

BILL

No. 50

An Act to amend *The Medical Profession Act, 1981*

(Assented to _____)

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

Short title

1 This Act may be cited as *The Medical Profession Amendment Act, 2012*.

S.S. 1980-81, c.M-10.1 amended

2 *The Medical Profession Act, 1981* is amended in the manner set forth in this Act.

Section 2 amended

3 **Section 2 is amended:**

(a) **by adding the following clause before clause (b):**

“(a.1) ‘bylaws’ means the valid and subsisting bylaws of the college”;

(b) **by repealing clause (b.1);**

(c) **by repealing clause (g);**

(d) **by repealing clause (j.2);**

(e) **by repealing clause (m) and substituting the following:**

“(m) ‘register’ means a register established pursuant to the bylaws”; and

(f) **by repealing clause (o).**

Section 4 amended

4 **Section 4 is amended by striking out “section 28, 29 or 30” and substituting “this Act and the bylaws”.**

Section 6 amended

5 **Subsection 6(2) is amended:**

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

“(f) establishing and respecting the registers that the council considers necessary;

“(g) providing for the maintenance and inspection of registers and for the issuance of certificates of standing by the registrar”;

(b) by adding the following clause after clause (j):

“(j.1) authorizing duly qualified medical practitioners to delegate the performance of acts in the practice of medicine specified in the bylaws to other health professionals specified in the bylaws in accordance with section 82.1”; **and**

(c) by adding the following clauses after clause (u):

“(u.1) requiring members to provide the college with their home addresses and any other information that may be specified in the bylaws, including information about themselves, the places where they practice and the services they provide at the places where they practice;

“(u.2) establishing restrictions on the disclosure and use of information obtained pursuant to clause (u.1)”.

Section 12 amended

6 Clause 12(a) is repealed and the following substituted:

“(a) is named in a register”.

Section 24 amended

7 Clause 24(2)(a) is repealed and the following substituted:

“(a) keep all registers in accordance with this Act and the bylaws”.

New heading to Part III

8 The heading to Part III is struck out and the following substituted:

“PART III
Membership, Registration, Licences, etc.”.

New sections 27 and 28

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

“Registers

27(1) In accordance with this Act and the bylaws, the council shall keep one or more registers in which the name, address and category of membership of every member are to be recorded.

(2) Each register is to be:

(a) kept at the head office of the college; and

(b) open for inspection by all persons, without fee, during normal office hours of the college.

(3) The following documents are admissible in evidence as proof, in the absence of evidence to the contrary, of their contents without proof of the registrar’s appointment or signature:

(a) a certificate purporting to be signed by the registrar and stating that:

(i) a named person was or was not, on a specified day or during a specified period, a member according to the appropriate register; or

(ii) the licence of a named person was or was not, on a specified day or during a specified period, suspended according to the appropriate register;

(b) an extract from a register that is certified by the registrar.

“Registration, membership and licences

28 In accordance with this Act and the bylaws, the council may register as a member, and issue a licence to, a person who produces evidence satisfactory to the council that the person meets the requirements for registration for the appropriate category of membership and licence as set out in the bylaws”.

Sections 29 to 31 repealed

10 Sections 29 to 31 are repealed.

New section 32

11 Section 32 is repealed and the following substituted:

“Vesting of powers in case of emergencies

32 The Lieutenant Governor in Council may order that the powers vested in the council pursuant to this Act and the bylaws to register persons as members and to issue licences to persons and respecting the issuing of permits and memberships be vested in the minister if the Lieutenant Governor in Council is of the opinion that:

- (a) members have withdrawn their services;
- (b) the safety of the residents of Saskatchewan is being threatened; and
- (c) the council is not adequately discharging its responsibilities pursuant to this Act”.

Section 33 repealed

12 Section 33 is repealed.

Heading struck out

13 The heading before section 34 is struck out.

Sections 34 and 35 repealed

14 Sections 34 and 35 are repealed.

New section 36

15 Section 36 is repealed and the following substituted:

“Removal of name improperly registered

36(1) The council may direct the registrar to strike the name of a person who is improperly registered from any register.

(2) On receiving a direction pursuant to subsection (1), the registrar shall strike that name”.

Section 37.3 repealed

16 Section 37.3 is repealed.

Section 37.5 amended

17 Subsection 37.5(4) is repealed and the following substituted:

“(4) If a permit issued to a professional corporation is revoked, the registrar shall strike the name of the professional corporation from the appropriate register”.

Section 37.7 repealed

18 Section 37.7 is repealed.

Section 41 repealed

19 Section 41 is repealed.

Section 42.2 repealed

20 Section 42.2 is repealed.

Section 45 amended

21 Clause 45(12)(a) is repealed and the following substituted:

“(a) order that:

- (i) the name of the person be struck from the appropriate register; and
- (ii) the licence or permit of the person be revoked and that any conditions that the council considers proper be attached to the restoration of the name of the person to the appropriate register”.

Section 46 amended

22 Section 46 is amended by striking out the portion preceding clause (a) and substituting the following:

“Without restricting the generality of ‘unbecoming, improper, unprofessional or discreditable conduct’, a person whose name is entered on a register is guilty of unbecoming, improper, unprofessional or discreditable conduct, if he or she:”.

Section 54 amended

23 Clause 54(1)(a) is repealed and the following substituted:

“(a) order that:

- (i) the name of the person be struck from the appropriate register; and
- (ii) the licence or permit of the person be revoked and that any conditions that the council considers proper be attached to the restoration of the name of the person to the appropriate register”.

Section 62 amended

24 Subsection 62(1) is repealed and the following substituted:

“(1) A person may, in the manner provided in this Part, appeal a decision of the council to the court if:

- (a) the person’s name is struck from a register;
- (b) the person is prohibited from practising in Saskatchewan;
- (c) the person’s application for registration is rejected;

- (d) the council has not notified the person of a decision with respect to the person's application within 90 days after the receipt by the registrar of evidence that the person meets the requirements for registration;
- (e) the person's licence or permit is issued subject to terms and conditions;
- (f) the person's licence or permit is revoked;
- (g) the person is suspended from practising or reprimanded; or
- (h) the person's practice is restricted or the person has otherwise been disciplined pursuant to section 54 or 54.01".

Section 69 amended

25 Subsection 69(1) is repealed and the following substituted:

"(1) If the council has ordered that the name of a person be struck from a register or if the council, the discipline hearing committee or any other committee appointed by the council has suspended a person from practising and that person has commenced an appeal pursuant to section 62, he or she may apply to a judge of the court for an order staying the order, or the suspension that is being appealed, until the appeal is determined".

New section 82.1

26 The following section is added after section 82:

"Act not to prevent members delegating to other health professionals

82.1(1) Subject to subsection (2), nothing in this Act prevents or limits a duly qualified medical practitioner from delegating, in accordance with the bylaws, acts in the practice of medicine that are specified in the bylaws to health professionals specified in the bylaws.

(2) A delegation mentioned in subsection (1) may be made only if the health professional has the requisite knowledge, education, training and skill to perform the specified act".

Coming into force

27 This Act comes into force on proclamation.

SECOND SESSION

**Twenty-seventh
Legislature**

SASKATCHEWAN

B I L L

No. 50

An Act to amend *The Medical Profession Act, 1981*

Received and read the

First time

Second time

Third time

And passed

Honourable Dustin Duncan
