

# BILL

No. 18

## An Act respecting Regulated Health Professions and making consequential amendments to other Acts

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- 13-4 SS 2013, c W-17.11, section 2 amended

### DIVISION 2 *The Dental Disciplines Act*

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- 13-6 SS 2006, c C-1.1, section 16 amended
- 13-7 SS 2012, c C-39.2, section 30 amended
- 13-8 SS 2013, c S-15.1, section 5-6 amended
- 13-9 RSS 1978, c S-29, section 2 amended
- 13-10 SS 2019, c Y-3 amended

### DIVISION 3 *The Licensed Practical Nurses Act, 2000*

- 13-11 SS 2000, c L-14.2 repealed
- 13-12 SS 2019, c Y-3, section 3-18 amended

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- 13-13 SS 1980-81, c M-10.1 repealed
- 13-14 SS 2006, c C-1.1, section 16 amended
- 13-15 SS 1999, c H-0.021, section 27 amended
- 13-16 SS 1994, c M-9.2, section 17 amended
- 13-17 SS 1984-85-86, c M-13.1, section 2 amended
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- 13-19 RSS 1978, c S-29 amended
- 13-20 SS 2013, c W-17.11, section 2 amended

### DIVISION 5 *The Medical Radiation and Imaging Professionals Act*

- 13-21 SS 2006, c M-10.3 repealed
- 13-22 SS 2013, c S-15.1, section 5-6 amended

## DIVISION 6 *The Midwifery Act*

- 13-23 SS 1999, c M-14.1 repealed
- 13-24 Certain regulations to remain in force
- 13-25 SS 1999, c C-38.01, section 7 amended

## DIVISION 7 *The Naturopathic Medicine Act and The Naturopathy Act*

- 13-26 SS 2015, c N-3.11 repealed
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- 13-29 SS 1984-85-86, c O-6.1 repealed
- 13-30 RSS 1978, c S-29 amended
- 13-31 RSS 1978, c W-13, section 2 amended

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- 13-32 SS 2007, c P-0.1 repealed
- 13-33 SS 2019, c Y-3, section 3-18 amended

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- 13-34 SS 1996, c P-9.1 repealed
- 13-35 Certain regulations to remain in force
- 13-36 SS 1999, c H-0.021 amended
- 13-37 SS 2020, c 32, section 2 amended
- 13-38 RSS 1978, c P-23 amended
- 13-39 SS 2001, c T-14.1, section 2 amended

## DIVISION 11 *The Psychologists Act, 1997*

- 13-40 SS 1997, c P-36.01 repealed
- 13-41 SS 2012, c C-39.2, section 30 amended
- 13-42 SS 2019, c I-10.4, section 3 amended
- 13-43 SS 2021, c 23, section 3 amended
- 13-44 SS 1994, c V-6.02, section 12.4 amended
- 13-45 SS 2013, c W-17.11, section 2 amended
- 13-46 SS 2019, c Y-3, section 3-18 amended

## DIVISION 12 *The Registered Nurses Act, 1988*

- 13-47 SS 1988-89, c R-12.2 repealed
- 13-48 SS 1999, c C-38.01, section 2 amended
- 13-49 SS 2012, c C-39.2, section 30 amended
- 13-50 RSS 1978, c E-8, section 2 amended
- 13-51 SS 2019, c I-10.4, section 3 amended

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- 13-52 SS 1984-85-86, c M-13.1, section 2 amended  
 13-53 SS 2021, c 23, section 3 amended  
 13-54 SS 1994, c P-37.1, section 2 amended  
 13-55 SS 2013, c S-15.1 amended  
 13-56 SS 1994, c V-6.02, section 12.4 amended  
 13-57 SS 2019, c Y-3 amended

## DIVISION 13

### *The Registered Psychiatric Nurses Act*

- 13-58 SS 1993, c R-13.1 repealed  
 13-59 SS 2012, c C-39.2, section 30 amended  
 13-60 SS 2019, c I-10.4, section 3 amended  
 13-61 SS 1984-85-86, c M-13.1, section 2 amended  
 13-62 SS 2021, c 23, section 3 amended  
 13-63 SS 1994, c V-6.02, section 12.4 amended  
 13-64 SS 2019, c Y-3, section 3-18 amended

## DIVISION 14

### *The Speech-Language Pathologists and Audiologists Act*

- 13-65 SS 1990-91, c S-56.2 repealed  
 13-66 SS 2001, c H-2.01, section 2 amended

## DIVISION 15

### **Other Repeals**

- 13-67 SS 2001, c D-27.1 repealed  
 13-68 SS 2021, c 18 repealed  
 13-69 SS 1995, c M-9.3 repealed  
 13-70 SS 1997, c O-1.11 repealed  
 13-71 SS 2010, c O-5.1 repealed  
 13-72 SS 1998, c P-11.11 repealed  
 13-73 SS 2003, c P-14.1 repealed  
 13-74 SS 2006, c R-22.0002 repealed

## PART 14

### **Coming into Force**

- 14-1 Coming into force

(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 Regulated Health Professions Act*.

#### **Definitions and interpretation**

- 1-2(1)** In this Act:

“**administrative bylaw**” means a bylaw made for a purpose set out in section 3-2;

“**bylaws**” means the bylaws of a college;

“**college**” means the college of a regulated health profession;

“**committee**” means a committee established by a council pursuant to section 2-10;

“**council**” means the council of a college;

“**court**” means the Court of King’s Bench;

“**discipline committee**” means the discipline committee established by a council pursuant to section 6-15;

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**“health professional corporation”** means a professional corporation that is registered to carry on the business of providing health services pursuant to *The Professional Corporations Act*;

**“health services entity”** means a health services entity as defined in *The Provincial Health Authority Act*;

**“licence”** means a licence to practise issued pursuant to Part 4;

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

**“permit”** means a permit issued pursuant to *The Professional Corporations Act* to a health professional corporation;

**“professional conduct committee”** means the professional conduct committee established by a council pursuant to section 6-6;

**“provincial health authority”** means the provincial health authority as defined in *The Provincial Health Authority Act*;

**“public appointee”** means a person appointed as a council member by the Lieutenant Governor in Council pursuant to section 2-6;

**“record”** means a record of information in any form and includes information that is written, photographed, recorded, digitized or stored in any manner, but does not include computer programs or other mechanisms that produce records;

**“registry”** means a registry kept pursuant to section 4-2;

**“registrant”** means a person who is registered with a college pursuant to Part 4;

**“registrar”** means a person appointed pursuant to subsection 2-11(2) as the registrar of a college;

**“regulated health profession”** means a health profession designated in the regulations as a regulated health profession pursuant to clause 2-1(a);

**“regulatory bylaw”** means a bylaw made:

- (a) for a purpose set out in section 3-4; or
- (b) pursuant to section 3-6;

**“restricted activity”** means an activity prescribed in the regulations as a restricted activity pursuant to clause 11-1(1)(a);

**“title”**:

- (a) means a term, word or phrase, abbreviated or otherwise, that is used by a regulated health profession in the practice of that profession; and
- (b) includes an equivalent, in another language, of a title or an abbreviation of a title.

(2) In this Act, a reference to “this Act” includes the regulations made pursuant to this Act.

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(3) In this Act:

- (a) a reference to conditions includes restrictions and limitations; and
- (b) the ability to attach conditions includes the ability to vary or remove those conditions.

### PART 2 Governance

#### DIVISION 1 Designation

##### **Designating regulated health professions, establishing colleges**

**2-1** The Lieutenant Governor in Council may make regulations:

- (a) designating a health profession as a regulated health profession for the purposes of this Act;
- (b) establishing a college, or continuing an existing association, society or college, as the college for one or more regulated health professions, and prescribing its name;
- (c) prescribing the criteria, procedures and fees for applying to the minister to be designated as a regulated health profession;
- (d) respecting any other matter necessary or advisable for establishing or continuing a college mentioned in clause (b).

#### DIVISION 2 College

##### **College is a corporation**

**2-2(1)** A college established or continued pursuant to clause 2-1(b) is a corporation.

- (2) A college may acquire, hold, mortgage, lease, sell or dispose of any property.
- (3) All fees, fines and penalties receivable or recoverable pursuant to this Act by a college are the property of the college.
- (4) A college may:
  - (a) invest its funds in investments in which trustees are authorized to invest pursuant to *The Trustee Act, 2009*; and
  - (b) sell or otherwise dispose of those investments and reinvest the proceeds in similar investments.

##### **Duty and objects of college**

**2-3(1)** It is the duty of each 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.

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- (2) The objects of each college are:
  - (a) to regulate the practice of the regulated health profession and to govern the registrants in accordance with this Act and the bylaws; and
  - (b) to assure the public of the knowledge, skill, proficiency and competency of registrants in the practice of the regulated health profession.
- (3) In furtherance of its duty and objects, each college may:
  - (a) establish, maintain and enforce standards for registration and of continuing competency and standards of practice for registrants;
  - (b) establish, maintain and enforce a code of ethics for registrants;
  - (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 standards of practice among registrants; and
  - (e) carry out any other regulatory activity that each college determines is consistent with its duty and objects.

### **General and special meetings**

**2-4(1)** A special meeting of a college for the transaction of the business that is specified in the resolution or demand must be held:

- (a) on a resolution of the council; or
  - (b) on the demand, in writing, of the number of registrants specified in the bylaws.
- (2) The procedure at a general or special meeting of the college is to be determined by bylaw.
- (3) Subject to subsection (4), the council must send a notice of a general or special meeting to each registrant in the manner prescribed in the bylaws.
- (4) The council must give notice of a special meeting within 60 days after a resolution or demand for a special meeting.

## DIVISION 3 Council

### **Council**

**2-5(1)** A council shall govern, manage and regulate the affairs and business of the college.

- (2) A council consists of:
  - (a) the number of persons elected or appointed in accordance with the bylaws; and
  - (b) the persons appointed by the Lieutenant Governor in Council pursuant to section 2-6.

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(3) Each person elected or appointed as a council member pursuant to clause (2)(a) holds office:

- (a) for the term specified in the bylaws; and
- (b) until that person's successor is elected or appointed, as the case may be.

(4) Persons elected or appointed as council members pursuant to clause (2)(a) or subsection 2-9(1) are entitled to remuneration and reimbursement for expenses in the amount set out in the bylaws.

### **Public appointees**

**2-6(1)** The Lieutenant Governor in Council may appoint 2 persons as council members, or 1/3 of the council members, of a college, whichever number is greater.

- (2) A public appointee must reside in Saskatchewan.
- (3) The term of office of a public appointee is not to exceed 3 years.
- (4) Subject to subsection (5), a public appointee:
  - (a) holds office until that person's successor is appointed; and
  - (b) is eligible for reappointment, but is not eligible to hold office for more than 2 consecutive terms.
- (5) A public appointee ceases to hold office if that person ceases to be a resident of Saskatchewan.
- (6) A public appointee may exercise rights and serve as a member of committees to the same extent as other council members.
- (7) At least one public appointee shall be a member of the discipline committee.
- (8) The absence or inability of a public appointee to act as a member of the discipline committee or the failure to appoint a council member pursuant to this section does not impair the ability of the other members of the discipline committee to act.
- (9) The public appointees shall be remunerated and reimbursed for expenses by the minister at the rate determined by the Lieutenant Governor in Council.

### **Council meetings**

- 2-7(1)** A majority of the council members constitutes a quorum for a council meeting.
- (2) A council must allow members of the public to attend meetings of the council, unless the council considers that a private meeting is necessary to consider matters of a confidential nature or of a personal nature concerning an individual.
- (3) Notwithstanding subsection (2), a council may remove, or cause the removal of, an individual from a council meeting if the individual is behaving in a manner that disrupts, disturbs, impedes or renders infeasible the orderly conduct of the meeting.
- (4) Before removing the individual, the council must warn the individual that the behaviour is disrupting the council meeting and that the failure to cease the behaviour may result in the individual's removal.
- (5) After warning the individual in accordance with subsection (4), the council may remove the individual from the council meeting if the individual does not promptly cease the disruptive behaviour.



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(6) Notwithstanding subsection (4), no prior warning is required to remove the individual from the council meeting if the individual is using force or makes a true threat of force.

(7) In this section, “**true threat of force**” means a threat that has sufficient indicia of intent and seriousness that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

### Resignation

**2-8(1)** A person elected or appointed as a council member pursuant to clause 2-5(2)(a) or subsection 2-9(1) may resign by giving a written notice of resignation to the council.

(2) A public appointee may resign by giving a written notice of resignation to the minister and the council.

(3) The resignation of a council member 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 person elected or appointed as a council member pursuant to clause 2-5(2)(a) or subsection 2-9(1), on the date the written notice is received by the council; or

(b) in the case of the resignation of a public appointee, on the date the written notice is received by the minister.

### Vacancy

**2-9(1)** If the office of a person elected or appointed as a council member pursuant to clause 2-5(2)(a) becomes vacant, the remaining council members 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 council member; 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 council members to act.

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

(4) If the licence of a registrant serving as a council member is cancelled, the registrant ceases to be a council member as of the day of cancellation.

## DIVISION 4 Committees

### Committees

**2-10(1)** A council:

(a) must establish a professional conduct committee and a discipline committee; and

(b) may establish any other committees that are provided for by the bylaws or that the council considers necessary.

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- (2) The council must appoint persons to any committees that are provided for by this Act or the bylaws or that it has established pursuant to subsection (1).
- (3) Subject to this Act and the bylaws, a council, on any conditions that it may determine, may delegate any of its powers or duties to a committee provided for by this Act or the bylaws or established pursuant to subsection (1).
- (4) Subject to the regulations, the council shall not delegate the following powers:
  - (a) to make bylaws;
  - (b) to establish standards of practice;
  - (c) to establish a code of ethics.
- (5) Subject to this Act and the bylaws, a committee may establish its own procedures.

### DIVISION 5 Officers and Registrar

#### Officers and registrar

- 2-11(1)** The officers of a college are to be those that are:
  - (a) specified in the bylaws; and
  - (b) appointed or elected in accordance with the bylaws.
- (2) The council must appoint a registrar.
- (3) In this Act, a reference to the registrar includes a deputy registrar and an assistant registrar if the council has appointed them.

### PART 3 College Bylaws

#### Bylaw procedures

- 3-1(1)** A council may make bylaws for any purpose set out in sections 3-2 and 3-4.
- (2) The registrar shall notify each registrant of each bylaw made pursuant to subsection (1) within 60 days after the bylaw comes into force.
- (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 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 a council comes into force until it is:
  - (a) approved by the minister pursuant to section 3-5; and
  - (b) published in the Gazette.

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(7) A bylaw may incorporate by reference, in whole or in part, any code, standard, guideline or drug schedule, and may incorporate that document as amended from time to time and subject to any changes that the council considers necessary.

(8) Any bylaw that a council may make with respect to registrants it may make with respect to health professional corporations practising in that profession.

### **Administrative bylaws**

**3-2** Subject to this Act, administrative bylaws may be made pursuant to section 3-1 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 council members, other than public appointees;
- (g) governing the procedures for the election, appointment or removal of council members, other than public appointees;
- (h) prescribing an oath of office for council members to take and sign, by oath or solemn affirmation, before assuming their duties as council members;
- (i) prescribing the officers of the college and governing the procedure for the appointment, election or removal of those officers;
- (j) prescribing the duties of council members and of officers and employees of the college;
- (k) prescribing the remuneration and reimbursement for expenses for council members and committee members, other than public appointees;
- (l) prescribing the organization, powers and procedures of the council and regulating the council in the performance of its duties;
- (m) respecting the holding and procedures of meetings of the council and of general and special meetings of the college;
- (n) respecting the holding of a vote on any matter relating to the college, including voting by mail or any other method;
- (o) prescribing the amount of registration, licensing and other fees payable to the college, the times of payment and the penalties for late payment;
- (p) providing for the receipt, management and investment of contributions, donations and bequests;
- (q) establishing and governing scholarships, bursaries, grants and prizes;

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- (r) 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;
- (s) 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;
- (t) governing the retention and destruction of information and documents in the possession of the college, the council, any committee or any officer obtained, prepared or maintained for the purposes of this Act or the bylaws;
- (u) respecting any other matter that is prescribed in the regulations as a matter for which the college may make administrative bylaws;
- (v) providing for any other thing that is necessary for the effective administration of the college.

### **Filing of administrative bylaws**

**3-3(1)** 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 a copy, certified by the registrar to be a true copy, of:

- (a) the administrative bylaw; or
- (b) the administrative bylaw as amended, with the amendment highlighted.

(2) If an administrative bylaw or an amendment to an administrative bylaw is not filed within the 30-day period mentioned in subsection (1), the administrative bylaw or amendment is deemed to be revoked on the expiration of the period.

### **Regulatory bylaws**

**3-4** Subject to this Act, regulatory bylaws may be made pursuant to section 3-1 for the following purposes:

- (a) prescribing the qualifications, standards and tests of competency and good character for:
  - (i) the registration of persons or any category of persons as registrants; and
  - (ii) the issuing of licences;
- (b) prescribing:
  - (i) the procedures governing registration of persons or any category of persons as registrants;
  - (ii) the procedures governing the issuing of licences; and
  - (iii) the conditions of licences;
- (c) setting standards of professional conduct, competency and proficiency of registrants;
- (d) providing for a code of ethics for registrants;
- (e) setting standards regarding the manner and method of practice of registrants;

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- (f) governing the use of titles by health professional corporations and registrants with respect to their profession;
- (g) respecting specialties in the regulated health profession, including:
  - (i) establishing categories of specialties;
  - (ii) establishing the qualifications to be met by registrants for each specialty;
  - (iii) regulating the issuing of licences relating to each specialty;
  - (iv) providing for the suspension or revocation of any specialty designation; and
  - (v) governing the use of titles by registrants indicating a specialty in the profession;
- (h) establishing and respecting the registries that the council considers necessary;
- (i) prescribing the form, content, maintenance and inspection of the registries and for the issuance of certificates of standing by the registrar;
- (j) designating which additional information contained in a registry must be made available to the public for the purposes of subsection 4-2(1);
- (k) defining professional incompetence and professional misconduct for the purposes of this Act;
- (l) prescribing procedures for:
  - (i) the review, investigation and disposition of complaints by the professional conduct committee or the mediation of complaints alleging that a registrant or former registrant is guilty of professional incompetence or professional misconduct;
  - (ii) hearings by the discipline committee of complaints alleging that a registrant or former registrant is guilty of professional incompetence or professional misconduct; and
  - (iii) reviews of decisions pursuant to section 4-5;
- (m) prescribing procedures for the operation of the council or a committee for the purpose of interviewing a registrant or former registrant pursuant to Part 6, and prescribing the power to compel the registrant or former registrant to appear before, and provide information to, the council or committee;
- (n) determining the costs, or the method of calculating the costs, of and incidental to investigations and hearings related to the conduct of registrants or former registrants;
- (o) respecting the establishment, composition, duties, and procedures for the operation of panels of a committee, including panels of the professional conduct committee and the discipline committee;

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- (p) for the purposes of section 6-28:
  - (i) requiring that an appeal of a decision or order of the discipline committee must be made to and heard by the council before an appeal may be made to the court; and
  - (ii) prescribing the procedures for appeals to the council;
- (q) establishing categories of registration and licensing in the college and prescribing the rights and privileges of each category;
- (r) governing the approval of education programs for the purposes of registration with the college and prescribing the conditions for initial or continued approval of those programs;
- (s) prescribing the circumstances under which registrants or former registrants are required to attend re-entry education programs and courses and approving programs and courses for that purpose;
- (t) setting standards for continuing education and the participation of registrants in continuing education;
- (u) governing the reinstatement of a former registrant whose licence has been cancelled;
- (v) setting requirements for the maintenance of registration and licensing;
- (w) regulating the content, form and manner of advertising by registrants and health professional corporations;
- (x) prescribing the number of registrants required to demand a special meeting of the college;
- (y) prescribing the minimum amount of liability protection that registrants are required to obtain;
- (z) respecting the reporting and publication of decisions and reports of the council and committees;
- (aa) respecting the types and service of notices that may be served electronically;
- (bb) establishing programs for the assessment of the competency of registrants;
- (cc) respecting programs for registrants suffering from a substance use disorder;
- (dd) defining activities that constitute a conflict of interest and prohibiting the participation of registrants in those activities;
- (ee) respecting any matter ancillary to the provisions of this Act with respect to the issuing, suspending and revoking of licences, permits or other authorizations to practise;
- (ff) requiring registrants to provide the college with the information that may be specified in the bylaws, including:
  - (i) personal contact information;
  - (ii) identification verification information;

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- (iii) location of practice and areas served;
- (iv) services provided; and
- (v) any changes in the information provided;
- (gg) prescribing the records to be kept, returns to be made and information to be provided with respect to the practice of registrants, and providing for the examination and audit of those records;
- (hh) establishing restrictions on the use and disclosure of information obtained in accordance with clauses (ff) and (gg);
- (ii) respecting the gathering, compiling and sharing of de-identified statistical information;
- (jj) specifying the purposes for, the conditions on and the circumstances in which a restricted activity may be performed, including:
  - (i) governing the performance of the restricted activity by a person or category of persons;
  - (ii) authorizing the delegation of the restricted activity and governing the performance of the delegated restricted activity;
  - (iii) setting the professional standards, competency requirements and education requirements to be met by registrants who perform the restricted activity;
  - (iv) providing for the exemption of a person or category of persons in the performance of the restricted activity; and
  - (v) providing for exempting circumstances regarding the restricted activity;
- (kk) respecting any other matter that is prescribed in the regulations as a matter for which the college may make regulatory bylaws;
- (ll) prescribing any other matter considered necessary for the better carrying out of this Act.

**Filing of regulatory bylaws**

**3-5(1)** A college must file with the minister a copy, certified by the registrar to be a true copy, of:

- (a) each regulatory bylaw; and
  - (b) each regulatory bylaw as amended, with the amendment highlighted.
- (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 a copy, certified by the registrar to be a true copy, of:
- (a) the regulatory bylaw; or
  - (b) the regulatory bylaw as amended, with the amendment highlighted.

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### Ministerial bylaws

**3-6(1)** The minister may request, in writing, that a council amend or revoke a regulatory bylaw or 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 a copy of the regulatory bylaw, amendment or revocation.

## PART 4

### Registration and Licensing of Registrants

#### DIVISION 1

#### Registries

#### Registrants

**4-1(1)** In accordance with this Act and the bylaws, a council may:

- (a) register persons as registrants; and
- (b) issue licences to registrants.

(2) Only a natural person may be registered as a registrant.

#### Registries

**4-2(1)** In accordance with this Act and the bylaws, a council shall keep one or more registries that contain the following information for each registrant listed in that registry:

- (a) the registrant's name;
- (b) the registrant's business address and business telephone number, as provided by the registrant;
- (c) if applicable, the name of the health professional corporation of which the registrant is a director, officer or shareholder;
- (d) if applicable, the category of registration;
- (e) the conditions, if any, imposed on the registrant's registration or licence;
- (f) information respecting each disciplinary proceeding in which a finding has been made respecting the registrant, including:
  - (i) the nature of the finding;



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- (ii) the nature of any order made; and
  - (iii) any conditions of the order.
- (2) Each registry is to be:
  - (a) kept at the head office of the college; and
  - (b) available for inspection by all persons, without fee, during normal office hours of the college.
- (3) For the purposes of clause (2)(b), each registry may be made available in any manner acceptable to the registrar, including in electronic format.
- (4) The registrar may correct any error or remove any entry made in error in a registry of the college.
- (5) At the next meeting of the council, the registrar must notify the council of any changes made to a registry of the college pursuant to subsection (4).
- (6) 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 registrant according to the appropriate registry; 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 registry; or
  - (b) an extract from the appropriate registry that is certified by the registrar.

## DIVISION 2

### Registration and Licensing

#### Registration and licensing

- 4-3(1)** A council may do all or any of the following:
- (a) register a person who produces evidence satisfactory to the council that the person meets the requirements for registration in the appropriate category of registration as set out in this Act or the bylaws;
  - (b) conditionally register a person who produces evidence satisfactory to the council that the person meets the requirements for conditional registration in the appropriate category of registration as set out in this Act or the bylaws;
  - (c) issue a licence to a person who produces evidence satisfactory to the council that the person meets the requirements for a licence as set out in this Act or the bylaws;
  - (d) issue a conditional licence to a person who produces evidence satisfactory to the council that the person meets the requirements for a conditional licence as set out in this Act or the bylaws.
- (2) A registrant granted a conditional licence must comply with the bylaws governing conditional licences.

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### Delegation of registration and licensing powers

4-4(1) A council may delegate to the registrar or to a committee all or any of the powers granted to the council pursuant to subsection 4-3(1).

(2) If a power of the council is delegated pursuant to this section, the exercise of that power by the delegate is deemed to be an exercise of the power by the council.

(3) A council may impose any conditions that it considers appropriate on a delegation of its powers pursuant to this section.

### Review of delegate's decision

4-5(1) A person who is aggrieved by a decision made by a delegate pursuant to section 4-4 may apply to the council to review that decision.

(2) On a review pursuant to subsection (1), the council shall hear the review and may confirm, vary or reverse the decision.

(3) On a review pursuant to subsection (1), the applicant has the right to appear in person before the council in support of the application.

(4) The council shall provide the applicant with its written decision regarding the review.

## DIVISION 3 Public Health Emergency

### Practising during public health emergency

4-6(1) In this section:

**“public health services”** means public health services as defined in *The Public Health Act, 1994*;

**“serious public health threat”** means a serious public health threat as defined in *The Public Health Act, 1994*.

(2) This section applies notwithstanding any other provision of this Act.

(3) If the Lieutenant Governor in Council makes an emergency declaration pursuant to section 17 of *The Emergency Planning Act* identifying an emergency that includes a serious public health threat, a council, subject to the college's duty and objects as set out in section 2-3, may:

(a) waive or modify any requirements for registration or licensing pursuant to this Act or the bylaws; and

(b) authorize a person or category of persons to perform one or more restricted activities in the course of providing public health services to prevent, eliminate, remedy, reduce or otherwise deal with the threat.

(4) A council may impose any conditions on the registration and licensing of persons pursuant to this section that the council considers necessary for the purpose of this section.

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### PART 5 Health Professional Corporations and Other Practice Arrangements

#### **Practising in association**

**5-1(1)** In this section, “**practise in association**” means to practise in cooperation with another registrant of the same college, a registrant of any other college or any other person providing health care.

(2) A registrant is deemed to be practising in association if the registrant, in conducting the registrant’s practice, participates in any of the following activities with another person mentioned in subsection (1):

- (a) joint advertising;
- (b) sharing an office telephone number;
- (c) combined client billing for health care provided by more than one person;
- (d) sharing an office reception area;
- (e) sharing an office or clinic expenses;
- (f) sharing administrative functions or expenses;
- (g) sharing ownership or use of premises, equipment, furnishings or other property;
- (h) sharing employees;
- (i) any other activity prescribed in the regulations as practising in association.

(3) Subject to this Act and the bylaws, a registrant may:

- (a) practise in association with another registrant of the same college, a registrant of any other college or any other person providing health care; and
- (b) refer persons to, and receive referrals from, those persons with whom the registrant practises in association.

(4) The ethical, confidential and fiduciary obligations of a registrant to a person receiving health care from the registrant are not diminished by the fact that the registrant is practising in association.

#### **Conflict in duties**

**5-2** A registrant’s duty to the college, to the public, or to a person receiving health care from the registrant prevails if there is a conflict or potential conflict between that duty and the registrant’s duty to a health professional corporation as a director, officer or shareholder of the corporation.

#### **Prohibition**

**5-3** Except as permitted by this Act, no corporation, other than a health professional corporation, shall carry on the practice of a regulated health profession.

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### Shareholder liability

**5-4** A person is jointly and severally liable with a health professional corporation, or with a corporation acting in contravention of section 5-3:

- (a) for all professional liability claims made against the corporation with respect to acts, errors or omissions that were made or occurred while the person was a voting shareholder of the corporation; and
- (b) for all fines imposed against the corporation pursuant to clause 9-4(1)(b) with respect to acts, errors or omissions that were made or occurred while the person was a voting shareholder of the corporation.

### Certain agreements void

**5-5(1)** An agreement or proxy that vests the authority to exercise any voting right attached to a share of a health professional corporation in a person who is not a registrant is void.

(2) A unanimous shareholder agreement as defined in *The Business Corporations Act, 2021* with respect to a health professional corporation is void unless each shareholder of the corporation is a registrant or a health professional corporation.

### Council powers

**5-6(1)** If a health professional corporation contravenes this Act, the bylaws or *The Professional Corporations Act* or fails to comply with a condition set out in the corporation's permit issued pursuant to *The Professional Corporations Act*, the council may do all or any of the following:

- (a) revoke the permit;
- (b) vary the conditions or impose new conditions on the permit;
- (c) reprimand the health professional corporation or one or more directors or voting shareholders of the health professional corporation;
- (d) impose a fine on the health professional corporation, payable to the college, in an amount not to exceed the amount set out in the bylaws;
- (e) take any other action that the council considers appropriate.

(2) The registrar shall notify the health professional corporation, in writing, of any decision made by the council pursuant to subsection (1), and sections 10 to 13 of *The Professional Corporations Act* apply, with any necessary modification, with respect to that decision.

### College powers

**5-7** Any power that a college may exercise with respect to a registrant it may exercise with respect to a health professional corporation.

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## PART 6 Professional Conduct and Discipline

### DIVISION 1 Preliminary Matters

#### Definitions for Part

##### 6-1 In this Part:

“**complaint**” includes a deemed complaint mentioned in subsection 6-8(2);

“**conduct**” includes an omission;

“**external regulatory body**” means a body that is responsible for licensing or regulating a health profession in a jurisdiction other than Saskatchewan;

“**investigated registrant**” means a person who is the subject of a complaint pursuant to this Part;

“**registrant**” includes a former registrant.

#### Proceedings against former registrants

**6-2(1)** No proceedings conducted pursuant to this Act shall be commenced against a former registrant more than 2 years after the day on which the person became a former registrant.

(2) For the purposes of this section, a proceeding is commenced when the professional conduct committee, pursuant to subsection 6-8(1) or (2), is requested to consider a complaint or is in receipt of a complaint alleging that a registrant is guilty of professional incompetence or professional misconduct.

#### Examination to assess whether curtailment of practice should be ordered

**6-3(1)** If a registrar or a professional conduct committee has reasonable grounds to believe that a registrant may be suffering a physical or mental ailment, an emotional disturbance or a substance use disorder that impairs the registrant’s ability to practise in the regulated health profession and causes the continued practise in the profession by the registrant to constitute a danger to the public, the registrar or professional conduct committee may:

- (a) direct the registrant 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 registrant 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 registrant; and
- (c) impose conditions on, or suspend, the registrant’s registration or licence for the period required to complete the actions undertaken pursuant to this section.

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

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(3) If action has been taken pursuant to clause (1)(c) concerning a registrant, the professional conduct committee may do all or any of the following:

- (a) cancel or amend a condition or cancel the suspension to allow the registrant to resume practice if the professional conduct committee is satisfied, on the registrant's application, that the registrant can resume practice without constituting a danger to the public;
- (b) delay any investigation or written report mentioned in section 6-8;
- (c) decide whether to refer the matter to a hearing before the discipline committee, taking into account:
  - (i) whether the registrant's condition mentioned in subsection (1) caused or substantially contributed to the registrant's impaired ability to practise in the regulated health profession causing the continued practise in the profession by the registrant to constitute a danger to the public; and
  - (ii) whether remedial measures taken by the registrant have provided appropriate public protection.

(4) If the professional conduct committee acts pursuant to subsection (3), the professional conduct committee, within 30 days after making its decision, must deliver written notice of its decision, with written reasons, to the persons, if any, who contributed to establishing the grounds required pursuant to subsection (1).

(5) A registrant aggrieved by a decision of the registrar or the professional conduct committee made pursuant to this section may appeal the decision to the court, and sections 6-24 to 6-27 apply, with any necessary modification, to the appeal.

(6) Failure by a registrant to submit to an examination directed pursuant to subsection (1) or to comply with a condition or suspension imposed on the registrant pursuant to subsection (1) is professional misconduct within the meaning of this Act.

### **Professional incompetence**

**6-4** Professional incompetence is a question of fact, but the display by a registrant of a lack of knowledge, skill or judgment or a disregard for the welfare of a member of the public served by the registrant's regulated health profession of a nature or to an extent that demonstrates that the registrant is unfit to continue in the practice of the regulated health profession, or that the registrant's practice should be restricted, is professional incompetence within the meaning of this Act.

### **Professional misconduct**

**6-5(1)** 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 registrants of the college;
- (b) it tends to harm the standing of the registrant's regulated health profession;
- (c) it is a breach of this Act or the bylaws of the registrant's college; or
- (d) it is a failure to comply with an order of the professional conduct committee, discipline committee or council of the registrant's college.

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(2) Without restricting the generality of subsection (1), a registrant is guilty of professional misconduct if the registrant:

- (a) does or fails to do any act or thing where the discipline committee considers that act or omission to be professional misconduct; or
- (b) does or fails to do any act or thing where the council has, by bylaw, defined that act or omission to be professional misconduct.

### DIVISION 2

#### Professional Conduct Committee

##### Professional conduct committee

**6-6(1)** A council must establish a professional conduct committee.

(2) The professional conduct committee must consist of at least 3 persons appointed by the council, the majority of whom must be current registrants of the college.

(3) No member of the discipline committee is eligible to be a member of the professional conduct committee.

(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.

##### Informal resolution

**6-7** On the referral of a complaint to the professional conduct committee, the committee or a person designated by the committee may, with the consent of the complainant and the investigated registrant, attempt to resolve the complaint informally if the committee considers informal resolution to be appropriate.

##### Investigation of complaints

**6-8(1)** Subject to subsection (3) and section 6-7, if the professional conduct committee receives a written complaint respecting a registrant's conduct, or is requested by the college, the council or the registrar to consider a complaint respecting a registrant's conduct, the committee shall review and investigate the complaint.

(2) The professional conduct committee may:

- (a) on its own initiative, deem information available to it as a complaint; and
- (b) review and investigate deemed complaints in accordance with this Part.

(3) The professional conduct committee may dismiss a complaint if the committee is satisfied that:

- (a) the complaint is frivolous or vexatious; or
- (b) there is insufficient or no evidence of professional incompetence or professional misconduct.

(4) In investigating a complaint, the professional conduct committee may take any steps authorized by section 6-9.

(5) On completion of its investigation, the professional conduct committee may do one or more of the following:

- (a) attempt to resolve the complaint informally in accordance with section 6-7;

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- (b) 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;
  - (c) make a written report to the discipline committee recommending that no further action be taken with respect to the matter under investigation;
  - (d) refer the complaint to mediation, if the professional conduct committee decides that the complaint is of concern only to the complainant and the investigated registrant, both of whom agree to mediation;
  - (e) require the investigated registrant to appear before the professional conduct committee, or a panel of that committee, to be cautioned;
  - (f) require the investigated registrant to complete a specified continuing education or remediation program;
  - (g) accept the voluntary surrender of the investigated registrant's registration or licence;
  - (h) accept an undertaking from the investigated registrant that provides for one or more of the following:
    - (i) assessment of the investigated registrant's capacity or fitness to practise in the regulated health profession;
    - (ii) counselling or treatment of the investigated registrant;
    - (iii) monitoring or supervision of the investigated registrant's practice;
    - (iv) completion by the investigated registrant of a specified course of studies by way of remedial training;
    - (v) placing conditions on the investigated registrant's right to practise in the regulated health profession;
    - (vi) any other terms that the professional conduct committee considers appropriate to resolve the concerns identified by the investigation;
  - (i) take any other action that the professional conduct committee considers appropriate that is not inconsistent with or contrary to this Act or the bylaws.
- (6) The formal complaint set out in a written report made pursuant to clause (5)(b) may relate to any matter disclosed in the complaint received pursuant to subsection (1) or (2) or the investigation conducted pursuant to subsection (4).
- (7) A report signed by a majority of the professional conduct committee is the decision of that committee.
- (8) The professional conduct committee shall:
- (a) inform the complainant, if any, and the investigated registrant of the disposition made by the committee of the complaint; and
  - (b) provide the persons mentioned in clause (a) with a copy of any written report made by the committee with respect to the complaint.



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**Investigative powers**

**6-9(1)** The professional conduct committee may take any steps that it considers proper and may summon any registrant 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 control;
- (c) enter and inspect any premises or place where the investigated registrant practises or has practised in the profession;
- (d) inspect, observe or audit the investigated registrant's practice; and
- (e) examine any equipment, materials or any other thing used by the investigated registrant.

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

- (a) require the investigated registrant to provide access to any computer system used in connection with the registrant'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 registrant'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 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 a warrant authorizing a person conducting the investigation and any other person named in the warrant to enter and search, by force if necessary, any building, dwelling, receptacle, premises or place specified in the warrant for any book, record, document or thing and to examine them, if the judge is satisfied by information under oath or affirmation 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 a warrant pursuant to subsection (9) to enter a dwelling must specifically indicate that the application relates to a dwelling.

(11) An entry and search under a warrant issued pursuant to subsection (9) may be conducted only between 8 a.m. and 8 p.m., unless the warrant specifies otherwise.

(12) A person authorized by a warrant issued 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) Any person other than the registrar is eligible for appointment as an investigator, including a member of the professional conduct committee.

(17) 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.

#### **Investigation report**

**6-10** On completion of its investigation pursuant to section 6-9, the professional conduct committee, or the investigator to whom the professional conduct committee delegated its authority in accordance with that section, shall submit a written report of the investigation to the council.

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### **Suspension pending outcome of investigation**

**6-11(1)** If the registrar or the discipline committee of a college believes, on the basis of a complaint or the nature of the case, that, pending the outcome of an investigation or a hearing, an investigated registrant's licence should be suspended or a registrant's ability to practise in the regulated health profession should be limited or restricted, the registrar or the discipline committee may:

- (a) suspend the registrant's licence; or
  - (b) impose conditions on the registrant's licence.
- (2) A registrant aggrieved by a decision of the registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 6-24 to 6-27 apply, with any necessary modification, to the appeal.

### **Mediation**

**6-12(1)** The following are confidential and are deemed to have been made without prejudice to the parties if they are used in any further proceedings with respect to the complaint:

- (a) any communications made during mediation pursuant to clause 6-8(5)(d);
  - (b) the records of a facilitator or mediator made with respect to meetings held for the purpose of clause 6-8(5)(d).
- (2) If a complaint has been referred to mediation pursuant to clause 6-8(5)(d) but cannot be resolved, the matter must be referred back to the professional conduct committee, and the committee may make any other decision pursuant to subsection 6-8(5) that it considers appropriate.

### **Costs if conditions placed on right to practise**

**6-13** If the professional conduct committee accepts an undertaking from an investigated registrant pursuant to subsection 6-8(5) that provides for conditions on the investigated registrant's right to practise, the committee may order the registrant to pay all or part of:

- (a) the costs of the investigation; and
- (b) the costs incurred by the college in monitoring compliance with the conditions.

### **Referral to discipline committee if undertaking is breached**

**6-14** If the investigated registrant fails to comply with an undertaking or a condition of an undertaking given pursuant to subsection 6-8(5), the professional conduct committee may refer the conduct or complaint that was the subject of the investigation to the discipline committee.

## DIVISION 3 Discipline Committee

### **Discipline committee**

**6-15(1)** A council must establish a discipline committee.

- (2) The discipline committee must consist of at least 3 persons appointed by the council, the majority of whom must be current registrants of the college and at least one of whom must be a public appointee.

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- (3) No member of the professional conduct committee is eligible to be a member of the discipline committee.
- (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.

### **Discipline hearing procedure**

**6-16(1)** If a report of the professional conduct committee recommends that the discipline committee hear and determine a formal complaint, the registrar shall, at least 14 days before the day on which the discipline committee is to sit:

- (a) send a copy of the formal complaint to the investigated registrant; and
  - (b) serve notice on the investigated registrant of the date, time and place of the hearing.
- (2) The professional conduct 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 investigated registrant is guilty of professional incompetence or professional misconduct, 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 college, any legal or other assistance that it considers necessary, and the investigated registrant, at the registrant's own expense, may be represented by counsel.
- (6) If the investigated registrant 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 registrant's absence.
- (7) If, during the course of a hearing, the evidence shows that the investigated registrant 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 registrant of that fact.
- (8) 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 investigated registrant an opportunity to prepare a defence to the amended formal complaint, unless the registrant consents to continue the hearing without the adjournment.
- (9) The discipline committee may adjourn the hearing from time to time.

### **Hearing open to public, exception**

**6-17(1)** A hearing must be open to the public unless the discipline committee orders otherwise pursuant to this section.

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- (2) The person, if any, who made the complaint pursuant to section 6-8:
  - (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 (3), is entitled to attend the hearing.
- (3) The discipline committee may make one or more of the following orders with respect to a hearing:
  - (a) the hearing or a part of the hearing shall be held in private;
  - (b) the investigated registrant, the complainant or a witness shall be identified only by initials;
  - (c) no person shall publish the identity of the witness or any information that could disclose the identity of the witness;
  - (d) no person shall publish another person's personal health information or health records referred to at the hearing or in any document filed with the discipline committee.
- (4) The discipline committee may make an order mentioned in subsection (3) on the request of any person or on the discipline committee's own initiative.
- (5) At the request of any person or on the discipline committee's own initiative, the discipline committee may reconsider an order made pursuant to subsection (3).
- (6) The discipline committee must ensure that an order made pursuant to subsection (3) and the reasons for it are:
  - (a) given orally at the hearing; or
  - (b) made available to the public in writing.
- (7) It is an offence pursuant to this Act for a person to knowingly publish information in contravention of an order made pursuant to subsection (3).

**Witnesses**

- 6-18(1)** Any person who, in the discipline committee's opinion, has knowledge of the subject matter of the hearing is a compellable witness at a hearing before the discipline committee.
- (2) Evidence may be given at a hearing before the discipline committee by oral testimony or affidavit or both, but an investigated registrant's registration or licence cannot be suspended or cancelled on affidavit evidence alone.
- (3) The oral evidence of a witness at a hearing shall be recorded and taken under oath or affirmation, and the parties have the right to examine, cross-examine and re-examine all witnesses and to present evidence in defence and reply.
- (4) Subject to subsection (10), the registrar and any member of the discipline committee may administer oaths and affirmations for the purpose of a hearing pursuant to this Part.
- (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) an investigated registrant whose conduct is the subject of a hearing pursuant to this Part;

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- (b) a member of the professional conduct committee;
  - (c) a member of the discipline 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) 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 other health services entity may be brought before the discipline committee, without special order, by writ of *subpoena duces tecum* issued pursuant to subsection (5) and served on the chief executive officer of the provincial health authority or other health services entity.
- (8) Except for the investigated registrant, a witness who has been served with a writ of *subpoena ad testificandum* or *subpoena duces tecum* is entitled to be paid the same fees in the same way as a witness in an action in court.
- (9) The registrar may apply to the court in accordance with *The King's Bench Rules* for an order for the examination of a witness outside Saskatchewan.
- (10) Section 12 of *The Evidence Act* applies, with any necessary modification, with respect to any witness appearing before the discipline committee who is under 14 years of age or whose capacity is challenged.

**Disciplinary powers**

**6-19(1)** If the discipline committee finds an investigated registrant guilty of professional incompetence or professional misconduct, it may make one or more of the following orders:

- (a) an order that the registrant be expelled from the college, that the registrant's licence be cancelled, and that the registrant's name be struck from the registry;
- (b) an order that the registrant's licence be suspended for a specified period;
- (c) an order that the registrant's licence be suspended pending the satisfaction and completion of any conditions specified in the order;
- (d) an order that the registrant may continue to practise, but only under conditions specified in the order, which may include, but are not restricted to, an order that the registrant:
  - (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 registrant;
- (f) any other order that the discipline committee considers appropriate in the public interest.

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

- (a) that the registrant pay to the college, within a fixed period:
  - (i) a fine in an amount not to exceed the amount set out in the bylaws; and
  - (ii) the costs of the investigation and hearing into the registrant's conduct and related costs, including the expenses of the professional conduct committee and the discipline committee and costs of legal services and witnesses; and
- (b) if a registrant fails to make payment in accordance with an order pursuant to clause (a), that the registrant's licence be suspended.

(3) After the conclusion of a hearing of the discipline committee, the discipline committee shall send to the investigated registrant and to the complainant, if any:

- (a) a copy of its decision; and
- (b) if the discipline committee makes an order pursuant to this section, a copy of the order.

(4) If an investigated registrant is expelled from the college, the registrar shall:

- (a) cancel the registrant's licence; and
- (b) either:
  - (i) strike the name of the registrant from the appropriate registry; or
  - (ii) otherwise indicate the cancellation of the licence in the appropriate registry.

(5) If an investigated registrant's licence is suspended, the registrar shall indicate the suspension of the licence in the appropriate registry.

(6) If the discipline committee finds an investigated registrant guilty of professional incompetence or professional misconduct, the discipline committee may inform the following persons of the order made against the registrant:

- (a) the investigated registrant's employer;
- (b) any other person prescribed in the regulations.

**Criminal conviction**

**6-20** The discipline committee may make any order pursuant to section 6-19 with respect to a registrant if:

- (a) the registrant 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 registrant mentioned in clause (a) an opportunity to be heard; and
- (d) the discipline committee finds that the conduct of the registrant giving rise to the conviction is professional misconduct.



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### **Discipline in another jurisdiction**

**6-21(1)** Subject to subsection (2), the discipline committee may make any order pursuant to section 6-19 with respect to a registrant if, before or after registration in Saskatchewan:

- (a) the registrant is found by an external regulatory body to have done or to have failed to have done any act or thing and, in the opinion of the discipline committee, that act or failure constitutes professional incompetence or professional misconduct within the meaning of this Act; or
  - (b) the person's authorization to practise has been suspended, restricted, revoked or cancelled by an external regulatory body.
- (2) Before making an order pursuant to subsection (1), the discipline committee must:
- (a) give the registrant an opportunity to be heard; and
  - (b) have evidence satisfactory to the discipline committee that the registrant is the person against whom the action mentioned in clause (1)(a) or (b) was taken.
- (3) For the purposes of this section, the discipline committee may accept a certified copy of the record of the findings made or the action taken by an external regulatory body as proof, in the absence of evidence to the contrary, of the findings made or the action taken by that body, without proof of the office or signature of the person appearing to have certified the record on behalf of that body.

## DIVISION 4

### **Additional Committee Matters**

#### **Continuity of committee**

**6-22** If an investigation is commenced by the professional conduct 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 professional conduct 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.

#### **Criminal activity**

**6-23** If, in carrying out its functions pursuant to this Part, the professional conduct committee or the discipline committee obtains information that leads to a reasonable belief that a registrant has been engaged or is engaging in possible criminal activity, the committee shall disclose the information to the appropriate law enforcement agency.

## DIVISION 5

### **Appeal from the Discipline Committee**

#### **Appeal to court**

**6-24(1)** The investigated registrant or the college may appeal the decision or an order of the discipline committee to a judge of the court.

- (2) An appeal must be commenced by filing a notice of appeal with the local registrar of the court within 30 days after the decision or order of the discipline committee is given to the investigated registrant.



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- (3) If the investigated registrant appeals the decision or order of the discipline committee, the investigated registrant must promptly give a copy of the notice of appeal to the registrar of the college.
- (4) If the college appeals the decision or order of the discipline committee, the college must cause a copy of the notice of appeal to be promptly given to the investigated registrant.
- (5) On an appeal pursuant to this section, the registrar must file with the court a true copy of:
  - (a) the formal complaint sent to and the notice served on the investigated registrant pursuant to section 6-16 or the report of the professional conduct committee made pursuant to clause 6-20(b);
  - (b) the transcript of the evidence presented to the discipline committee; and
  - (c) the decision or order of the discipline committee, including the reasons for the decision.
- (6) The appellant or the appellant's lawyer or agent may obtain from the registrar a copy of the documents filed pursuant to subsection (5) on payment of the costs of producing them.
- (7) If part of the hearing was held in private, the college must seal the part of the record that relates to the private hearing.
- (8) The part of the record that is sealed by the college pursuant to subsection (7) may be reviewed by the court, and the court may direct that the record remain sealed or that it be unsealed in whole or in part.

### **Powers of court**

- 6-25(1)** On hearing an appeal brought pursuant to section 6-24, the judge may:
  - (a) confirm, vary or reverse the decision or order of the discipline committee;
  - (b) refer the matter back to the discipline committee, with or without directions; or
  - (c) make any other order that the court considers appropriate in the circumstances.
- (2) The judge may make any order as to costs that the judge considers appropriate, including an order as to which party shall bear the cost of the materials filed with the court pursuant to subsection 6-24(5).

### **Effect of appeal**

- 6-26** The commencement of an appeal pursuant to section 6-24 does not stay the effect of the decision or order being appealed, but, on 5 days' notice to the registrar of the college, the appellant may apply to the court for a stay of the decision or order pending the disposition of the appeal.

### **Court of Appeal**

- 6-27** With leave of a judge of the Court of Appeal, the investigated registrant or the college that is a party to an appeal pursuant to section 6-24 may appeal a decision of the court to the Court of Appeal on a question of law only.

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### Appeal to council

**6-28(1)** Notwithstanding any other provision of this Act, a college may, by bylaw, require that any appeal of a decision or order of the discipline committee must be made to and heard by the council before an appeal may be made to the court.

(2) A bylaw made pursuant to subsection (1) must prescribe the procedures for appeals to the council.

(3) A decision or order of the council made pursuant to this section may be appealed to the court in accordance with section 6-24.

## DIVISION 6 Reinstatement and Other Matters

### Effect of suspension

**6-29** If an investigated registrant's licence is suspended, the registrant's rights and privileges as a registrant are removed for the period during which the registrant's licence is suspended.

### Notice to employers and others of discipline

**6-30** If an investigated registrant's licence is suspended or cancelled or any conditions are imposed on a registrant's practice after a finding has been made pursuant to section 6-19 or 6-20, the registrar must provide that information to the following:

- (a) if known to the college, any person who, at the time of the finding:
  - (i) employs the registrant; or
  - (ii) engages the registrant as a contractor or consultant;
- (b) the provincial health authority;
- (c) any health services entity that has granted privileges to the registrant;
- (d) all related external regulatory bodies in Canada.

### Employer obligations

**6-31(1)** A person who employs or hires another person to provide health care as a registrant of a regulated health profession shall ensure that, throughout the period of employment or engagement, that other person is registered with the appropriate college and holds a valid licence to practise in the regulated health profession.

(2) If a person:

- (a) employs or hires a registrant to provide health care on a full-time or part-time basis in any capacity, including as an employee, contractor or consultant; and
- (b) suspends or terminates the employment or engagement of the registrant for misconduct, incompetence or incapacity;

the person must promptly report the suspension or termination to the registrar of the registrant's college and give the registrant a copy of the report.

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### **Duty of registrants to report**

**6-32(1)** If a registrant reasonably believes that another registrant is unfit to practise, is incompetent or has acted unethically, the registrant must disclose that belief to the registrar of the other registrant's college, together with the name of the other registrant and particulars of the belief in lack of fitness to practise, incompetency or unethical behaviour.

(2) A registrant who discloses information pursuant to subsection (1) is not subject to any liability as a result if the disclosure is made in good faith.

### **Reinstatement**

**6-33(1)** A person who has been expelled as a registrant may apply to the council for reinstatement.

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

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

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

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

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

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

- (a) the proceedings before the council on the application for reinstatement;
- (b) the past record of the appellant as shown by the records of the college; and
- (c) the evidence taken before the council and any committee that dealt with the expulsion and application for reinstatement and the report of that committee.

(6) A person whose application for reinstatement is refused or whose appeal of a refusal is dismissed may make another application for reinstatement, based on new information, after at least 30 days have expired since the date of the latest refusal or dismissal.

## PART 7

### **Other Duties and Responsibilities of Colleges**

#### **Appointment of practice auditors**

**7-1(1)** A council may:

- (a) designate one or more persons to act as practice auditors to audit the practice of a registrant for the purposes of this Act and the bylaws; and
- (b) in designating a person pursuant to clause (a), impose any conditions on the powers of the person that the council considers appropriate.

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(2) For the purpose of carrying out an audit, a practice auditor may, at any reasonable time:

- (a) enter and inspect any premises or place where the registrant practises or has practised the regulated health profession;
- (b) inspect, observe or audit the registrant's practice;
- (c) examine any equipment, materials or any other thing used by the registrant;
- (d) require the registrant to answer any questions or provide any information that the practice auditor considers relevant to the audit; and
- (e) require the registrant to give to the practice auditor any book, record, document or thing that the practice auditor considers relevant to the audit and that is in the registrant's possession or control.

(3) A practice auditor who enters a place or premises for the purposes of this Act must, on request, show evidence of the practice auditor's designation to the person in charge of the place or premises.

(4) For the purposes of an audit, a practice auditor may:

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

(5) A practice auditor may remove any book, record, document or thing for the purpose of making copies, producing records or for examination or further inspection, but the copying, production, examination or further inspection must be carried out within a reasonable time and the items must be returned without delay to the person from whom they were taken.

(6) A copy of a record made pursuant to subsection (4) or (5) and certified to be a true copy by the practice auditor is, in the absence of evidence to the contrary, admissible in evidence in any proceeding or prosecution as proof of the original record and its contents.

(7) If a registrant fails to produce any book, record, document or thing or fails to answer any question or provide any information, the college may apply to the court for an order directing one or more of the following:

- (a) that the registrant produce to the practice auditor any book, record, document or thing that the practice auditor considers to be relevant to the audit and in the registrant's possession or control;
- (b) that the registrant attend before the practice auditor to provide information to the practice auditor, or answer any question that the practice auditor may have, relating to the audit;
- (c) that the registrant pay to the college the costs of the application.

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- (8) Any of the following actions done by a registrant is professional misconduct:
- (a) failing to produce to a practice auditor any book, record, document or thing relevant to the audit and in the registrant's possession or control;
  - (b) failing to give a practice auditor access to any premises or place where the registrant practises or has practised the regulated health profession and that is under the registrant's control;
  - (c) failing to provide any information to the practice auditor or answer any relevant question that the practice auditor may have relating to the audit;
  - (d) obstructing a practice auditor;
  - (e) withholding or concealing from a practice auditor any book, record, document or thing relevant to the audit;
  - (f) destroying any book, record, document or thing relevant to the audit.
- (9) A judge of the Provincial Court of Saskatchewan may issue a warrant authorizing the practice auditor and any other person named in the warrant to enter and search, by force if necessary, any building, dwelling, receptacle, premises or place specified in the warrant for any book, record, document or thing and to examine them, if the judge is satisfied by information under oath or affirmation that:
- (a) the practice auditor is auditing the practice of a registrant pursuant to this section; 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 registrant and to the matter of the audit.
- (10) An order or warrant pursuant to this section may be issued on application without notice.
- (11) No person shall:
- (a) obstruct a practice auditor who is acting in accordance with this Act;
  - (b) withhold or conceal from a practice auditor any book, record, document or thing relevant to an audit; or
  - (c) destroy any book, record, document or thing relevant to an audit.

### **Audit for other professions**

**7-2** When a college receives a written request from a body having statutory authority to regulate another regulated health profession in Saskatchewan or the practice of a health profession in a jurisdiction outside Saskatchewan, the college may:

- (a) direct the practice auditor to conduct an audit or inspection of a registrant's practice; and
- (b) share information resulting from the audit or inspection with the requesting body.

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### Annual registry

**7-3** On or before February 1 in each year, a college must file with the Registrar of Corporations a list, certified by the registrar to be a true list, that includes:

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

### Annual report

**7-4(1)** A college must file an annual report with the minister in the form, with the contents and in the time required by the minister.

(2) To ensure that the requirements of this Act are met, the minister may require reports from a college in addition to the annual report required pursuant to subsection (1).

### College website

**7-5** A college must have and maintain a website that is available to the public and that includes the following information:

- (a) the college's contact information where members of the public may direct their inquiries;
- (b) the college's registries;
- (c) the college's bylaws, including the college's code of ethics and standards of practice;
- (d) the codes, standards, guidelines and schedules incorporated by reference pursuant to subsection 3-1(7);
- (e) the college's most recent annual report;
- (f) the college's general registration and licensing requirements for applicants;
- (g) information respecting how to file a complaint against a registrant;
- (h) any other information prescribed in the regulations.

## PART 8

### Amalgamation of Colleges

#### Definitions for Part

**8-1** In this Part:

**“amalgamated college”** means the college that continues on the amalgamation of 2 or more former colleges pursuant to this Part;

**“amalgamation date”** means the date stated in an amalgamation order as the date on which amalgamation under the order takes effect;

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**“amalgamation order”** means the order made pursuant to section 8-4;

**“committee”** includes a panel or a member of, or a person appointed by or acting for, a committee established by a council pursuant to section 2-10;

**“first council”** means the first council of an amalgamated college;

**“former college”**, in relation to an amalgamated college, means a college that is amalgamating, or has amalgamated, pursuant to this Part with another college to form the amalgamated college.

### **Application for amalgamation**

**8-2** If 2 or more colleges seek to amalgamate, an application must be made to the minister containing the following:

- (a) written confirmation of each college that the amalgamation is approved by its council;
- (b) the rationale for the amalgamation;
- (c) evidence of the nature and extent of consultation with the registrants of the affected colleges;
- (d) a proposed name for the amalgamated college;
- (e) proposals for addressing transitions, including transitions of:
  - (i) the composition of the council, professional conduct committee and discipline committee of the amalgamated college;
  - (ii) college officers mentioned in section 2-11;
  - (iii) registrants of the amalgamated college; and
  - (iv) ongoing applications, investigations and disciplinary hearings.

### **Review of application**

**8-3(1)** On receipt of an application for amalgamation pursuant to section 8-2, the minister shall conduct a review in accordance with this section.

- (2) For the purposes of the review, the minister may do one or more of the following:
  - (a) require a college to provide additional information;
  - (b) interview council members and the registrar of a college;
  - (c) seek the advice of any organization or person;
  - (d) do any other thing that the minister considers necessary and incidental to the consideration of the matter.
- (3) After conducting the review, the minister shall notify the affected colleges, in writing, of the minister’s recommendation with respect to the amalgamation.

### **Amalgamation order**

**8-4(1)** If the minister, after conducting a review pursuant to section 8-3, recommends amalgamation, the Lieutenant Governor in Council may, by order, amalgamate 2 or more colleges into one college.

- (2) An amalgamation order must do all of the following:
  - (a) name the colleges being amalgamated;
  - (b) state the date on which the amalgamation takes effect;

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- (c) in accordance with section 8-5, provide for the first council of the amalgamated college;
  - (d) in accordance with section 8-6, provide for the first bylaws of the amalgamated college;
  - (e) in accordance with section 8-7, provide for the officers and committees of the amalgamated college.
- (3) An amalgamation order may include directions respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to provide for the orderly transition of the colleges into one college.

### **First council**

**8-5(1)** An amalgamation order must:

- (a) name the members and set the terms of the members of the first council; and
  - (b) state the date on which the first council may begin to exercise one or more powers and perform one or more duties pursuant to this Act.
- (2) The first council may be composed of:
- (a) new appointments;
  - (b) council members from each of the former colleges; or
  - (c) a combination of new appointments and persons mentioned in clause (b).
- (3) If a member of the first council was a council member for a former college, any period served as a council member for the former college is not to be counted as part of the council member's term of office on the council of the amalgamated college.
- (4) On the amalgamation date, all of the following occur:
- (a) the council members of each former college who are not members of the first council cease to hold office;
  - (b) the term of each member of the first council begins.

### **First bylaws**

**8-6(1)** The bylaws made by the first council are the bylaws of the amalgamated college.

- (2) On the amalgamation date, all of the following occur:
- (a) the bylaws of the former colleges are repealed;
  - (b) the bylaws made by the first council come into force.

### **Officers and committees**

**8-7(1)** An amalgamation order must provide for one or both of the following:

- (a) that one or more officers of the amalgamated college will be appointed by the first council;
  - (b) that one or more officers of a former college will continue as officers of the amalgamated college.
- (2) An amalgamation order must provide for one or both of the following:
- (a) that one or more committees for the amalgamated college will be established by the first council;
  - (b) that one or more committees of a former college will continue as committees of the amalgamated college.



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- (3) On the amalgamation date, all of the following occur:
- (a) officers whose appointments are not continued cease to hold office;
  - (b) committees that are not continued are disestablished.

### Effect of amalgamation generally

**8-8** On the amalgamation date, former colleges that are amalgamated continue pursuant to this Act as one corporation:

- (a) under the name of the amalgamated college; and
- (b) consisting of the members of the first council of the amalgamated college.

### Property and obligations

**8-9(1)** On the amalgamation date, all of the following apply:

- (a) the property, assets, rights, interests, liabilities and obligations of each former college continue to be the property, assets, rights, interests, liabilities and obligations of the amalgamated college;
  - (b) a reference to a former college in a commercial paper, contract, lease, licence, permit or other instrument or record is deemed to be a reference to the amalgamated college;
  - (c) an existing cause of action, claim or liability to prosecution respecting a former college is unaffected;
  - (d) a legal proceeding being prosecuted or pending by or against a former college may be prosecuted, or its prosecution may be continued, by or against the amalgamated college;
  - (e) a conviction against, or a ruling, order or judgment in favour of or against, a former college may be enforced by or against the amalgamated college.
- (2) An amalgamation does not constitute an assignment by operation of law, a transfer or any other disposition of the property, assets, rights and interests of a former college to the amalgamated college.

### Information and records

**8-10(1)** On amalgamation, information and records in the possession or control of a former college on the amalgamation date are deemed, as of that date, to be information and records in the possession or control of the amalgamated college.

(2) Notwithstanding any provision to the contrary in this Act, a person who obtained information or records in the exercise of powers or performance of duties for a former college may disclose the information and records to a person who exercises similar powers or performs similar duties for an amalgamated college.

### Power or duty in progress

**8-11(1)** In this section, “**power or duty in progress**” means a power or duty pursuant to this Act that a former college or its officers, employees or committees:

- (a) began to exercise or to perform, but did not complete, before the amalgamation date; or
- (b) could have exercised or performed with respect to a matter that is alleged to have existed or occurred, but was not investigated, before the amalgamation date.

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- (2) The provisions of this section are subject to sections 8-12 and 8-13.
- (3) On the amalgamation date, all of the following apply:
  - (a) the first council may exercise any power or duty in progress that was being exercised by a council of a former college;
  - (b) an officer of the amalgamated college may exercise any power or duty in progress that was being exercised by an officer of a former college who held the same position;
  - (c) a committee of the amalgamated college may exercise any power or duty in progress that was being exercised by a committee of a former college that had the same mandate.

### Bylaws to authorize continued actions

**8-12(1)** Notwithstanding section 8-7, the first council may make a bylaw to:

- (a) authorize an officer or committee of a former college to continue to exercise a power or perform a duty pursuant to this Act that the officer or committee began to exercise or perform, but did not complete, before the amalgamation date; and
  - (b) set conditions on the exercise of the power or performance of the duty.
- (2) If a bylaw is made pursuant to subsection (1), the authorized officer or committee is deemed to be an officer or committee of the amalgamated college for the purposes of continuing to exercise the power or perform the duty on and after the amalgamation date.

### Investigation and discipline

**8-13** Notwithstanding section 8-7, an action taken with respect to the investigation or discipline of a registrant of a former college by an officer or committee of a former college is deemed on the amalgamation date to be the action of the following:

- (a) an officer of the amalgamated college who holds the same position, if the action was taken by an officer;
- (b) a committee of the amalgamated college that has the same mandate, if the action was taken by a committee.

### Registrants

**8-14(1)** A person who, on the amalgamation date, is a registrant of a former college is deemed on that date to be a registrant of the amalgamated college and, subject to the bylaws of the amalgamated college, continues:

- (a) to be a registrant of the same or a comparable category of registrants established by the bylaws of the amalgamated college, if a bylaw made by the former college established categories of registrants; and
- (b) to be subject to all conditions, if any, imposed on the registrant's licence by the former college as of the amalgamation date until:
  - (i) the conditions are varied in accordance with this Act; or
  - (ii) the licence expires or is revoked.

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- (2) A person who, on the amalgamation date, is a former registrant of a former college is deemed on that date to be a former registrant of the amalgamated college.

### Applicants for registration

**8-15** A person who applied, on or before the amalgamation date, to be a registrant of a former college:

- (a) is deemed on the amalgamation date to have made the application to the amalgamated college, if no decision was made on the application before that date; and
- (b) is, subject to the bylaws of the amalgamated college, deemed to have applied to be a registrant of the same or a comparable category of registrants established by the bylaws of the amalgamated college as that stated in the application, if a bylaw made by the former college established categories of registrants.

### Health professional corporations

**8-16(1)** A health professional corporation that, on the amalgamation date, holds a valid permit issued by a former college pursuant to *The Professional Corporations Act*:

- (a) is deemed on the amalgamation date to hold a valid permit issued by the amalgamated college; and
- (b) continues to be subject to all conditions, if any, imposed on the permit by the former college until:
  - (i) the conditions are varied in accordance with *The Professional Corporations Act* or this Act; or
  - (ii) the permit expires or is revoked.

(2) A person who applied, on or before the amalgamation date, to a former college for a health professional corporation permit is deemed on the amalgamation date to have:

- (a) made the application to the amalgamated college, if no decision was made on the application before that date and if the amalgamated college is authorized pursuant to *The Professional Corporations Act* to issue permits; or
- (b) withdrawn the application, if no decision was made on the application before that date and if the amalgamated college is not authorized pursuant to *The Professional Corporations Act* to issue permits.

## PART 9 General

### Unauthorized practice prohibited

**9-1** No person shall practise or profess to practise a regulated health profession unless the person:

- (a) is a registrant of the college that regulates that health profession and holds a valid licence issued by that college; or
- (b) is a health professional corporation that holds a valid permit.

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### Protection of title

**9-2(1)** No person other than a registrant shall use a title prescribed in the regulations or the bylaws for that regulated health profession to imply that the person is a registrant.

(2) No person shall use the title “doctor” in the course of providing health care unless the person is authorized by the regulations or the bylaws to use the title.

### Injunction

**9-3** On the application of a college, the court may grant an injunction enjoining any person from doing one or more of the following:

- (a) practising or professing to practise the regulated health profession, of which the college is the regulatory body, without:
  - (i) being registered pursuant to this Act and holding a valid licence; or
  - (ii) holding a permit as a health professional corporation;
- (b) doing anything that contravenes this Act or the bylaws, code of ethics or standards of practice of the college, notwithstanding any penalty that may be provided by this Act with respect to that contravention.

### Offence and penalty

**9-4(1)** A person who contravenes a provision of this Act is guilty of an offence and is liable on summary conviction:

- (a) in the case of an individual:
    - (i) for a first offence, to a fine of not more than \$10,000; and
    - (ii) for a second or subsequent offence, to a fine of not more than \$50,000 or to imprisonment for a term of not more than 6 months, or to both; and
  - (b) in the case of a corporation:
    - (i) for a first offence, to a fine of not more than \$25,000; and
    - (ii) for a second or subsequent offence, to a fine of not more than \$100,000.
- (2) If a health professional corporation commits an offence pursuant to this Act, any director, officer or employee of the corporation who authorized, permitted or acquiesced in the commission of the offence is guilty of an offence and is liable on summary conviction, whether or not the corporation has been prosecuted or convicted:
- (a) to a fine not exceeding the amount specified in the bylaws of the college that regulates that profession; or
  - (b) if the bylaws of the college do not specify an amount, then:
    - (i) for a first offence, to a fine of not more than \$10,000; and
    - (ii) for a second or subsequent offence, to a fine of not more than \$50,000.
- (3) No prosecution for a contravention of this Act is to be commenced more than 2 years after the date on which the contravention is discovered.

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### Prosecution of offence

**9-5(1)** Any person designated by a college may be a prosecutor in the prosecution of an offence pursuant to this Act.

(2) The Government of Saskatchewan may pay to the college a portion of any fine recovered pursuant to this Part, in the amount that the government considers appropriate, towards the costs of the prosecution.

### Proof of offence

**9-6** In any prosecution pursuant to this Act, it is sufficient proof of an offence pursuant to this Act if it is proved that the accused has done or committed a single act of unauthorized practice, or has committed on one occasion any of the acts prohibited by or pursuant to this Act.

### Proof of conviction

**9-7** For the purpose of proceedings pursuant to this Act, a certified copy – under the seal of the court, or signed by the convicting judge or a clerk of the Provincial Court of Saskatchewan – of the conviction of a person for any offence pursuant to the *Criminal Code* or any other Act or regulation is conclusive evidence that the person committed the offence, unless it is shown that the conviction has been quashed or set aside.

### Immunity

**9-8** No action lies or shall be commenced against a college, council or any other person or entity acting pursuant to the authority of, or engaged in the administration or enforcement of, this Act or the bylaws for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the bylaws or in the carrying out or supposed carrying out of any decision or order made pursuant to this Act or the bylaws or any duty imposed by this Act or the bylaws.

### Service of notices, etc.

**9-9(1)** A notice, order or other document that is required to be given or served pursuant to this Act is sufficiently given or served if it is delivered:

- (a) personally:
    - (i) in the case of an individual, to that individual;
    - (ii) in the case of a partnership, to any partner; or
    - (iii) in the case of a corporation, to any officer or director;
  - (b) by registered mail, or by another service that provides the sender with proof of delivery, to the intended recipient at that person's last address appearing in the records of the applicable college; or
  - (c) by any other method prescribed in the regulations.
- (2) A notice, order or other document sent by registered mail is effective:
- (a) on the date specified in the post office confirmation of delivery to the person to be served; or
  - (b) if no date is specified, on the date on which the sender receives the confirmation of delivery.

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(3) Notwithstanding subsection (2), service of a document by any method in which a signed acknowledgment of service has been received is effective on the date specified in the acknowledgment of service.

(4) If it is for any reason impractical to effect service of any document in the manner provided for in subsection (1), the court may, on an application that may be made without notice, make an order for substituted service.

(5) A document served in accordance with the terms of an order mentioned in subsection (4) is deemed to have been properly served.

**Review by Legislative Assembly**

**9-10(1)** A copy of each regulatory bylaw and amendment filed with the Registrar of Corporations pursuant to section 3-5 or 3-6 is to be laid before the Legislative Assembly by the minister responsible for the administration of *The Business Corporations Act, 2021* in accordance with section 13 of *The Executive Government Administration Act*.

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

**Record of revocation and notification**

**9-11(1)** If it appears from any Votes and Proceedings of the Legislative Assembly that any regulatory bylaw or amendment has ceased to have effect, the Clerk of the Legislative Assembly shall immediately:

- (a) forward a copy of the Votes and Proceedings to the Registrar of Corporations; and
- (b) advise the Registrar of Corporations that the copy is forwarded pursuant to this subsection.

(2) On receipt of the copy of the Votes and Proceedings pursuant to subsection (1), the Registrar of Corporations shall immediately:

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

**Appointment of administrator**

**9-12(1)** Subject to subsection (2), the minister may, by order:

- (a) appoint one or more persons as administrators of a college for a specified term; and
- (b) authorize a person appointed as an administrator to carry out, as specified in the order, any of the powers and duties of the college, its council, officers or committees pursuant to this Act and the bylaws.

(2) The minister may make an order pursuant to subsection (1) only if:

- (a) the college requests that the minister appoint an administrator to support the college in carrying out its mandate, powers and duties pursuant to this Act and the bylaws; or

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- (b) the minister is of the opinion that it is in the public interest to appoint an administrator to support the college in carrying out its mandate, powers and duties pursuant to this Act and the bylaws.
- (3) The carrying out of a power or duty by a person appointed as an administrator pursuant to subsection (1) is deemed to be the carrying out of a power or duty by the college or its council, officers or committees.
- (4) A person appointed as an administrator pursuant to subsection (1) shall be remunerated and reimbursed for expenses by the minister at the rate determined by the Lieutenant Governor in Council.
- (5) If, in the minister's opinion, the administrator is no longer required, the minister may terminate the administrator's appointment before the end of the specified period and on the terms and conditions that the minister considers advisable.

## PART 10 Regulations

### Regulations

**10-1(1)** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) with respect to governance:
  - (i) prescribing the minimum number of council members for a college;
  - (ii) specifying additional committees to be established by a council;
  - (iii) specifying the composition requirements and mandate for any committee established pursuant to subclause (ii);
- (c) prescribing additional matters for which a college may make administrative bylaws in accordance with clause 3-2(u);
- (d) prescribing additional matters for which a college may make regulatory bylaws in accordance with clause 3-4(kk);
- (e) prescribing additional activities for the purposes of subsection 5-1(2);
- (f) prescribing other persons for the purposes of clause 6-19(6)(b);
- (g) prescribing additional information to be posted on a college's website for the purpose of clause 7-5(h);
- (h) respecting the collection and disclosure of information, including the standards to be observed and the procedures to be followed in implementing a program for data sharing;
- (i) prescribing any conditions or requirements respecting the use of a phrase, and any variation or abbreviation of a phrase, in the name of a health professional corporation;
- (j) respecting the use of titles and designations, including permissions and restrictions on any title or designation used by a college or a registrant;



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- (k) respecting the notice to be given when a registrant's licence or registration is amended, suspended, cancelled or modified in any way;
  - (l) prescribing fees or costs, or the manner of determining fees or costs, that may be charged and collected pursuant to this Act;
  - (m) respecting the transition of an unregulated health profession to a health profession regulated pursuant to this Act, including exempting the unregulated health profession from the application of any provision of this Act during the transition period, and specifying the date on which this Act is to apply to the unregulated health profession;
  - (n) prescribing additional matters respecting the amalgamation of colleges pursuant to Part 8;
  - (o) prescribing requirements for the registration and licensing of registrants by a college;
  - (p) for the purposes of clause 9-9(1)(c), prescribing other methods of service;
  - (q) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
  - (r) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) A regulation made pursuant to subsection (1) may be general or particular in its application and may apply to one or more regulated health professions and one or more categories of registrants of a regulated health profession.
- (3) A regulation made pursuant to subsection (1) may incorporate by reference, in whole or in part, any code, standard, guideline or drug schedule, and may incorporate that document as amended from time to time and subject to any changes that the Lieutenant Governor in Council considers necessary.

## PART 11 Restricted Activities

### Regulations respecting restricted activities

**11-1(1)** The Lieutenant Governor in Council may make regulations:

- (a) prescribing activities that are restricted activities;
- (b) specifying the purposes for, the conditions on and the circumstances in which restricted activities may be performed;
- (c) prescribing the restricted activities that a regulated health profession may perform;
- (d) specifying the restricted activities that a registrant of a college is authorized to perform;
- (e) governing the performance of restricted activities by a person or category of persons;



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- (f) providing for the exemption of a person or category of persons in the performance of restricted activities;
- (g) providing for exempting circumstances regarding restricted activities;
- (h) providing for the delegation of a restricted activity by a registrant to the following persons:
  - (i) to a registrant or category of registrants of another regulated health profession;
  - (ii) to any other person or category of persons prescribed in the regulations.
- (2) A regulation made pursuant to subsection (1) may be general or particular in its application and may apply to one or more regulated health professions and one or more categories of registrants of a regulated health profession.
- (3) A regulation made pursuant to subsection (1) may incorporate by reference, in whole or in part, any code, standard, guideline or drug schedule, and may incorporate that document as amended from time to time and subject to any changes that the Lieutenant Governor in Council considers necessary.

### **Performance of restricted activity**

**11-2(1)** No person shall perform a restricted activity unless authorized by the regulations and the bylaws to do so.

(2) The performance of a restricted activity is not a contravention of subsection (1) if the restricted activity is performed in circumstances exempted pursuant to the regulations and the bylaws.

### **Delegation of restricted activity**

**11-3(1)** The delegation of a restricted activity by a registrant must be in accordance with the regulations and the bylaws governing the registrant's regulated health profession.

(2) The delegation of a restricted activity to a registrant must be in accordance with the regulations and the bylaws governing the registrant's regulated health profession.

## PART 12 Transitional Matters

### **Definitions for Part**

**12-1** In this Part:

**“association”** means an association established or continued by a former Act;

**“board”** means a board established or continued by a former Act;

**“college”** means a college established or continued by a former Act;

**“committee”** means a committee established or continued by or pursuant to a former Act;

**“council”** means a council established or continued by a former Act;

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**“former Act”** means an Act that regulated a health profession immediately before this Act began to regulate that health profession;

**“member”** includes a person who holds a licence, permit or membership pursuant to a former Act;

**“society”** means a society established or continued by a former Act;

**“transition date”** means the date on which this Act is to apply to a regulated health profession in accordance with regulations made pursuant to section 12-5.

**Transitional – college, council, bylaw, member, licence, etc.**

**12-2** Subject to the regulations made pursuant to section 12-5, when a health profession that was regulated pursuant to a former Act transitions to this Act, on the transition date:

- (a) the association, society or college for the regulated health profession is continued as a college pursuant to this Act;
- (b) if the board or council as it existed on the day before the transition date is constituted in accordance with sections 2-5 and 2-6, the board or council is continued as the council of the college that is continued pursuant to clause (a);
- (c) if the board or council as it existed on the day before the transition date is not constituted in accordance with sections 2-5 and 2-6, the board or council is deemed to be the council of the college that is continued pursuant to clause (a) until a new council is constituted in accordance with sections 2-5 and 2-6;
- (d) a person who was a member of a board or council or committee immediately before the transition date continues as a council member or committee member, as the case may be, of the college that is continued pursuant to clause (a) until the earlier of the date on which:
  - (i) the council members or committee members, as the case may be, are elected or appointed pursuant to this Act; and
  - (ii) the person dies, resigns or otherwise ceases to be a council member or a committee member, as the case may be;
- (e) every decision or order of a board or council or committee that was in force immediately before the transition date continues in force as a decision or order of the council or committee of the college that is continued pursuant to clause (a) and may be enforced as if the decision or order had been made pursuant to this Act;
- (f) every bylaw of the association, society or college that was in force immediately before the transition date continues in force as a bylaw of the college that is continued pursuant to clause (a) to the extent that the bylaw is not inconsistent with this Act and until the bylaw is otherwise dealt with in accordance with this Act;
- (g) a person who was a member of an association, society or college immediately before the transition date continues as a registrant of the college that is continued pursuant to clause (a) and may be dealt with in accordance with this Act;

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(h) a licence, permit or other authorization to practise issued pursuant to the former Act that was in force immediately before the transition date is deemed to have been issued pursuant to this Act and may be dealt with as if it had been issued pursuant to this Act;

(i) every undertaking or agreement made by a member that was in force immediately before the transition date continues in force as an undertaking or agreement made by the registrant and may be enforced as if the undertaking or agreement had been made pursuant to this Act.

### **Transitional – complaints, investigations and proceedings**

**12-3** Subject to the regulations made pursuant to section 12-5, when a health profession that was regulated pursuant to a former Act transitions to this Act, every complaint, investigation and proceeding that was commenced pursuant to the former Act and that was in existence immediately before the transition date is continued pursuant to this Act and shall be dealt with in conformity with the procedures established by this Act, with any necessary modification.

### **Transitional – professional corporations**

**12-4** Subject to the regulations made pursuant to section 12-5, on the transition date for members regulated pursuant to *The Medical Profession Act, 1981*, a professional corporation that, immediately before the transition date, held a valid permit issued pursuant to Part III.1 of that Act is continued as a health professional corporation pursuant to *The Professional Corporations Act* and may be dealt with in accordance with *The Professional Corporations Act* and this Act.

### **Transitional regulations**

**12-5(1)** The Lieutenant Governor in Council may make regulations:

- (a) respecting anything required to deal with the transition from regulating health professions pursuant to former Acts to regulating them pursuant to this Act, including regulations:
  - (i) specifying the date on which this Act is to apply to a regulated health profession;
  - (ii) respecting the transition to this Act of an association, society or college, its board or council, officers and committees, and its bylaws, decisions and orders;
  - (iii) respecting the continuance or transition of registration pursuant to a former Act to registration pursuant to this Act;
  - (iv) respecting the continuance or transition of licences, permits and other authorizations to practise issued pursuant to a former Act to this Act;
  - (v) respecting the continuance of complaints, investigations or proceedings commenced pursuant to a former Act, and the application of this Act, with any necessary modification, to those complaints, investigation or proceedings;
  - (vi) exempting categories of persons from the application of this Act or any provision of this Act during the period of transition;

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(vii) respecting the continuance of professional corporations described in section 12-4 to health professional corporations pursuant to *The Professional Corporations Act*;

(viii) respecting the interpretation of any transitional provision of this Act;

(b) to remedy any difficulty, inconsistency or impossibility resulting from the transition to this Act from regulating health professions pursuant to former Acts.

(2) A regulation made pursuant to this section may be general or particular in its application and may apply to one or more regulated health professions and one or more categories of members of a regulated health profession.

(3) A regulation made pursuant to this section may be made retroactive to a day not earlier than the day on which this section comes into force.

(4) Subject to subsection (5), if there is any conflict between a regulation made pursuant to this section and any other Act or law, the regulation made pursuant to this section prevails.

(5) If there is any conflict between a regulation made pursuant to this section and a regulation made pursuant to section 2-1, 10-1 or 11-1 after the regulation made pursuant to this section is enacted, the regulation made pursuant to section 2-1, 10-1 or 11-1 prevails.

### PART 13

#### Repeals and Consequential Amendments

##### DIVISION 1

##### *The Chiropractic Act, 1994*

**SS 1994, c C-10.1 repealed**

**13-1** *The Chiropractic Act, 1994* is repealed.

**SS 2013, c S-15.1, section 5-6 amended**

**13-2 Clause 5-6(2)(b) of *The Saskatchewan Employment Act* is repealed and the following substituted:**

“(b) a chiropractor who holds a valid licence to practise issued by the college that regulates chiropractors pursuant to *The Regulated Health Professions Act*”.

**RSS 1978, c S-29 amended**

**13-3(1)** *The Saskatchewan Medical Care Insurance Act* is amended in the manner set forth in this section.

**(2) Subclause 2(c)(i) is repealed and the following substituted:**

“(i) an individual who holds a valid licence to practise issued by the college that regulates chiropractors pursuant to *The Regulated Health Professions Act*”.

**(3) Subsection 40(3) is amended by striking out “Board of Chiropractors under *The Chiropractic Act*” and substituting “college that regulates chiropractors pursuant to *The Regulated Health Professions Act*”.**

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SS 2013, c W-17.11, section 2 amended

**13-4 Clause 2(1)(g) of *The Workers' Compensation Act, 2013* is repealed and the following substituted:**

“(g) ‘**chiropractor**’ means an individual who holds a valid licence to practise issued by the college that regulates chiropractors pursuant to *The Regulated Health Professions Act*”.

## DIVISION 2

***The Dental Disciplines Act***

SS 1997, c D-4.1 repealed

**13-5 *The Dental Disciplines Act* is repealed.**

SS 2006, c C-1.1, section 16 amended

**13-6 Clause 16(1)(b) of *The Cancer Agency Act* is repealed and the following substituted:**

“(b) a dentist who holds a valid licence to practise issued by the College of Dental Surgeons of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 2012, c C-39.2, section 30 amended

**13-7 Subclause 30(b)(ii) of *The Correctional Services Act, 2012* is repealed and the following substituted:**

“(ii) a dentist who holds a valid licence to practise issued by the College of Dental Surgeons of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 2013, c S-15.1, section 5-6 amended

**13-8 Clause 5-6(2)(c) of *The Saskatchewan Employment Act* is repealed and the following substituted:**

“(c) a dentist, dental assistant, dental hygienist or dental therapist who holds a valid licence to practise issued by the college that regulates that health profession pursuant to *The Regulated Health Professions Act*”.

RSS 1978, c S-29, section 2 amended

**13-9 Subclause 2(e)(i) of *The Saskatchewan Medical Care Insurance Act* is repealed and the following substituted:**

“(i) an individual who holds a valid licence to practise issued by the College of Dental Surgeons of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 2019, c Y-3 amended

**13-10(1) *The Youth Justice Administration Act, 2019* is amended in the manner set forth in this section.**

**(2) In subsection 1-2(1), the definition of “intoxicant” is amended by striking out “a dentist entitled to practise pursuant to *The Dental Disciplines Act*” and substituting “a dentist who holds a valid licence to practise issued by the College of Dental Surgeons of Saskatchewan pursuant to *The Regulated Health Professions Act*”.**

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**(3) In section 3-18, clause (b) of the definition of “health care professional” is repealed and the following substituted:**

“(b) a dentist who holds a valid licence to practise issued by the College of Dental Surgeons of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

## DIVISION 3

*The Licensed Practical Nurses Act, 2000*

SS 2000, c L-14.2 repealed

**13-11** *The Licensed Practical Nurses Act, 2000* is repealed.

SS 2019, c Y-3, section 3-18 amended

**13-12** In section 3-18 of *The Youth Justice Administration Act, 2019*, clause (g) of the definition of “health care professional” is repealed and the following substituted:

“(g) a licensed practical nurse who holds a valid licence to practise issued by the College of Licensed Practical Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

## DIVISION 4

*The Medical Profession Act, 1981*

SS 1980-81, c M-10.1 repealed

**13-13** *The Medical Profession Act, 1981* is repealed.

SS 2006, c C-1.1, section 16 amended

**13-14** Clause 16(1)(a) of *The Cancer Agency Act* is repealed and the following substituted:

“(a) a duly qualified medical practitioner”.

SS 1999, c H-0.021, section 27 amended

**13-15** Clause 27(4)(n) of *The Health Information Protection Act* is amended by striking out “pursuant to *The Medical Profession Act, 1981*” and substituting “by the College of Physicians and Surgeons of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 1994, c M-9.2, section 17 amended

**13-16** Clause 17(2)(a) of *The Medical Laboratory Licensing Act, 1994* is repealed and the following substituted:

“(a) a bylaw made by the College of Physicians and Surgeons of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 1984-85-86, c M-13.1, section 2 amended

**13-17** Clause 2(w) of *The Mental Health Services Act* is amended by striking out “within the meaning of *The Medical Profession Act, 1981*”.

SS 1994, c P-37.1, section 2 amended

**13-18** Clause 2(1)(bb) of *The Public Health Act, 1994* is amended by striking out “within the meaning of *The Medical Profession Act, 1981*”.

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RSS 1978, c S-29 amended

**13-19(1)** *The Saskatchewan Medical Care Insurance Act* is amended in the manner set forth in this section.

**(2) Clause 2(m) is repealed and the following substituted:**

“(m) ‘**physician**’ means:

(i) an individual who holds a valid licence or permit to practise issued by the College of Physicians and Surgeons of Saskatchewan pursuant to *The Regulated Health Professions Act*; or

(ii) a professional corporation that is registered pursuant to *The Professional Corporations Act* and holds a valid permit issued pursuant to that Act to carry on the practice of medicine”.

**(3) Subsection 40(3) is amended by striking out** “The College of Physicians and Surgeons of the Province of Saskatchewan under *The Medical Profession Act, 1981*” **and substituting** “the College of Physicians and Surgeons of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 2013, c W-17.11, section 2 amended

**13-20 Clause 2(1)(dd) of *The Workers’ Compensation Act, 2013* is repealed and the following substituted:**

“(dd) ‘**physician**’ means a duly qualified medical practitioner”.

### DIVISION 5

#### *The Medical Radiation and Imaging Professionals Act*

SS 2006, c M-10.3 repealed

**13-21** *The Medical Radiation and Imaging Professionals Act* is repealed.

SS 2013, c S-15.1, section 5-6 amended

**13-22 Clause 5-6(2)(d) of *The Saskatchewan Employment Act* is repealed and the following substituted:**

“(d) a medical radiation or imaging professional who holds a valid licence to practise issued by the College of Medical Radiation and Imaging Professionals of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

### DIVISION 6

#### *The Midwifery Act*

SS 1999, c M-14.1 repealed

**13-23** *The Midwifery Act* is repealed.

**Certain regulations to remain in force**

**13-24** Notwithstanding the repeal of *The Midwifery Act* pursuant to section 13-23 of *The Regulated Health Professions Act*, *The Midwifery Regulations* remain in force and may be amended or repealed pursuant to *The Regulated Health Professions Act* as if they had been made pursuant to *The Regulated Health Professions Act*.



## REGULATED HEALTH PROFESSIONS ACT

SS 1999, c C-38.01, section 7 amended

**13-25** Clause 7(1)(f) of *The Coroners Act, 1999* is amended by striking out “is entitled to practise midwifery pursuant to *The Midwifery Act*” and substituting “holds a valid licence to practise issued by the Saskatchewan College of Midwives pursuant to *The Regulated Health Professions Act*”.

## DIVISION 7

***The Naturopathic Medicine Act and  
The Naturopathy Act***

SS 2015, c N-3.11 repealed

**13-26** *The Naturopathic Medicine Act* is repealed.

SS 2023, c 6, Part 10 repealed

**13-27** Part 10 of *The Miscellaneous Statutes (Health Professions) Amendment Act, 2023* is repealed.

RSS 1978, c N-4 repealed

**13-28** *The Naturopathy Act* is repealed.

## DIVISION 8

***The Optometry Act, 1985***

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

**13-29** *The Optometry Act, 1985* is repealed.

RSS 1978, c S-29 amended

**13-30(1)** *The Saskatchewan Medical Care Insurance Act* is amended in the manner set forth in this section.

**(2) Subclause 2(1)(i) is repealed and the following substituted:**

“(i) an individual who holds a valid licence to practise issued by the college that regulates optometrists pursuant to *The Regulated Health Professions Act*”.

**(3) Subsection 40(3) is amended by striking out** “Council of the Saskatchewan Association of Optometrists under *The Optometry Act, 1985*” **and substituting** “college that regulates optometrists pursuant to *The Regulated Health Professions Act*”.

RSS 1978, c W-13, section 2 amended

**13-31 Subclause 2(a)(iv) of *The White Cane Act* is amended by striking out** “is the holder of a valid and subsisting licence issued pursuant to *The Optometry Act, 1985*” **and substituting** “holds a valid licence to practise issued by the college that regulates optometrists pursuant to *The Regulated Health Professions Act*”.



## REGULATED HEALTH PROFESSIONS ACT

DIVISION 9  
*The Paramedics Act*

SS 2007, c P-0.1 repealed

**13-32** *The Paramedics Act* is repealed.

SS 2019, c Y-3, section 3-18 amended

**13-33** In section 3-18 of *The Youth Justice Administration Act, 2019*, clause (h) of the definition of “health care professional” is repealed and the following substituted:

“(h) a paramedic who holds a valid licence to practise issued by the Saskatchewan College of Paramedics pursuant to *The Regulated Health Professions Act*”.

DIVISION 10  
*The Pharmacy and Pharmacy Disciplines Act*

SS 1996, c P-9.1 repealed

**13-34** *The Pharmacy and Pharmacy Disciplines Act* is repealed.

Certain regulations to remain in force

**13-35** Notwithstanding the repeal of *The Pharmacy and Pharmacy Disciplines Act* pursuant to section 13-34 of *The Regulated Health Professions Act*, *The Drug Schedules Regulations, 1997* remain in force and may be amended or repealed pursuant to *The Regulated Health Professions Act* as if they had been made pursuant to *The Regulated Health Professions Act*.

SS 1999, c H-0.021 amended

**13-36(1)** *The Health Information Protection Act* is amended in the manner set forth in this section.**(2) Subclause 2(1)(t)(ix) is repealed and the following substituted:**

“(ix) a proprietor of a proprietary pharmacy as defined in *The Pharmacy and Pharmacy Disciplines Regulations* made pursuant to *The Regulated Health Professions Act*”.

**(3) Subsection 27(4) is amended:**

**(a) in clause (n) by striking out “*The Pharmacy and Pharmacy Disciplines Act*” and substituting “*The Pharmacy and Pharmacy Disciplines Regulations* made pursuant to *The Regulated Health Professions Act*”; and**

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

“(o) in the case of a trustee who controls the operation of a pharmacy as defined in *The Pharmacy and Pharmacy Disciplines Regulations* made pursuant to *The Regulated Health Professions Act*, where the disclosure is being made pursuant to a program to monitor the use of drugs that is authorized by a bylaw made by the Saskatchewan College of Pharmacy Professionals pursuant to *The Regulated Health Professions Act* and approved by the minister”.

## REGULATED HEALTH PROFESSIONS ACT

SS 2020, c 32, section 2 amended

**13-37** In subsection 2(1) of *The Opioid Damages and Health Care Costs Recovery Act*, clause (a) of the definition of “practitioner” is repealed and the following substituted:

“(a) is authorized pursuant to one of the following Acts to prescribe or advise on the therapeutic value, contents and hazards of a drug within the meaning of *The Pharmacy and Pharmacy Disciplines Regulations* made pursuant to *The Regulated Health Professions Act*:

- (i) *The Pharmacy Act* as that Act existed on or before December 31, 1997;
- (ii) *The Pharmacy and Pharmacy Disciplines Act* as that Act existed on or before the date on which it was repealed;
- (iii) *The Regulated Health Professions Act*;
- (iv) *The Veterinarians Act, 1987*”.

RSS 1978, c P-23 amended

**13-38(1)** *The Prescription Drugs Act* is amended in the manner set forth in this section.

**(2) Clause 2(b) is repealed and the following substituted:**

“(b) ‘**drug**’ means a drug within the meaning of *The Pharmacy and Pharmacy Disciplines Regulations* made pursuant to *The Regulated Health Professions Act*”.

**(3) Subsection 3.3(3) is amended:**

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

“(a) a proprietor of a proprietary pharmacy as defined in *The Pharmacy and Pharmacy Disciplines Regulations* made pursuant to *The Regulated Health Professions Act*”; and

**(b) in clause (b) by striking out the portion preceding subclause (i) and substituting the following:**

“an operator of a publicly operated pharmacy as defined in *The Pharmacy and Pharmacy Disciplines Regulations* made pursuant to *The Regulated Health Professions Act*”.

SS 2001, c T-14.1, section 2 amended

**13-39** In section 2 of *The Tobacco and Vapour Products Control Act*, the definition of “pharmacy” is repealed and the following substituted:

“‘**pharmacy**’ means a pharmacy as defined in *The Pharmacy and Pharmacy Disciplines Regulations* made pursuant to *The Regulated Health Professions Act*”.

## REGULATED HEALTH PROFESSIONS ACT

## DIVISION 11

*The Psychologists Act, 1997*

SS 1997, c P-36.01 repealed

**13-40** *The Psychologists Act, 1997* is repealed.

SS 2012, c C-39.2, section 30 amended

**13-41** Subclause 30(b)(iii) of *The Correctional Services Act, 2012* is repealed and the following substituted:

“(iii) a psychologist who holds a valid licence to practise issued by the Saskatchewan College of Psychologists pursuant to *The Regulated Health Professions Act*”.

SS 2019, c I-10.4, section 3 amended

**13-42** Subclause 3(2)(a)(v) of *The Interpersonal Violence Disclosure Protocol (Clare’s Law) Act* is repealed and the following substituted:

“(v) a psychologist who holds a valid licence to practise issued by the Saskatchewan College of Psychologists pursuant to *The Regulated Health Professions Act*”.

SS 2021, c 23, section 3 amended

**13-43** Subclause 3(b)(vi) of *The Protection From Human Trafficking Act* is repealed and the following substituted:

“(vi) a psychologist who holds a valid licence to practise issued by the Saskatchewan College of Psychologists pursuant to *The Regulated Health Professions Act*”.

SS 1994, c V-6.02, section 12.4 amended

**13-44** Clause 12.4(4)(b) of *The Victims of Interpersonal Violence Act* is repealed and the following substituted:

“(b) a psychologist who holds a valid licence to practise issued by the Saskatchewan College of Psychologists pursuant to *The Regulated Health Professions Act*”.

SS 2013, c W-17.11, section 2 amended

**13-45** Subclause 2(1)(ff.2)(i) of *The Workers’ Compensation Act, 2013* is repealed and the following substituted:

“(i) an individual who holds a valid licence to practise issued by the Saskatchewan College of Psychologists pursuant to *The Regulated Health Professions Act*”.

SS 2019, c Y-3, section 3-18 amended

**13-46** In section 3-18 of *The Youth Justice Administration Act, 2019*, clause (c) of the definition of “health care professional” is repealed and the following substituted:

“(c) a psychologist who holds a valid licence to practise issued by the Saskatchewan College of Psychologists pursuant to *The Regulated Health Professions Act*”.

## REGULATED HEALTH PROFESSIONS ACT

## DIVISION 12

*The Registered Nurses Act, 1988*

SS 1988-89, c R-12.2 repealed

**13-47** *The Registered Nurses Act, 1988* is repealed.

SS 1999, c C-38.01, section 2 amended

**13-48** In section 2 of *The Coroners Act, 1999*, the definition of “nurse practitioner” is repealed and the following substituted:

“‘nurse practitioner’ means a registered nurse who is entitled to practise in the nurse practitioner category established in the bylaws made by the College of Registered Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 2012, c C-39.2, section 30 amended

**13-49** Subclause 30(b)(iv) of *The Correctional Services Act, 2012* is repealed and the following substituted:

“(iv) a registered nurse who is entitled to practise in the nurse practitioner category established in the bylaws made by the College of Registered Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

RSS 1978, c E-8, section 2 amended

**13-50** Clause 2(b) of *The Emergency Medical Aid Act* is repealed and the following substituted:

“(b) ‘registered nurse’ means an individual who holds a valid licence to practise issued by the College of Registered Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 2019, c I-10.4, section 3 amended

**13-51** Subclause 3(2)(a)(vii) of *The Interpersonal Violence Disclosure Protocol (Clare’s Law) Act* is repealed and the following substituted:

“(vii) a registered nurse who holds a valid licence to practise issued by the College of Registered Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 1984-85-86, c M-13.1, section 2 amended

**13-52** Clause 2(q) of *The Mental Health Services Act* is amended by striking out “as defined in *The Registered Nurses Act, 1988*” and substituting “who holds a valid licence to practise issued by the College of Registered Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 2021, c 23, section 3 amended

**13-53** Subclause 3(b)(vii) of *The Protection From Human Trafficking Act* is repealed and the following substituted:

“(vii) a registered nurse who holds a valid licence to practise issued by the College of Registered Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 1994, c P-37.1, section 2 amended

**13-54(1)** *The Public Health Act, 1994* is amended in the manner set forth in this section.

## REGULATED HEALTH PROFESSIONS ACT

**(2) Clauses 2(1)(y) and (y.1) are repealed and the following substituted:**

“(y) ‘**nurse**’ means a registered nurse who holds a valid licence to practise issued by the College of Registered Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*;

“(y.1) ‘**nurse practitioner**’ means a nurse who is entitled to practise in the nurse practitioner category established in the bylaws made by the College of Registered Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

**(3) Clause 2(2)(b) is amended by striking out “in accordance with *The Registered Nurses Act, 1988*” and substituting “by the College of Registered Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.**

SS 2013, c S-15.1 amended

**13-55(1)** *The Saskatchewan Employment Act* is amended in the manner set forth in this section.

**(2) Subsection 2-47(1) is repealed and the following substituted:**

“(1) In this section, ‘**nurse practitioner**’ means a registered nurse who is entitled to practise in the nurse practitioner category established in the bylaws made by the College of Registered Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

**(3) Clause 3-1(1)(aa) is repealed and the following substituted:**

“(aa) ‘**registered nurse**’ means an individual who holds a valid licence to practise issued by the College of Registered Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 1994, c V-6.02, section 12.4 amended

**13-56 Clause 12.4(4)(d) of *The Victims of Interpersonal Violence Act* is repealed and the following substituted:**

“(d) a registered nurse who holds a valid licence to practise issued by the College of Registered Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 2019, c Y-3 amended

**13-57(1)** *The Youth Justice Administration Act, 2019* is amended in the manner set forth in this section.

**(2) In subsection 1-2(1), the definition of “nurse practitioner” is repealed and the following substituted:**

“‘**nurse practitioner**’ means a registered nurse who is entitled to practise in the nurse practitioner category established in the bylaws made by the College of Registered Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

**(3) In section 3-18, clause (e) of the definition of “health care professional” is repealed and the following substituted:**

“(e) a registered nurse who holds a valid licence to practise issued by the College of Registered Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

## REGULATED HEALTH PROFESSIONS ACT

## DIVISION 13

*The Registered Psychiatric Nurses Act*

SS 1993, c R-13.1 repealed

**13-58** *The Registered Psychiatric Nurses Act* is repealed.

SS 2012, c C-39.2, section 30 amended

**13-59** Subclause 30(b)(v) of *The Correctional Services Act, 2012* is repealed and the following substituted:

“(v) a registered psychiatric nurse who holds a valid licence to practise issued by the College of Registered Psychiatric Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 2019, c I-10.4, section 3 amended

**13-60** Subclause 3(2)(a)(viii) of *The Interpersonal Violence Disclosure Protocol (Clare’s Law) Act* is repealed and the following substituted:

“(viii) a registered psychiatric nurse who holds a valid licence to practise issued by the College of Registered Psychiatric Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 1984-85-86, c M-13.1, section 2 amended

**13-61** Clause 2(q) of *The Mental Health Services Act* is amended by striking out “as defined in *The Registered Psychiatric Nurses Act*” and substituting “who holds a valid licence to practise issued by the College of Registered Psychiatric Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 2021, c 23, section 3 amended

**13-62** Subclause 3(b)(viii) of *The Protection From Human Trafficking Act* is repealed and the following substituted:

“(viii) a registered psychiatric nurse who holds a valid licence to practise issued by the College of Registered Psychiatric Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 1994, c V-6.02, section 12.4 amended

**13-63** Clause 12.4(4)(e) of *The Victims of Interpersonal Violence Act* is repealed and the following substituted:

“(e) a registered psychiatric nurse who holds a valid licence to practise issued by the College of Registered Psychiatric Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

SS 2019, c Y-3, section 3-18 amended

**13-64** In section 3-18 of *The Youth Justice Administration Act, 2019*, clause (f) of the definition of “health care professional” is repealed and the following substituted:

“(f) a registered psychiatric nurse who holds a valid licence to practise issued by the College of Registered Psychiatric Nurses of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

## REGULATED HEALTH PROFESSIONS ACT

## DIVISION 14

*The Speech-Language Pathologists and Audiologists Act*

SS 1990-91, c S-56.2 repealed

**13-65** *The Speech-Language Pathologists and Audiologists Act* is repealed.

SS 2001, c H-2.01, section 2 amended

**13-66** Clause 2(a) of *The Hearing Aid Sales and Services Act* is repealed and the following substituted:

“(a) ‘**audiologist**’ means an audiologist who holds a valid licence to practise issued by the College of Speech-Language Pathologists and Audiologists of Saskatchewan pursuant to *The Regulated Health Professions Act*”.

## DIVISION 15

**Other Repeals**

SS 2001, c D-27.1 repealed

**13-67** *The Dietitians Act* is repealed.

SS 2021, c 18 repealed

**13-68** *The Massage Therapy Act* is repealed.

SS 1995, c M-9.3 repealed

**13-69** *The Medical Laboratory Technologists Act* is repealed.

SS 1997, c O-1.11 repealed

**13-70** *The Occupational Therapists Act, 1997* is repealed.

SS 2010, c O-5.1 repealed

**13-71** *The Opticians Act* is repealed.

SS 1998, c P-11.11 repealed

**13-72** *The Physical Therapists Act, 1998* is repealed.

SS 2003, c P-14.1 repealed

**13-73** *The Podiatry Act* is repealed.

SS 2006, c R-22.0002 repealed

**13-74** *The Respiratory Therapists Act* is repealed.

## PART 14

**Coming into Force**

**Coming into force**

**14-1** This Act comes into force by order of the Lieutenant Governor in Council.



FIRST SESSION

# Thirtieth Legislature

SASKATCHEWAN

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## BILL

No. 18

An Act respecting Regulated Health Professions and  
making consequential amendments to other Acts

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Received and read the

First time

Second time

Third time

And passed

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Honourable Jeremy Cockrill

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