

# *The Psychologists Act, 1997*

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[Chapter P-36.01](#) of the *Statutes of Saskatchewan, 1997* (subsections 54(1), (2), (3), (6), (7) and (8), effective December 1, 1997; sections 1 to 53, subsections 54(4), (5), (9) and (10) and section 55, effective March 1, 2002) as amended by the *Statutes of Saskatchewan, 1997, c.46*; [2001, c.8](#); [2004, c.23](#); [2006, c.19](#); [2009, c.T-23.01](#); and [2010, c. B-12](#), and [c.19](#) and [20](#).

## **NOTE:**

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

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## CHAPTER P-36.01

### An Act respecting the Regulation of Psychologists

#### SHORT TITLE AND INTERPRETATION

##### Short title

1 This Act may be cited as *The Psychologists Act, 1997*.

##### Interpretation

2 In this Act:

- (a) “**administrative bylaw**” means a bylaw made for a purpose set out in subsection 15(1);
- (b) “**authorized practice**” means those functions specified in section 23;
- (c) “**bylaws**” means the valid and subsisting bylaws of the college;
- (d) “**college**” means the Saskatchewan College of Psychologists continued pursuant to section 3;
- (e) “**council**” means:
  - (i) the transitional council of the college, for the period commencing on the day this Act comes into force and ending on the day the Lieutenant Governor in Council dissolves the transitional council pursuant to section 54;
  - (ii) the council of the college, from and after the day that the Lieutenant Governor in Council dissolves the transitional council pursuant to section 54;
- (f) “**court**” means the Court of Queen’s Bench;
- (g) “**member**” means a member of the college who is in good standing;
- (h) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (i) “**practising member**” means a member to whom an annual licence to practise is issued pursuant to section 20 or 21;
- (j) “**register**” means the register kept pursuant to section 19;
- (k) “**registrar**” means the person appointed as registrar pursuant to section 12;
- (l) “**regulatory bylaw**” means a bylaw made for a purpose set out in subsection 15(2) or by the minister pursuant to section 17.

## COLLEGE

**Association continued as college**

**3** The Saskatchewan Psychological Association, continued pursuant to *The Registered Psychologists Act*, is continued as a corporation under the name Saskatchewan College of Psychologists.

1997, c.P-36.01, s.3.

**Membership**

**4** The membership of the college consists of:

- (a) those persons who are members of the Saskatchewan Psychological Association on the day before this Act comes into force; and
- (b) those persons who are admitted as members of the college pursuant to this Act and the bylaws.

1997, c.P-36.01, s.4.

**Property**

**5(1)** The college may acquire, hold, mortgage, lease, sell or dispose of any property.

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

(3) The 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 of the disposition in similar investments.

1997, c.P-36.01, s.5; 2009, c.T-23.01, s.64.

**Meetings**

**6(1)** An annual meeting of the college is to be held at the time and place that is determined by the council in accordance with the bylaws.

(2) A special meeting of the college for the transaction of the business that is specified in the resolution or demand is to be held:

- (a) on resolution of the council; or
- (b) on the demand, in writing, of the number of members specified in the bylaws.

(3) The procedure at an annual or special meeting is to be determined by bylaw.

(4) The registrar shall give notice of an annual or special meeting to each member by ordinary mail sent at least 60 days before the meeting.

1997, c.P-36.01, s.6.

## COUNCIL

**Council**

- 7(1) The council shall govern, manage and regulate the affairs and business of the college.
- (2) The council consists of:
  - (a) the number of members prescribed in the bylaws, which shall not be less than five, elected by the practising members in accordance with this Act and the bylaws; and
  - (b) the person or persons appointed pursuant to section 8.
- (3) No practising member is eligible to be elected as a member of council unless that practising member resides in Saskatchewan.
- (4) Elected members of council are entitled to remuneration and reimbursement for expenses in the amount prescribed in the bylaws.
- (5) Each elected member of council holds office for the term prescribed in the bylaws.

1997, c.P-36.01, s.7.

**Public appointees**

- 8(1) The Lieutenant Governor in Council may appoint three 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 pursuant to this section, the term of office of that person is not to exceed three years.
- (3) Subject to subsection (4), a member of council appointed pursuant to this section holds office until the 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 council appointed pursuant to this section ceases to hold office if the person ceases to be a resident of Saskatchewan.
- (5) A member of council appointed pursuant to this section may exercise rights and serve as a member of committees to the same extent as other members of council.
- (6) At least one member of 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 council appointed pursuant to this section or the failure to appoint a member of council pursuant to this section does not impair the power of the other members of the discipline committee to act.
- (8) The minister shall remunerate and reimburse for expenses the members of council appointed pursuant to this section at the rate determined by the Lieutenant Governor in Council.

1997, c.P-36.01, s.8.

**Resignation**

**9(1)** An elected member of council may resign by giving written notice of his or her resignation to the council.

(2) A member of council appointed pursuant to section 8 may resign by giving written notice of his or her resignation to the minister.

(3) The resignation of a member of council pursuant to subsection (1) or (2) is effective:

(a) on the date stated in the written notice; or

(b) if no date is stated in the written notice, on the date the written notice is received by the council or the minister, as the case may be.

1997, c.P-36.01, s.9.

**Vacancy**

**10(1)** When a vacancy occurs in the elected membership of the council, the remaining members of council may appoint another practising member to fill the vacancy until the earlier of:

(a) the date of the expiry of the term of office of the council member who ceased to be a member of council; and

(b) the date on which a practising member is elected 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 council to act.

1997, c.P-36.01, s.10.

**Officers**

**11(1)** The officers of the college are to be designated in the bylaws.

(2) The officers of the college are to be appointed or elected in accordance with the bylaws.

1997, c.P-36.01, s.11.

**Registrar and other employees**

**12(1)** The council shall appoint a registrar.

(2) The council may engage any employees that it considers necessary to carry out the duties and functions of the college.

(3) Subject to this Act and the bylaws, the council shall determine the duties, responsibilities and remuneration of employees of the college.

1997, c.P-36.01, s.12.

**Committees**

- 13(1) The council may establish any committees that are provided for by the bylaws or that it considers necessary.
- (2) The council may 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) Committee members are eligible to be paid any remuneration that may be prescribed in the bylaws.
- (4) Subject to this Act and the bylaws, the council, on any terms or 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).
- (5) The council shall not delegate the power to make bylaws.
- (6) Subject to this Act and the bylaws, a committee may establish its own procedures.

1997, c.P-36.01, s.13.

**BYLAWS****Procedures**

- 14(1) The council, with the approval of not less than a two-thirds majority of the members of the council, may make bylaws for any purpose set out in section 15.
- (2) A bylaw made by the council pursuant to subsection (1) has effect only until the next annual or special meeting of the college and, unless confirmed or varied by the members in accordance with subsection (3), ceases to have any effect after that time.
- (3) With the approval of a two-thirds majority of those members who vote at an annual or special meeting, the college may:
- (a) make bylaws for any purpose set out in section 15; and
  - (b) confirm, vary or revoke any bylaw made by the council pursuant to subsection (1).
- (4) The variation or revocation of a bylaw pursuant to subsection (3) does not affect the operation or application of the bylaw prior to its revocation or variation, and everything done, omitted to be done or authorized pursuant to the bylaw is valid and effective against all persons notwithstanding the revocation or variation.
- (5) The registrar shall forward copies of proposed bylaws to all members at least 14 days before the date of the annual or special meeting at which the bylaws are to be presented.

- (6) The registrar shall notify each member of each bylaw made pursuant to subsection (1) or (3), or confirmed, varied or revoked pursuant to subsection (3), within 150 days after the bylaw is made, confirmed, varied or revoked.
- (7) Failure to comply with subsection (6) does not invalidate a bylaw.
- (8) No regulatory bylaw made by the council or the college comes into force until it is:
  - (a) approved by the minister pursuant to section 16; and
  - (b) published in the Gazette.
- (9) An administrative bylaw becomes effective on the later of:
  - (a) the day on which it is filed pursuant to subsection 16(5); and
  - (b) the date specified in the bylaw.

2004, c.23, s.3.

#### Bylaws

**15(1)** Subject to this Act, administrative bylaws may be made pursuant to section 14 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 of elected members of council and the terms of office of those members of council;
- (g) prescribing the duties of members of council and officers of the college;
- (h) prescribing remuneration and reimbursement for expenses for elected members of council and members of committees;
- (i) governing the procedure for the election of the members of council mentioned in clause 7(2)(a);
- (j) prescribing the organization, powers and procedures of the council and regulating the council in the performance of its duties;
- (k) respecting the holding and procedures of meetings of the council and annual or special meetings of the college, including prescribing methods of voting at meetings;
- (l) prescribing the amounts of registration, licensing and other fees payable to the college, the times of payment and the penalties for late payment;
- (m) providing for the receipt, management and investment of contributions, donations or bequests from members or other persons;

- (n) establishing and governing scholarships, bursaries and prizes;
  - (o) authorizing the college to enter into agreements or arrangements with any person, group, college, organization or body corporate having goals or objectives similar to those of the college;
  - (p) establishing any committees that the council or the college considers necessary and prescribing the manner of election or appointment of members to those committees;
  - (q) prescribing any other thing that is necessary for the effective administration of the college.
- (2) Subject to this Act, regulatory bylaws may be made pursuant to section 14 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 members; and
    - (ii) the issuing of licences;
  - (b) prescribing qualifications, standards and tests of competency for the right to perform an authorized practice;
  - (c) prescribing:
    - (i) procedures governing the registration of persons or any category of persons as members;
    - (ii) procedures governing the issuing of licences; and
    - (iii) the terms and conditions of licences;
  - (d) prescribing the composition, duties and procedures of the registration committee;
  - (e) providing for a code of professional ethics;
  - (f) setting standards of professional conduct, competency and proficiency of members;
  - (g) setting standards respecting the manner and method of the practice of members;
  - (h) setting requirements for maintenance of membership;
  - (i) establishing competency assurance programs, standards for continuing education and the participation of members in competency assurance programs and continuing education;
  - (j) prescribing special categories of practice and the requirements for admission to each of those categories;

- (k) prescribing procedures for:
  - (i) the review, investigation and disposition by the professional conduct committee of complaints alleging that a member is guilty of professional misconduct or professional incompetence;
  - (ii) hearings by the discipline committee of complaints alleging that a member is guilty of professional misconduct or professional incompetence;
  - (iii) reviews pursuant to subsection 22(4);
- (l) governing the reinstatement of a member who has been expelled;
- (m) establishing categories of membership in the college and prescribing the rights and privileges of each category;
- (n) prescribing the circumstances under which members are required to attend re-entry education programs and courses and approving programs and courses for that purpose;
- (o) governing the approval of education programs for purposes of registration pursuant to this Act and prescribing terms and conditions for initial or continued approval of those programs;
- (p) governing examinations to be held for the purposes of section 20 or 23;
- (q) governing persons who practise under provisional licences issued pursuant to section 21;
- (r) prescribing the minimum amount of liability protection that is required to be obtained by a member or any category of members;
- (s) respecting the reporting and publication of decisions and reports of the council and committees;
- (t) regulating advertising by members;
- (u) prescribing the number of members required to demand a special meeting of the college;
- (v) defining the activities in which a member shall be deemed to have a conflict of interest and prohibiting the participation of a member in any of those activities;
- (w) respecting the delegation by a practising member of the performance of an authorized practice;
- (x) prescribing any other matters considered necessary for the better carrying out of this Act.

**Filing of bylaws**

**16(1)** The college shall file with the minister two copies, certified by the president of the college 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) Where the minister does not advise the college in writing within 90 days of 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) Where the minister approves a regulatory bylaw or an amendment to a regulatory bylaw, the minister shall file with the Director of Corporations two copies, certified by the president of the college to be true copies, of the regulatory bylaw or amendment.
- (4) **Repealed.** 2004, c.23, s.5.
- (5) Within 30 days after administrative bylaws or amendments to administrative bylaws are made, the council shall file with the Director of Corporations two copies, certified by the registrar to be true copies, of all administrative bylaws and all amendments made to those bylaws.
- (6) **Repealed.** 2004, c.23, s.5.
- (7) Where an administrative bylaw or an amendment to an administrative bylaw is not filed within the time required by subsection (5), the administrative bylaw or amendment to the administrative bylaw is deemed to be revoked on the expiration of the 30 days mentioned in subsection (5).

1997, c.P-36.01, s.16; 2004, c.23, s.5; 2010, c.B-12, s.55.

**Ministerial bylaws**

**17(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 to do so.

- (2) Where the minister makes a request pursuant to subsection (1), the council shall be provided with the reasons for the amendment and, if appropriate, a draft of the amendment.
- (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 it is published in the Gazette.
- (5) Where the minister makes, amends or revokes a regulatory bylaw, the minister shall file with the Director of Corporations two copies of the regulatory bylaw, amendment or revocation.
- (6) **Repealed.** 2004, c.23, s.6.

1997, c.P-36.01, s.17; 2004, c.23, s.6; 2010, c.B-12, s.55.

## LICENCES AND REGISTRATION

**Licences**

**18(1)** The council may, in accordance with this Act and the bylaws, register persons as members.

(2) The council may issue licences to members.

1997, c.P-36.01, s.18.

**Register**

**19(1)** The council shall, in accordance with the bylaws, keep or cause to be kept a register in which is to be entered the name and address of every member.

(2) The register is to be:

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

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

(3) A certificate purporting to be signed by the registrar stating that a named person was or was not on a specified day or during a specified period a member, a practising member or a suspended member according to the register, or an extract from the register that is certified by the registrar, is admissible in evidence as proof, in the absence of evidence to the contrary, of its contents without proof of the registrar's appointment or signature.

1997, c.P-36.01, s.19.

**Registration**

**20(1)** The council may register as a member, and issue a licence to practise to, a person who produces evidence establishing to the satisfaction of the council that the person:

(a) has a master's or doctoral degree in a program that primarily consisted of psychology classes from an educational institution recognized by the council;

(b) has successfully completed any period of practical training recognized by the council in accordance with the bylaws;

(c) has successfully completed any examination prescribed in the bylaws;

(d) has paid the prescribed fees; and

(e) has complied with the bylaws with respect to registration.

(2) Notwithstanding subsection (1), the council may register as a member, and issue a licence to practise to, a person who produces evidence establishing to the satisfaction of the council that the person:

(a) meets the requirements set out in the bylaws;

(b) has paid the prescribed fees;

(c) has complied with the bylaws with respect to registration; and

(d) is registered as the equivalent of a psychologist in good standing pursuant to the legislation of another jurisdiction in Canada, or the legislation of a jurisdiction outside of Canada that is recognized by the council.

1997, c.P-36.01, s.20; 2010, c.19, s.30.

**Provisional licence**

**21(1)** The council may register as a member, and issue a provisional licence to practise to, a person who has met the requirements of clause 20(1)(a) and:

- (a) does not fully meet the requirements of clause 20(1)(b) or (c);
- (b) agrees to practise in accordance with the conditions or restrictions specified in the provisional licence;
- (c) has paid the prescribed fees; and
- (d) has complied with the bylaws governing provisional licences.

(2) A member granted a provisional licence to practise shall comply with the bylaws governing provisional licences.

2004, c.23, s.7; 2010, c.19, s.30.

**Delegation and appeal**

**22(1)** The council may delegate to the registrar or a committee established pursuant to section 13 the power to do all or any of the following:

- (a) register persons as members;
- (b) issue licences or provisional licences to members;
- (c) grant the right to a member to perform an authorized practice;
- (d) specify the terms and conditions of licences.

(2) Where a power has been delegated, the exercise of that power by the registrar or committee is deemed to be an exercise of that power by the council.

(3) The council may impose any terms and conditions that it considers appropriate on a delegation pursuant to subsection (1).

(4) A person who is aggrieved by a decision of the registrar or committee made pursuant to a delegated power may apply to the council to review that decision.

(5) On a review pursuant to subsection (4), the council shall hear the review and may:

- (a) direct the registrar or committee to exercise the power in a manner that the council considers appropriate; or
- (b) confirm the registrar's or committee's decision.

(6) The council shall inform the applicant, in writing, of its decision respecting the review.

(7) On a review pursuant to subsection (4), the person aggrieved by the decision of the registrar or committee has the right to appear in person before the council in support of the application.

1997, c.P-36.01, s.22; 2004, c.23, s.8.

**Authorized practices**

**23(1)** An authorized practice is the communication of a diagnosis identifying, as the cause of a person's symptoms, a neuropsychological disorder or a psychologically-based psychotic, neurotic or personality disorder.

(2) No person shall perform an authorized practice described in subsection (1) in the course of providing services to an individual unless the person is a practising member authorized by council pursuant to his or her licence or the bylaws to perform that authorized practice.

(3) Prior to authorizing a member to perform an authorized practice, the council may require that member to successfully complete any examinations as may be prescribed in the bylaws.

(4) This section does not apply to a duly qualified medical practitioner.

1997, c.P-36.01, s.23.

**Protected title**

**24(1)** Subject to subsection (3), no person other than a member shall use the title "psychologist" or any word, title or designation, abbreviated or otherwise, to imply that the person is a member.

(2) No person other than a member who is registered and licensed pursuant to section 20 or 21 and who holds a doctoral degree may use the title "doctoral psychologist" or any word, title or designation, abbreviated or otherwise, to imply that the person is a member who is registered and who holds a doctoral degree.

(3) A person who is not a member and who is employed as a psychologist at The University of Regina, the University of Saskatchewan, Saskatchewan Indian Federated College or the Saskatchewan Institute of Applied Science and Technology may use the title "psychologist" provided that that person is not providing or directing the provision of counselling, clinical psychology or psychological assessment.

1997, c.46, s.2.

## DISCIPLINE

**Interpretation re discipline provisions**

**24.1** In sections 24.2 to 40, "**member**" includes a former member.

2010, c.20, s.46.

**Proceedings against former members**

**24.2(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 professional conduct committee, pursuant to subsection 28(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.46.

**Professional misconduct**

**25** Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, that:

- (a) is harmful to the best interests of the public or the members of the college;
- (b) tends to harm the standing of the profession;
- (c) is a breach of this Act or the bylaws; or
- (d) is a failure to comply with an order of the professional conduct committee, the discipline committee or the council;

is professional misconduct within the meaning of this Act.

1997, c.P-36.01, s.25.

**Professional incompetence**

**26** 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.

1997, c.P-36.01, s.26.

**Professional conduct committee**

**27(1)** The professional conduct committee is established consisting of at least three persons, the majority of whom are to be practising members, appointed by the council.

(2) No member of the discipline committee or the council is eligible to be appointed as a member of the professional conduct committee.

(3) Three members of the professional conduct committee constitute a quorum.

1997, c.P-36.01, s.27.

**Investigation**

**28(1)** Where the professional conduct committee 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, the professional conduct committee shall:

- (a) review the complaint; and
- (b) investigate the complaint by taking any steps it considers necessary, including summoning before it the member whose conduct is the subject of the complaint.

- (2) On completion of its investigation, the professional conduct committee shall make a written report to the discipline committee recommending that:
- (a) the discipline committee hear and determine the formal complaint set out in the written report; or
  - (b) no further action be taken with respect to the matter under investigation because:
    - (i) the matter has been resolved, with the consent of the complainant and the member who is the subject of the investigation; or
    - (ii) in its opinion no further action is warranted on the facts of the case.
- (3) The formal complaint set out in a written report made pursuant to clause (2)(a) may relate to any matter disclosed in the complaint or in the investigation of the complaint.
- (4) A report signed by a majority of the professional conduct committee is the decision of that committee.
- (5) The professional conduct committee shall provide, or cause the registrar to provide, a copy of a written report made pursuant to clause (2)(b) to:
- (a) the council;
  - (b) the person, if any, who made the complaint; and
  - (c) the member whose conduct is the subject of the complaint.

1997, c.P-36.01, s.28.

**Suspension pending investigation**

- 29(1)** Where the professional conduct committee is of the opinion that, on the basis of the allegations or the nature of the case, the member should be suspended or prohibited from performing any authorized practice or procedure pending the outcome of the investigation or hearing, it may, with the prior approval of the council, apply to a judge of the court for an order:
- (a) suspending the licence of a member whose conduct is the subject of an investigation pursuant to subsection 28(1) or against whom a formal complaint has been made pursuant to clause 28(2)(a); or
  - (b) temporarily prohibiting a member described in clause (a) from performing any specified authorized practice or procedure.
- (2) An order of suspension or prohibition shall not extend past the earliest of:
- (a) 90 days from the date of the order;
  - (b) the date of a report of the professional conduct committee made pursuant to clause 28(2)(b);

- (c) where the discipline committee finds that a member is not guilty of professional misconduct or professional incompetence, the day of its decision; and
  - (d) where the discipline committee finds that a member is guilty of professional misconduct or professional incompetence, the day that an order is made pursuant to section 32.
- (3) The professional conduct committee may apply to the court for an extension of an order of suspension or prohibition made pursuant to subsection (1).

1997, c.P-36.01, s.29.

**Discipline committee**

- 30(1) The discipline committee is established consisting of at least three persons, the majority of whom are to be practising members, appointed by the council and one of whom is to be a person appointed pursuant to section 8.
- (2) No member of the professional conduct committee or elected member of the council 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.

1997, c.P-36.01, s.30.

**Discipline hearing**

- 31(1) Where a report of the professional conduct committee recommends that the discipline committee hear and determine a complaint, the registrar shall, at least 14 days prior to the date 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 professional conduct committee shall prosecute the complaint, but its members shall not participate in any other manner in the hearing of the complaint, except as witnesses when required.
- (3) The discipline committee shall hear the complaint and shall decide 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 college, any legal or other assistance that it considers necessary, and the member whose conduct is the subject of the hearing may be represented by counsel at the member's own expense.
- (6) The testimony of witnesses is to be under oath 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 adduce evidence in defence and reply.
- (8) On the 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 professional conduct committee;
  - (c) a member of the discipline committee.
- (9) Where a writ issued pursuant to subsection (8) is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.
- (9.1) Subject to *The Evidence Act* and section 58 of *The Regional Health Services Act*, and notwithstanding any other Act or the regulations made pursuant to any other Act, the records of any facility operated by a regional health authority or health care organization, within the meaning of *The Regional Health Services 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 regional health authority or health care organization.
- (10) Where 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 his or her absence.
- (11) 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.
- (12) 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.

- (13) The person, if any, who made the complaint pursuant to section 28:
- (a) must be advised by the registrar of the time and place of the hearing; and
  - (b) subject to subsection (15), is entitled to attend the hearing.
- (14) Subject to subsection (15), the discipline committee shall conduct all hearings in public.
- (15) The discipline committee may exclude members of the public and the person who made the complaint from any part of the hearing when the committee is of the opinion that evidence brought in the presence of that person will unduly violate the privacy of a person other than the member whose conduct is the subject of the hearing.

1997, c.P-36.01, s.31; 2004, c.23, s.9; 2006, c.19, s.15.

#### **Disciplinary powers**

**32(1)** Where the discipline committee finds a member guilty of professional incompetence or professional misconduct, it may make one or more of the following orders:

- (a) an order that the member be expelled from the college and that the member's name be struck from the register;
  - (b) an order that the member be suspended from the college for a specified period;
  - (c) an order that the member be suspended from the college pending the satisfaction and completion of any conditions specified in the order;
  - (d) an order that the member may continue to practise 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 treatment, counselling or both;
  - (e) an order that reprimands the member; or
  - (f) any other order that to it seems just.
- (2) In addition to any order made pursuant to subsection (1), the discipline committee may order:
- (a) that the member pay to the college within a fixed period:
    - (i) a fine in a specified amount not to exceed \$5,000; and
    - (ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the professional conduct committee and the discipline committee and the costs of legal services and witnesses; and
  - (b) where a member fails to make payment in accordance with an order pursuant to clause (a), that the member be suspended from the college.

- (3) The discipline committee shall send a copy of any order made pursuant to this section to the member whose conduct is the subject of the order and to the person, if any, who made the complaint.
- (4) Where a member is expelled or suspended from the college, 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 shall submit a written report, signed by the chairperson, of its decision to the council.
- (6) The discipline committee may inform a member's employer of the order made against that member where that member has been found guilty of professional misconduct or professional incompetence.

1997, c.P-36.01, s.32.

#### **Criminal conviction**

**33** The discipline committee may, by order, impose any penalty described in section 32 that to it seems just where:

- (a) the member has been convicted of an offence pursuant to the *Criminal Code*;
- (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 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.

1997, c.P-36.01, s.33.

#### **Duty to report**

**34** Where the professional conduct committee in its investigation pursuant to section 28 or the discipline committee at the conclusion of its hearing pursuant to section 31 believes that the member whose conduct is the subject of the investigation or hearing may be guilty of a criminal offence, the committee may immediately discontinue its investigation or hearing, as the case may be, and shall make a report of its findings to:

- (a) the president of the college; and
- (b) the Deputy Minister of Justice.

1997, c.P-36.01, s.34.

**Suspension – criminal charge**

**35** A judge of the court, on the application of the council, may direct that a member be suspended pending the disposition of the criminal charge where:

- (a) a criminal charge is laid against the member; and
- (b) the member has applied to the court for a stay of any disciplinary proceedings against the member.

1997, c.P-36.01, s.35.

**Appeal to council**

**36(1)** A member who has been found guilty by the discipline committee of professional incompetence or professional misconduct or who is subject to an order made pursuant to section 33 may appeal the decision or any order of the discipline committee within 30 days after the decision or order to the council by serving the registrar with a copy of the notice of appeal.

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

(3) On receipt of a notice of appeal, the registrar shall file with the council a true copy of:

- (a) the formal complaint and the notice served on the member pursuant to subsection 31(1) or the report of the professional conduct committee pursuant to section 33;
- (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 appellant's solicitor 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) In hearing an appeal, the council shall:

- (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 of the discipline committee.

(6) The council may make any order as to costs that the council considers appropriate.

(7) A decision of the majority of the council pursuant to subsection (5) is a decision of the council.

1997, c.P-36.01, s.36.

**Appeal to court**

**37** 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 order of the council, and section 36 applies with any necessary modification.

1997, c.P-36.01, s.37.

**Effect of appeal**

**38** The commencement of an appeal pursuant to section 36 or 37 does not stay the effect of a decision or order of the discipline committee or the council, but, on five days' notice to the registrar, the appellant may apply to the court for a stay of proceedings pending the disposition of the appeal.

1997, c.P-36.01, s.38.

**Effect of expulsion**

**39** Where a member is expelled or suspended from the college pursuant to this Act, that member's rights and privileges as a member are removed for the period during which the member is expelled or suspended.

1997, c.P-36.01, s.39.

**Reinstatement**

**40(1)** A person who has been expelled as a member may apply to the council for reinstatement.

(2) Subject to the bylaws, on receipt of an application for reinstatement, 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) where it is satisfied that the person's subsequent conduct and any other facts warrant reinstatement, order that the person be reinstated as a member on any terms and conditions that the council considers appropriate; or
- (b) by order, refuse to reinstate the person.

(4) A decision of the majority of the members of the council is the decision of the council.

(5) Where, on an application for reinstatement, the council refuses to reinstate the person as a member, the applicant may, within 30 days after the date of the order, appeal the order of the council to a judge of the court, and the judge may allow or disallow the appeal.

- (6) On an appeal to the court, 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 books and records of the college; and
  - (c) the evidence taken before council and any committee that dealt with the expulsion and application for reinstatement and the report of that committee.
- (7) 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, at any time.

1997, c.P-36.01, s.40.

## GENERAL

### Immunity

**41** No action lies or shall be instituted against:

- (a) members of the council;
- (b) the discipline committee;
- (c) the professional conduct committee;
- (d) any member of any committee; or
- (e) any officer, employee or agent;

of the college 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.

1997, c.P-36.01, s.41.

### Offence and penalty

**42** Every person who contravenes section 23 or 24 is guilty of an offence and liable on summary conviction to a fine of:

- (a) for a first offence, not more than \$2,000;
- (b) for a second offence, not more than \$4,000; and
- (c) for each subsequent offence, not more than \$6,000 or to imprisonment for a term of not more than six months, or to both.

1997, c.P-36.01, s.42.

**Limitation of prosecution**

**43** No prosecution for a contravention of section 23 or 24 is to be commenced:

- (a) after the expiration of 24 months from the date of the alleged offence; and
- (b) without the consent of the Minister of Justice or the council.

1997, c.P-36.01, s.43.

**Report of termination of employment**

**44** Any employer who terminates for cause the employment of a member shall report the termination to the college where the employer reasonably believes the cause is professional incompetence or professional misconduct.

1997, c.P-36.01, s.44.

**Review by Legislative Assembly**

**45(1)** One copy of all bylaws and amendments filed with the Director of Corporations pursuant to section 16 is to be laid before the Legislative Assembly by the minister responsible for the administration of *The Business Corporations Act* in accordance with *The Tabling of Documents Act, 1991*.

(2) Where any bylaw or amendment laid before the Legislative 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 any effect and is deemed to have been revoked.

1997, c.P-36.01, s.45; 2010, c.B-12, s.55.

**Record of revocation and notification**

**46(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 Legislative Assembly shall immediately:

- (a) forward two copies of the Votes and Proceedings to the Director of Corporations; and
- (b) advise him or her that the copies are forwarded pursuant to this subsection.

(2) On receipt of the copies mentioned in subsection (1), the Director of Corporations shall immediately:

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

1997, c.P-36.01, s.46; 2010, c.B-12, s.55.

**Liability protection**

47(1) The college may enter into a contract of insurance under which members or any category of members are insured with respect to professional liability claims.

(2) The college is deemed to be an agent for the members or any category of members for the purpose of entering into a contract of insurance pursuant to this section.

1997, c.P-36.01, s.47.

**Annual register**

48 On or before February 1 in each year, the college shall file with the Director of Corporations a list, to be called the annual register, certified by the registrar to be a true list, showing:

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

1997, c.P-36.01, s.48; 2010, c.B-12, s.55.

**Annual report**

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

1997, c.P-36.01, s.49.

**Compliance**

50 Every member shall comply with this Act and the bylaws.

1997, c.P-36.01, s.50.

**Service of notices, etc.**

51(1) Any notice or other document that is required to be served pursuant to this Act may, unless otherwise provided for in this Act, be served by:

- (a) personal service made:
  - (i) in the case of an individual, on that individual;
  - (ii) in the case of a partnership, on any partner; or
  - (iii) in the case of a corporation, on any officer or director of the corporation;
- (b) registered mail addressed to the last business or residential address of the person to be served known to the registrar.

(2) A notice or document sent by registered mail is deemed to have been served on the seventh day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the notice or document or received it at a later date.

(3) If it is for any reason impractical to effect service of any documents provided for in subsection (1), the court may, on *ex parte* application, make an order for substituted service.

(4) A document served in accordance with the terms of an order mentioned in subsection (3) is deemed to have been properly served.

1997, c.P-36.01, s.51; 2001, c.8, s.15.

#### REPEAL, TRANSITIONAL AND COMING INTO FORCE

##### **R.S.S. 1978, c.R-14 repealed**

**52** *The Registered Psychologists Act* is repealed.

1997, c.P-36.01, s.52.

##### **Transitional – bylaws**

**53** Every bylaw of the Saskatchewan Psychological Association that is in force on the day before this Act comes into force continues in force as a bylaw of the Saskatchewan College of Psychologists to the extent that the bylaw is not inconsistent with this Act.

1997, c.P-36.01, s.53.

##### **Transitional – council**

**54(1)** The Lieutenant Governor in Council shall appoint a transitional council to manage and govern the affairs of the college on and from the day this Act comes into force and until the transitional council is dissolved by the Lieutenant Governor in Council.

(2) The transitional council mentioned in subsection (1) is to consist of the following persons:

- (a) two representatives recommended by the Saskatchewan Psychological Association as that organization existed on the day before the coming into force of this Act;
- (b) two representatives recommended by the Saskatchewan Educational Psychologists Association;
- (c) two representatives recommended by the Psychological Society of Saskatchewan; and
- (d) three public representatives chosen by the Lieutenant Governor in Council.

- (3) Transitional council members appointed:
- (a) pursuant to clauses (2)(a) to (c) are to be remunerated by and receive reimbursement for expenses from the association in the amount prescribed in the bylaws; and
  - (b) pursuant to clause (2)(d) are to be remunerated by and receive reimbursement for expenses from the minister in accordance with the rate determined by the Lieutenant Governor in Council.
- (4) At least one member of the transitional council appointed pursuant to clause (2)(d) is to be a member of the discipline committee.
- (5) The absence or inability to act as a member of the discipline committee by a member of the transitional council mentioned in subsection (4) or the failure to appoint such a member pursuant to subsection (4) does not impair the power of the other members of the discipline committee to act.
- (6) A transitional council member may resign by giving written notice of his or her resignation to the minister.
- (7) The Lieutenant Governor in Council shall fill any vacancy on the transitional council with a person who meets the same criteria listed in subsection (2) as the person who resigned from the transitional council.
- (8) A vacancy on the transitional council does not impair the ability of the remaining members of the transitional council to act.
- (9) In addition to making bylaws for any of the purposes set out in section 15, the transitional council shall pass any necessary bylaws, including those mentioned in clauses 15(1)(f) and (i) for the purpose of conducting an election to elect members of council pursuant to subsection 7(2), and conduct that election on or before a date to be set by the Lieutenant Governor in Council.
- (10) The members of council elected pursuant to subsection (9) and those persons appointed to council pursuant to section 8, constitute the council from and after the date on which the transitional council is dissolved by the Lieutenant Governor in Council pursuant to subsection (1).

1997, c.P-36.01, s.54.

**Transitional – licences**

**55** Licences issued pursuant to *The Registered Psychologists Act* that are not revoked or suspended on the day before this section comes into force remain valid and continue to be in force until the earlier of:

- (a) the date on which the licence expires; and
- (b) the date on which the licence is revoked or suspended pursuant to this Act.

1997, c.P-36.01, s.55.

**Coming into force**

**56** This Act comes into force on proclamation.

1997, c.P-36.01, s.56.

