide not to refer the complaint to a hearing before the discipline committee if the professional conduct 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 professional conduct committee acts pursuant to subsection (5), the professional conduct 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 registrar or the professional conduct committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 33 and 35 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".

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**Section 23 amended****20-11 The following subsection is added after subsection 23(3):**

“(4) If a panel of the professional conduct committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the professional conduct committee”.

**New sections 24 to 24.2****20-12 Section 24 is repealed and the following substituted:****“Investigation**

**24(1)** If the professional conduct 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 professional conduct committee may take any steps authorized by section 24.1.

(3) On completion of its investigation, the professional conduct 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 professional conduct 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 professional conduct 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;

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(h) take any other action that the professional conduct 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 professional conduct 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).

**“Investigative powers**

**24.1(1)** The professional conduct 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 professional conduct 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 professional conduct 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.



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(4) The professional conduct 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 professional conduct committee; or
- (b) counsel acting for the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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.



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(13) If it is practicable to copy a book, record, document or thing removed pursuant to subsection (12), the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

**“Suspension pending outcome of investigation**

**24.2(1)** If the registrar 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 professional conduct committee, a member’s licence should be suspended or a member’s ability to practise in the profession should be limited or restricted, the registrar 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 registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 33 and 35 apply, with any necessary modification, to the appeal”.

**Section 25 amended**

**20-13(1)** Subsection 25(2) is amended by striking out “elected member of the council” and substituting “member of the council elected or appointed pursuant to clause 7(2)(a)”.

**(2) The following subsection is added after subsection 25(2):**

“(3) 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”.

**New section 30**

**20-14** Section 30 is repealed and the following substituted:

**“Criminal conduct**

**30** If, in the course of an investigation pursuant to this Act, the professional conduct 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”.

**Section 31 repealed**

**20-15** Section 31 is repealed.

**Section 43 amended**

**20-16** Subsection 43(1) is amended by striking out “section 14 or 16” and substituting “section 16”.

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## PART 21

**Amendments to *The Respiratory Therapists Act***

SS 2006, c R-22.0002 amended

**21-1** *The Respiratory Therapists Act* is amended in the manner set forth in this Part.

Section 4 amended

**21-2(1)** Clause 4(2)(b) is amended by striking out “respiratory therapy” and substituting “the profession”.**(2)** The following subsection is added after subsection 4(2):

“(3) In furtherance of its duty and objects, the college 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 college determines is consistent with its duty and objects”.

New section 8

**21-3** Section 8 is repealed and the following substituted:

“Council

8(1) The council shall govern, manage and regulate the affairs and business of the college.

(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 9.

(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”.

New sections 10 and 11

**21-4** Sections 10 and 11 are repealed and the following substituted:

“Resignation

**10(1)** A member of the council elected or appointed pursuant to clause 8(2)(a) may resign by giving a written notice of resignation to the council.

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(2) A member of the council appointed pursuant to section 9 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 8(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 9, on the date the written notice is received by the minister.

**“Vacancy**

11(1) When the office of a person elected or appointed as a member of the council pursuant to clause 8(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 college, the member ceases to be a member of the council on the day the member is expelled”.

**New section 14**

**21-5 Section 14 is repealed and the following substituted:**

**“Procedures**

14(1) The council may make bylaws for any purpose set out in section 15.

(2) The registrar 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 16; and

(b) published in the Gazette”.

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## Section 15 amended

**21-6(1) Subsection 15(1) is amended:****(a) by repealing clause (f) and substituting the following:**

“(f) prescribing the number and terms of office of members of the council, other than persons appointed pursuant to section 9”; **and**

**(b) by repealing clauses (i) and (j) and substituting the following:**

“(i) prescribing the remuneration and reimbursement for expenses for members of the council and committees, other than persons appointed pursuant to section 9;

“(j) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 9”.

**(2) The following clause is added after clause 15(2)(f):**

“(f.1) respecting the establishment of panels of the professional conduct 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”.

## New section 22.3

**21-7 The following section is added after section 22.2:****“Examination to assess whether curtailment of practice should be ordered**

**22.3(1)** If the registrar or the professional conduct 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 registrar or professional conduct 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 registrar or professional conduct 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 registrar or professional conduct committee, to:

(i) the professional conduct committee; and

(ii) the member; and

(c) for the period necessary to allow the registrar or professional conduct 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 registrar or professional conduct committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or professional conduct committee must give the member an opportunity to be heard within 15 days after the imposition of the limitations, conditions or suspension.

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(3) If the professional conduct 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 professional conduct 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 professional conduct committee that it should act pursuant to clause (5)(a).

(4) The professional conduct 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 professional conduct 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 professional conduct 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 26;
- (c) decide not to refer the complaint to a hearing before the discipline committee if the professional conduct 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 professional conduct committee acts pursuant to subsection (5), the professional conduct 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 registrar or the professional conduct committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 36 and 37 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".

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**Section 25 amended****21-8 The following subsection is added after subsection 25(2):**

“(3) If a panel of the professional conduct committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the professional conduct committee”.

**New sections 26 to 27****21-9 Sections 26 and 27 are repealed and the following substituted:****“Investigation**

**26(1)** If the professional conduct 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 professional conduct committee may take any steps authorized by section 26.1.

(3) On completion of its investigation, the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee considers appropriate that is not inconsistent with or contrary to this Act or the bylaws.

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- (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 professional conduct 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 registrar 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).

**“Investigative powers**

- 26.1(1)** The professional conduct 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 professional conduct 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 professional conduct 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.



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(4) The professional conduct 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 professional conduct committee; or
- (b) counsel acting for the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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.



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(13) If it is practicable to copy a book, record, document or thing removed pursuant to subsection (12), the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

**“Suspension pending outcome of investigation**

**27(1)** If the registrar 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 professional conduct committee, a member’s licence should be suspended or a member’s ability to practise in the profession should be limited or restricted, the registrar 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 registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 36 and 37 apply, with any necessary modification, to the appeal”.

**Section 28 amended**

**21-10(1)** Subsection 28(2) is amended by striking out “and no elected member of the council” and substituting “or member of the council elected or appointed pursuant to clause 8(2)(a)”.

**(2) The following subsection is added after subsection 28(3):**

“(4) 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”.

**New section 33**

**21-11** Section 33 is repealed and the following substituted:

**“Criminal conduct**

**33** If, in the course of an investigation pursuant to this Act, the professional conduct 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”.

**Section 34 repealed**

**21-12** Section 34 is repealed.

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## PART 22

**Amendments to *The Social Workers Act***

SS 1993, c S-52.1 amended

**22-1** *The Social Workers Act* is amended in the manner set forth in this Part.

New section 2

**22-2** **Section 2 is repealed and the following substituted:****“Definitions****2** In this Act:**‘administrative bylaw’** means a bylaw made for a purpose set out in subsection 16(1);**‘association’** means the Saskatchewan Association of Social Workers continued pursuant to section 3;**‘bylaws’** means the valid and subsisting bylaws of the association;**‘council’** means the council of the association;**‘court’** means the Court of King’s Bench;**‘endorsement’** means an endorsement to a licence authorizing a practising member to engage in the practice of diagnosis;**‘member’** means a member of the association who is in good standing;**‘minister’** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;**‘practice of diagnosis’** means the communication of a diagnosis identifying, as the cause of a person’s symptoms, a neuropsychological disorder or a psychologically-based psychotic, neurotic or personality disorder;**‘practising member’** means a member to whom an annual licence to practice social work is issued pursuant to this Act and the bylaws;**‘record’** means any information that is recorded or stored in any medium or by means of any device, including a computer or electronic media;**‘register’** means the register kept pursuant to section 19;**‘registrar’** means the registrar appointed pursuant to section 13;**‘regulatory bylaw’** means a bylaw made for a purpose set out in subsection 16(2)”.  

New section 4

**22-3** **Section 4 is repealed and the following substituted:****“Duty and objects of association****4(1)** It is the duty of the association 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.

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- (2) The objects of the association 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 association 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 association determines is consistent with its duty and objects”.

**New section 8**

**22-4 Section 8 is repealed and the following substituted:**

**“Council**

- 8(1) The council shall govern, manage and regulate the affairs and business of the association.
- (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 9.
- (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”.

**New sections 10 and 11**

**22-5 Sections 10 and 11 are repealed and the following substituted:**

**“Resignation**

- 10(1) A member of the council elected or appointed pursuant to clause 8(2)(a) may resign by giving a written notice of resignation to the council.

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(2) A member of the council appointed pursuant to section 9 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 8(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 9, on the date the written notice is received by the minister.

**“Vacancy**

**11(1)** When the office of a person elected or appointed as a member of the council pursuant to clause 8(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 association, the member ceases to be a member of the council on the day the member is expelled”.

**New section 15****22-6 Section 15 is repealed and the following substituted:****“Procedures**

**15(1)** The council may make bylaws for any purpose set out in section 16.

(2) The registrar 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.

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- (6) No regulatory bylaw made by the council comes into force until it is:
  - (a) approved by the minister pursuant to section 17; and
  - (b) published in the Gazette”.

**Section 16 amended****22-7(1) Subsection 16(1) is amended:**

- (a) in the portion preceding clause (a) by adding “administrative” before “bylaws”;**
  - (b) by repealing clause (f) and substituting the following:**
    - “(f) prescribing the number and terms of office of members of the council, other than persons appointed pursuant to section 9”;
  - (c) by repealing clauses (h) and (i) and substituting the following:**
    - “(h) prescribing the remuneration and reimbursement for expenses for members of the council and committees, other than persons appointed pursuant to section 9;
    - “(i) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 9”; **and**
  - (d) by adding the following clause after clause (p):**
    - “(q) providing for any other thing that is necessary for the effective administration of the association”.
- (2) Subsection 16(2) is amended:**
- (a) in the portion preceding clause (a) by adding “regulatory” before “bylaws”;**
  - (b) by adding the following clause after clause (h):**
    - “(h.1) respecting the establishment of panels of the professional conduct 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”; **and**
  - (c) by repealing clause (q) and substituting the following:**
    - “(q) prescribing any other matters considered necessary for the better carrying out of this Act”.

**New section 17****22-8 Section 17 is repealed and the following substituted:****“Filing of bylaws**

- 17(1)** The association shall file with the minister two copies, certified by the registrar 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.

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(2) If the minister does not advise the association in writing within 90 days after 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) If 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 registrar to be true copies, of the regulatory bylaw or amendment.

(4) Within 30 days after an administrative bylaw or an amendment to an administrative bylaw is made, the council shall file with the Registrar of Corporations two copies, certified by the registrar to be true copies, of the administrative bylaw or amendment.

(5) If an administrative bylaw or an amendment to an administrative bylaw is not filed within the 30-day period mentioned in subsection (4), the administrative bylaw or amendment is deemed to be revoked on the expiration of the period”.

**New section 24.3****22-9 The following section is added after section 24.2:****“Examination to assess whether curtailment of practice should be ordered**

**24.3(1)** If the registrar or the professional conduct 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 registrar or professional conduct 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 registrar or professional conduct 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 registrar or professional conduct committee, to:
  - (i) the professional conduct committee; and
  - (ii) the member; and
- (c) for the period necessary to allow the registrar or professional conduct 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 registrar or professional conduct committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or professional conduct committee must give the member an opportunity to be heard within 15 days after the imposition of the limitations, conditions or suspension.

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(3) If the professional conduct 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 professional conduct 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 professional conduct committee that it should act pursuant to clause (5)(a).

(4) The professional conduct 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 professional conduct 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 professional conduct 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 26;
- (c) decide not to refer the complaint to a hearing before the discipline committee if the professional conduct 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 professional conduct committee acts pursuant to subsection (5), the professional conduct 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 registrar or the professional conduct committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 34 to 36 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".

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**Section 25 amended****22-10 The following subsection is added after subsection 25(2):**

“(3) If a panel of the professional conduct committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the professional conduct committee”.

**New sections 26 to 26.2****22-11 Section 26 is repealed and the following substituted:****“Investigation**

**26(1)** If the professional conduct 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 professional conduct committee may take any steps authorized by section 26.1.

(3) On completion of its investigation, the professional conduct 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 professional conduct 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 professional conduct 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;



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(h) take any other action that the professional conduct 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 professional conduct 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 registrar 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).

**“Investigative powers**

**26.1(1)** The professional conduct 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 professional conduct 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 professional conduct 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.

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- (4) The professional conduct 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 professional conduct committee; or
  - (b) counsel acting for the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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.

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(13) If it is practicable to copy a book, record, document or thing removed pursuant to subsection (12), the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

**“Suspension pending outcome of investigation**

**26.2(1)** If the registrar 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 professional conduct committee, a member’s licence should be suspended or a member’s ability to practise in the profession should be limited or restricted, the registrar 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 registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 34 to 36 apply, with any necessary modification, to the appeal”.

**Section 27 amended**

**22-12 The following subsection is added after subsection 27(2):**

“(3) 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”.

**New section 32**

**22-13 Section 32 is repealed and the following substituted:**

**“Criminal conduct**

**32** If, in the course of an investigation pursuant to this Act, the professional conduct 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”.

**Section 33 repealed**

**22-14 Section 33 is repealed.**

**Section 45 amended**

**22-15 Subsection 45(1) is amended by striking out “section 15 or 17” and substituting “section 17”.**

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## PART 23

**Amendments to *The Speech-Language Pathologists and Audiologists Act***

SS 1990-91, c S-56.2 amended

**23-1** *The Speech-Language Pathologists and Audiologists Act* is amended in the manner set forth in this Part.

New long title

**23-2** The long title is repealed and the following substituted:

**“An Act respecting the College of Speech-Language Pathologists and Audiologists of Saskatchewan”.**

New section 2

**23-3** Section 2 is repealed and the following substituted:

“Definitions

**2** In this Act:

‘**administrative bylaw**’ means a bylaw made for a purpose set out in subsection 15(1);

‘**audiologist**’ means a person who is registered with the college as an audiologist;

‘**bylaws**’ means the valid and subsisting bylaws of the college;

‘**college**’ means the College of Speech-Language Pathologists and Audiologists of Saskatchewan continued pursuant to section 3;

‘**council**’ means the council of the college;

‘**court**’ means the Court of King’s Bench;

‘**former association**’ means the Saskatchewan Association of Speech-Language Pathologists and Audiologists as it existed on the day before the coming into force of Part 23 of *The Miscellaneous Statutes (Health Professions) Amendment Act, 2022*;

‘**member**’ means a member of the college who is in good standing;

‘**minister**’ means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

‘**practising member**’ means a member of the college who is entitled to practise speech-language pathology or audiology or both speech-language pathology and audiology pursuant to this Act and the bylaws;

‘**record**’ means any information that is recorded or stored in any medium or by means of any device, including a computer or electronic media;

‘**register**’ means the register kept pursuant to section 18;

‘**registrar**’ means the registrar appointed pursuant to section 12;

‘**regulatory bylaw**’ means a bylaw made:

(a) for a purpose set out in subsection 15(2); or

(b) by the minister pursuant to section 16.1;

‘**speech-language pathologist**’ means a person who is registered with the college as a speech-language pathologist”.

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**New heading**

**23-4 The heading before section 3 is struck out and the following substituted:**

**“COLLEGE”.**

**New sections 3 to 4**

**23-5 Sections 3 and 4 are repealed and the following substituted:**

**“College continued**

**3(1)** The Saskatchewan Association of Speech-Language Pathologists and Audiologists is continued as a corporation to be known as the College of Speech-Language Pathologists and Audiologists of Saskatchewan.

**(2)** A reference in any Act, regulation, order, bylaw, contract or other document to the former association is deemed to be a reference to the college.

**“Duty and objects of college**

**3.1(1)** It is the duty of the college 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 college 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 college 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 college determines is consistent with its duty and objects.

**“Membership**

**4(1)** The membership of the college consists of those persons who are admitted as members of the college pursuant to this Act and the bylaws.

**(2)** A person who was a member of the former association continues as a member of the college, subject to any term, condition or limitation to which the person’s membership is subject”.

**Section 6 amended**

**23-6 Subsection 6(4) is amended by striking out “executive director” and substituting “registrar”.**

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**New section 7****23-7 Section 7 is repealed and the following substituted:****“Council**

7(1) The council shall govern, manage and regulate the affairs and business of the college.

(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.

(5) A person who was a member of the council of the former association continues as a member of the council of the college for the remainder of the person's term and until the person's successor is elected or appointed, as the case may be”.

**New sections 9 and 10****23-8 Sections 9 and 10 are repealed and the following substituted:****“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.

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**“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 college, the member ceases to be a member of the council on the day the member is expelled”.

**Section 12 amended**

**23-9 Subsection 12(1) is amended by striking out “and an executive director”.**

**New section 14**

**23-10 Section 14 is repealed and the following substituted:**

**“Procedures**

**14(1)** The council may make bylaws for any purpose set out in section 15.

(2) The registrar 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 16; and
- (b) published in the Gazette”.

**Section 15 amended**

**23-11(1) Subsection 15(1) is repealed and the following substituted:**

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

- (a) prescribing the seal of the college;
- (b) providing for the execution of documents by the college;

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- (c) respecting the banking and financial dealings of the college;
- (d) fixing the fiscal year of the college and providing for the audit of the accounts and transactions of the college;
- (e) respecting the management of the property of the college;
- (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 college and governing the procedure for the appointment, election or removal of those officers;
- (h) prescribing the duties of members of the council and officers and employees of the college;
- (i) prescribing the remuneration and reimbursement for expenses for members of the council and committees, other than persons appointed pursuant to section 8;
- (j) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 8;
- (k) prescribing the organization, powers and procedures of the council and regulating the council in the performance of its duties;
- (l) respecting the holding and procedures of meetings of the council and annual and special meetings of the college;
- (m) prescribing the amount of registration, licensing and other fees payable to the college, the times of payment and the penalties for late payment;
- (n) providing for the receipt, management and investment of contributions, donations and bequests;
- (o) establishing and governing scholarships, bursaries and prizes;
- (p) regulating joint participation by the college with any educational institution or any person, group, association, organization or body corporate having goals or objectives similar to those of the college;
- (q) establishing any committees that the council considers necessary, prescribing the manner of election, appointment or removal of committee members, determining the duties of committees and establishing procedures for the operation of committees;
- (r) providing for any other thing that is necessary for the effective administration of the college”.

**(2) Subsection 15(2) is amended:****(a) by adding the following clause after clause (h):**

“(h.1) respecting the establishment of panels of the professional conduct 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”; **and**



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**(b) by repealing clause (q) and substituting the following:**

“(q) prescribing any other matters considered necessary for the better carrying out of this Act”.

**New section 16**

**23-12 Section 16 is repealed and the following substituted:**

**“Filing of bylaws**

**16(1)** The college shall file with the minister two copies, certified by the registrar 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) If the minister does not advise the college in writing within 90 days after 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) If 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 registrar to be true copies, of the regulatory bylaw or amendment.

(4) Within 30 days after an administrative bylaw or an amendment to an administrative bylaw is made, the council shall file with the Registrar of Corporations two copies, certified by the registrar to be true copies, of the administrative bylaw or amendment.

(5) If an administrative bylaw or an amendment to an administrative bylaw is not filed within the 30-day period mentioned in subsection (4), the administrative bylaw or amendment is deemed to be revoked on the expiration of the period”.

**New section 22.3**

**23-13 The following section is added after section 22.2:**

**“Examination to assess whether curtailment of practice should be ordered**

**22.3(1)** If the registrar or the professional conduct 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 registrar or professional conduct 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 registrar or professional conduct 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 registrar or professional conduct committee, to:
  - (i) the professional conduct committee; and
  - (ii) the member; and

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(c) for the period necessary to allow the registrar or professional conduct 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 registrar or professional conduct committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee that it should act pursuant to clause (5)(a).

(4) The professional conduct 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 professional conduct 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 professional conduct 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 24;
- (c) decide not to refer the complaint to a hearing before the discipline committee if the professional conduct 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 professional conduct committee acts pursuant to subsection (5), the professional conduct committee must deliver written notice of its decision, with written reasons, to the complainant within 30 days after making its decision.

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(7) A member aggrieved by a decision of the registrar or the professional conduct committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 32 to 34 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”.

**Section 23 amended**

**23-14 The following subsection is added after subsection 23(2):**

“(3) If a panel of the professional conduct committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the professional conduct committee”.

**New sections 24 to 24.2**

**23-15 Section 24 is repealed and the following substituted:**

**“Investigation**

**24(1)** If the professional conduct 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 professional conduct committee may take any steps authorized by section 24.1.

(3) On completion of its investigation, the professional conduct 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 professional conduct 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 professional conduct 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;

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- (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 professional conduct 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 professional conduct 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 registrar 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).

**“Investigative powers**

- 24.1(1)** The professional conduct 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 professional conduct 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.

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- (3) For the purposes of an investigation, the professional conduct 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 professional conduct 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 professional conduct committee; or
  - (b) counsel acting for the professional conduct 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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee is conducting an investigation pursuant to this Act; and

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(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 professional conduct 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 professional conduct 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 professional conduct 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 professional conduct committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

**“Suspension pending outcome of investigation**

**24.2(1)** If the registrar 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 professional conduct committee, a member’s licence should be suspended or a member’s ability to practise in the profession should be limited or restricted, the registrar 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 registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 32 to 34 apply, with any necessary modification, to the appeal”.

**Section 25 amended**

**23-16 The following subsection is added after subsection 25(2):**

“(3) 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”.

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Section 26 amended

**23-17 Subsection 26(1) is amended in the portion preceding clause (a) by striking out “executive director” and substituting “registrar”.**

New sections 29 to 34

**23-18 Sections 29 to 34 are repealed and the following substituted:**

**“Criminal conviction**

- 29** The discipline committee may make any order pursuant to section 27 if:
- (a) the member has been convicted of an offence pursuant to the *Criminal Code*, the *Controlled Drugs and Substances Act* (Canada) or the *Food and Drugs Act* (Canada);
  - (b) a report of the professional conduct 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 is professional misconduct.

**“Criminal conduct**

**30** If, in the course of an investigation pursuant to this Act, the professional conduct 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.

**“Review by council**

- 31(1)** A member may appeal a decision or any order of the discipline committee to the council by serving the registrar with a notice of appeal within 30 days after the decision or order is made if:
- (a) the member has been found guilty of professional misconduct or professional incompetence by the discipline committee; or
  - (b) the member is subject to an order made pursuant to section 29.
- (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 registrar shall file with the council a true copy of:
- (a) the formal complaint sent and notice served pursuant to section 26 or the report of the professional conduct committee made pursuant to clause 29(b);
  - (b) the transcript of the evidence presented to the discipline committee; and
  - (c) the decision and order of the discipline committee.



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- (4) The appellant or the appellant's lawyer or agent may obtain from the registrar 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.
- (7) A member of the council appointed pursuant to section 8 who is a member of the discipline committee shall not participate in the hearing of an appeal pursuant to this section.

**“Appeal to court**

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

**“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 registrar, the appellant may apply to the court for a stay of the decision or order, pending the disposition of the appeal.

**“Appeal to Court of Appeal**

**34** With leave of the Court of Appeal, the council or a person who makes an appeal pursuant to section 32 may appeal a decision of the court on a point of law to the Court of Appeal”.

**Section 42 amended**

**23-19 Subsection 42(1) is amended by striking out “section 14 or 16” and substituting “section 16 or 16.1”.**

**Schedule 5**

**23-20 The provisions of *The Speech-Language Pathologists and Audiologists Act* listed in Schedule 5 to this Act are amended by striking out “association” wherever it appears and in each case substituting “college”.**

## PART 24

**Consequential Amendments****SS 2019, c I-10.4, section 3 amended**

**24-1 Subclause 3(2)(a)(vii) of *The Interpersonal Violence Disclosure Protocol (Clare's Law) Act* is amended by striking out “The Saskatchewan Registered Nurses' Association” and substituting “the College of Registered Nurses of Saskatchewan”.**



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SS 2021, c 23, section 3 amended

**24-2 Subclause 3(b)(vii) of *The Protection From Human Trafficking Act* is amended by striking out “Saskatchewan Registered Nurses’ Association” and substituting “College of Registered Nurses of Saskatchewan”.**

SS 2013, c S-15.1 amended

**24-3(1) *The Saskatchewan Employment Act* is amended in the manner set forth in this section.**

**(2) Clause 5-6(2)(d) is repealed and the following substituted:**

“(d) a medical radiation or imaging professional who is registered pursuant to *The Medical Radiation and Imaging Professionals Act*”.

**(3) Clause 5-36(1)(e) is repealed and the following substituted:**

“(e) a medical radiation or imaging professional nominated by the College of Medical Radiation and Imaging Professionals of Saskatchewan”.

SS 1994, c V-6.02, section 12.4 amended

**24-4 Clause 12.4(4)(d) of *The Victims of Interpersonal Violence Act* is amended by striking out “The Saskatchewan Registered Nurses’ Association” and substituting “the College of Registered Nurses of Saskatchewan”.**

## PART 25

### Coming into Force

Coming into force

**25-1** This Act comes into force by order of the Lieutenant Governor in Council.

## Schedule 1

[Section 4-18]

### *The Dietitians Act*

#### Change “association” to “college”

- clauses 2(c), (d) and (f)
- subsections 5(1), (2) and (3)
- subsections 6(1) and (2)
- subsections 11(1), (3) and (4)
- clauses 14(2)(g) and (n)
- subsections 15(1) and (2)
- clauses 18(2)(a) and (b)
- clauses 29(1)(a) and (2)(a)
- subsection 29(4)
- clause 38(5)(b)
- clause 39(e)
- section 42
- clauses 44(2)(b) and (c)
- sections 45 and 46

**Schedule 2**

[Section 8-21]

***The Medical Radiation Technologists Act, 2006*****Change “association” to “college”**

- clauses 2(c), (d) and (f)
- subsections 6(1), (2) and (3)
- subsections 7(1) and (2)
- subsections 12(1), (3) and (4)
- clauses 15(2)(g) and (o)
- subsections 16(1) and (2)
- clauses 19(2)(a) and (b)
- clauses 30(1)(a) and (2)(a)
- subsection 30(4)
- clause 39(5)(b)
- clause 40(e)
- section 43
- clauses 45(2)(b) and (c)
- sections 46 and 47

**Schedule 3**

[Section 11-17]

***The Occupational Therapists Act, 1997*****Change “society” to “college”**

- clauses 2(b), (c) and (f)
- subsections 5(1), (2) and (3)
- subsections 6(1) and (2)
- subsection 8(5)
- subsections 11(1), (4) and (5)
- clauses 14(2)(g) and (n)
- subsections 15(1) and (2)
- clauses 18(2)(a) and (b)
- clauses 29(1)(a) and (b) and (2)(a) and (b)
- clause 38(5)(b)
- section 39
- section 42
- clauses 44(2)(b) and (c)
- sections 45 and 46
- subsections 48(1) and (2)

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**Schedule 4**

[Section 19-14]

***The Registered Nurses Act, 1988***  
**Change “association” to “college”**

- subsections 5(1), (2) and (3)
- subsections 6(1) and (3)
- section 11
- subsections 12(2) and (3)
- clauses 18(2)(a) and (b)
- clauses 26(2)(l) and (m)
- subsection 30(5)
- subsections 31(1), (2) and (4)
- section 33
- subsection 34(4)
- sections 36.1 and 37
- clause 38(6)(b)
- clause 38.1(1)(a)
- clause 39(d)
- subsection 41(1)
- subsection 43(3)
- subsection 45(2)

**Schedule 5**

[Section 23-20]

***The Speech-Language Pathologists and Audiologists Act***  
**Change “association” to “college”**

- subsections 5(1), (2) and (3)
- subsections 6(1) and (3)
- section 11
- subsections 12(2) and (3)
- clauses 15(2)(a), (b), (j) and (p)
- clauses 18(1)(b) and (3)(a) and (b)
- clauses 19(1)(b), (2)(b), (3)(a) and (4)(a)
- subsections 22(1) and (2)
- subsection 26(5)
- subsections 27(1), (2) and (5)
- clause 28(1)(a)
- section 35
- clause 36(6)(b)
- section 37
- section 41
- subsection 43(2)
- sections 44.1 and 44.2

