

The Medical Radiation Technologists Act

being 

Chapter M-10.2 of the *Statutes of Saskatchewan, 1983-84* (effective July 1, 1987) as amended by the *Statutes of Saskatchewan, 1989-90, c.54; 1991, c.T-1.1; 1996, c.9; and 2004, c.L-16.1.*

NOTE:

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

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CHAPTER M-10.2

An Act respecting Medical Radiation Technologists

SHORT TITLE AND INTERPRETATION

Short title

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

Interpretation

2 In this Act:

- (a) “**active member**” means an active member as defined in the regulations;
- (b) “**associate member**” means an associate member as defined in the regulations;
- (c) “**association**” means the Saskatchewan Association of Medical Radiation Technologists mentioned pursuant to section 3;
- (d) “**council**” means the council of the association described in section 6;
- (e) “**inactive member**” means an inactive member as defined in the regulations;
- (f) “**member**” means a member of the association;
- (g) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (h) “**practice of medical radiation technology**” means the taking of medical images and the use of ionizing radiation and radioactive materials for medical diagnostic or therapeutic purposes, and includes any other related diagnostic or therapeutic procedures specified in the regulations for the purposes of this clause;
- (i) “**secretary-registrar**” means the secretary-registrar of the association.

1983-84, c.M-10.2, s.2.

ASSOCIATION

Association continued

3 The Saskatchewan Society of X-ray Technicians is continued as a body corporate under the name of “Saskatchewan Association of Medical Radiation Technologists”.

1983-84, c.M-10.2, s.3.

c. M-10.2**MEDICAL RADIATION TECHNOLOGISTS****Members**

4 The membership of the association consists of those persons who are members of the society in good standing pursuant to *The X-Ray Technicians Act* on the day before the day this section comes into force and those persons who become members pursuant to this Act.

1983-84, c.M-10.2, s.4.

Powers

5(1) The association may purchase, lease, take, hold or otherwise acquire any property and may sell, mortgage, lease or otherwise dispose of any of that property.

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

1983-84, c.M-10.2, s.5.

COUNCIL**Council established**

6(1) The affairs of the association shall be under the management of a council consisting of:

- (a) six persons who are members and are elected by the association from among its active members pursuant to section 7;
 - (b) any persons appointed as members of the council pursuant to section 8; and
 - (c) any persons who are associate members and are elected pursuant to the regulations.
- (2) A majority of the members of the council constitute a quorum.
- (3) Those persons who are members of the council of the Saskatchewan Society of X-ray Technicians pursuant to *The X-Ray Technicians Act* on the day before the day this section comes into force shall constitute the council until persons are elected and appointed as members of the council pursuant to this Act.

1983-84, c.M-10.2, s.6.

Election of active members to council

7(1) The association shall meet annually for the purpose of electing active members to the council.

- (2) Of the members first elected to the council by the association:
- (a) the two members elected and receiving the highest and second highest number of votes hold office for a term of three years;
 - (b) the two members elected and receiving the third highest and fourth highest number of votes hold office for a term of two years; and
 - (c) the members elected and receiving the fifth highest and sixth highest number of votes hold office for a term of one year;

and thereafter each member of the council is to be elected for a term of three years.

(3) Where there is an equality of votes among two or more members in an election held pursuant to this section, for the purposes of clauses 2(a) to (c), the tie shall be decided by the casting of lots, unless the council otherwise provides in its rules.

(4) Each member of the council elected pursuant to this section holds office until his successor is elected.

1983-84, c.M-10.2, s.7.

Appointment of persons to council

8(1) The Lieutenant Governor in Council may appoint one or two persons who are residents of Saskatchewan as members of the council.

(2) The first persons appointed pursuant to subsection (1) after the coming into force of this section are appointed to hold office:

(a) if one person is appointed, for a term of two years; or

(b) if two persons are appointed, one for a term of one year and one for a term of two years;

and thereafter the persons appointed pursuant to subsection (1) are to be appointed to hold office for two years.

(3) Each person appointed pursuant to subsection (1) holds office until his successor is appointed, but no such person is eligible to hold office for more than two consecutive terms.

(4) The members of the council appointed pursuant to this section may exercise rights, hold office and serve as members of committees and subcommittees to the same extent as other members of the council, but no such member is eligible to hold office as president or vice-president of the council.

(5) The minister may determine the remuneration and reimbursement for expenses payable by the Department of Health to persons appointed pursuant to this section for attending meetings of the council and for otherwise attending to the affairs of the council.

1983-84, c.M-10.2, s.8.

Election of associate members to council

9 A member of the council elected pursuant to clause 6(1)(c) holds office as if he was an elected active member, and has the powers set out in the regulations.

1983-84, c.M-10.2, s.9.

Vacancy

10(1) When a vacancy occurs in the membership of the council as a result of the death or resignation of a member of the council or for any other reason:

(a) in the case of an active member who was elected, the remaining members of council who are active members may elect another active member to fill the vacancy until the next annual meeting of the association;

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- (b) in the case of a member of council who was appointed pursuant to section 8, the Lieutenant Governor in Council may appoint another person to fill the vacancy for the remainder of the term of the person being replaced.
- (2) A vacancy in the membership of the council does not impair the power of the remaining members of the council to act.

1983-84, c.M-10.2, s.10.

Rules

11(1) The council may make rules relating to the administrative and domestic affairs of the association and, without restricting the generality of the foregoing, the council may make rules:

- (a) prescribing the seal of the association;
- (b) providing for the execution of documents by the association;
- (c) governing the application of moneys forming the funds 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) governing the election and the duties of the president and the vice-president of the association and, subject to sections 7 and 9, members of the council;
- (f) prescribing the organization, powers and procedure of the council and regulating the council in the performance of its duties;
- (g) providing for the calling of meetings of the association, the procedure at meetings and the right to vote at meetings;
- (h) governing the appointment and duties of the secretary-registrar and other officers of the council.

1983-84, c.M-10.2, s.11.

Bylaws

12(1) Subject to subsection (2), the council may make bylaws:

- (a) governing the qualifications for registration of medical radiation technologists, dividing medical technologists into categories and, if medical radiation technologists have been categorized, governing the qualifications for registration of medical radiation technologists in each category;
- (b) governing the proof to be furnished with respect to education, good character and experience;
- (c) respecting the maintenance of a register of medical radiation technologists registered pursuant to this Act;
- (d) providing for the annual renewal of registration and prescribing the fees payable for registration and renewal of registration and the times when those payments are to be made;
- (e) defining active members and inactive members;

- (f) defining associate members, prescribing the number of associate members to be elected as members of the council, governing the manner in which those persons are to be elected and prescribing their terms of office and the powers that they may exercise as members of the council;
 - (g) governing the registration of student medical radiation technologists;
 - (h) defining professional misconduct and prescribing procedures for the investigation of allegations or complaints that a member is guilty of professional misconduct or professional incompetence or has violated one of the provisions of this Act or the bylaws;
 - (i) governing the reinstatement of any member whose registration has been cancelled or suspended;
 - (j) governing the examination of applicants for registration, including the age, moral character and academic standing of applicants, the conduct of the examinations and examination fees;
 - (k) specifying certain diagnostic or therapeutic procedures for the purpose of clause 2(h);
 - (l) generally for the better carrying out of the provisions of this Act.
- (2) No bylaw made pursuant to subsection (1) becomes effective until it has been approved by the minister and published in the Gazette.

1983-84, c.M-10.2, s.12; 1989-90, c.54, s.4.

Effect of rules and bylaws

13 A rule made pursuant to section 11 or a bylaw made pursuant to section 12, unless in the meantime confirmed by a general meeting of the association duly called for the purpose, has force only until the next annual meeting and, in default of confirmation at that meeting, becomes null and void.

1983-84, c.M-10.2, s.13; 1989-90, c.54, s.4.

Variation of bylaws by minister

14(1) The minister may, if he considers it to be in the public interest, request the council to amend or repeal a bylaw made pursuant to section 12 or to make new bylaws.

(2) Where the minister makes a request pursuant to subsection (1) and the council fails to comply with the request within 60 days of the request, the Lieutenant Governor in Council may amend or repeal the bylaws or make new bylaws in accordance with that request.

1983-84, c.M-10.2, s.14; 1989-90, c.54, s.4.

REGISTRATION

Qualifications

15(1) Any person who:

- (a) produces a certificate of having successfully passed the provincial senior matriculation or equivalent examinations;
- (b) has passed the applicable examinations conducted pursuant to this Act; and
- (c) is otherwise a qualified medical radiation technologist;

may apply for registration as a medical radiation technologist pursuant to this Act and to become a member.

(2) Notwithstanding subsection (1), the council may, in its discretion, order the secretary-registrar to register as a medical radiation technologist pursuant to this Act any person who is a member in good standing of the Canadian Association of Medical Radiation Technologists.

1983-84, c.M-10.2, s.15; 1996, c.9, s.12.

Register

16(1) The secretary-registrar shall maintain a register in which he shall enter the name of every person who is registered as a medical radiation technologist pursuant to this Act.

(2) Every person who:

- (a) makes an application for registration as a medical radiation technologist;
- (b) is of good character; and
- (c) has fulfilled the qualifications required by this Act and the bylaws;

may be registered as a medical radiation technologist.

1983-84, c.M-10.2, s.16; 1989-90, c.54, s.4.

Appeal re registration

17(1) Any person who applies to have his name entered in the register and whose application is refused by the secretary-registrar may appeal to the council from the decision of the secretary-registrar and the council shall hear the appeal and determine the matter in question.

(2) Where an application for registration or for reinstatement to the register is made in compliance with this Act and the bylaws and is refused by the secretary-registrar and by the council pursuant to subsection (1), the council shall, within seven days from the date of the refusal, forward to the minister, by registered mail, a report stating the circumstances of the reason for the refusal.

1983-84, c.M-10.2, s.17; 1989-90, c.54, s.4.

Prohibition

18 No person who is not a member shall use the title “medical radiation technologist” or otherwise represent that he is a medical radiation technologist, and every person who contravenes this section or, by false or fraudulent declaration attempts to procure registration pursuant to this Act, is guilty of an offence against this Act.

1983-84, c.M-10.2, s.18.

DISCIPLINE**Power to discipline**

19(1) Where the council finds a member guilty of professional misconduct, professional incompetence or an offence against this Act or the bylaws, it may order that:

- (a) the member be reprimanded;
- (b) the registration or the renewal of the registration of the member be suspended for any period that the council considers appropriate; or
- (c) the name of the member be struck from the register and that his renewal of registration be revoked.

(2) The council may find a member guilty of professional incompetence where it determines that the member has displayed, in his professional care of a patient, a lack of knowledge, skill or judgment or a disregard for the welfare of the patient of a nature or to an extent that demonstrates that the member is unfit to continue his practice or provide any service ordinarily provided in the practice of medical radiation technology.

1983-84, c.M-10.2, s.19; 1989-90, c.54, s.4.

Appeal from order of council

20(1) A person against whom an order has been made pursuant to section 19 may, within 30 days from the date of the order, appeal to a judge of Her Majesty’s Court of Queen’s Bench for Saskatchewan who may, on hearing the appeal, make any order:

- (a) confirming, reversing or varying the order made pursuant to section 19;
- (b) requesting a further inquiry by the council into the facts of the case; or
- (c) respecting costs.

(2) An appeal pursuant to subsection (1) is to be by motion, notice of which is to be served on the council within 30 days from the date of the order made pursuant to section 19 and not less than 10 days before the date on which the motion is returnable.

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(3) On receipt of the copy of a notice pursuant to subsection (2), the council shall forward to the appropriate local registrar of Her Majesty's Court of Queen's Bench for Saskatchewan a certified copy of all documents in the possession of the council relating to the order from which the appeal is taken.

(4) There is no further appeal.

1983-84, c.M-10.2, s.20.

Report to minister

21(1) Where the council orders that the name of a member be struck from the register or that his registration be suspended, the association shall, within 14 days from the date of the order, forward to the minister by registered mail:

- (a) a copy, certified by the secretary-registrar to be a true copy, of the complaint;
- (b) a report with respect to the conduct of that member and the order of the council; and
- (c) any relevant information that the minister may require.

(2) If the minister is of the opinion that the order is unjust or contrary to the public interest, he may:

- (a) request the council to reconsider the case and its findings;
- (b) if the council and the person whose conduct is under inquiry agree, appoint a board of arbitration consisting of one member nominated by the council, one person nominated by the person whose conduct is under inquiry and one person appointed by the Lieutenant Governor in Council to review or rehear the case and render a decision; or
- (c) institute an appeal to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan.

(3) Nothing in this section prejudices any existing right of appeal.

1983-84, c.M-10.2, s.21.

GENERAL**Offence and penalty**

22 Every person who is guilty of an offence against this Act is liable on summary conviction:

- (a) for the first offence, to a fine of not more than \$250 and, in default of payment, to imprisonment for a period of not more than three months;
- (b) for the second offence, to a fine of not more than \$500 and, in default of payment, to imprisonment for a period of not more than six months; and
- (c) for a third or subsequent offence, to imprisonment for a period of not more than three months.

1983-84, c.M-10.2, s.22.

Disposal of fines

23 The convicting justice shall immediately after payment of any fine imposed transmit the amount to the secretary-registrar for the use of the association.

1983-84, c.M-10.2, s.23.

Limitation of prosecution

24 No prosecution is to be commenced for an offence against this Act after the expiration of two years from the date of the alleged offence.

1983-84, c.M-10.2, s.24.

25 Repealed. 2004, c.L-16.1, s.57.

Non-application of Act

26 Nothing in this Act applies to or affects:

- (a) the practice of any profession or calling by any person pursuant to the authority of a general or special Act;
- (b) the furnishing of first aid or temporary assistance in cases of emergency; or
- (c) the treatment of human ailments by prayer or spiritual means as an enjoyment or exercise of religious freedom.

1983-84, c.M-10.2, s.26.

Non-application of certain Acts

27 Nothing in *The Medical Profession Act, 1981*, *The Dental Profession Act, 1978* or *The Chiropractic Act* prohibits any person registered as a medical radiation technologist pursuant to this Act from practising medical radiation technology for gain or reward under the supervision or direction of a member of the College of Physicians and Surgeons of the Province of Saskatchewan.

1983-84, c.M-10.2, s.27.

Code of ethics

28 If the association adopts a code of ethics governing its members and subscription to or observance of the code is a condition of membership, the code of ethics is, for the purposes of sections 29 to 31, deemed to be a bylaw made pursuant to section 12.

1983-84, c.M-10.2, s.28; 1989-90, c.54, s.4.

c. M-10.2**MEDICAL RADIATION TECHNOLOGISTS****Filing of bylaws, etc.**

29(1) When the minister has approved a bylaw pursuant to subsection 12(2) or the Lieutenant Governor in Council has repealed or amended a bylaw or made a new bylaw pursuant to subsection 14(2), the minister shall file two copies of the bylaw or amendment, certified by him to be true copies, in the Department of Justice.

(2) When a bylaw is amended, two copies of the bylaw are to be filed with the amendment.

(3) When a bylaw or amendment made by the council ceases to have effect as a result of the operation of section 13, the association shall so notify the minister and the Minister of Justice.

1983-84, c.M-10.2, s.29; 1989-90, c.54, s.4; 1991, c.T-1.1, s.27.

Review by Assembly

30(1) One copy of each bylaw and amendment filed pursuant to section 29 is to be laid before the Assembly by the Minister of Justice in accordance with *The Tabling of Documents Act, 1991*.

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

1991, c.T-1.1, s.27.

Record of revocation and notification

31(1) If it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw or amendment has ceased to have effect, the Clerk of the Assembly shall immediately forward two copies of those Votes and Proceedings to the Deputy Minister of Justice and advise him that the copies are forwarded pursuant to this subsection.

(2) On receipt of the copies mentioned in subsection (1), the Deputy Minister of Justice shall file one copy with the bylaw or amendment to which it relates and immediately forward the other copy to the council and advise the council that the copy is forwarded pursuant to this subsection.

1983-84, c.M-10.2, s.31; 1989-90, c.54, s.4; 1991, c.T-1.1, s.27.

Lists of members

32 The association shall, before February 1 in each year, file in the Department of Justice lists, certified by the secretary-registrar to be true lists, showing:

- (a) the names of all members in good standing as of December 31 in the preceding year, their addresses as shown by the records of the association and the respective dates of their admission to membership in the association;

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- (b) the name of every person whose name was struck from the register or who otherwise ceased to be in good standing during the preceding year;
- (c) the name of every person who was reinstated as a member during that year.

1983-84, c.M-10.2, s.32; 1991, c.T-1.1, s.27.

Registration continued

33 Notwithstanding the repeal by this Act of *The X-Ray Technicians Act*, the registration of an x-ray technician issued pursuant to that Act and in force on the day this section comes into force continues in force and effect until December 31 in the year in which it was issued, unless cancelled sooner in accordance with this Act.

1983-84, c.M-10.2, s.33.

REPEAL

R.S.S. 1978, c.X-1 repealed

34 *The X-Ray Technicians Act* is repealed.

1983-84, c.M-10.2, s.34.

