

The Physical Therapists Act

being

Chapter P-11 of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979).

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-11

An Act respecting the Practice of Physiotherapy

Short title

1 This Act may be cited as *The Physical Therapists Act*.

R.S.S. 1978, c.P-11, s.1.

Interpretation

2 In this Act:

“association”

(a) “**association**” means the Saskatchewan Physical Therapists Association continued by this Act;

“council”

(b) “**council**” means the Council of Physical Therapists constituted under this Act;

“physical therapist”

(c) “**physical therapist**” means a physiotherapist;

“physiotherapist”

(d) “**physiotherapist**” means a person who practises physiotherapy;

“physiotherapy”

(e) “**physiotherapy**” means the treatment of the body by physical or mechanical means, including manipulation, massage, remedial exercise, the use and application of mechanical and electrical contrivances and the assessment of neuro-muscular and joint functions.

R.S.S. 1965, c.322, s.2; R.S.S. 1978, c.P-11, s.2.

Continuation of association

3 The Saskatchewan Physical Therapists Association is continued as a body politic and corporate.

R.S.S. 1965, c.322, s.3; R.S.S. 1978, c.P-11, s.3.

Council

4(1) There shall be a council for the purposes of this Act to be known as the “Council of Physical Therapists”, which shall consist of ten persons who are members of the association.

(2) The presence of at least five members of the council shall be necessary to constitute a meeting of the council for the exercise of its powers.

R.S.S. 1965, c.322, s.4; R.S.S. 1978, c.P-11, s.4.

Regulations

5(1) Subject to the approval of the Minister of Health, the council may make regulations:

(a) for the registration of physical therapists;

(b) for the admission of physical therapists to practise in the province;

(c) subject to the provisions of section 6, prescribing the qualifications of persons to be admitted and registered, and the proof to be furnished as to education, good character and experience;

- (d) for maintaining a register of physical therapists registered under this Act, and providing for the annual renewal of registration, and prescribing the fees payable thereon;
 - (e) prescribing the discipline and control of registered physical therapists, with power to prohibit all forms of advertising by registered physical therapists that may be deemed by the council to be subversive of the best interests of the association;
 - (f) for the investigation of any complaint that a physical therapist has been guilty of misconduct or displayed such ignorance or incompetence as to render it desirable in the public interest that his registration should be cancelled or suspended;
 - (g) for the cancellation or suspension of the registration of any physical therapist whose application for registration is found by the council to have been based on any false or fraudulent statement, or who is found by the council to be guilty of misconduct or to be ignorant or incompetent, or to be in default in the payment of any fees prescribed under this Act;
 - (h) for the reinstatement of any member whose registration has been cancelled or suspended;
 - (i) providing for the calling of meetings of members of the association, the procedure at meetings, and the right to vote thereat;
 - (j) prescribing the organization, powers and procedure of the council and the election or appointment and term of office of its members, and regulating the council in the performance of its duties;
 - (k) prescribing the fees payable on the registration of physical therapists under this Act, and fixing the time for the payment of those fees;
 - (l) for the application of moneys forming the funds of the association;
 - (m) generally for the better carrying out of the provisions of this Act.
- (2) The regulations shall not come into operation until they have been published in *The Saskatchewan Gazette*.

R.S.S. 1965, c.322, s.5; R.S.S. 1978, c.P-11, s.5.

Regulations governing examinations

6 The University of Saskatchewan in consultation with the council may make regulations concerning the examinations and the conduct thereof, including the age, moral character and academic standing of applicants for examination and also as to examination fees.

R.S.S. 1965, c.322, s.6; R.S.S. 1978, c.P-11, s.6.

Appeals

7(1) Every order or decision of the council refusing an application for registration under this Act, or cancelling or suspending the registration of a physical therapist, shall be subject to appeal to a judge of the Court of Queen's Bench in chambers. Ten days' notice of the appeal shall be served on the council and a copy thereof filed with the local registrar of the court not later than one month after the date of the order or decision.

- (2) The presiding judge shall deal with the appeal in a summary manner, and his decision thereon shall be final.
- (3) The costs of the appeal shall be in the discretion of the judge.

R.S.S. 1965, c.322, s.7; R.S.S. 1978, c.P-11, s.7.

Registration

8 The following persons shall be entitled to be registered as members of the association upon payment of the proper fees:

- (a) in the discretion of the council, any person who was engaged in actual practice as a physical therapist in the province for a period of ten years or more immediately prior to the first day of April, 1945, and who has furnished evidence of qualifications and moral character satisfactory to the council;
- (b) in the discretion of the council, any person who is a member in good standing of the Canadian Physiotherapy Association;
- (c) any person registered with or who is a member in good standing of an incorporated body or organization in any other province or country if that body or organization is empowered to register or receive as member qualified physical therapists and if the council and The University of Saskatchewan are satisfied that the academic standards fixed by that body or organization for the registration or admission of members are at least equivalent to those prescribed under this Act for the purpose of registration; and
- (d) any other person who is a graduate from a school or college, approved by the council and The University of Saskatchewan, that teaches physiotherapy and who passes examinations prescribed by The University of Saskatchewan pursuant to this Act.

R.S.S. 1965, c.322, s.8; R.S.S. 1978, c.P-11, s.8.

Use of title

9 No person other than a physical therapist registered under this Act as a member of the association shall engage in practice as a physical therapist or use the title "Physical Therapist", "Physiotherapist" or any other title or designation, abbreviated or otherwise, to imply that he is engaged in practice as a physical therapist and every person who contravenes this section is guilty of an offence under this Act.

R.S.S. 1965, c.322, s.9; R.S.S. 1978, c.P-11, s.9.

Limitation of scope of Act

10 Nothing in this Act or the regulations shall authorize any person to prescribe or administer drugs for use internally or externally, or to use or direct or prescribe the use of anaesthetics for any purpose, or to practise medicine, surgery or midwifery, or to use any method other than physiotherapy in the treatment of disease and no person shall prescribe or administer drugs or anaesthetics as aforesaid except under the direction of a physician or surgeon.

R.S.S. 1965, c.322, s.10; R.S.S. 1978, c.P-11, s.10.

Prohibitions affecting unregistered persons

11(1) Every person who practises physiotherapy either alone or in conjunction with any other method of treatment of the human body for disease and the causes of disease, for hire, gain, reward or remuneration, or the hope or expectation thereof, unless he is duly registered to practise as a physical therapist under this Act and unless he practices under the direction of a physician or surgeon is guilty of an offence under this Act.

(2) Every person who, not being registered as a physical therapist under this Act, or who, having been so registered and whose registration has been cancelled or is under suspension, practises or holds himself out as practising physiotherapy either alone or in conjunction with any other method of treatment of the human body for disease and the causes of disease, or advertises or uses any prefix or suffix to his name signifying that he is qualified to practise physiotherapy either alone or in conjunction with any other method of treatment of the human body for disease and the causes of disease, is guilty of an offence under this Act.

R.S.S. 1965, c.322, s.11; R.S.S. 1978, c.P-11, s.11.

Penalties

12 Every person who is guilty of an offence under this Act is, on summary conviction, liable for a first offence to a fine not exceeding \$100, for a second offence to a fine not exceeding \$250, and for a subsequent offence to imprisonment for a period not exceeding three months, without the option of a fine.

R.S.S. 1965, c.322, s.12; R.S.S. 1978, c.P-11, s.12.

Right of registered physical therapists to collect fees

13 Every physical therapist registered under this Act who has complied with the regulations applicable to him shall be entitled to demand from any person by whom he is consulted or employed, and to recover as a debt in any court of competent jurisdiction, the proper charges for examination, treatment, aid, advice and visits or any of them.

R.S.S. 1965, c.322, s. 13; R.S.S. 1978, c.P-11, s.13.

Limitation of actions

14 No registered physical therapist shall be liable in any action for negligence or malpractice by reason of professional services requested and rendered unless the action is commenced within twelve months from the date when, in the matter complained of, the professional services terminated.

R.S.S. 1965, c.322, s.14; R.S.S. 1978, c.P-11, s.14.

Disposal of fees, fines and penalties

15 All fees, fines and penalties receivable or recoverable under this Act shall become the property of the association.

R.S.S. 1965, c.322, s.15; R.S.S. 1978, c.P-11, s.15.

Limitation of prosecutions

16 No prosecution shall be commenced for an offence against this Act after the expiration of two years from the date of the alleged offence.

R.S.S. 1965, c.322, s.16; R.S.S. 1978, c.P-11, s.16.

Persons exempted application of Act

17(1) Nothing in this Act applies to or affects:

- (a) the practice of any profession or calling by any person practising the same under the authority of a general or special Act of the Legislature;
- (b) the furnishing of first aid or temporary assistance in cases of emergency;
- (c) persons treating human ailments by prayer or spiritual means as an enjoyment or exercise of religious freedom.

(2) Nothing in this Act shall be construed so as to preclude any person from using the title "Masseur" or "Masseuse" or engaging in practice as a masseur or masseuse.

R.S.S. 1965, c.322, s.17; R.S.S. 1978, c.P-11, s.17.

The Public Health Act

18 The provisions of *The Public Health Act* imposing certain duties upon physicians with respect to contagious or infectious diseases apply *mutatis mutandis* to every physical therapist registered under this Act.

R.S.S. 1965, c.322, s.18; R.S.S. 1978, c.P-11, s.18.

The Medical Profession Act

19 Nothing in *The Medical Profession Act* shall prohibit any person registered as a physical therapist under this Act from practising as a physical therapist for gain or reward.

R.S.S. 1965, c.322, s.19; R.S.S. 1978, c.P-11, s.19.

Lists of members, etc., to be filed with Provincial Secretary

20 The association shall, before the first day of February in each year, file in the Department of the Provincial Secretary lists, certified by the secretary of the association to be true lists, showing:

- (a) the names of all physical therapists in good standing as of the thirty-first day of December in the preceding year, their addresses as shown by the records of the association and the respective dates of their admission to membership in the association;
- (b) the names of all persons whose names were struck off the register or who otherwise ceased to be in good standing during the preceding year;
- (c) the names of all persons who were reinstated as members during that year.

R.S.S. 1965, c.322, s.20; R.S.S. 1978, c.P-11, s.20.

Report to Minister of Health where application for admission refused

21 Where an application for reinstatement or for admission to membership in the association is made in compliance with this Act and the regulations and is refused, the association shall within seven days thereafter forward by registered mail to the Minister of Health a report setting forth the circumstances and stating the reasons for the refusal.

R.S.S. 1965, c.322, s.21; R.S.S. 1978, c.P-11, s.21.

Discipline

22(1) Where by resolution of the council a member is suspended from practice or the name of a member is struck off the register, the association shall within fourteen days thereafter forward by registered mail to the Minister of Health a copy, certified by the secretary to be a true copy, of the complaint, any report upon the conduct of the member and the resolution of the council, and shall furnish the minister with such relative information as he may require.

(2) If the minister is of opinion that the action of the council is unjust or contrary to the public interest he may:

(a) request the council to reconsider the case and its findings thereon;

(b) if the council and the person whose conduct is under inquiry agree, appoint a board of arbitration consisting of one member nominated by the council, one nominated by the person whose conduct is under inquiry and one appointed by the Lieutenant Governor in Council to review or rehear the case and render decision thereon; or

(c) institute an appeal to a judge of the Court of Queen's Bench in chambers.

(3) Nothing in this section shall prejudice any right of appeal conferred by this Act.

R.S.S. 1965, c.322, s.22; R.S.S. 1978, c.P-11, s.22.