

1993

CHAPTER 31

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

(Assented to May 21, 1993)

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

Short title

1 This Act may be cited as *The Medical Profession Amendment Act, 1993*.

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

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

Section 2 amended

3 **Section 2 is amended by adding the following clause after clause (f):**

“(f.1) ‘**discipline hearing committee**’ means a committee as described in section 49”.

Section 17 amended

4 **Section 17 is amended:**

(a) **in subsection (1):**

(i) **by striking out “subsection (2)” and substituting “subsections (2) and (3); and**

(ii) **by striking out “two years” and substituting “three years”;**

(b) **by striking out “one year” in subsection (2) and substituting “two years”; and**

(c) **by adding the following subsection after subsection (2):**

“(3) Where a vacancy occurs on the council with respect to a member elected to the council, a member who is elected to fill the vacancy shall serve for the remainder of the term of office of the member being replaced”.

Section 28 amended

5 **Subclauses 28(a)(ii) and (iii) are repealed.**

Section 41 amended

6 Subsection 41(1) is repealed and the following substituted:

“(1) The registrar shall make a notation in the register beside the name of every inactive member but on payment by an inactive member of the fee fixed by the council and if the inactive member meets the conditions prescribed by the council in the bylaws, the registrar may remove the notation with respect to that member's name”.

Section 46 amended

7 Section 46 is amended:

(a) by striking out “the discipline committee”:

(i) in clause (h);

(ii) in clause (j); and

(iii) in clause (o);

and in each case substituting “the discipline hearing committee”; and

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

“(p) does or fails to do any act or thing where the council has, by bylaw, defined that act or failure to be unbecoming, improper, unprofessional or discreditable”.

Section 47.4 amended

8 Section 47.4 is amended by adding “or the executive committee” after “council”.

Section 47.5 amended

9 Section 47.5 is amended by adding “or the executive committee” after “the council” wherever it appears.

Section 47.6 amended

10 Section 47.6 is amended by adding “or the executive committee” after “council”.

New section 47.8

11 The following section is added after section 47.7:

Non-publication order

“47.8(1) Where a discipline hearing committee or a competency hearing committee is to be held, the registrar may apply to the court without notice or on notice as directed by the court for an order directing that the identity of any person and any information that could disclose the identity of that person or persons shall not be published in any document or broadcast in any way.

(2) No order pursuant to subsection (1) is to be made with respect to the identity of the member who is the subject of the hearing”.

Section 48 amended

12 Subsection 48(1) is amended by striking out “the discipline committee” and substituting “the discipline hearing committee”.

New section 49

13 Section 49 is repealed and the following substituted:

Discipline hearings

“49(1) Where a person who is the subject of a charge of unbecoming, improper, unprofessional or discreditable conduct admits that he or she is guilty of the charge, the council may:

(a) conduct a hearing to determine the facts relevant to the imposition of penalties authorized by section 54; or

(b) refer the matter to a discipline hearing committee constituted in accordance with this section that shall determine the facts relating to the charge and report the committee's findings in writing to the council.

(2) The council may proceed pursuant to section 54 with respect to the person who admitted guilt to the charge in the same manner as if it had received a report pursuant to section 52 after:

(a) completing a hearing pursuant to clause (1)(a); or

(b) receiving a report pursuant to clause (1)(b).

(3) The person who is the subject of a hearing may be present at the hearing and may be represented by counsel at the person's own expense.

(4) The council may make bylaws respecting the composition and the operation of the discipline hearing committee and respecting any other matters necessary for the purposes of the discipline hearing committee.

(5) Where a charge is brought before the discipline committee pursuant to section 47.5 or 47.6, the chairperson or acting chairperson of the discipline committee shall appoint a discipline hearing committee from the members of the discipline committee to determine whether the person charged is guilty of unbecoming, improper, unprofessional or discreditable conduct.

(6) A discipline hearing committee is to consist of at least three and not more than five members of the discipline committee.

(7) Three members of the discipline hearing committee shall constitute a quorum.

(8) The discipline hearing committee may, subject to this Act and the bylaws, regulate its own business and manner of proceedings.

(9) The discipline hearing committee shall fix the time and place for any hearing and investigation and may adjourn the hearing from time to time as it considers expedient.

(10) Sections 52 and 53 apply, with any necessary modification, to any hearing held by the discipline hearing committee pursuant to subsection (1)".

Section 50 amended

14 **Section 50 is amended by striking out "the discipline committee":**

(a) in subsection (1);

(b) in subsection (3);

(c) in subsection (5);

(d) in subsection (5.1);

(e) in subsection (5.2);

(f) in subsection (5.3); and

(g) in subsection (6);

and in each case substituting "the discipline hearing committee".

Section 51 amended

15 **Section 51 is amended by striking out "the discipline committee" and substituting "the discipline hearing committee".**

Section 52 amended

16 **Section 52 is amended by striking out "the discipline committee" wherever it appears:**

(a) in subsection (1);

(b) in subsection (2); and

(c) in subsection (3);

and in each case substituting "the discipline hearing committee".

Section 53 amended

17 **Subsection 53(1) is amended by striking out "the discipline committee" and substituting "the discipline hearing committee".**

Section 54 amended

18 **Section 54 is amended:**

(a) **in subsection (1), by striking out “the discipline committee” and substituting “the discipline hearing committee”; and**

(b) **by repealing clause 54(1)(i) and substituting the following:**

“(i) direct the person to pay the costs of and incidental to the investigation and hearing, including the costs of solicitors, members of the preliminary inquiry committee, members of the discipline hearing committee, members of the council, assessors, court reporters and witnesses, and all other costs related to the investigation and hearing, or any part of those costs”.

Section 56 amended

19 **Subsection 56(1) is amended by striking out “the discipline committee” and substituting “the discipline hearing committee”.**

Section 57 amended

20(1) **Subsection 57(3) is amended by striking out “the discipline committee” and substituting “the discipline hearing committee”.**

(2) **The following subsections are added after subsection 57(3):**

“(4) Notwithstanding subsections (1), (2) and (3), if it is for any reason impractical to effect service of any documents provided for in subsection (1) in the manner provided for in subsection (1), the court may, on application that may be made without notice, make an order for substitutional service.

“(5) A document served in accordance with the terms of an order mentioned in subsection (4) is deemed to be proper service”.

Section 58 amended

21 **Section 58 is amended by striking out “the discipline committee” and substituting “the discipline hearing committee”.**

New section 64

22 **Section 64 is repealed and the following substituted:**

Transcripts

“64(1) As soon as possible after serving a notice of appeal, the person appealing shall deliver a transcript of the evidence before the discipline hearing committee to the registrar of the court.

(2) As soon as possible after being served a copy of the notice of appeal, the registrar shall deliver the record of the discipline hearing committee and the council to the registrar of the court”.

Section 69 amended

23 **Subsection 69(1) is amended by striking out “the discipline committee” and substituting “the discipline hearing committee”.**

Section 69.1 amended

24 **Section 69.1 is amended by striking out “the discipline committee” and substituting “the discipline hearing committee”.**

Coming into force

25 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.