

The Medical Profession Act

being

Chapter 168 of *The Revised Statutes of Saskatchewan, 1930*
(effective February 1, 1931).

FOR HISTORICAL REFERENCE ONLY

NOTE:

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

Table of Contents

	SHORT TITLE		
1	Short title	40	Investigations
	COLLEGE OF PHYSICIANS AND SURGEONS	41	Power of council to suspend or expel member
2	Incorporation	42	Preliminary investigation by executive committee
3	Constitution	43	Deposit to cover investigation expenses
4	Council	44	Refund
5	Electoral divisions	45	Name erased from register
6	Voters' qualification	46	Restoration of name
7	Elections	47	Legal or other assistance
8	Voting paper	48	Place of investigation
9	Voting	49	Notice to defendant
10	Scrutineers	50	Attendance of witnesses
11	Others present	51	Absence of defendant
12	Votes counted	52	Appeal by defendant
13	Members elected	53	Notice of motion
14	Equality of votes	54	Trial de novo
15	Errors in list	55	Protection of council or committee
16	Corrected list	56	Costs of investigation
17	Proceedings in elections		RIGHTS OF MEDICAL PRACTITIONERS
18	Disposition of voting papers	57	Rights of registered practitioners
19	Protested election/Petition	58	Limitation of action
20	Inquiry	59	Fees not recoverable by unregistered persons
21	New election	60	Qualification for appointment in the public service
	PRESIDENT AND OFFICERS; MEETINGS OF THE COUNCIL	61	Validity of certificates
22	Election of officers	62	Exemption as juror
23	Executive committee		INTERPRETATION
24	Meetings of council	63	Interpretation
25	Acting president		PUBLICATION OF MEMBERSHIP LIST
26	Remuneration of council	64	Duties of registrar
	REGISTRATION		EVIDENCE OF REGISTRATION
27	Register of members	65	Evidence of registration
28	Licenses to members		OFFENCES, PENALTIES AND PROSECUTIONS
29	Examinations	66	Penalty for nonregistration
30	Conditions of admission	67	Penalty for illegal practice
31	Application for admission	68	False pretences
32	Subjects of examination	69	False title
33	Removal of name improperly registered	70	Imprisonment
34	Duties of registrar	71	Onus of proof
	FEEES	72	Limitation of prosecution
35	Registration fee	73	Permits to practice
36	Annual fee	74	What deemed practicing
	GENERAL POWERS OF THE COUNCIL	75	Saving as to certain persons
37	Register	76	Osteopathy and chiropractic
38	Other powers	77	Dentistry, Optometry, etc.
	DISCIPLINARY	78	Application of fines
39	Discipline committee		RETURNS
		79	Returns
			SCHEDULE

CHAPTER 168

An Act respecting the Medical Profession

SHORT TITLE

Short title

1 This Act may be cited as *The Medical Profession Act*.

R.S.S. 1920, c.135, s.1; R.S.S. 1930, c.168, s.1.

COLLEGE OF PHYSICIANS AND SURGEONS

Incorporation

2 The College of Physicians and Surgeons of the Province of Saskatchewan hereinafter called “the college” is continued as a body corporate with power to acquire, hold and dispose of real and personal property for its corporate purposes.

R.S.S. 1920, c.135, s.2; R.S.S. 1930, c.168, s.2.

Constitution

3 All persons at present registered as members of the college, and such other persons as may from time to time be registered under the provisions of this Act, shall be members of the college.

R.S.S. 1920, c.135, s.3; R.S.S. 1930, c.168, s.3.

Council

4(1) There shall continue to be a council of the college (hereinafter referred to as “the council”) consisting of seven members to be elected as hereinafter provided.

(2) No person shall be elected a member of the council unless he is a member of the college actually resident within the medical division for which he is elected and unless his fees are fully paid up.

R.S.S. 1920, c.135, s.4; R.S.S. 1930, c.168, s.4.

Electoral divisions

5 Of the members of the council one member shall be elected from each of seven medical electoral divisions consisting of certain electoral districts as described in *The Legislative Assembly Act*, chapter 4 of the statutes of 1906, as follows:

Division No. 1 comprising the electoral districts of Battleford, Redberry, Prince Albert, Prince Albert City, Kinistino;

Division No. 2 comprising the electoral districts of Batoche, Rosthern, Saskatoon;

Division No. 3 comprising the electoral districts of Humboldt, North Qu’Appelle, Yorkton, Saltcoats;

Division No. 4 comprising the electoral districts of Maple Creek, Moose Jaw, Moose Jaw City;

Division No. 5 comprising the electoral districts of South Regina, Regina City, Lumsden;

Division No. 6 comprising the electoral districts of South Qu'Appelle, Wolseley, Souris;

Division No. 7 comprising the electoral districts of Grenfell, Whitewood, Moosomin, Cannington;

The boundaries of the said divisions are subject to change at any time by the council.

R.S.S. 1920, c.135, s.5; R.S.S. 1930, c.168, s.5.

Voters' qualification

6 The persons entitled to vote for a member of the council for any medical division shall be only such members of the college as are actually resident within such division and whose fees are fully paid up.

R.S.S. 1920, c.135, s.6; R.S.S. 1930, c.168, s.6.

Elections

7 The election of members of the council shall be under the management of the registrar of the council and shall be held at such time and place as shall be determined by the council.

R.S.S. 1920, c.135, s.7; R.S.S. 1930, c.168, s.7.

Voting paper

8 At least one month prior to the day fixed for the election the registrar shall mail to each member entitled to vote a complete list of all persons in his medical division who are qualified for election under this Act together with a voting paper (form A).

R.S.S. 1920, c.135, s.8; R.S.S. 1930, c.168, s.8.

Voting

9 Every member desiring to vote shall write on the voting paper the name of the person for whom he votes, subscribe his signature thereto and return the paper to the registrar in a sealed envelope marked "voting paper," and only such voting papers as are received by the registrar up to and including the day of election shall be counted.

R.S.S. 1920, c.135, s.9; R.S.S. 1930, c.168, s.9.

Scrutineers

10 For the purpose of every election the council shall appoint two persons to act as scrutineers.

R.S.S. 1920, c.135, s.10; R.S.S. 1930, c.168, s.10.

Others present

11 Any person entitled to vote at an election may be present at the opening of the voting papers.

R.S.S. 1920, c.135, s.11; R.S.S. 1930, c.168, s.11.

Votes counted

12 At the hour of two o'clock in the afternoon of the day succeeding the day of election, the voting papers shall be opened by the registrar in the presence of the scrutineers who shall scrutinise and count the votes, and a record thereof shall be kept by the registrar in a proper book to be provided by the council.

R.S.S. 1920, c.135, s.12; R.S.S. 1930, c.168, s.12.

Members

13 The person who has the highest number of votes in each medical division shall be the member of the council elected for that division for the three years following the date of such election and until his successor is elected.

R.S.S. 1920, c.135, s.13; R.S.S. 1930, c.168, s.13.

Equality of votes

14 In case two or more persons in any medical division receive an equal number of votes the scrutineers shall forthwith write upon separate slips of paper the names of those persons and put such papers in a box or other receptacle, and the registrar in the presence of the scrutineers shall draw by chance from the box or receptacle one of the papers and the person whose name is upon the paper drawn shall be declared a member of the council.

R.S.S. 1920, c.135, s.14; R.S.S. 1930, c.168, s.14.

Errors in list

15(1) In case any member entitled to vote complains to the registrar in writing of the improper omission or insertion of any name on the list, it shall be the duty of the registrar forthwith to examine into the complaint and rectify the error, if any there be, and to advise the complainant of his decision in writing by post within three days after receiving the complaint.

(2) In case any person is dissatisfied with the decision of the registrar he may appeal to a judge of the Court of King's Bench provided that such appeal is lodged with the judge at least fifteen days before the day on which the election is to be held.

(3) The judge shall decide the appeal in a summary way and he may direct such notice of the time and place for hearing the appeal as he deems necessary to be given to such person as he may specify. If it is necessary to hear evidence on the appeal it may be given *viva voce* under oath or by affidavit as the judge directs; the decision of the judge shall be final and the list shall remain or be altered in accordance with his decision.

R.S.S. 1920, c.135, s.15; R.S.S. 1930, c.168, s.15.

Corrected list

16 The list so made out shall be held to be the register of persons entitled to vote at the ensuing election, and no person shall be entitled to vote whose name is not upon such list.

R.S.S. 1920, c.135, s.16; R.S.S. 1930, c.168, s.16.

Proceedings in elections

17 The council may make regulations not contrary to the provisions of this Act for the procedure in respect of elections.

R.S.S. 1920, c.135, s.17; R.S.S. 1930, c.168, s.17.

Disposition of voting papers

18 The voting papers returned at an election shall not be destroyed until after all petitions in respect of the election have been divided, but shall, together with all other papers in connection with the election, be retained by the registrar.

R.S.S. 1920, c.135, s.18; R.S.S. 1930, c.168, s.18.

Contested election/Petition

19 No petition against the return of a member shall be entertained unless it has been filed with the registrar and a copy thereof served upon the member whose election is disputed within sixty days of the date of the election, and the petition shall contain a statement of the grounds on which the election is disputed.

R.S.S. 1920, c.135, s.19; R.S.S. 1930, c.168, s.19.

Inquiry

20 In the event of a petition being filed and served the other members of the council may hold an inquiry and decide which person has been legally elected and that person shall be a member of the council; if upon such inquiry the election is found to have been illegal the council shall order a new election.

R.S.S. 1920, c.135, s.20; R.S.S. 1930, c.168, s.20.

New election

21 In case of the failure in an election under this Act to elect the required number of duly qualified members of the council or in the event of a vacancy occurring from death, resignation or any other cause it shall be the duty of the registrar to hold a new election for the vacancy as soon as possible and such elections shall be conducted in the manner hereinbefore provided.

R.S.S. 1920, c.135, s.21; R.S.S. 1930, c.168, s.21.

PRESIDENT AND OFFICERS; MEETINGS OF THE COUNCIL

Election of officers

22(1) The council shall elect annually from among its members a president, vice president and an executive committee of at least three; it shall also appoint a registrar who shall be a member of the college but not of the council; and it shall have power to appoint such other officers including a board of examiners as are necessary to carry out the provisions of this Act.

(2) There shall be paid to the registrar and officers appointed by the council such salaries and remuneration for travelling and other expenses as are fixed by bylaw or resolution of the council.

R.S.S. 1920, c.135, s.22; R.S.S. 1930, c.168, s.22.

Executive committee

23 The executive committee may be called together by the registrar at any time between meetings of the council to take cognisance of and action upon all such matters as are delegated to it by the council or as require immediate interference or attention and any action taken by the committee shall be reported to the next ensuing meeting of the council and shall be valid until so reported when the council may deal with the same as it deems expedient; but the committee shall have no power to alter, repeal or suspend any bylaw of the council.

R.S.S. 1920, c.135, s.23; R.S.S. 1930, c.168, s.23.

Meetings of council

24 The council may make rules and regulations as to the times and places of its meetings and the mode of summoning the same, which rules and regulations shall remain in force until altered; and in the absence of any such rule or regulation it shall be lawful for the president or, in the event of his absence or death, for the vice president to summon the same at such time and place as to him seems fit.

R.S.S. 1920, c.135, s.24; R.S.S. 1930, c.168, s.24.

Acting president

25(1) In the event of the absence of the president from any meeting the vice president or in his absence some other member to be chosen from the members present shall act as president.

Quorum

(2) Four members of the council shall form a quorum.

Casting vote

(3) All acts of the council shall be decided by a majority of those present, and in the event of an equality of votes the president for the time being shall have a casting vote in addition to the vote he is entitled to as a member of the council.

R.S.S. 1920, c.135, s.25; R.S.S. 1930, c.168, s.25.

Remuneration of council

26 There shall be paid to members of the council such fees for attendance and such reasonable travelling expenses as may from time to time be fixed by bylaw or resolution of the council.

R.S.S. 1920, c.135, s.26; R.S.S. 1930, c.168, s.26.

REGISTRATION**Register of members**

27 The council shall cause to be kept by the registrar a book to be known as the register in which shall be entered the name of every person entitled to be registered according to the provisions of this Act, and those persons only whose names are inscribed in the register and who are not under suspension by the council shall be deemed to be qualified and licensed to practise medicine, surgery and midwifery in the province except as hereinafter provided, and such register shall be at all times open and subject to inspection by any person.

R.S.S. 1920, c.135, s.27; R.S.S. 1930, c.168, s.27.

Licenses to members

28 The council shall admit upon the register of physicians and surgeons, and shall issue the necessary license (form B), to:

(a) every person whose name is fully registered as a medical practitioner in the Canadian Medical Register kept by or under the authority of the medical council of Canada, under the provisions of chapter 129 of *The Revised Statutes of Canada 1927*, and amendments thereto:

Provided that every person so qualified and applying for registration under this Act shall produce to the registrar a certificate under the hand of the Registrar of the Medical Council of Canada, certifying that he is duly registered in the said Canadian Medical Register, shall prove to the satisfaction of the council that he is the person named in the certificate and is in good standing as a medical practitioner, and shall pay to the registrar the fee for registration provided for in this Act;

(b) any person who is duly registered by the General Medical Council of Great Britain after examination by the said council upon payment by him of the registration fee and upon his furnishing to the council satisfactory evidence that he is so registered and that he is of good character;

(c) any person who has been certified by the Registrar of the University of Saskatchewan as having satisfactorily passed the examination hereinafter mentioned for physicians and surgeons and produces to the council of the college satisfactory evidence of his identity as being the person so certified, as well as evidence of his good character and who pays to the registrar the fee for registration provided in this Act;

(d) every person registered as a member of the college of physicians and surgeons of the North West Territories on the twenty-sixth day of May, 1906, who, on or before the first day of January, 1925, pays all arrears of annual fees levied by the college from the said date until the date of registration of such person.

R.S.S. 1920, c.135, s.28; 1924, c.33, s.2; R.S.S. 1930, c.168, s.28.

Examinations

29(1) The University of Saskatchewan shall hold two regular examinations each year, in accordance with such regulations as may be prescribed for the purpose by the Senate. The examination shall be conducted by examiners appointed by the university. The university shall consult with the council concerning suitable persons to examine in the subjects required of candidates for license as physicians and surgeons or, if deemed advisable, may accept examiners appointed by the Medical Council of Canada for a similar purpose.

(2) The fee for the regular examination shall be \$50, and the fee for a supplemental examination shall be \$20, these fees to be paid in advance to the registrar of the university.

R.S.S. 1920, c.135, s.29; 1924, c.33, s.3; R.S.S. 1930, c.168, s.29.

Conditions of admission

30(1) Every applicant, in order to be admitted to the sregular examination, shall file with the Registrar of the University of Saskatchewan satisfactory evidence of identity, good moral character and preliminary education, and a diploma or diplomas of graduation from a school, college or university recognised by the University of Saskatchewan, the requirements of which were at the time of granting such diploma or diplomas not less than those required under this Act.

(2) In addition thereto each applicant for a license to practise as a physician and surgeon, who graduated after the twenty-seventh day of May, 1915, shall produce satisfactory evidence that he has attended a course of study in medicine, surgery and midwifery extending over a period of five years and embracing at least six months of each year.

R.S.S. 1920, c.135, s.30; R.S.S. 1930, c.168,
s.30.

Application for admission

31(1) Application for admission to the regular examination shall be made on a blank form to be supplied on application to the registrar of the university, and shall be filed with the registrar at least two weeks before the time fixed for the examination.

(2) Each application shall be accompanied by the examination fee of \$50, and shall contain such information concerning the preliminary education and the course of medical study as the Senate of the University of Saskatchewan may by resolution prescribe.

R.S.S. 1920, c.135, s.31; R.S.S. 1930, c.168,
s.31.

Subjects of examination

32(1) Applicants for registration as physicians and surgeons shall be examined upon the following subjects: anatomy, physiology and histology, materia medica and pharmacy, medical jurisprudence and toxicology, including chemistry, sanitary science and hygiene, surgery, obstetrics, gynæcology, pediatrics, principles and practice of medicine, pathology and bacteriology and therapeutics.

(2) The foregoing subjects may be changed from time to time by the senate of the university after consultation with the council.

R.S.S. 1920, c.135, s.32; R.S.S. 1930, c.168,
s.32.

Removal of name improperly registered

33 The council may at any time direct the name of any person improperly registered to be erased from the register by the registrar and such name shall be so erased.

R.S.S.1920, c.135, s.33; R.S.S. 1930, c.168,
s.33.

Duties of registrar

34 The registrar shall keep his register correct in accordance with the provisions of this Act and the rules, orders and regulations of the council, and he shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this Act and shall perform such other duties as may be imposed on him by the council.

R.S.S. 1920, c.135, s.34; R.S.S. 1930, c.168,
s.34.

FEES

Registration fee

35 The fee for registration under this Act shall be one hundred dollars.

R.S.S. 1920, c.135, s.35; 1924, c.33, s.4; R.S.S. 1930, c.168, s.35.

Annual fee

36 Each member shall pay to the registrar, or to any person deputed by the registrar to receive it, such annual fee as may be fixed by bylaw of the council towards the general expenses of the college which fee shall be payable on the first day of January in each year, and such fee shall be deemed to be a debt due by each member of the college and shall be recoverable with costs of suit in the name of the college:

Provided that the council may by resolution remit any annual fees due to the college by any member who is or has been resident out of the province during the period in respect of which such fees became payable.

R.S.S. 1920, c.135, s.36; R.S.S. 1930, c.168, s.36.

GENERAL POWERS OF THE COUNCIL

Register

37 The council shall as occasion may require make orders, regulations or bylaws with respect to the register to be kept by it under this Act.

R.S.S. 1920, c.135, s.37; R.S.S. 1930, c.168, s.37.

Other powers

38(1) The council may make, alter or amend and repeal rules and regulations for the well being and discipline of the council, the conduct of its affairs, the promotion of medical and surgical knowledge and the disposition of the funds of the council, provided such rules and regulations are not repugnant to this Act.

(2) The power to make, amend, alter and repeal rules and regulations concerning the disposition of the funds shall extend to the making, altering, amending or repealing rules and regulations providing for relief and assistance out of the funds of the college to indigent or sick members of the college, or for the burial of such persons and for the relief and assistance of their wives or families.

(3) Any moneys paid out of the funds of the college for any such purposes, if paid in conformity with rules and regulations for the time being in force, shall be deemed to have been properly and legally paid.

(4) The said rules and regulations may include provisions for the levy and collection of an annual fee, not to exceed \$10 from each member of the college, to provide additional funds for the above purposes.

(5) The council may order to be paid out of any funds of the college for all members of the college in good standing the annual dues of such members to The Canadian Medical Protective Association.

R.S.S. 1920, c.135, s.38; R.S.S. 1930, c.168, s.38.

DISCIPLINARY

Discipline committee

39(1) The council shall appoint and shall maintain for the purposes hereinafter named a committee of its own body to be known as the “discipline committee”, not exceeding five in number, of whom the quorum shall be three, and may at any time alter the number, constitution and tenure of office of such committee.

(2) The committee shall meet from time to time for the dispatch of business and, subject to any regulations made by the council, may regulate the convening, notice, place, management and adjournment of such meetings, the appointment of a chairman, the mode of deciding questions, and generally the transaction and management of business; and if there is a quorum the committee may act notwithstanding any vacancy in their body and, in case of a vacancy, may appoint a member of the council to fill the vacancy until the next meeting of the council.

R.S.S. 1920, c.135 s.39; 1921-22, c.59, s.2;
R.S.S. 1930, c.168, s.39.

Investigations

40(1) The discipline committee shall, on a written order of the council or upon application of any two duly qualified medical practitioners, and may, of its own motion investigate the facts regarding any member of the college who:

- (a) has, either before or after becoming registered, been convicted of an offence outside of Canada which, if committed in Canada, would be an indictable offence;
- (b) has, either before or after becoming registered, been convicted in Canada of an indictable offence;
- (c) has, after becoming registered, been convicted of an offence against any law of Canada or of Saskatchewan, punishable on summary conviction;
- (d) is reported to be guilty of, or has been charged with, unbecoming, improper or criminal conduct whether professional or otherwise.

(2) Without in any way restricting the generality of clause (d) of subsection (1) every member shall be deemed guilty of unbecoming or improper conduct who:

- (a) wilfully betrays a professional secret;
- (b) abandons a patient in danger without sufficient cause, and without giving him an opportunity to retain the services of another physician;
- (c) knowingly gives a false certificate respecting birth, death, notice of disease, state of health, vaccination or disinfection or respecting any matter relating to life, health, or accident insurance;
- (d) divides with another person, who is not a partner, any fees or profits resulting from consultations or surgical operations, without the patient’s knowledge and consent;
- (e) is addicted to the excessive use of intoxicating liquors or the excessive or habitual use of opiates or narcotics;
- (j) impersonates another licensed practitioner;

(g) employs in connection with his professional practice an assistant who is not registered under this Act, or permits an unregistered person to attend or treat patients or to perform operations upon patients in respect of matters requiring professional discretion or skill, or by his presence or advice, assistance or co-operation, enables an unregistered person whether acting as an assistant or otherwise to attend or treat any person for any ailment or to perform any operation upon a patient in respect of any matter requiring professional discretion or skill, or who holds out any unregistered person as a person qualified to practice surgery, medicine or midwifery in Saskatchewan;

(h) does or fails to do any act or thing, if the discipline committee deems such action or failure to be unprofessional or discreditable.

(3) The committee shall, after investigation, report its findings to the council in a written report signed by the members taking part in the investigation, and shall make such recommendations as it may deem advisable. The committee may suspend the person whose conduct was under inquiry from the privileges of a registered practitioner until the next regular meeting of the council.

1921-22, c.59, s.3; R.S.S. 1930, c.168, s.40.

Power of council to suspend or expel member

41(1) The council may, upon receipt of a report from the discipline committee and after investigation thereof, suspend the person whose conduct was under inquiry from the privileges of a registered practitioner for such time as it thinks fit, or, where such person has been suspended by the discipline committee, may either terminate such suspension or continue it for a further period; or it may order the registrar to ease the name of such person from the register and the registrar shall thereupon do so.

(2) Any person suspended by the discipline committee or the council from the privileges of a registered practitioner may appeal to a judge of the Court of King's Bench as provided for in section 52 for those whose names are erased.

1921-22, c.59, s.4; R.S.S. 1930, c.168, s.41.

Preliminary investigation by executive committee

42 The executive committee of the council under this Act may, and upon the written application of any three members to the council shall, make a preliminary inquiry into the facts regarding such conduct of any members as is set out in section 40 and if the facts justify a reference to the council for a more thorough and complete investigation the executive committee shall make such reference and the council shall order an investigation by the discipline committee as heretofore provided.

R.S.S. 1920, c.135, s.42; R.S.S. 1930, c.168, s.42.

Deposit to cover investigation expenses

43 The council or executive committee or discipline committee may demand from any party requesting an investigation before undertaking same a reasonable amount as a deposit to cover the costs and expenses of such investigation, and in case the complaint is found to be frivolous or vexatious such deposit may be applied to cover the expenses of the investigation otherwise the deposit shall be returned to the party making it.

R.S.S. 1920, c.135, s.43; 1921-22, c.59, s.5;
R.S.S. 1930, c.168, s.43.

Refund

44 The council or any such committee may order to be paid out of the funds at its disposal to any person against whom a complaint, which is found to be frivolous or vexatious, has been made, such costs as it deems just.

R.S.S. 1920, c.135, s.44; 1921-22, c.59, s.6;
R.S.S. 1930, c.168, s.44.

Name erased from register

45 When the name of a member is erased from the register by the direction of the council the name of that person shall not be again entered on the register except by direction of the council or by an order of a judge of the Court of King's Bench.

R.S.S. 1920, c.135, s.45; R.S.S. 1930, c.168, s.45.

Restoration of name

46 The council may direct the registrar to restore to the register any name or entry erased therefrom, either without fee or on payment of such fee not exceeding the registration fee as the council may fix and the registrar shall restore the same accordingly.

R.S.S. 1920, c.135, s.46; R.S.S. 1930, c.168,
s.46.

Legal or other assistance

47 The discipline committee appointed under section 39 as well as the executive committee of the council may for the purpose of the execution of their duties under this Act employ at the expense of the council such legal or other assistance as they think necessary and the person whose conduct is the subject of inquiry shall also have the right to be represented by counsel.

R.S.S. 1920, c.135, s.47; R.S.S. 1930, c.168,
s.47.

Place of investigation

48 Every meeting of such committees held for the purpose of investigating a charge or complaint shall be held at such time and place as is most convenient for all parties concerned.

R.S.S. 1920, c.135, s.48; R.S.S. 1930, c.168,
s.48.

Notice to defendant

49 At least one week before any such meeting a notice shall be served upon the person whose conduct is the subject of inquiry; and such notice shall embody a copy of the charges made against him or a statement of the subject matter of inquiry and shall also specify the time and place of meeting. The testimony of witnesses shall be taken under oath, which the chairman or acting chairman of the committee is hereby authorised to administer, and there shall be full right to cross examine all witnesses called and to adduce evidence in defence and reply.

R.S.S. 1920, c.135, s.49; R.S.S. 1930, c.168,
s.49.

Attendance of witnesses

50 For the purpose of procuring the attendance and evidence of a witness before the committee a judge of the Court of King's Bench may on the application of any party to the inquiry order the clerk of the Court of King's Bench to issue a writ of *sub poena ad testificandum* or a writ of *subpoena duces tecum*; the rules of evidence on such inquiry and the proceedings and penalties in the case of disobedience to any such writ shall be the same as obtain in civil cases in the said court.

R.S.S. 1920, c.135, s.50; R.S.S. 1930, c.168, s.50.

Absence of defendant

51 In the event of the nonattendance of the person whose conduct is the subject of the inquiry the committee may upon proof of personal service of the notice, which proof of service may be by statutory declaration, proceed with the inquiry and without further notice to such person make a report of their findings or take such other action as they are authorised to do under this Act.

R.S.S. 1920, c.135, s.51; R.S.S. 1930, c.168, s.51.

Appeal by defendant

52 An person whose name has been ordered to be erased from the register may appeal from the decision of the council to a judge of the Court of King's Bench at any time within six months of the date of the order; and the judge may upon the hearing of the appeal make such order as to the restoration of the name erased, or confirming the erasure, or for further inquiries by the committee or council into the facts of the case and as to costs as shall be just.

R.S.S. 1920, c.135, s.52; R.S.S. 1930, c.168, s.52.

Notice of motion

53 The appeal may be by motion, notice of which shall be served upon the registrar and shall be founded upon a copy of the proceedings before the committee, the evidence taken, the committees report and the order of the council in the matter certified by the registrar; and the registrar shall upon the request of any person desiring to appeal furnish to such person a certified copy of all proceedings, reports, orders and papers upon which the committee or council have acted in making the report or order complained of.

R.S.S. 1920, c.135, s.53; R.S.S. 1930, c.168, s.53.

Trial *de novo*

54(1) In lieu of making an order under section 52 the judge may, on the application of either party, proceed by way of a trial *de novo*, in whole or in part, in which case any of the parties to the appeal may call witnesses and adduce evidence, whether such witnesses were called or evidence adduced at the hearing before the committee or not, either as to the credibility of any witness or as to any other fact material to the inquiry, or to those issues which the judge is to try.

(2) Any evidence material to the inquiry or to the issues which the judge is to try, taken before the committee at the hearing below, certified by the chairman, or, in case it was taken in shorthand, certified by the stenographer, may be read on such appeal, and shall have the like force and effect as if the witness was there examined, if the court appealed to is satisfied by affidavit or otherwise that the personal presence of the witness cannot be obtained by any reasonable efforts.

(3) The judge hearing the appeal shall be the absolute judge both of the facts and the law.

(4) Where the whole subject matter of the inquiry is tried *de novo*, there shall be an appeal to the Court of Appeal from any order or decision of the judge. Where only a part is so tried, there shall be no appeal except by leave of the trial judge or of the Court of Appeal.

1927, c.45, s.2; R.S.S. 1930, c.168, s.54.

Protection of council or committee

55 No action shall lie against the council or committee for any proceedings taken or judgments given or enforced under the disciplinary provisions of this Act.

R.S.S. 1920, c.135, s.54; R.S.S. 1930, c.168, s.55.

Costs of investigation

56(1) If as a result of an investigation under this Act, a member of the college is suspended from the privileges of a registered practitioner or the name of a member is erased from the register, the council may direct that the costs of and incidental to the investigation, including fees payable to solicitors, counsel and witnesses, or any part of such costs, shall be paid by such member.

(2) If, as the result of such investigation the name of a member, which has been erased from the register, is restored thereto, or in the event of a member being acquitted of any charge made against him, the council may direct that such costs, or any part thereof, shall be paid by the college, unless the investigation was held at the instance of the accused.

(3) Such costs shall be taxed by the local registrar of the Court of King's Bench at Regina, on the King's Bench scale, and upon his certificate execution may issue as upon a judgment in an action in such court.

1921-22, c.59, s.7; 1927, c.45, s.3; R.S.S. 1930, c.168, s.56.

RIGHTS OF MEDICAL PRACTITIONERS

Rights of registered practitioners

57 Every person registered under the provisions of this Act and not under suspension shall be entitled to practise medicine, surgery and midwifery or any of them in the province and to demand and recover in any court in the said province with full costs of suit reasonable charges for professional aid, advice and visits and the cost of any medicine or surgical appliances supplied by him to his patients.

R.S.S. 1920, c.135, s.5; 1921-22, c.59, s.8; R.S.S. 1930, c.168, s.57.

Limitation of action

58 No member of the college shall be liable to an action for negligence or malpractice by reason of professional services requested or rendered unless such action is commenced within twelve months from the date when in the matter complained of such professional services terminated.

R.S.S. 1920, c.135, s.6; 1924, c.33, s.5; R.S.S. 1930, c.168, s.58.

Fees not recoverable by unregistered persons

59 No person shall be entitled to recover in a court of law for medical or surgical advice or for attendance or for the performance of an operation or for medicine which he may have prescribed unless he is registered under this Act and not under suspension.

R.S.S. 1920, c.135, s.57; R.S.S. 1930, c.168, s.59.

Qualification for appointment in the public service

60 No person shall be appointed as medical officer, physician or surgeon in any branch of the public service of the province or in any hospital or other charitable institution unless he is registered under the provisions of this Act and not under suspension.

R.S.S. 1920, c.135, s.58; R.S.S. 1930, c.168, s.60.

Validity of certificates

61 No certificate required by law from a physician or surgeon or medical practitioner shall be valid unless the person signing the same is registered under this Act and not under suspension.

R.S.S. 1920, c.135, s.59; R.S.S. 1930, c.168, s.61.

Exemption as juror

62 All persons registered under this Act and not under suspension shall be exempt from serving as jurors.

R.S.S. 1920, c.135, s.60; R.S.S. 1930, c.168, s.62.

INTERPRETATION

Interpretation

63 The words “**legally qualified medical practitioner**” or “**duly qualified medical practitioner**” or any other words implying legal recognition of any person as a medical practitioner or member of the medical profession when used in any Act or law shall in so far as such Act or law applies to the province be construed to mean a person registered under this Act and not under suspension.

R.S.S. 1920, c.135, s.61; R.S.S. 1930, c.168, s.63.

PUBLICATION OF MEMBERSHIP LIST

Duties of registrar

64(1) The registrar shall from time to time under the direction of the council cause to be printed and published a correct list of the names of the members of the college not under suspension which list shall show their names arranged alphabetically, their residences and their qualifications including medical titles and diplomas.

(2) If such list is not published yearly the registrar shall issue yearly an addendum for the completion thereof to the date of the issue of such addendum, and such list or addendum published or purporting to be published by the registrar shall be *prima facie* evidence in all courts in the province and before all justices of the peace and others that the persons therein specified are registered according to the provisions of this Act; and subject to the provisions of subsection (3) the absence of the name of any person from such list or addendum shall be *prima facie* evidence that such person is not registered according to the provisions of this Act.

(3) In the case of any person whose name does not appear in such list or addendum a certified copy under the hand of the registrar of the entry of the name of such person on the register shall be evidence that such person is registered under this Act.

R.S.S. 1920, c.135, s.62; R.S.S. 1930, c.168, s.64.

EVIDENCE OF REGISTRATION

Evidence of registration

65(1) A certificate purporting to be signed by any person in his capacity as registrar of the council under this Act shall be *prima facie* evidence that such person is such registrar without any proof of his signature or of his being in fact such registrar.

(2) In any case where proof of registration or nonsuspension is required to validate a witness's evidence, and the list aforesaid or addenda thereto or the production of the original register is not available without prejudicial delay to the case or the parties interested, the evidence of the person under oath that he is so registered under this Act and not under suspension shall be proof that he is so registered.

R.S.S. 1920, c.135, s.63; R.S.S. 1930, c.168, s.65.

OFFENCES, PENALTIES AND PROSECUTIONS

Penalty for nonregistration

66 Any person entitled to be registered under this Act who neglects or omits to be so registered shall not be entitled to any of the rights or privileges conferred by registration so long as such omission or neglect continues and he shall be liable to all the penalties imposed by this Act or any other Act in force against unqualified or unregistered practitioners.

R.S.S. 1920, c.135, s.64; R.S.S. 1930, c.168, s.66.

Penalty for illegal practice

67 No person unregistered or under suspension under this Act shall practise medicine, surgery or midwifery for hire, gain or hope of reward and any person not registered or under suspension as aforesaid pursuant to this Act who for hire, gain or hope of reward practises or professes to practise or advertises to give advice in medicine, surgery or midwifery or who furnishes medicine or treats any disease or ailment by medicine, drugs or any form of treatment, influence or appliance for hire, gain or hope of reward shall upon summary conviction be liable in the case of a first offence to a penalty of not less than \$25 and not exceeding \$50 and for a second offence to a penalty of not less than \$50 and not exceeding \$200 and in the case of a third or subsequent offence to a penalty of not less than \$250 and not exceeding \$500.

R.S.S. 1920, c.135, s.65; 1921-22, c.59, s.9;
R.S.S. 1930, c.168, s.67.

False pretences

68 Any person who falsely pretends to be a physician, doctor of medicine, surgeon, practitioner or healer of the sick or assumes any title, addition or description other than he actually possesses and is legally entitled to under this Act shall be liable upon summary conviction thereof to a penalty not exceeding \$50.

R.S.S. 1920, c. 135, s. 66; R.S.S. 1930, c.168, s.68.

False title

69 Any person not registered pursuant to this Act who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is registered under this Act or that he is recognised by law as a physician, surgeon or licentiate in medicine, surgery or midwifery shall be liable summary conviction to a penalty not exceeding \$100 nor less than \$25.

R.S.S. 1920, c.135, s.67; R.S.S. 1930, c.168, s.69.

Imprisonment

70 Any prosecution under this Act may be brought and heard before a justice of the peace; the justice may in any conviction under this Act provide that in case the penalty and costs awarded or either of them are not paid forthwith the offender shall be committed to the common gaol there to be imprisoned for any term not exceeding one month unless the penalty and costs are sooner paid and for a second offence a term not exceeding two months and for a third offence a term of not less than three months and not exceeding one year.

R.S.S. 1920, c.135, s.68; R.S.S. 1930, c.168, s.70.

Onus of proof

71 In any prosecution under this Act the burden of proof of registration or nonsuspension shall be upon the person charged.

R.S.S. 1920, c.135, s.69; R.S.S. 1930, c.168, s.71.

Limitation of prosecution

72 Every prosecution for an offence under this Act shall be commenced within one year from the date of the alleged offence.

1921-22, c.59, s.10; R.S.S. 1930, c.168, s.72.

Permits to practice

73 Notwithstanding anything contained in this Act it shall be lawful for the medical council to issue permits to persons, who do not possess all the qualifications required by this Act to entitle them to be admitted to the practice of medicine in Saskatchewan, to practise medicine in any or all its branches in any particular locality in the province where in the opinion of the council in view of the scarcity of duly qualified practitioners such persons should be authorised to practise.

R.S.S. 1920, c.135, s.71; R.S.S. 1930, c.168, s.73.

What deemed practicing

74 Every person shall be deemed to practise medicine within the meaning of this Act who holds himself out as being able to diagnose, treat, operate or prescribe for any human disease, pain, injury, disability or physical condition, or who offers or undertakes by any means or methods to diagnose, treat, operate or prescribe for any human disease, pain, injury, disability or physical condition.

1924, c.33, s.6; R.S.S. 1930, c.168, s.74.

Saving as to certain persons

75 Nothing in this Act contained shall apply to or affect:

- (a) any lawfully qualified physician in any other province or country meeting a legally qualified medical practitioner in Saskatchewan in consultation;
- (b) any person actually serving without professional fees on the resident medical staff of any legally incorporated hospital in Saskatchewan;
- (c) the furnishing of first-aid or temporary assistance in cases of emergency;
- (d) the domestic administration of family remedies;
- (e) those who practise the religious tenets of their church without pretending a knowledge of medicine or surgery, and provided that the laws, rules and regulations relating to contagious diseases and sanitary matters are not violated.

1924, c.33, s.6; R.S.S. 1930, c.168, s.75.

Osteopathy and chiropractic

76 The treatment of disease by osteopathy or chiropractic is hereby declared not to be a practice of medicine or surgery within the meaning of this Act, nor shall the said treatment by a person registered under *The Drugless Practitioners Act* render him liable to the penalties imposed by this Act upon unqualified or unlicensed practitioners.

1924, c.33, s.6; R.S.S. 1930, c.168, s.76.

Dentistry, optometry, etc.

77 Nothing in this Act shall apply to or affect:

- (a) the practice of dentistry by a dentist duly licensed under *The Dental Profession Act* to practise dentistry in Saskatchewan;
- (b) any person who manufactures or mechanically fits or sells artificial limbs or other appliances;
- (c) the practice of optometry by an optometrist or optician duly licensed under *The Optometry Act*, to practise optometry in Saskatchewan.

1924, c.33, s.6; R.S.S. 1930, c.168, s.77.

Application of fines

78 All fines and penalties imposed under any of the provisions of this Act and all moneys received or levied thereunder shall after receipt thereof by the person authorised to receive the same be forthwith paid by such person to the treasurer of the college for the uses of the college.

R.S.S. 1920, c.135, s.73; R.S.S. 1930, c.168, s.78.

RETURNS

Returns

79 The registrar whenever required by the Lieutenant Governor in Council shall transmit to the Provincial Secretary a certified return under the seal of the council setting forth all such information and particulars relating to the college as may from time to time be required or asked for.

R.S.S. 1920, c.135, s.74; R.S.S. 1930, c.168, s.79.

SCHEDULE

FORM A

(Section 8)

VOTING PAPER

I, _____, resident at _____ in medical division No. _____ in the Province of Saskatchewan, do hereby declare:

- 1. That I am a member of The College of Physicians and Surgeons of Saskatchewan;
- 2. That the signature affixed hereto is in my proper handwriting;
- 3. That I have not at this election signed any other voting paper;
- 4. That I vote for _____ of _____ to be member of the council for the said college for medical division No. _____.

Witness my hand this _____ day of _____ 19 _____.

.....

(Signature.)

FORM B

(Section 28)

COLLEGE OF PHYSICIANS AND SURGEONS OF THE PROVINCE OF SASKATCHEWAN, CANADA

BE IT KNOWN TO ALL MEN THAT _____

has complied with the requirements of *The Medical Profession Act*, has passed the prescribed examination and has been duly registered as a physician and surgeon and is thereby entitled to practise medicine, surgery and midwifery in the Province of Saskatchewan.

In testimony whereof we have hereunto affixed our signature and the seal of the college this _____ day of _____ in the year of our Lord one thousand nine hundred and _____.

.....
President.

.....
Vice President.

.....
Registrar.

FOR HISTORICAL REFERENCE ONLY

