The Registered Nurses Act, 1978

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Chapter R-12.1 of The Revised Statutes of Saskatchewan, 1978 (Supplement) (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.
# Table of Contents

## SHORT TITLE
1. Short title

## INTERPRETATION
2. Interpretation

## ASSOCIATION
3. Association continued
4. Power of association respecting property
5. Meeting of association

## COUNCIL
6. Council
7. Election of members of council
8. Appointment of members of council
9. Term of office
10. Vacancy on council
11. Staff

## BYLAWS
12. Power of association or council to make bylaws
13. Bylaws to be filed with minister
14. Certain bylaws to take effect after 45 days
15. Bylaws to be filed with Provincial Secretary
16. Minister and Provincial Secretary to be notified where bylaw is not confirmed
17. Review by Legislative Assembly
18. Record of revocation and notification

## REGISTRATION OF NURSES
19. Registration of nurses
20. Appeal from decision of registrar

### CERTIFICATION OF NURSE ASSISTANTS
21. Certification of certified nursing assistants
22. Appeal from decision of registrar
23. Certified nursing assistant to work under supervision

## EXAMINATIONS
24. Examinations

## DISCIPLINE
25. Discipline
26. Appeal
27. Report to minister

## GENERAL
28. Offence and penalty
29. Same
30. Practise for gain or reward
31. Limitation of action
32. Association to keep books and records

## REPEAL AND TRANSITIONAL
34. Transitional
CHAPTER R-12.1
An Act respecting The Saskatchewan Registered Nurses’ Association

SHORT TITLE

1 This Act may be cited as The Registered Nurses Act, 1978.

INTERPRETATION

2 In this Act:
“association” (a) “association” means The Saskatchewan Registered Nurses’ Association;
“bylaws” (b) “bylaws” means the bylaws of the association passed in accordance with this Act;
“council” (c) “council” means the council of the association;
“minister” (d) “minister” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
“nurse”, “registered nurse” (e) “nurse” or “registered nurse” means a person registered as a nurse pursuant to section 19;
“nursing assistant”, “certified nursing assistant” (f) “nursing assistant” or “certified nursing assistant” means a person who is trained to care for convalescent, subacutely ill and chronically ill patients, and to assist nurses in the care of acutely ill patients, and who is certified as a nursing assistant pursuant to section 21;
“practising member” (g) “practising member” means a person who is registered as a member of the association and who is designated as a practising member pursuant to the bylaws.

1978, c.45, s.2; R.S.S. 1978, c.R-12.1 (Supp.), s.2.

ASSOCIATION

3 The Saskatchewan Registered Nurses’ Association is continued as a body corporate.

1978, c.45, s.3; R.S.S. 1978, c.R-12.1 (Supp.), s.3.
REGISTERED NURSES

Power of association respecting property

4 The association may purchase, lease, take, hold or otherwise acquire property, both real and personal, and may sell, mortgage, lease or otherwise dispose of the property, or any part thereof, and all fees, fines and penalties receivable or recoverable under this Act shall belong to and be the property of the association.

1978, c.45, s.4; R.S.S. 1978, c.R-12.1 (Supp.), s.4.

Meeting of association

5(1) A meeting of the association shall be held at the time and place and upon the notice that is provided in the bylaws.

(2) A question voted on at a meeting of the association shall be decided in the manner provided in the bylaws.

1978, c.45, s.5; R.S.S. 1978, c.R-12.1 (Supp.), s.5.

COUNCIL

Council

6 The affairs and business of the association shall be controlled, managed and regulated by a council which shall consist of:

(a) eight members elected in accordance with section 7; and

(b) one member appointed in accordance with section 8.

1978, c.45, s.6; R.S.S. 1978, c.R-12.1 (Supp.), s.6.

Election of members of council

7 The persons elected as members of the council shall be elected in the manner provided in the bylaws from among the practising members.

1978, c.45, s.7; R.S.S. 1978, c.R-12.1 (Supp.), s.7.

Appointment of members of council

8 The council shall, in accordance with the bylaws, appoint, as a member of the council, a person as a consumer representative.

1978, c.45, s.8; R.S.S. 1978, c.R-12.1 (Supp.), s.8.

Term of office

9 Members of the council shall remain in office for a period to be fixed by the bylaws, and shall continue in office until their successors are elected or appointed, as the case may be.

1978, c.45, s.9; R.S.S. 1978, c.R-12.1 (Supp.), s.9.

Vacancy on council

10 Where a vacancy occurs on the council, with respect to a person elected as a member pursuant to section 7, the council may appoint any practising member to fill that vacancy and the member so appointed shall hold office until the next annual meeting of the association.

1978, c.45, s.10; R.S.S. 1978, c.R-12.1 (Supp.), s.10.
Staff

11 The council shall appoint a registrar and a secretary of the association and may elect or appoint any other officers that it considers advisable.

1978, c.45, s.11; R.S.S. 1978, c.R-12.1 (Supp.), s.11.

BYLAWS

Power of association or council to make bylaws

12(1) The association may make bylaws relating to the administrative and domestic affairs of the association and, without restricting the generality of the foregoing, the association may make bylaws:

(a) prescribing the seal of the association;
(b) providing for the execution of documents by the association;
(c) respecting banking and financial dealings by the association;
(d) fixing the financial year of the association and providing for the audit of the accounts and transactions of the association;
(e) governing the election or appointment, remuneration, functions, duties and removal of officers or employees of the association;
(f) respecting the calling and holding of meetings of the council and defining the duties of council members;
(g) respecting the calling, holding and conducting of an annual meeting and of other meetings of the association;
(h) governing the appointment of a person to the council under section 8;
(i) governing the management of the property of the association;
(j) providing for the election of members of the council and prescribing the procedures with respect to elections, and fixing the term of office of members of the council;
(k) providing for the appointment of committees and assigning duties and powers to those committees.

(2) Subject to the other provisions of this Act, the association may also make bylaws:

(a) prescribing the procedures required for the admission and registration of persons as members of the association and for the issuing of membership certificates;
(b) fixing the amount of admission, annual and other fees, and governing the method of collecting the fees;
(c) establishing categories of membership in the association and the rights and privileges of each category;
(d) defining special categories of practice and the requirements for admission to each of those categories;
(e) establishing standards of professional conduct, competence and proficiency to be maintained by nurses and nursing assistants and governing the manner and method of their practice;

(f) defining professional misconduct and prescribing procedures for the investigation of complaints or allegations of professional misconduct or professional incompetence on the part of a nurse or a nursing assistant, or complaints or allegations that a nurse or nursing assistant has violated any of the provisions of this Act or the bylaws, and prescribing discipline procedures;

(g) imposing restrictions, conditions and limitations upon the services provided by a nurse or a nursing assistant;

(h) requiring nurses and nursing assistants to undergo specified courses of study;

(i) governing the education, training, supervision and certification of nursing assistants;

(j) governing any other matters that the council may consider necessary to give effect to the provisions of this Act.

(3) Subject to the other provisions of this Act, the council may, if it considers it to be in the interests of the association to do so, make bylaws for any purpose mentioned in subsection (1) or (2), but such bylaws, unless in the meantime confirmed at a general meeting of the association duly called for the purpose, shall have force only until the next annual meeting of the association and, in default of confirmation at that meeting, shall, on and from that time, cease to have effect.

Bylaws to be filed with minister

13(1) The association shall file with the minister two copies, certified by the secretary to be true copies, of:

(a) all bylaws made under subsection 12(2)

(b) all bylaws made under subsection 12(3) that are made for any purpose mentioned in subsection (2) of that section; and

(c) any amendment made to a bylaw mentioned in clause (a) or (b), together with two copies of the bylaw to which the amendment relates;

within thirty days after the making of the bylaw or amendment.

(2) Failure to file any bylaw or amendment as required by subsection (1) shall, from the expiration of the time allowed for filing, render that bylaw or amendment ineffective, and it shall be deemed to have been revoked.

Certain bylaws to take effect after 45 days

14(1) Subject to subsection (2), any bylaw or amendment mentioned in subsection 13(1) shall take effect upon the expiration of forty-five days following the receipt by the minister of the copies mentioned in subsection 13(1), or upon a later date that may be specified in the bylaw or amendment.
(2) Where a bylaw or amendment filed pursuant to subsection 13(1) is considered by the minister to be:

   (a) beyond the powers conferred upon the association or the council by this Act; or

   (b) in any way prejudicial to the public interest;

the minister may, within forty-five days of receiving copies of the bylaw or amendment, give notice in writing to the association to that effect and shall advise the association that the notice is being given pursuant to this subsection, and, upon the giving of such notice, the bylaw or amendment shall have no force or effect.


Bylaws to be filed with Provincial Secretary

15 The minister shall, as soon as he considers it advisable but not later than thirty days after a bylaw or amendment takes effect pursuant to subsection 14(1), file, with the Department of the Provincial Secretary, two copies of the bylaw or amendment, certified by the minister to be true copies of the bylaw or amendment filed pursuant to subsection 13(1).

1978, c.45, s.15; R.S.S. 1978, c.R-12.1 (Supp.), s.15.

Minister and Provincial Secretary to be notified where bylaw is not confirmed

16 Where a bylaw or amendment made by the council ceases to have effect as a result of the operation of subsection 12(3), the association shall so notify the minister and the Provincial Secretary.

1978, c.45, s.16; R.S.S. 1978, c.R-12.1 (Supp.), s.16.

Review by Legislative Assembly

17(1) Except where the Provincial Secretary receives a notification pursuant to section 16, one copy of each bylaw or amendment filed with the Department of the Provincial Secretary as required by section 15 shall be laid before the Legislative Assembly in accordance with The Tabling of Documents Act.

(2) Where a 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 shall thereupon cease to have any effect and shall be deemed to have been revoked.


Record of revocation and notification

18(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 forward two copies of the Votes and Proceedings to the Deputy Provincial Secretary and advise him that the copies are forwarded pursuant to this subsection.
c. R-12.1  REGISTERED NURSES

(2) Upon receipt of the copies mentioned in subsection (1), the Deputy Provincial Secretary shall file one of the copies with the bylaw or amendment to which it relates and shall immediately forward the other copy to the association and advise the association that the copy is forwarded pursuant to this subsection.

1978, c.45, s.18; R.S.S. 1978, c.R-12.1 (Supp.), s.18.

REGISTRATION OF NURSES

Registration of nurses

19(1) A person may be registered under this Act as a nurse and be entitled to practise as a registered nurse in the province upon producing evidence establishing, to the satisfaction of the council, that the person:

(a) has satisfactorily completed a course of studies in nursing given:
   (i) in the province and approved by the council; or
   (ii) outside the province and recognized by the council as being equivalent to a course of studies mentioned in subclause (i);

(b) is of good character;

(c) has passed examinations:
   (i) prescribed and conducted pursuant to this Act; or
   (ii) recognized by the council as being equivalent to examinations mentioned in subclause (i); and

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

(2) A person who has satisfactorily completed a course of studies mentioned in subclause (1)(a)(ii) shall, in addition to meeting the requirements of subsection (1), produce evidence establishing, to the satisfaction of the council, registration as a member in good standing in an association of nurses outside the province.

(3) The council may, upon application, waive the requirement that a person mentioned in subsection (2) be registered outside the province.


Appeal from decision of registrar

20(1) Any person who applies to be registered as a nurse and whose application is refused by the registrar may appeal to the council from the decision of the registrar, and the council shall hear the appeal and determine the matter in question.

(2) Where an application for registration or for reinstatement as a nurse is made in compliance with this Act and the bylaws and is refused by the registrar, the association shall, within seven days of the refusal, forward by registered mail to the minister a report setting forth the circumstances and stating the reason for the refusal.

1978, c.45, s.20; R.S.S. 1978, c.R-12.1 (Supp.), s.20.
CERTIFICATION OF NURSING ASSISTANTS

Certification of certified nursing assistants

21(1) A person may be certified under this Act as a nursing assistant and be entitled to practise as a certified nursing assistant in the province upon establishing, to the satisfaction of the council, that the person:

(a) has satisfactorily completed a course of studies for certified nursing assistants:
   (i) given in the province and approved by the council; or
   (ii) recognized by the council as being equivalent to a course of studies mentioned in subclause (i);
(b) is of good character;
(c) has passed examinations:
   (i) prescribed and conducted pursuant to this Act; or
   (ii) recognized by the council as being equivalent to examinations mentioned in subclause (i); and
(d) has complied with the bylaws with respect to certification.

(2) A person who has satisfactorily completed a course of studies mentioned in subclause (1)(a)(ii) that is given outside the province shall, in addition to meeting the requirements of subsection (1), produce evidence establishing, to the satisfaction of the council, registration as a nurse in an association of nurses outside the province or certification as a nursing assistant by an organization outside the province.

(3) The council may, upon application, waive the requirement that a person mentioned in subsection (2) be registered or certified outside the province.

1978, c.45, s.21; R.S.S. 1978, c.R-12.1 (Supp.), s.21.

Appeal from decision of registrar

22(1) Any person who applies to be certified as a nursing assistant and whose application is refused by the registrar may appeal to the council from the decision of the registrar, and the council shall hear the appeal and determine the matter in question.

(2) Where an application for certification or reinstatement as a nursing assistant is made in compliance with this Act and the bylaws and is refused by the registrar, the association shall, within seven days of the refusal, forward by registered mail to the minister a report setting forth the circumstances and stating the reason for the refusal.

1978, c.45, s.22; R.S.S. 1978, c.R-12.1 (Supp.), s.22.

Certified nursing assistant to work under supervision

23 A person employed as a certified nursing assistant shall work only under the direction of a registered nurse or a duly qualified medical practitioner.

1978, c.45, s.23; R.S.S. 1978, c.R-12.1 (Supp.), s.23.
EXAMINATIONS

24 All examinations which are required for persons to qualify to be registered as nurses or certified as nursing assistants under this Act, and any matters relating thereto, shall be prescribed and determined by the council.

DISCIPLINE

25(1) Where the council is satisfied that a registered nurse or a certified nursing assistant:

(a) has procured registration or certification by misrepresentation or fraud;
(b) has been guilty of professional misconduct or professional incompetence;
(c) has been convicted of any criminal offence which, in the opinion of the council, makes the person unfit to practise as a nurse or as a certified nursing assistant, as the case may be; or
(d) is mentally or physically incapable of practising as a nurse or as a certified nursing assistant, as the case may be;

the council may order one or more of the following:

(e) that the person be reprimanded;
(f) that a restriction, limitation or condition be imposed upon the person’s practice;
(g) that the registration or certification of the person be suspended for a period of time that is considered by the council to be appropriate;
(h) that the registration or certification of the person be revoked;
(i) that the person satisfactorily complete a course of study specified by the council.

(2) The council may find a registered nurse or a certified nursing assistant to be guilty of professional incompetence for the purposes of subsection (1) where it finds that the person has displayed, in the professional care of a patient, a lack of knowledge, skill or judgment or a disregard for the welfare of the patient of a nature or to an extent that demonstrates that the person:

(a) is unfit to continue in practice; or
(b) is unfit to provide one or more services ordinarily provided as part of the practice of a registered nurse or certified nursing assistant.

(3) The council may, where an application is made for the purpose and where, in its opinion, the subsequent conduct of the nurse or certified nursing assistant and the facts warrant, order the reinstatement of the registration or certification of the applicant upon any conditions that the council considers appropriate.


Appeal

26(1) A person against whom an order has been made pursuant to section 25 may, within thirty days from the date of the order, appeal to a judge of the Court of Queen's Bench who may, upon hearing the appeal, make an order:

(a) confirming, reversing or varying the order made under section 25;

(b) requesting a further inquiry by the council into the facts of the case;

(c) respecting costs;

as the judge considers appropriate.

(2) An appeal under subsection (1) shall be by notice of motion and a copy thereof shall be served upon the council within thirty days from the date of the order made under section 25, and not less than ten days before the day on which the motion is returnable.

(3) Upon receipt of a copy of the notice of motion, the council shall forward, to the appropriate local registrar of the Court of Queen's Bench, a certified copy of all documents in the possession of the council relating to the order from which the appeal is being taken.

(4) There shall be no further appeal.

Report to minister

27(1) Where the council makes an order pursuant to clause 25(1)(g) or (h), the council shall, within fourteen days after the day the order is made, forward to the minister by registered mail a copy, certified by the registrar to be a true copy, of the complaint, and shall report upon the conduct of the person and the order of the council, and shall furnish the minister with any other relevant information that he may require.

(2) Where the minister considers that the order 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 person nominated by the council, one person nominated by the person who conduct is under inquiry and one person appointed by the Lieutenant Governor in Council, to review or rehear the case and render a 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.
c. R-12.1

REGISTERED NURSES

GENERAL

Offence and penalty

28(1) No person other than a practising member shall practise as a registered nurse in the province or use the title “Registered Nurse” or the abbreviations “R.N.” or “Reg. N.”.

(2) Any person who violates subsection (1), and any person who by false or fraudulent declaration attempts to procure or procures registration as a nurse, is guilty of an offence and liable on summary conviction to a fine of not more than $200 and, in default of payment, to imprisonment for a term of not more than six months.

1978, c.45, s.28; R.S.S. 1978, c.R-12.1 (Supp.), s.28.

Same

29(1) No person, except a person currently certified as a nursing assistant by the association, shall practise as a certified nursing assistant in the province or use the title “Certified Nursing Assistant” or the abbreviation “C.N.A.”.

(2) Any person who violates subsection (1), and any person who by false or fraudulent declaration attempts to procure or procures certification pursuant to this Act, is guilty of an offence and liable on summary conviction to a fine of not more than $50 and, in default of payment, to imprisonment for a term of not more than three months.

1978, c.45, s.29; R.S.S. 1978, c.R-12.1 (Supp.), s.29.

Practise for gain or reward

30 Nothing in any other Act prohibits a person from practising as a registered nurse or certified nursing assistant for gain or reward.

1978, c.45, s.30; R.S.S. 1978, c.R-12.1 (Supp.), s.30.

Limitation of action

31 No registered nurse or certified nursing assistant shall be liable in any action for negligence or malpractice by reason of services requested or rendered by the person unless the action is commenced within one year from the date of the occurrence of the incident which gives rise to the cause of action.

1978, c.45, s.31; R.S.S. 1978, c.R-12.1 (Supp.), s.31.

Association to keep books and records

32(1) The association shall cause to be kept, by the registrar of the association or an officer of the association specifically charged with that duty, a book or books showing:

(a) the names of all persons who are and have been practising members, their addresses as shown by the records of the association and the respective dates of their registration with the association;

(b) the names of all persons who are and have been certified as nursing assistants in the province, their addresses as shown by the records of the association and the respective dates of their certification.
(2) The book or books required to be kept under this section shall be kept at the head office of the association.

(3) Any person may ascertain on inquiry at the head office of the association whether or not a person is:
   (a) a registered nursing;
   (b) a certified nursing assistant.

1978, c.45, s.32; R.S.S. 1978, c.R-12.1 (Supp.), s.32.

REPEAL AND TRANSITIONAL

Rev. Stat. c.R-12 repealed

33 The Registered Nurses Act is repealed.

1978, c.45, s.33; R.S.S. 1978, c.R-12.1 (Supp.), s.33.

Transitional

34 Notwithstanding the repeal by this Act of The Registered Nurses Act, a registration or certification issued under that Act and in force upon the coming into force of this section shall continue in force and effect until December 31 in the year in which it was issued, unless cancelled sooner in accordance with this Act.

1978, c.45, s.34; R.S.S. 1978, c.R-12.1 (Supp.), s.34.