

The Physical Therapists Act, 1984

Repealed

by chapter P-11.11 of *The Statutes of Saskatchewan, 1998*
(effective November 6, 1998).

Formerly

Chapter P-11.1 of the *Statutes of Saskatchewan, 1983-84*
(effective March 22, 1985) as amended by the *Statutes of
Saskatchewan, 1989-90, c.54; 1991, c.T-1.1; 1994, c.P-37.1*
and c.25.

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 AND INTERPRETATION	
1	Short title
2	Interpretation
COLLEGE	
3	College continued
4	Power to hold property
COUNCIL OF PHYSICAL THERAPISTS	
5	Council continued
6	Appointed by Lieutenant Governor in Council
7	Vacancy on council
8	Bylaws
9	Variation of bylaws by minister
REGISTRATION AND LICENSING	
10	Registrar
11	Register of members
12	Appeal
13	Licence
14	Prohibitions re non-members
15	Repealed
16	Offence
17	Limitation
DISCIPLINE	
18	Discipline committee
19	Inquiry
20	Notice of inquiry
21	Service
22	Counsel
23	Evidence
24	Failure to attend
25	Decision and report
26	Power of council
27	Costs
28	Appeal
29	Report to minister
30	Limitation of liability of members
GENERAL	
31	Restrictions re medicine
32	Right to collect fees
33	Non-application of Act
34	<i>Public Health Act</i>
35	<i>Medical Profession Act</i>
36	Annual register
36.1	Annual report
37	Filing of bylaws
38	Legislative Assembly
39	R.S.S. 1978, c.P-11 repealed

CHAPTER P-11.1

An Act respecting the Practice of Physical Therapy

SHORT TITLE AND INTERPRETATION

Short title

1 This Act may be cited as *The Physical Therapists Act, 1984*.

Interpretation

2 In this Act:

- (a) “**college**” means the Saskatchewan College of Physical Therapists mentioned in section 3;
- (b) “**council**” means the Council of Physical Therapists continued pursuant to section 5;
- (c) “**court**” means Her Majesty’s Court of Queen’s Bench for Saskatchewan;
- (d) “**member**” means a member of the college;
- (e) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (f) “**physical therapy**” means:
 - (i) the identification, assessment, prevention and treatment of physical dysfunction or pain, from whatever cause, and the restoration and maintenance of optimal function; and
 - (ii) the provision of consultative, education, research or other professional services;
- (g) “**physician**” means physician as defined in *The Saskatchewan Medical Care Insurance Act*;
- (h) “**registrar**” means the registrar of the college appointed pursuant to section 10;
- (i) “**treatment**” means a planned program or regime using physical or mechanical means for the therapeutic purpose of maintaining or restoring function that has been impaired by injury or disease.

1983-84, c.P-11.1, s.2.

COLLEGE

College continued

3(1) The Saskatchewan Physical Therapists Association is continued as the Saskatchewan College of Physical Therapists.

c. P-11.1

PHYSICAL THERAPISTS

(2) The college is a body corporate.

(3) The membership of the college consists of those persons who are registered and licensed under *The Physical Therapists Act* on the day before the coming into force of this section and any other persons who become registered and licensed under this Act.

1983-84, c.P-11.1, s.3.

Power to hold property

4(1) The college may purchase, lease, hold or otherwise acquire any property and may sell, mortgage, lease or otherwise dispose of any of that property.

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

1983-84, c.P-11.1, s.4.

COUNCIL OF PHYSICAL THERAPISTS

Council continued

5(1) The Council of Physical Therapists is continued and consists of:

- (a) 10 members elected by the college; and
- (b) any persons appointed by the Lieutenant Governor in Council in accordance with section 6.

(2) Five elected members of the council constitutes a quorum.

(3) The council may determine the remuneration to be paid to the members of the council mentioned in clause 5(1)(a), or to any other persons authorized to transact business on behalf of the college, for attending meetings and for otherwise attending to the affairs of the council.

(4) The members of the council on the day before this section comes into force are entitled to hold office until the expiration of the term for which they are elected.

1983-84, c.P-11.1, s.5.

Appointed by Lieutenant Governor in Council

6(1) The Lieutenant Governor in Council may, if he considers it advisable, appoint one or two persons who are residents of Saskatchewan as members of the council.

(2) The first persons appointed pursuant to subsection (1) after the coming into force of this section are appointed to hold office:

- (a) if one person is appointed, for two years; or
- (b) if two persons are appointed, one for one year and one for two years;

and thereafter the persons appointed pursuant to subsection (1) are to be appointed to hold office for two years.

PHYSICAL THERAPISTS

c. P-11.1

(3) Each person appointed pursuant to subsection (1) holds office until his successor is appointed, but no such person is eligible to hold office for more than two consecutive terms.

(4) The members of the council appointed pursuant to this section may exercise rights, hold office and serve as members of committees and subcommittees to the same extent as other members of the council.

(5) The minister may determine the remuneration and reimbursement for expenses payable to persons appointed under this section for attending meetings of the council and for otherwise attending to the affairs of the council.

1983-84, c.P-11.1, s.6.

Vacancy on council

7(1) When a vacancy occurs in the membership of the council as a result of the death or resignation of a member or for any other reason:

(a) in the case of a member who was appointed pursuant to section 6, the Lieutenant Governor in Council may appoint another person to fill the vacancy for the remainder of the term of the person being replaced; or

(b) in the case of a member who was elected, the council may appoint another person to fill the vacancy until the next meeting of the college.

(2) A vacancy in the membership of the council does not impair the power of the remaining members to act.

1983-84, c.P-11.1, s.7.

Bylaws

8(1) The council may make rules relating to the administrative and domestic affairs of the college and, without limiting the generality of the foregoing, the council may make bylaws:

(a) prescribing the seal of the college;

(b) providing for the execution of documents by the college;

(c) respecting banking and financial dealings by the college;

(d) fixing the fiscal year of the college and providing for the audit of the accounts and transactions of the college;

(e) providing for the appointment or election of any officers of the council and the college that are considered advisable and prescribing the term of office of any of those officers;

(f) prescribing the duties of members of the council;

(g) respecting the calling, holding and conducting of meetings of the council or the college;

(h) providing for the election of members of the council and their terms of office and prescribing the procedures for those elections and for contesting the validity of the election of any member of the council;

c. P-11.1

PHYSICAL THERAPISTS

- (i) respecting participation with associations or organizations in other provinces having the same or similar powers and duties;
 - (j) providing for committees for the council and the duties, powers, and terms of office of and the remuneration to be paid to the members of those committees.
- (2) Subject to the approval of the minister, the council may make bylaws:
- (a) prescribing the qualifications for the registration and licensing of physical therapists;
 - (b) prescribing the fees for registration and licences, the times when fees must be paid and the penalty for late payment of fees;
 - (c) establishing the standards of professional conduct, competence and proficiency to be maintained by members and governing the manner and method of their practice;
 - (d) defining professional misconduct and prescribing procedures for the investigation of complaints or allegations of professional misconduct or professional incompetence on the part of a member or complaints or allegations that a member has violated any of the provisions of this Act or the bylaws;
 - (e) defining activities that constitute a conflict of interest and prohibiting a member from engaging in those activities;
 - (f) providing for the periodic review of the qualifications of members;
 - (g) defining the circumstances under which members are required to attend refresher training programs and other courses of training and approving programs and courses for those purposes;
 - (h) regulating advertising by members and regulating, limiting and prohibiting the use of titles or designations by members;
 - (i) prescribing classes of and qualifications for licences;
 - (j) **Repealed.** 1994, c.25, s.3.
 - (k) respecting any other matter that the council may consider necessary to give effect to the provisions of this Act.
- (3) No bylaw made pursuant to subsection (2) is effective until it has been approved by the minister and published in the Gazette.

1983-84, c.P-11.1, s.8; 1989-90, c.54, s.4; 1994, c.25, s.3.

Variation of bylaws by minister

- 9(1)** The minister may, if he considers it to be in the public interest, request the council to amend or repeal a bylaw made pursuant to subsection 8(2) or to make new bylaws pursuant to that subsection.

PHYSICAL THERAPISTS

c. P-11.1

(2) When the minister makes a request pursuant to subsection (1) and the council fails to comply with the request within 60 days from the date of the request, the Lieutenant Governor in Council may amend or repeal the bylaws or make new bylaws in accordance with that request.

1983-84, c.P-11.1, s.9; 1989-90, c.54, s.4.

REGISTRATION AND LICENSING

Registrar

10 The council may appoint a person to be registrar of the college.

1983-84, c.P-11.1, s.10.

Register of members

11(1) The registrar shall maintain a register in which he shall enter the name of every person who is registered.

(2) Every person who, on the day before this section comes into force, is registered as a physical therapist under *The Physical Therapists Act* is deemed to be registered under this Act.

(3) Every person who makes an application to the council for registration, is of good character and meets the requirements for registration prescribed in the bylaws may be registered.

1983-84, c.P-11.1, s.11; 1989-90, c.54, s.4.

Appeal

12 When the council refuses an application for registration or reinstatement made in compliance with this Act and the bylaws, the council shall, within seven days from the date of the refusal, forward to the minister, by registered mail or by any other means that the council considers appropriate, a report stating the circumstances of and the reason for the refusal.

1983-84, c.P-11.1, s.12; 1989-90, c.54, s.4.

Licence

13 The council may annually issue a licence to practise physical therapy to every person who:

- (a) is registered;
- (b) pays the fee prescribed in the bylaws for the licence; and
- (c) has complied with this Act and the bylaws.

1983-84, c.P-11.1, s.13; 1989-90, c.54, s.4.

c. P-11.1

PHYSICAL THERAPISTS

Prohibitions re non-members

14 No person who is not a member shall engage in the practice of physical therapy or shall advertise or use the title "Physical Therapist", "Physiotherapist" or any other title or designation, abbreviated or otherwise, that implies that he is engaged in the practice of physical therapy, and every person who contravenes this section is guilty of an offence under this Act.

1983-84, c.P-11.1, s.14.

15 Repealed. 1994, c.25, s.4.

Offence

16 Every person who is guilty of an offence under this Act is liable on summary conviction:

- (a) for the first offence, to a fine of not more than \$100; and
- (b) for a subsequent offence, to a fine of not more than \$400.

1983-84, c.P-11.1, s.16.

Limitation

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

1983-84, c.P-11.1, s.17.

DISCIPLINE

Discipline committee

- 18(1)** Subject to the bylaws, the council may appoint a discipline committee.
- (2) A majority of the members of the discipline committee constitutes a quorum.
- (3) Subject to the other provisions of this Act and to the bylaws, the discipline committee may make rules for regulating its business and proceedings.

1983-84, c.P-11.1, s.18; 1989-90, c.54, s.4.

Inquiry

19(1) The discipline committee:

- (a) may, when it has received a complaint in writing from any person that a member is guilty of professional misconduct or professional incompetence; or
- (b) shall, when it is directed to do so by the council;

inquire into and determine a complaint against a member.

(2) The council or the discipline committee may temporarily suspend a member against whom a complaint has been made if the council or discipline committee believes, on the basis of the complaint or the nature of the case, that the member should be suspended pending the outcome of the inquiry of the discipline committee.

(3) A person suspended under subsection (2) may appeal the suspension and section 28 applies *mutatis mutandis*.

1983-84, c.P-11.1, s.19.

Notice of inquiry

20(1) Notice of an inquiry mentioned in section 19 is to be served on the member whose conduct is the subject of the inquiry and on the complainant.

(2) The notice mentioned in subsection (1) is required:

- (a) to contain or be accompanied by a copy of the charges made or the subject matter of the inquiry;
- (b) to specify the time and place for holding the inquiry; and
- (c) to be signed by the chairman of the discipline committee.

1983-84, c.P-11.1, s.20.

Service

21(1) Any document required by the disciplinary provisions of this Act or the bylaws to be given or served is, unless otherwise provided for, to be served personally or mailed by registered mail to the last known residential or business address of the person being served.

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

1983-84, c.P-11.1, s.21; 1989-90, c.54, s.4.

Counsel

22 Any party to an inquiry may, at his own expense, be represented by counsel.

1983-84, c.P-11.1, s.22.

Evidence

23(1) The testimony of witnesses at an inquiry is to be taken under oath and there is full right to examine, cross-examine and re-examine all witnesses called and to adduce evidence in defence and reply.

(2) The chairman or acting chairman of the discipline committee shall administer the oath mentioned in subsection (1).

(3) For the purpose of procuring the attendance and evidence of a witness before the discipline committee and the production of books, papers and other documents, the local registrar of the court in any judicial centre shall, at the request of the chairman of the discipline committee or the person whose conduct is the subject of inquiry and on payment of the fees prescribed by The Queen's Bench Rules, issue a writ of *subpoena ad testificandum* or *subpoena duces tecum* and, unless otherwise provided in this Act, the rules of evidence for the inquiry and the proceedings and penalties in the case of disobedience to the writs are the same as in civil cases in the court.

c. P-11.1**PHYSICAL THERAPISTS**

(4) No examination for discovery may be held with respect to any proceeding of the discipline committee.

1983-84, c.P-11.1, s.23.

Failure to attend

24(1) If the member whose conduct is the subject of inquiry fails to attend the inquiry, the discipline committee may, upon proof of service of a notice in accordance with this Act, proceed with the inquiry and, without further notice to that member, take any action authorized under this Act.

(2) Proof of service pursuant to subsection (1) may be by affidavit or statutory declaration.

1983-84, c.P-11.1, s.24.

Decision and report

25(1) The decision of a majority of the members of the discipline committee present at an inquiry is the decision of the committee.

(2) The discipline committee shall prepare a report of its findings as to whether the member was guilty of professional misconduct or professional incompetence or of violating any of the provisions of this Act or the bylaws and send the report, signed by the concurring members, to the council.

(3) The discipline committee may include with a report under this section any recommendations that it considers appropriate.

1983-84, c.P-11.1, s.25; 1989-90, c.54, s.4.

Power of council

26(1) When a member is found by the discipline committee to be guilty of professional misconduct, professional incompetence or a violation of any of the provisions of this Act or the bylaws, the council may, on receipt of the report from the discipline committee and without further investigation, issue an order:

- (a) reprimanding the member;
- (b) restricting, limiting or imposing conditions upon the member's practice;
- (c) suspending the licence of the member; or
- (d) causing the name of the member to be removed from the register and revoking his licence.

(2) The discipline committee may find a member guilty of professional incompetence for the purposes of subsection (1) if it finds that the member has displayed, in his 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 he is:

- (a) unfit to continue in his practice; or
- (b) unfit to provide one or more services ordinarily provided by him as part of his practice as a physical therapist.

1983-84, c.P-11.1, s.26; 1989-90, c.54, s.4.

Costs

27 When the licence of a member has been suspended or revoked pursuant to section 26, the council may direct that member to pay all or any part of the costs of and incidental to the inquiry, including fees payable to solicitors, counsel and witnesses, and those costs are a debt due to the college.

1983-84, c.P-11.1, s.27.

Appeal

28(1) A person against whom an order has been made pursuant to section 26 may, within 30 days from the date of the order, appeal to a judge of the court and the judge may, upon hearing the appeal, make an order:

- (a) confirming, reversing or varying the order made pursuant to section 26; or
 - (b) requesting a further inquiry by the discipline committee into the facts of the case.
- (2) The judge may make any order respecting costs of a hearing pursuant to subsection (1) that he considers appropriate.
- (3) An appeal pursuant to subsection (1) is to be by notice of motion and a copy of the notice of motion is to be served on the council within 30 days from the date of the order made pursuant to section 26 and not less than 10 days before the day on which the motion is returnable.
- (4) On receipt of a copy of the notice of motion, the council shall forward a certified copy of all documents in its possession relating to the order from which the appeal is being taken to the appropriate local registrar of the court.
- (5) A decision of a judge pursuant to this section is final.

1983-84, c.P-11.1, s.28.

Report to minister

29(1) When, by an order of the council, a member:

- (a) is reprimanded;
- (b) has had restrictions placed or limitations imposed on his practice;
- (c) has had his licence suspended;
- (d) has had his name removed from the register and his licence revoked;

the council shall, within 14 days after the issuance of that order, forward by registered mail to the minister a copy, certified by the secretary to be a true copy, of the complaint, any report on the conduct of the member and the order of the council, and shall furnish the minister with any related information that he may require.

(2) If the minister is of the 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;

c. P-11.1

PHYSICAL THERAPISTS

- (b) if the council and the member whose conduct is under inquiry agree, appoint a board of arbitration consisting of one person nominated by the council, one person nominated by the member whose conduct is under inquiry and one person appointed by the Lieutenant Governor in Council to review or rehear the case and render a decision; or
 - (c) institute an appeal to a judge of the court in chambers.
- (3) Nothing in this section prejudices any right of appeal conferred by this Act.

1983-84, c.P-11.1, s.29.

Limitation of liability of members

30 No member is liable in any action for negligence or malpractice by reason of professional services requested and rendered unless the action is commenced within 12 months from the date when, in the matter complained of, the professional services terminated.

1983-84, c.P-11.1, s.30.

GENERAL

Restrictions re medicine

31 Nothing in this Act or the bylaws authorizes any physical therapist to prescribe or administer drugs for use internally or externally, to practice medicine, surgery or midwifery or to use, direct or prescribe the use of anaesthetics for any purpose, except under the direction of a physician or surgeon.

1983-84, c.P-11.1, s.31; 1989-90, c.54, s.4.

Right to collect fees

32 Every member who has complied with the bylaws applicable to him is 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.

1983-84, c.P-11.1, s.32; 1989-90, c.54, s.4.

Non-application of Act

33(1) Nothing in this Act applies to or affects:

- (a) the practice of any profession or calling by any person 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; or
 - (c) the treatment of human ailments by prayer or spiritual means as an enjoyment or exercise of religious freedom.
- (2) Nothing in this Act is to be construed to preclude any person from using the title "Masseur" or "Masseuse" or engaging in practice as a masseur or masseuse.

1983-84, c.P-11.1, s.33.

Public Health Act

34 The provisions of *The Public Health Act, 1994* that impose certain duties upon physicians with respect to contagious or infectious diseases apply *mutatis mutandis* to every physical therapist registered pursuant to this Act.

1983-84, c.P-11.1, s.34; 1994, c.P-37.1, s.76.

Medical Profession Act

35 Nothing in *The Medical Profession Act, 1981* prohibits any person registered as a physical therapist pursuant to this Act from practising as a physical therapist for gain or reward.

1983-84, c.P-11.1, s.35.

Annual register

36 On or before February 1 in each year, the college shall file with the Minister of Justice and the minister 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 mentioned in clause (a) as shown by the records of the college; and
- (c) the respective dates of admission to membership in the college of the members mentioned in clause (a).

1994, c.25, s.5.

Annual report

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

1994, c.25, s.5.

Filing of bylaws

37 When the minister has approved a bylaw pursuant to subsection 8(3) or when the Lieutenant Governor in Council has repealed or amended a bylaw or made a new bylaw pursuant to section 9, the minister shall file with the Department of Justice two copies, certified by him to be true copies, of the bylaw or amendment.

1983-84, c.P-11.1, s.37; 1989-90, c.54, s.4; 1991, c.T-1.1, s.36.

Legislative Assembly

38(1) One copy of each bylaw and amendment filed pursuant to section 37 is to be laid before the Assembly by the Minister of Justice in accordance with *The Tabling of Documents Act, 1991*.

(2) Where a bylaw or amendment laid before the Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, the bylaw or amendment ceases to have effect and is deemed to have been revoked.

c. P-11.1

PHYSICAL THERAPISTS

(3) If 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 those Votes and Proceedings to the Deputy Minister of Justice and advise him that the copies are forwarded pursuant to this subsection.

(4) On receipt of the copies mentioned in subsection (3), the Deputy Minister of Justice shall file one copy with the bylaw or amendment to which it relates and immediately forward the other copy to the council and advise the council that the copy is forwarded pursuant to this subsection.

1983-84, c.P-11.1, s.38; 1989-90, c.54, s.4; 1991, c.T-1.1, s.36.

R.S.S. 1978, c.P-11 repealed

39(1) Subject to subsections (2) and (3), *The Physical Therapists Act* is repealed.

(2) A licence issued pursuant to *The Physical Therapists Act* and in force on the coming into force of this section continues in force for the balance of the period for which it was issued, unless cancelled sooner in accordance with this Act.

(3) The bylaws, rules and regulations in force pursuant to *The Physical Therapists Act* on the day before the coming into force of this section continue in force until they are repealed or others made in their stead pursuant to this Act.

1983-84, c.P-11.1, s.39.