

# BILL

No. 129

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

(Assented to \_\_\_\_\_)

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

## Short title

**1** This Act may be cited as *The Medical Profession Amendment Act, 2023*.

## SS 1980-81, c M-10.1 amended

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

## Section 2 amended

**3 Section 2 is amended:**

**(a) by adding the following clause after clause (j):**

“(j.01) ‘**physician assistant**’ means a person registered pursuant to section 42.11”; **and**

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

“(k) ‘**practice**’ means, as the case requires:

- (i) the practice of medicine, surgery or midwifery;
- (ii) the practice of a physician assistant; or
- (iii) the practice of podiatric surgery;

“(k.01) ‘**practice of a physician assistant**’ means the portion of the practice consisting of the provision of the services that, pursuant to the bylaws, a physician assistant is authorized to perform”.

## Section 6 amended

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

**(a) in subclause (a)(i) by adding “, physician assistants” after “professional corporations”;**

**(b) by adding the following clause after clause (b.2):**

“(b.3) specifying the services that a physician assistant is authorized to provide”; **and**

**(c) in clause (q) by adding “, physician assistant” after “a physician”.**

## Section 31.1 amended

**5 The following clause is added after clause 31.1(1)(d.1):**

“(d.2) register and issue licences to physician assistants”.

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Part IV.1, heading amended

**6 The heading to Part IV.1 is amended by adding “and Physician Assistants” after “Podiatric Surgeons”.**

New section 42.11

**7 The following section is added after section 42.1:**

**“Physician assistant registration and licensing**

**42.11(1)** The council may register and issue a licence to practise as a physician assistant to a person who:

- (a) produces evidence that the person has successfully completed a physician assistant education program recognized by the council;
- (b) produces evidence that the person has successfully completed any postgraduate training and examinations required by the bylaws;
- (c) meets all requirements of the bylaws respecting registration as a physician assistant; and
- (d) pays the fees prescribed for the purpose by the council.

(2) The council may set out any restrictions that it considers appropriate in a licence issued pursuant to subsection (1).

(3) A licence issued pursuant to subsection (1) authorizes the person named in the licence to practise as a physician assistant in accordance with the bylaws and any restrictions set out in the licence.

(4) A person who is registered only pursuant to this section:

- (a) is not a member of the college; and
- (b) is restricted to the practice of a physician assistant”.

Section 42.3 amended

**8 The following subsection is added after subsection 42.3(2):**

“(3) No person other than a person registered pursuant to section 42.11 shall use the title ‘physician assistant’ or any word, title or designation, abbreviated or otherwise, to imply that the person is registered pursuant to section 42.11”.

Section 45 amended

**9(1) Subsection 45(1.1) is amended by adding “or 42.11” after “section 42.1”.**

**(2) Subsection 45(4) is repealed and the following substituted:**

“(4) If the council, the executive committee or the competency committee is of the opinion that, based on the nature of the case, a person who is under investigation should be suspended or restricted pending the outcome of a hearing held pursuant to subsection (6), it may:

- (a) temporarily suspend the person from practice for a maximum period of 90 days; or
- (b) for a maximum period of 90 days:
  - (i) prohibit the person from performing any medical procedure or any medical treatment or surgery of any kind; or
  - (ii) otherwise restrict the person’s scope of practice”.

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**(3) Subsection 45(10) is repealed and the following substituted:**

“(10) If the competency hearing committee determines that a person registered under this Act does not have adequate skill and knowledge to practise as authorized pursuant to this Act, the competency hearing committee may impose one of the following restrictions on the person pending the council’s decision pursuant to subsection (12):

- (a) temporarily suspend the person from practice; or
- (b) either:
  - (i) prohibit the person from performing any medical procedure or any medical treatment or surgery of any kind; or
  - (ii) otherwise restrict the person’s scope of practice”.

**(4) Clauses 45(12)(b) to (e) are repealed and the following substituted:**

“(b) suspend the person’s privileges as a duly qualified medical practitioner, physician assistant or podiatric surgeon, as the case may be, under this Act and impose any conditions that the council considers proper to be met by the person before those privileges may be restored;

“(c) for any period that the council may determine:

- (i) prohibit the person from performing any medical procedure or any medical treatment or surgery of any kind; or
- (ii) otherwise restrict the person’s scope of practice;

“(d) require the person to provide any services or procedures only under the supervision of a duly qualified medical practitioner, physician assistant or podiatric surgeon, as the case may be, who is approved by the council;

“(e) require the person to undertake any upgrading, retraining, education or treatment that the council may specify, within any period that the council may specify, and suspend the person’s privileges as a duly qualified medical practitioner, physician assistant or podiatric surgeon, as the case may be, if the person fails to obtain the upgrading, retraining, education or treatment”.

**Section 54 amended**

**10 Clauses 54(1)(b) to (g) are repealed and the following substituted:**

“(b) suspend the person’s privileges as a duly qualified medical practitioner, physician assistant or podiatric surgeon, as the case may be, under this Act and impose any conditions that the council considers proper to be met by the person before those privileges may be restored;

“(c) for any period that the council may determine:

- (i) prohibit the person from performing any medical procedure or any medical treatment or surgery of any kind; or
- (ii) otherwise restrict the person’s scope of practice;

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“(d) require the person to provide any services or procedures only under the supervision of a duly qualified medical practitioner, physician assistant or podiatric surgeon, as the case may be, who is approved by the council;

“(e) reprimand the person;

“(f) impose a fine on the person not exceeding \$15,000;

“(g) require the person to undertake any upgrading, retraining, education or treatment that the council may specify, within any period that the council may specify, and suspend the person’s privileges as a duly qualified medical practitioner, physician assistant or podiatric surgeon, as the case may be, if the person fails to obtain the upgrading, retraining, education or treatment”.

**Section 54.01 amended**

**11(1) Subsection 54.01(1) is amended by adding “, physician assistants” after “physicians”.**

**(2) Clause 54.01(2)(b) is amended by adding “or as a physician assistant, as the case may be,” after “podiatric surgery”.**

**Section 60 amended**

**12(1) Subsection 60(5) is amended by adding “, physician assistants” after “physicians”.**

**(2) Clause 60(6)(a) is amended by adding “physician assistants,” after “physicians.”**

**Section 73 amended**

**13 Section 73 is amended by adding “or 42.11” after “section 42.1”.**

**Section 74 amended**

**14 Section 74 is amended by adding “or 42.11” after “section 42.1”.**

**Section 76 amended**

**15 Subsection 76(1.1) is amended:**

**(a) by striking out “or” after clause (b);**

**(b) by adding “or” after clause (c); and**

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

“(d) a person named in the certificate:

(i) was or was not registered as a physician assistant; or

(ii) was or was not the holder of a valid licence to practise as a physician assistant”.

**Section 80 amended**

**16 Clauses 80(1)(b) to (d) are repealed and the following substituted:**

“(b) takes or uses any name, title, addition or description representing, implying or calculated to lead people to infer that the person is registered under this Act to practise or that the person is recognized by law as a physician, surgeon, physician assistant or podiatric surgeon;

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“(c) assumes, uses or employs the term ‘doctor’, ‘surgeon’, ‘physician’, ‘physician assistant’ or ‘podiatric surgeon’, or any affix or prefix indicative of any such title, as an occupational designation that relates to the treatment of human ailments, or advertises or holds oneself out as such;

“(d) pretends to be a physician, doctor of medicine, surgeon, physician assistant, podiatric surgeon, medical practitioner or healer of the sick”.

**Section 82 amended**

**17 Clause 82(d) is amended by adding “or the practice of a physician assistant” after “podiatric surgery”.**

**Section 84 amended**

**18 Section 84 is amended by adding “, physician assistant” after “physician”.**

**Coming into force**

**19 This Act comes into force by order of the Lieutenant Governor in Council.**

THIRD SESSION

# Twenty-ninth Legislature

SASKATCHEWAN

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## **BILL**

No. 129

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

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Received and read the

First time

Second time

Third time

And passed

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Honourable Paul Merriman

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