

The Optometry Act, 1985

being

Chapter O-6.1 of the *Statutes of Saskatchewan, 1984-85-86* (effective July 15, 1985) as amended by the *Statutes of Saskatchewan, 1988-89, c.16; 1989-90, c.54; 1991, c.T-1.1; 1996, c.34; 2004, c.L-16.1; 2010, c.O-5.1; c.B-12, c.19 and 20; 2014, c.E-13.1; 2015, c.21; 2018, c.42; 2021, c.6; and 2023, c.6.*

NOTE:

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

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APPENDIX
Repealed

CHAPTER O-6.1

An Act respecting the Profession of Optometry

Short title

1 This Act may be cited as *The Optometry Act, 1985*.

Definitions

2 In this Act:

“**administrative bylaw**” means a bylaw made for a purpose set out in subsection 11(1);

“**association**” means the Saskatchewan Association of Optometrists continued pursuant to section 3;

“**business day**” means a day other than a Saturday, Sunday or holiday;

“**bylaws**” means the valid and subsisting bylaws of the association;

“**certificate**” means a professional certificate issued pursuant to section 17;

“**competence**” means having adequate skill and knowledge to engage in the practice of optometry and the ability and capacity to practise optometry in a manner that does not constitute a danger to the public;

“**council**” means the council of the association;

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

“**licence**” means an annual licence issued pursuant to section 20;

“**member**” means a member of the association;

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

“**practice of optometry**” means the performance of services usually rendered by an optometrist, which may include:

- (a) measuring and assessing vision;
- (b) prescribing and dispensing ophthalmic appliances and orthoptics for the relief or correction of visual or muscular errors or defects of the eye; and
- (c) prescribing and using pharmaceutical agents for diagnostic and treatment purposes as set out in the bylaws;

“**record**” means any information that is recorded or stored in any medium or by means of any device, including a computer or electronic media;

“**register**” means the register kept pursuant to section 19;

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“**registrar**” means the registrar of the association;

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

- (a) for a purpose set out in subsection 11(2); or
- (b) by the minister pursuant to section 13.

2023, c 6, s.13-2.

Association continued

3(1) The Saskatchewan Optometric Association is continued as a body corporate with the name the Saskatchewan Association of Optometrists.

(2) The change of name does not affect any rights or obligations of the association, or render defective any legal proceedings by or against the association, and any legal proceedings that might have been continued or commenced by or against the association in its former name may be continued or commenced by or against it in its new name.

(3) All property, real and personal, held in trust by or belonging to, or held in trust for or to the use of, The Saskatchewan Optometric Association is, on the coming into force of this Act, vested in the Saskatchewan Association of Optometrists to be held, used and administered as it could have been by The Saskatchewan Optometric Association.

1984-85-86, c.O-6.1, s.3.

Duty and objects of association

3.1(1) It is the duty of the association at all times:

- (a) to serve and protect the public; and
- (b) to exercise its powers and discharge its responsibilities in the public interest and not in the interests of the members.

(2) The objects of the association are:

- (a) to regulate the practice of the profession and to govern the members in accordance with this Act and the bylaws; and
- (b) to assure the public of the knowledge, skill, proficiency and competency of members in the practice of the profession.

(3) In furtherance of its duty and objects, the association may:

- (a) establish, maintain and enforce standards for registration and of continuing competency and standards of practice for members;
- (b) establish, maintain and enforce a code of ethics for members;
- (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 practice standards among members; and
- (e) carry out any other regulatory activity that the association determines is consistent with its duty and objects.

2023, c 6, s.13.3.

Membership

4 The membership of the association consists of those persons registered and licensed on the day before the day on which this section comes into force pursuant to *The Optometry Act* as that Act existed on the day before this section comes into force and any other persons who become registered and licensed pursuant to this Act.

1984-85-86, c.O-6.1, s.4.

Power to hold property

5 The association may acquire and hold real and personal property for its corporate purposes, and may alienate, exchange, lease, mortgage or otherwise charge or dispose of that property or any part of it.

1984-85-86, c.O-6.1, s.5.

Council

6(1) The council shall govern, manage and regulate the affairs and business of the association.

(2) The council consists of:

(a) the number of persons elected or appointed in accordance with the bylaws; and

(b) the persons appointed pursuant to section 8.

(3) Members of the council elected or appointed pursuant to clause (2)(a) are entitled to remuneration and reimbursement for expenses in the amount prescribed in the bylaws.

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

(a) for the term prescribed in the bylaws; and

(b) until the person's successor is elected or appointed, as the case may be.

2023, c6, s.13-4.

7 Repealed. 2023, c6, s.13-5.

Public appointees

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

(2) Where the Lieutenant Governor in Council appoints a person as a member of the council, the term of office of that person is not to exceed three years.

(3) Subject to subsection (4), a member of the council appointed pursuant to this section holds office until that person's successor is appointed and is eligible for reappointment, but is not eligible to hold office for more than two consecutive terms.

(4) A member of the council appointed pursuant to this section ceases to hold office if that person ceases to be a resident of Saskatchewan.

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- (5) A member of the council appointed pursuant to this section may exercise rights and serve as a member of committees to the same extent as other members of the council, but is not eligible to be an officer of the association.
- (6) At least one member of the council appointed pursuant to this section shall be a member of the discipline committee.
- (7) The absence or inability to act as a member of the discipline committee by a member of the council appointed pursuant to this section or the failure to appoint a member of the council pursuant to this section does not impair the ability of the other members of the discipline committee to act.
- (8) The minister shall remunerate and reimburse for expenses the members of the council appointed pursuant to this section at the rate determined by the Lieutenant Governor in Council.

2023, c6, s.13-6.

Resignation

- 8.1(1) A member of the council elected or appointed pursuant to clause 6(2)(a) may resign by giving a written notice of resignation to the council.
- (2) A member of the council appointed pursuant to section 8 may resign by giving a written notice of resignation to the minister and the council.
- (3) The resignation of a member of the council 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 member of the council elected or appointed pursuant to clause 6(2)(a), on the date the written notice is received by the council; or
 - (b) in the case of the resignation of a member of the council appointed pursuant to section 8, on the date the written notice is received by the minister.

2023, c6, s.13-6.

Vacancy

- 8.2(1) When the office of a person elected or appointed as a member of the council pursuant to clause 6(2)(a) becomes vacant, the remaining members of the council 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 member of the council; 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 members of the council to act.

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

(4) If a member serving as a member of the council is expelled from the college, the member ceases to be a member of the council on the day the member is expelled.

2023, c 6, s.13-6.

Powers and duties of the council re appointments

9(1) The officers of the association are:

- (a) the president;
- (b) the vice-president; and
- (c) the registrar.

(2) The council shall, at its first meeting after the annual meeting of the association:

- (a) elect the vice-president and registrar from among its members; and
- (b) appoint a person who is a member of the association in good standing, other than an elected member of the council, to be a delegate to the Canadian Association of Optometrists.

(3) A delegate to the Canadian Association of Optometrists appointed pursuant to clause (2)(b) is a member of the council for the term of his appointment as a delegate.

(4) The council may appoint any officers and engage any persons that it considers necessary for the purposes of this Act.

1984-85-86, c.O-6.1, s.9.

Meetings of council

10(1) The council shall hold at least two meetings in each year at any time and place that the members of the council may determine.

(2) The council shall not transact business at a meeting at which less than a majority of the members of the council are present.

1984-85-86, c.O-6.1, s.10.

Procedures

10.1(1) The council may make bylaws for any purpose set out in section 11.

(2) The registrar shall notify each member of each bylaw made pursuant to subsection (1) within 60 days after the bylaw is made.

(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 date 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 the council comes into force until it is:
- (a) approved by the minister pursuant to section 12; and
 - (b) published in the Gazette.

2023, c 6, s.13-7.

Bylaws

11(1) Subject to this Act, administrative bylaws may be made pursuant to section 10.1 for the following purposes:

- (a) prescribing the seal of the association;
- (b) providing for the execution of documents by the association;
- (c) respecting the banking and financial dealings of the association;
- (d) fixing the fiscal year of the association and providing for the audit of the accounts and transactions of the association;
- (e) prescribing the number and terms of office of members of the council, other than persons appointed pursuant to section 8;
- (f) prescribing the officers of the association and governing the procedure for the appointment, election or removal of those officers;
- (g) prescribing the duties of members of the council and officers and employees of the association;
- (h) prescribing the remuneration and reimbursement for expenses for members of the council and committees, other than persons appointed pursuant to section 8;
- (i) governing the procedures for the election or appointment of members of the council, other than persons appointed pursuant to section 8;
- (j) respecting the calling, holding and conducting of meetings of the council;
- (k) respecting participation with associations or organizations in other provinces having the same or similar powers and duties;
- (l) providing for committees of the council and their duties and powers;
- (m) prescribing the amount of registration and license fees and the times at which those fees are to be paid;
- (n) governing any special assessment that may be required for the efficient and proper operation of the association;
- (o) prescribing any forms that are required for the purposes of administering this Act;
- (p) providing for any other thing that is necessary for the effective administration of the association.

(2) Subject to the Act, regulatory bylaws may be made pursuant to section 10.1 for the following purposes:

- (a) prescribing the qualifications for registration of members and governing the issue of licences to members;
- (b) governing the examinations to be held for the purposes of this Act and prescribing the examination fees;
- (c) establishing a code of ethics and standards of professional conduct, competence and proficiency to be maintained by members and governing the manner and method of their practice;
- (d) defining professional misconduct and prescribing procedures for the investigation of complaints or allegations of professional misconduct or professional incompetence on the part of a member, or complaints or allegations that a member has violated any of the provisions of this Act or the bylaws;
- (e) respecting the establishment of panels of the mediation committee and the discipline committee and the composition of the panels, determining the duties of the panels and establishing procedures for the operation of the panels;
- (f) defining activities which constitute a conflict of interest and prohibiting a member from engaging in those activities;
- (g) providing for the qualifications of members to be reviewed periodically;
- (h) defining the circumstances under which members are required to attend refresher training programs and other courses of training and approving programs and courses for those purposes;
- (i) prescribing the maintenance of records relating to the examination, authorized to prescribe and use treatment and counselling of patients by members and providing for the inspection of those records and the premises in which members conduct the practice of optometry;
- (j) regulating advertising by members and regulating, limiting and prohibiting the use of titles or designations by members;
- (k) regulating the practice of optometry by a person under the supervision of a practising optometrist for the purpose of complying with clause 16(b);
- (l) designating those pharmaceutical agents and dosages that may be prescribed and used for diagnostic and treatment purposes by members;
- (m) prescribing the qualifications necessary for a member to prescribe and use those pharmaceutical agents that are designated in the bylaws made pursuant to clause (l) and authorizing the issue of a certificate to a member who is those pharmaceutical agents;
- (n) prescribing any other matters considered necessary for the better carrying out of this Act.

Filing of bylaws

12(1) The association shall file with the minister two copies, certified by the registrar to be true copies, of:

- (a) all regulatory bylaws; and
 - (b) any amendment to a regulatory bylaw, together with two certified copies of the regulatory bylaw to which the amendment relates.
- (2) If the minister does not advise the association 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 two copies, certified by the registrar to be true copies, of the regulatory bylaw or amendment.
- (4) 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 two copies, certified by the registrar to be true copies, of the administrative bylaw or amendment.
- (5) If an administrative bylaw or an amendment to an administrative bylaw is not filed within the 30-day period mentioned in subsection (4), the administrative bylaw or amendment is deemed to be revoked on the expiration of the period.

2023, c 6, s.13-8.

Ministerial bylaws

13(1) The minister may request the council to amend or revoke a regulatory bylaw or to 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 two copies of the regulatory bylaw, amendment or revocation.

2023, c 6, s.13-8.

Annual general meeting

14 The annual general meeting of the association is to be held on any day that the council may determine.

1984-85-86, c.O-6.1, s.14.

Special general meetings

15(1) Subject to subsection (2), a special general meeting of the association may be held at any time that the council considers appropriate.

(2) The council shall, within one month from the receipt by the registrar of a written request:

- (a) signed by at least 10 members in good standing of the association; and
- (b) specifying the purpose for which the meeting is to be called;

call a special general meeting of the association.

(3) Notice of every meeting of the association is to be given at any times and in a form that is prescribed in the bylaws and notice of a special general meeting is to state the purpose for which the meeting is to be held.

(4) No business shall be transacted at a special general meeting other than the business specified in the notice calling it.

1984-85-86, c.O-6.1, s.15.

Examinations

16 Subject to the bylaws, any person who furnishes to the registrar or other person authorized by the registrar to deal with the matter, satisfactory evidence of:

- (a) graduation from a school or college of optometry recognized by council; and
- (b) having, subsequent to graduation from such a school or college, practised optometry under the direct supervision of a member of the association for any period that may be specified in the bylaws or having otherwise obtained experience in the practice of optometry considered by the council to be equivalent;

is entitled on payment of the prescribed fee to take the examination prescribed in the bylaws.

1984-85-86, c.O-6.1, s.16; 1988-89, c.16, s.7.

Professional certificate

17(1) The council may issue a professional certificate in the form prescribed in the bylaws to every candidate who:

- (a) produces to the registrar evidence of having passed the examination mentioned in section 16;
- (b) has satisfied the conditions contained in the bylaws; and
- (c) pays the fee prescribed in the bylaws.

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(2) Notwithstanding subsection (1), the council may issue a professional certificate in the form prescribed in the bylaws to every candidate who:

- (a) has satisfied the conditions contained in the bylaws;
- (b) pays the fee prescribed in the bylaws; and
- (c) produces evidence establishing to the satisfaction of the registrar that the candidate is registered as the equivalent of an optometrist in good standing pursuant to the legislation of another jurisdiction in Canada.

1984-85-86, c.O-6.1, s.17; 1988-89, c.16, s.8;
2010, c.19, s.25.

Appeal

18 A person whose application for a professional certificate is refused may appeal that decision to the court, and sections 39 and 39.1 apply, with any necessary modification, to the appeal.

1988-89, c.16, s.9; 2023, c6, s.13-9.

Register

19(1) The registrar shall keep a register in the form prescribed in the bylaws in which he shall enter the names and addresses of all persons who have received a professional certificate.

- (2) The register is to be open to public inspection at all reasonable times.
- (3) Certificates are to be numbered consecutively in accordance with their date of issue.

1984-85-86, c.O-6.1, s.19; 1988-89, c.16, s.10.

Licensing

20 The council shall issue an annual licence in the form prescribed in the bylaws to any person who:

- (a) holds a professional certificate pursuant to this Act or a former Act;
- (b) meets the requirements of this Act and the bylaws; and
- (c) pays the prescribed fee.

1984-85-86, c.O-6.1, s.20; 1988-89, c.16, c.11.

Annual licence

21(1) Every person otherwise entitled to engage in the practice of optometry in Saskatchewan shall, before doing so, obtain a licence from the registrar.

(2) A licence issued pursuant to this section expires on the December 31 following the day on which it was issued.

(3) Every person who holds a valid licence and wishes to renew it for the next year shall, on or before December 15, apply to the registrar for a renewal and the registrar shall grant a renewal of the licence on payment of the prescribed fee and submission of any material that is required by the bylaws.

(4) In default of payment of the prescribed fee on or before December 31, the registrar may withhold renewal of a licence until the applicant has satisfied the council that he has not practised in Saskatchewan since the expiration of the period covered by his last licence and until payment has been made of any additional fee that is levied by council.

(5) Where a period of more than three years has elapsed since an applicant for an annual licence has received or has been eligible to receive such a licence, the council may require proof of the applicant's competence before reinstating the licence.

(6) The reinstatement of a licence as described in subsection (5) may be made conditional on the completion by the applicant of a program of training designed to improve his competence.

1984-85-86, c.O-6.1, s.21.

List

22(1) Each annual licence is to include the number which appears on the professional certificate held by the member to whom the licence is granted, and the number is to be recorded by the registrar in the annual members' register.

(2) The registrar shall keep an annual members' register in the form prescribed in the bylaws in which he shall enter the names and addresses of all members who are issued a licence for that year.

(3) The registrar shall, as early as possible in each year, prepare a list which shall contain the names and addresses of all members entered in the annual members' register for that year, and cause the list to be reproduced and a copy sent to each member.

(4) The annual members' register is to be open to public inspection at all reasonable times.

1988-89, c.16, s.12

Display of licence and certificate

23 Every person who engages in the practice of optometry shall display his certificate and licence in a conspicuous place in the office or place where he practices and, when required, exhibit the certificate and licence to the council or its authorized representatives.

1984-85-86, c.O-6.1, s.23.

Interpretation re discipline provisions

23.1 In sections 25.2 to 45, "**member**" includes a former member.

2010, c.20, s.42; 2023, c.6, s.13-10.

Proceedings against former members

23.2(1) No proceedings conducted pursuant to this Act shall be commenced against a former member more than two years after the day he or she became a former member.

(2) For the purposes of this section, a proceeding is commenced when the mediation committee, pursuant to subsection 25.1(1), is requested by the council to consider a complaint or receives a written complaint alleging that a member is guilty of professional misconduct or professional incompetence.

2010, c.20, s.42; 2023, c.6, s.13-11.

Examination to assess whether curtailment of practice should be ordered

23.3(1) If the registrar or the mediation committee has reasonable grounds to believe that a member may be suffering a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs the member's ability to practise in the profession and causes the continued practice in the profession by the member to constitute a danger to the public, the registrar or mediation committee may:

- (a) direct the member to submit to a physical or mental examination, or both, by a person or at a facility specified by the registrar or mediation committee;
- (b) request the person or facility conducting the examination of the member to report, with written reasons and within a time specified by the registrar or mediation committee, to:
 - (i) the mediation committee; and
 - (ii) the member; and
- (c) for the period necessary to allow the registrar or mediation committee to act pursuant to clauses (a) and (b) and to receive, consider and act pursuant to this section on the report:
 - (i) impose limitations or conditions on the member's licence; or
 - (ii) suspend the member's licence.

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

(3) If the mediation committee receives a report pursuant to clause (1)(b) concluding that:

- (a) the continued practice of the member constitutes a danger to the public; and
- (b) remedial measures are necessary and, if these remedial measures are taken, the public will be adequately protected;

the mediation committee may:

- (c) impose limitations or conditions on the member's licence; or
- (d) suspend the member's licence;

and the limitations, conditions or suspension apply until the member satisfies the mediation committee that it should act pursuant to clause (5)(a).

- (4) The mediation committee must not act pursuant to subsection (3) unless it has first given the member an opportunity to respond to the proposed limitations, conditions or suspension.
- (5) If action has been taken pursuant to subsection (3) concerning a member, the mediation committee may do all or any of the following:
- (a) cancel or amend a limitation or condition or cancel the suspension to allow the member to resume practice if the mediation committee is satisfied, on the member's application, that the member can resume practice without constituting a danger to the public;
 - (b) delay any investigation or written report mentioned in section 25.1;
 - (c) decide not to refer the complaint to a hearing before the discipline committee if the mediation committee is satisfied that:
 - (i) the member's condition mentioned in subsection (1) caused or substantially contributed to the member's conduct described in the complaint; and
 - (ii) the actions taken pursuant to subsection (3) have provided appropriate public protection.
- (6) If the mediation committee acts pursuant to subsection (5), the mediation committee must deliver written notice of its decision, with written reasons, to the complainant within 30 days after making its decision.
- (7) A member aggrieved by a decision of the registrar or the mediation committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 39 and 39.1 apply, with any necessary modification, to the appeal.
- (8) Failure by a member to submit to an examination directed pursuant to subsection (1) or to comply with a limitation, condition or suspension imposed on the member pursuant to subsection (3) is professional misconduct within the meaning of this Act.

2023, c6, s.13-12.

Professional incompetence

23.4 Professional incompetence is a question of fact, but the display by a member of a lack of knowledge, skill or judgment or a disregard for the welfare of a member of the public served by the profession of a nature or to an extent that demonstrates that the member is unfit to:

- (a) continue in the practice of the profession; or
- (b) provide one or more services ordinarily provided as a part of the practice of the profession;

is professional incompetence within the meaning of this Act.

2023, c6, s.13-12.

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Professional misconduct

23.5 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 members;
- (b) it tends to harm the standing of the profession;
- (c) it is a breach of this Act or the bylaws; or
- (d) it is a failure to comply with an order of the mediation committee, the discipline committee or the council.

2023, c 6, s.13-12.

Discipline committee

24(1) The discipline committee is established consisting of at least three persons appointed by the council, the majority of whom are to be practising members and one of whom is a member of the council appointed pursuant to section 8.

(2) No member of the mediation committee or member of the council elected or appointed pursuant to clause 6(2)(a) is eligible to be appointed as a member of the discipline committee.

(3) Subject to this Act and the bylaws, the discipline committee may make rules regulating its business and proceedings.

(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.

2023, c 6, s.13-13.

Mediation committee

25(1) The mediation committee is established consisting of at least three persons appointed by the council, the majority of whom are to be practising members.

(2) No member of the council or member of the discipline committee is eligible to be a member of the mediation committee.

(3) If a panel of the mediation committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the mediation committee.

2023, c 6, s.13-13.

Investigation

25.1(1) If the mediation committee is requested by the council to consider a complaint or is in receipt of a written complaint alleging that a member is guilty of professional misconduct or professional incompetence, the committee shall review and investigate the complaint.

(2) In investigating the complaint, the mediation committee may take any steps authorized by section 25.2.

- (3) On completion of its investigation, the mediation committee may do one or more of the following:
- (a) 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;
 - (b) make a written report to the discipline committee recommending that no further action be taken with respect to the matter under investigation;
 - (c) refer the complaint to mediation, if the mediation committee decides that the complaint is of concern only to the complainant and the investigated member, both of whom agree to mediation;
 - (d) require the investigated member to appear before the mediation committee, or a panel of the committee, to be cautioned;
 - (e) require the investigated member to complete a specified continuing education or remediation program;
 - (f) accept the voluntary surrender of the investigated member's registration or licence;
 - (g) accept an undertaking from the investigated member that provides for one or more of the following:
 - (i) assessment of the investigated member's capacity or fitness to practise in the profession;
 - (ii) counselling or treatment of the investigated member;
 - (iii) monitoring or supervision of the investigated member's practice;
 - (iv) completion by the investigated member of a specified course of studies by way of remedial training;
 - (v) placing conditions on the investigated member's right to practise in the profession;
 - (h) take any other action that the mediation committee considers appropriate that is not inconsistent with or contrary to this Act or the bylaws.
- (4) The formal complaint set out in a written report made pursuant to clause (3)(a) may relate to any matter disclosed in the complaint received pursuant to subsection (1) or the investigation conducted pursuant to subsection (2).
- (5) A report signed by a majority of the mediation committee is the decision of that committee.
- (6) A copy of a written report made pursuant to clause (3)(b) recommending that no further action be taken shall be provided by the registrar to:
- (a) the council;
 - (b) the complainant, if any; and
 - (c) the member whose conduct is the subject of the complaint mentioned in subsection (1).

Investigative powers

25.2(1) The mediation committee may take any steps that it considers proper and may summon any person who is under investigation and any other person whose information may be relevant to the investigation.

(2) For the purposes of an investigation, the mediation 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 under the person's control;

(c) enter and inspect any premises or place where the investigated member practises or has practised in the profession;

(d) inspect, observe or audit the investigated member's practice; and

(e) examine any equipment, materials or any other thing used by the investigated member.

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

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

(4) The mediation 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 under the person's 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 mediation committee; or

(b) counsel acting for the mediation 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 mediation 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 mediation 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.

(9) A judge of the Provincial Court of Saskatchewan, on an application without notice by the mediation committee, may issue an order authorizing a person making the investigation, together with any peace officer called to assist the person making the investigation, to enter and search, by force if necessary, any building, dwelling, receptacle, premises or place specified in the order for any book, record, document or thing and to examine them, if the judge is satisfied that:

(a) the mediation 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 an order pursuant to subsection (9) to enter a dwelling shall specifically indicate that the application relates to a dwelling.

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

(12) A person authorized by an order made 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 mediation 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 mediation 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 mediation committee may delegate any aspect of its investigation pursuant to this section to an investigator.

(16) An investigator who acts pursuant to the authority of a delegation has the authority and power of the mediation committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

Suspension pending outcome of investigation

25.3(1) If the registrar or the discipline committee believes, on the basis of a complaint or the nature of the case, that, pending the outcome of an investigation by the mediation committee, a member's licence should be suspended or a member's ability to practise in the profession should be limited or restricted, the registrar or the discipline committee may:

- (a) suspend the member's licence; or
- (b) impose limitations or conditions on the member's licence.

(2) A member aggrieved by a decision of the registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 39 and 39.1 apply, with any necessary modification, to the appeal.

2023, c 6, s.13-13.

Discipline hearing

26(1) If a report of the mediation committee recommends that the discipline committee hear and determine a formal complaint, the registrar shall, at least 10 business days before the date on which the discipline committee is to sit:

- (a) send a copy of the formal complaint to the member whose conduct is the subject of the hearing; and
- (b) serve notice on the member whose conduct is the subject of the hearing of the date, time and place of the hearing.

(2) The mediation 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 member is guilty of professional misconduct or professional incompetence, 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 association, any legal or other assistance that it considers necessary, and the member whose conduct is the subject of the hearing, at the member's own expense, may be represented by counsel.

(6) The testimony of witnesses is to be under oath or affirmation administered by the chairperson of the discipline committee.

(7) At a hearing by the discipline committee, there is to be full right:

- (a) to examine, cross-examine and re-examine all witnesses; and
- (b) to present evidence in defence and reply.

(8) 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 whose conduct is the subject of a hearing pursuant to this Act;
- (b) a member of the mediation committee;
- (c) a member of the discipline committee.

(9) If a writ issued pursuant to subsection (8) is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.

(10) 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 an affiliate, as defined in *The Provincial Health Authority Act*, may be brought before the discipline committee, without special order, by writ of *subpoena duces tecum* issued pursuant to subsection (8) and served on the chief executive officer of the provincial health authority or affiliate.

(11) If the member whose conduct is the subject of the hearing 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 member's absence.

(12) If, during the course of a hearing, the evidence shows that the member whose conduct is the subject of the hearing 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 member of that fact.

(13) 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 member an opportunity to prepare a defence to the amended formal complaint, unless the member consents to continue the hearing.

(14) The person, if any, who made the complaint pursuant to section 25.1:

- (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 (16), is entitled to attend the hearing.

(15) Subject to subsection (16), the discipline committee shall conduct all hearings in public.

(16) The discipline committee may exclude members of the public and the person who made the complaint from any part of the hearing if the committee is of the opinion that evidence brought in the presence of the person or persons to be excluded will unduly violate the privacy of a person other than the member whose conduct is the subject of the hearing.

Disciplinary powers

26.1(1) If the discipline committee finds a member guilty of professional misconduct or professional incompetence, it may make one or more of the following orders:

- (a) an order that the member be expelled from the association and that the member's name be struck from the register;
 - (b) an order that the member's licence be suspended for a specified period;
 - (c) an order that the member's licence be suspended pending the satisfaction and completion of any conditions specified in the order;
 - (d) an order that the member may continue to practise, but only under conditions specified in the order, which may include, but are not restricted to, an order that the member:
 - (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 member;
 - (f) any other order that the discipline committee considers just.
- (2) In addition to any order made pursuant to subsection (1), the discipline committee may order:
- (a) that the member pay to the association, within a fixed period:
 - (i) a fine in a specified amount not exceeding \$5,000; and
 - (ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the mediation committee and the discipline committee and costs of legal services and witnesses; and
 - (b) if a member fails to make payment in accordance with an order pursuant to clause (a), that the member's licence be suspended.
- (3) After the conclusion of its hearing pursuant to section 26, the discipline committee shall:
- (a) make its decision as soon as possible; and
 - (b) within 10 business days after the decision, send to the member whose conduct is the subject of the complaint and the person, if any, who made the complaint:
 - (i) a copy of its decision; and
 - (ii) if the discipline committee makes an order pursuant to this section, a copy of the order.

(4) If a member is expelled from the association or a member's licence is suspended, the registrar shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.

(5) The discipline committee may inform a member's employer of the order made against that member if that member has been found guilty of professional misconduct or professional incompetence.

2023, c 6, s.13-13.

Continuity of committee

26.2 If an investigation is commenced by the mediation 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 mediation 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.

2023, c 6, s.13-13.

27 Repealed. 2023, c 6, s.13-14.

28 Repealed. 2023, c 6, s.13-14.

29 Repealed. 2023, c 6, s.13-14.

30 Repealed. 2023, c 6, s.13-14.

31 Repealed. 2023, c 6, s.13-14.

32 Repealed. 2023, c 6, s.13-14.

33 Repealed. 2023, c 6, s.13-14.

34 Repealed. 2023, c 6, s.13-14.

35 Repealed. 2023, c 6, s.13-14.

Review by council

36(1) A member may appeal a decision or any order of the discipline committee to the council by serving the registrar with a notice of appeal within 30 days after the decision or order is made if:

(a) the member has been found guilty of professional misconduct or professional incompetence by the discipline committee; or

(b) the member is subject to an order made pursuant to section 42.

(2) An appellant shall set out the grounds of appeal in a notice of appeal mentioned in subsection (1).

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- (3) On receipt of a notice of appeal, the registrar shall file with the council a true copy of:
- (a) the formal complaint sent and notice served pursuant to section 26 or the report of the mediation committee made pursuant to clause 42(b);
 - (b) the transcript of the evidence presented to the discipline committee; and
 - (c) the decision and order of the discipline committee.
- (4) The appellant or the appellant's lawyer or agent may obtain from the registrar a copy of the documents filed pursuant to subsection (3) on payment of the costs of producing them.
- (5) On hearing an appeal, the council may:
- (a) dismiss the appeal;
 - (b) quash the finding of guilt;
 - (c) direct a new hearing or further inquiries by the discipline committee;
 - (d) vary the order of the discipline committee; or
 - (e) substitute its own decision for the decision appealed from.
- (6) The council may make any order as to costs that it considers appropriate.
- (7) A member of the council appointed pursuant to section 8 who is a member of the discipline committee shall not participate in the hearing of an appeal pursuant to this section.

2023, c6, s.13-15.

37 Repealed. 2023, c6, s.13-16.

38 Repealed. 2023, c6, s.13-16.

Appeal to court

39 A member whose conduct is the subject of an order of the council pursuant to section 36 may appeal that order to a judge of the court within 30 days after the date of the order of the council, and section 36 applies, with any necessary modification.

2023, c6, s.13-17.

Effect of appeal

39.1 The commencement of an appeal pursuant to section 36 or 39 does not stay the effect of the decision or order appealed from, but, on five days' notice to the registrar, the appellant may apply to the court for a stay of the decision or order, pending the disposition of the appeal.

2023, c6, s.13-17.

Appeal to Court of Appeal

40 With leave of the Court of Appeal, the council or a person who makes an appeal pursuant to section 39 may appeal a decision of the court on a point of law to the Court of Appeal.

2023, c 6, s.13-17.

41 Repealed. 2023, c 6, s.13-18.

Criminal conviction

42 The discipline committee may make any order pursuant to section 26.1 if:

- (a) the member 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 mediation committee is made to the discipline committee respecting the conviction mentioned in clause (a);
- (c) the discipline committee has given the member mentioned in clause (a) an opportunity to be heard; and
- (d) the discipline committee finds that the conduct of the member giving rise to the conviction is professional misconduct.

2023, c 6, s.13-19.

Criminal conduct

42.1 If, in the course of an investigation pursuant to this Act, the mediation committee obtains information that leads to a reasonable belief that a member has been engaged or is engaging in possible criminal activity, the committee shall disclose the information to the appropriate law enforcement agency.

2023, c 6, s.13-19.

No liability

43 No action lies against the association, the registrar, any employee of the council, the council, any committee appointed by the council or any member of the council or of any committee appointed by the council, for any act done or omitted to be done or for any proceeding taken or judgment given or enforced in good faith pursuant to any of the provisions of this Act or of the rules, bylaws, orders or proceedings of the council pursuant to this Act.

1984-85-86, c.O-6.1, s.43.

44 Repealed. 1988-89, c.16, s.17.

Frivolous complaints

45 Where, on inquiry, the council finds a complaint to be frivolous and vexatious, it may order any costs that it considers fair to be paid out of the funds at its disposal to the person whose conduct is the subject of inquiry.

1984-85-86, c.O-6.1, s.45.

46 Repealed. 2023, c6, s.13-20.

Use of title without certificate

47(1) No person shall use the title “optometrist” or any prefix or suffix or abbreviation or initials indicating such a title unless that person is the holder of a professional certificate to engage in the practice of optometry as provided by this Act.

(2) Every person who violates this section is guilty of an offence and liable on summary conviction, for a first offence, to a fine of not less than \$600 and not more than \$1,200, and for each subsequent offence to a fine of not less than \$1,200 and not more than \$1,800.

1984-85-86, c.O-6.1, s.47; 2010, c.O-5.1, s.56.

Practising without licence

48(1) No person shall engage in the practice of optometry unless he is the holder of a valid and subsisting licence.

(2) The use of test lenses or other appliances for testing the vision of the human eye is deemed to be prima facie evidence of engaging in the practice of optometry.

(3) Every person who, without a licence issued pursuant to this Act, engages in the practice of optometry in Saskatchewan for gain or hope of reward or holds himself out to the public as licensed or legally qualified to engage in the practice of optometry in Saskatchewan is guilty of an offence and liable on summary conviction for a first offence to a fine of not less than \$1,000 and not more than \$2,000 and, for each subsequent offence, to a fine of not less than \$2,000 and not more than \$3,000.

1984-85-86, c.O-6.1, s.48.

Persons practising under supervision

49 Section 48 does not apply to a person engaged in the practice of optometry under the supervision of a practising optometrist for the purposes of clause 16(b) and in accordance with the bylaws of the association made pursuant to clause 11(2)(k).

1984-85-86, c.O-6.1, s.49; 2023, c6, s.13-21.

50 Repealed. 2004, c.L-16.1, s.64.

Fees and fines property of association

51 All fees and fines receivable or recoverable pursuant to this Act are the property of the association.

1984-85-86, c.O-6.1, s.51.

Saving

52 Nothing in this Act prevents:

- (a) any person from practising any profession, trade or calling that he is licensed to practise pursuant to any other Act; or
- (b) the sale of complete ready-to-wear glasses as merchandise from a permanent place of business.

1984-85-86, c.O-6.1, s.52.

Evidence of bylaw

53 A copy of a bylaw certified by the registrar to be a true copy, is admissible in evidence in all prosecutions, inquiries, hearings or other proceedings pursuant to this Act, without proof of the appointment or signature of the registrar.

1984-85-86, c.O-6.1, s.53.

54 Repealed. 2023, c6, s.13-22.

55 Repealed. 2023, c6, s.13-22.

Review by Assembly

56(1) One copy of each bylaw and amendment filed with the Registrar of Corporations pursuant to section 12 or 13 is to be laid before the 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) Where a bylaw or amendment laid before the Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, the bylaw or amendment ceases to have effect and is deemed to have been revoked.

1991, c.T-1.1, s.33; 2010, c.B-12, s.48; 2014, c.E-13.1, s.62; 2021, c6, s.23-26; 2023, c6, s.13-23.

Record of revocation of bylaw or amendment

57(1) Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw or amendment has ceased to have effect, the Clerk of the Assembly shall immediately send two copies of those Votes and Proceedings to the Registrar of Corporations and advise him that the copies are forwarded pursuant to this subsection.

(2) On receipt of the copies mentioned in subsection (1), the Registrar of Corporations shall file one copy with the bylaw or amendment to which it relates and immediately send the other copy to the association and advise the association that the copy is forwarded pursuant to this subsection.

1984-85-86, c.O-6.1, s.57; 1991, c.T-1.1, s.33; 2010, c.B-12, s.48; 2021, c6, s.23-26.

c. O-6.1

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Lists of members etc. to be filed

58 The association shall, before February 1 in each year, file with the Registrar of Corporations, lists, certified by the secretary to be correct, stating:

- (a) the names and addresses of all members in good standing as at December 31 in the preceding year;
- (b) the names of all persons whose names were removed from the register or who were suspended or otherwise ceased to be members in good standing during the preceding year;
- (c) the names of all persons whose names were reinstated to the register during the preceding year.

1984-85-86, c.O-6.1, s.58; 1991, c.T-1.1, s.33;
2010, c.B-12, s.48; 2021, c6, s.23-26.

Annual report

58.1 The association shall file an annual report with the minister in the form, with the contents and in the time prescribed by the minister.

2023, c6, s.13-24.

R.S.S. 1978, c.O-6 repealed; transitional

59(1) *The Optometry Act* is repealed.

(2) A licence issued pursuant to *The Optometry Act* and in force on the day before the day on which this section comes into force continues in force for the balance of the period for which it was issued, unless suspended or revoked sooner in accordance with this Act.

(3) The bylaws, rules and regulations made pursuant to *The Optometry Act* and in force on the day before the day on which this section comes into force continue in force until they are repealed or others made in their place pursuant to this Act.

1984-85-86, c.O-6.1, s.59.

Coming into force

60 This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.

1984-85-86, c.O-6.1, s.60.

APPENDIX

Repealed. 1988-89, c.16, s.18.