

# *The Registered Occupational Therapists Act*

*Repealed*

by [Chapter O-1.11 of the Statutes of Saskatchewan, 1997](#)  
(effective August 15, 1997).

*Formerly*

[Chapter R-13 of The Revised Statutes of Saskatchewan, 1978](#)  
(effective February 26, 1979) as amended by the [Statutes of  
Saskatchewan, 1980-81, c.21](#); and [1989-90, c.54](#).

## **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

1	Short title	16	Proof of registration of member
2	Interpretation	17	Use of designation, etc.
3	Continuation	18	Offences
4	Acquisition, etc., of property	19	Penalties
5	Head office	20	Limitation of prosecution
6	Objects	21	Limitation of action
7	Provincial executive	22	Other Acts not to prohibit practising
8	Powers and functions of society	23	Immunity from actions
9	Registrations	24	Filing of bylaws and rules
10	Honorary, etc., membership	25	Effective date of bylaws, etc.
11	Suspension and cancellation of registration	26	Effect of failure to file bylaw, etc.
12	Appeal to appeal committee	27	Review by Legislative Assembly
13	Appeal to judge of Queen's Bench in chambers	28	Record of revocation and notification
14	Discipline	29	List of members, etc., to be filed
15	Rules respecting examinations	30	Fees

## CHAPTER R-13

### An Act respecting the Profession of Occupational Therapy

#### Short title

1 This Act may be cited as *The Registered Occupational Therapists Act*.

#### Interpretation

2 In this Act:

- (a) **“executive”** means the provincial executive that governs the society;
- (b) **“occupational therapy”** means any form of treatment prescribed or approved by a duly qualified medical practitioner in which a program of planned activities is utilized for the assessment and restoration of physical or mental function in humans;
- (c) **“registered occupational therapist”** means a person who is registered as a member of the society;
- (d) **“society”** means the Saskatchewan Society of Occupational Therapists incorporated by this Act.

R.S.S. 1978, c.R-13, s.2.

#### Continuation

3(1) The Saskatchewan Society of Occupational Therapists is continued as a body politic and corporate.

(2) The Association shall consist of its present members and those who become registered as members under this Act.

R.S.S. 1978, c.R-13, s.3.

#### Acquisition, etc., of property

4 The society may acquire, by purchase or otherwise, and hold real and personal property for its corporate purposes and may alienate, exchange, lease, mortgage or otherwise charge or dispose of the property or any part thereof.

R.S.S. 1978, c.R-13, s.4.

#### Head office

5 The head office of the society shall be in the city of Saskatoon or at such other place in the province as the executive may designate.

R.S.S. 1978, c.R-13, s.5.

**Objects****6** The objects of the society are:

- (a) to promote, develop and sponsor activities appropriate to the strengthening and unification of the profession of occupational therapy;
- (b) to encourage and assist in the development of high professional standards among its members;
- (c) to promote the well-being and development of its members as professional occupational therapists;
- (d) to provide a means whereby the society through its members may exchange scientific information;
- (e) to edit and publish books, papers, journals and other forms of literature respecting occupational therapy in order to disseminate information to members of the society as well as to members of the public at large;
- (f) to encourage specialized studies in occupational therapy among its members and to provide assistance and facilities for special studies and research;
- (g) to represent the members of the society in their association with the Government of Canada or the government of any province of Canada or the council of any municipality or with any hospital, university or national or international association, organization, institution or body with which the occupational therapists in Saskatchewan from time to time may have an association;
- (h) to establish standards respecting the education and practice of occupational therapists;
- (i) to keep and maintain a register in which shall be entered the names and addresses of all persons who possess qualifications in occupational therapy that are recognized by the society and by the Canadian Association of Occupational Therapists;
- (j) to take such lawful action as the society deems necessary in respect of persons whom the society has grounds for believing are contravening this Act or the bylaws or rules;
- (k) to inform persons of the value and use of occupational therapy and to promote its further development;
- (l) to carry on such other activities in relation to the foregoing as may be deemed advisable.

R.S.S. 1978, c.R-13, s.6; 1989-90, c.54, s.4.

**Provincial executive**

- 7(1)** There shall be a provincial executive for the society consisting of the president, vice-president, secretary treasurer and such other members as are elected and hold office in the manner provided in the bylaws.

- (2) The president, or in his absence the vice-president, or in the absence of both, a member of the executive chosen in accordance with the bylaws, shall act as chairman of all meetings.
- (3) Meetings of the executive shall be held in accordance with the bylaws.
- (4) At any meeting of the executive, except when questions of discipline are to be decided, all matters shall be decided by a majority of the votes of the members of the executive present at the meeting, the chairman voting only when the votes are evenly divided; but questions of discipline shall be decided by not less than two-thirds of the votes of the members of the executive present.
- (5) In case of a vacancy on the executive through the resignation or death of a member, or otherwise, the vacancy shall be filled in accordance with the bylaws.
- (6) The executive has charge of the business and affairs of the society and may exercise such powers and functions as are conferred or imposed upon it by this Act and the bylaws and rules.

R.S.S. 1978, c.R-13, s.7; 1989-90, c.54, s.4.

**Powers and functions of society**

- 8(1) The society may make bylaws and rules for all purposes relating to the affairs, business and property of the society, its management, government, aims, objects and interests.
- (2) Without limiting the generality of subsection (1), the society may make bylaws and rules respecting:
  - (a) the registration of occupational therapists and the issue of registration certificates;
  - (b) the election, appointment, functions, duties and removal of officers or servants of the society, and their remuneration;
  - (c) the terms of office of members of the executive;
  - (d) the time at which and place where the annual meetings of the society shall be held;
  - (e) subject to section 9, the qualifications of persons to be registered as members of the society and the evidence to be furnished of education, moral character and employment;
  - (f) the keeping and maintenance of a register of occupational therapists registered under this Act, and providing for the annual renewal of registration and prescribing the fees payable thereon;
  - (g) the discipline and control of registered occupational therapists, with power to prohibit all forms of advertising by registered occupational therapists that may be deemed by the executive not to be in the best interests of the society;

- (h) the investigation of any complaint that a registered occupational therapist has been guilty of misconduct or has displayed such incompetence as to render it desirable in the public interest that his registration be suspended or cancelled;
  - (i) the suspension or cancellation of the registration of any occupational therapist whose application for registration is found by the executive to have been based on a false or fraudulent statement or who is found by the executive to be guilty of misconduct or to be incompetent, or to be in default in the payment of any fees prescribed under this Act or the bylaws or rules;
  - (j) the reinstatement of any member whose registration has been suspended or cancelled;
  - (k) the fees payable on the registration of occupational therapists under this Act and fixing the time for the payment of those fees;
  - (l) the application of moneys forming the funds of the society;
  - (m) the appointment of committees as may be deemed appropriate and their functions and duties;
  - (n) the establishment of branches of the society and prescribing the functions of such branches;
  - (o) all other acts and things as may be necessary for the conduct of the business and meetings of the society.
- (3) The society may:
- (a) if not in contravention of an express term of the donation under which it is received, convert any property at any time or from time to time received or held by the society into any other form;
  - (b) subject to any other Act authorizing or restricting the collecting of moneys for charitable purposes, solicit contributions and donations to the society.
- (4) The funds of the society shall consist of moneys received by it from any source and the society may disburse, expend or otherwise deal with any of its funds in such manner as it may deem proper.
- (5) At each annual meeting the society shall appoint a duly qualified auditor for the next succeeding year to audit the books and accounts of the society; and the costs of the audit shall be paid from and out of the funds of the society.

R.S.S. 1978, c.R-13, s.8; 1989-90, c.54, s.4.

#### **Registrations**

**9(1)** Subject to subsection (2), every person who:

- (a) holds a diploma or degree in occupational therapy from an educational institution approved by the executive and The University of Saskatchewan and who passes the examinations prescribed under this Act; or

(b) is a member in good standing of any society or association or other body of occupational therapists that is approved by the executive and The University of Saskatchewan and who files with the executive such evidence of his membership as may be prescribed by the rules;

is, upon complying with the bylaws and rules and upon paying the prescribed fee, entitled to be registered as an occupational therapist and a member of the society.

(2) Every person who:

(a) possesses the qualifications to be registered as an occupational therapist and a member of the society under clause (b) of subsection (1); or

(b) has been registered as an occupational therapist and a member of the society under this Act but whose registration has for any reason terminated;

shall, if he has not been engaged in the full-time practice of an occupational therapist during the period of five years immediately prior to his application to be registered as an occupational therapist and a member of the society under this Act, undergo such period of training, under the supervision of an occupational therapist, as may be prescribed by the bylaws before he is registered as an occupational therapist and a member of the society under this Act.

R.S.S. 1978, c.R-13, s.9; 1989-90, c.54, s.4.

#### **Honorary, etc., membership**

**10** The society may by bylaw provide for non-active, associate and honorary membership of persons in the society.

R.S.S. 1978, c.R-13, s.10.

#### **Suspension and cancellation of registration**

**11(1)** The executive may, after due inquiry, suspend or cancel the registration of any registered occupational therapist found by the executive to be guilty of misconduct, gross negligence, corruption or incompetence.

(2) The executive shall not suspend or cancel the registration of a registered occupational therapist unless he has been given at least thirty days' notice in writing of the specific charge and of the time and place at which it will be considered by the executive, at which time the executive may hear evidence on oath; and the person is entitled to be heard and to be represented by counsel.

(3) Where the registration of an occupational therapist is suspended or cancelled, he shall cease to use any of the titles that a registered occupational therapist may lawfully use and he is not entitled to any of the privileges conferred upon a registered occupational therapist by this Act until he is reinstated.

(4) Where a majority of the members of the executive are satisfied that the reasons for the suspension or cancellation of the registration of a member have ceased to exist or that a person whose registration has been suspended or cancelled is a fit and proper person to be reinstated as an active member, the executive may rescind the order of suspension or cancellation and reinstate the registration of the person.

R.S.S. 1978, c.R-13, s.11.

**Appeal to appeal committee**

**12(1)** Every order or decision of the executive refusing an application for registration under this Act or suspending or cancelling the registration of an occupational therapist is subject to an appeal to an appeal committee.

(2) Notice of intention to appeal shall be given by the appellant to the secretary of the society by registered mail not later than thirty days after the date of the order or decision appealed against.

(3) The appeal committee shall consist of:

- (a) one member appointed by the executive;
- (b) one member appointed by the appellant; and
- (c) one member appointed jointly by and agreeable to the two members appointed under clauses (a) and (b) who shall be the chairman of the appeal committee.

(4) The member appointed by the executive and the member appointed by the appellant shall be appointed within a period of fifteen days from the date notification of intention to appeal is received by the secretary.

(5) The chairman shall be appointed within a period of fifteen days, the commencement date of which is the expiration of the fifteen day period mentioned in subsection (4).

(6) In the event of failure of the parties concerned to appoint the third member and chairman of the appeal committee as provided in this section, the president of the executive shall appoint a chairman within thirty days after the expiration of the period mentioned in subsection (5).

(7) The chairman of the appeal committee shall, after consultation with the other members of the appeal committee, fix the time and place of sittings of the committee.

(8) The appeal committee shall decide its own rules of procedure and shall give full opportunity to all parties to present evidence and make representation.

(9) Where the appeal committee is satisfied that the appellant was duly notified of the time and place of the hearing of his appeal and the appellant fails to attend or to be represented without showing good cause therefor, the committee may proceed to dispose of the appeal *ex parte*.

(10) The appeal committee shall, within thirty days after the close of the hearing of the appeal, render its decision in writing and concurrently furnish a copy of the decision to the appellant and to the secretary of the society.

R.S.S. 1978, c.R-13, s.12.

**Appeal to judge of Queen's Bench in chambers**

**13(1)** The executive or a person who thinks himself aggrieved by any decision of the appeal committee may, within thirty days from the date of the decision of the appeal committee, appeal therefrom to a judge of the Court of Queen's Bench in chambers.



- (2) The judge shall hear the appeal and deal with it in a summary manner and may make such order in the matter and as to costs as he thinks fit.
- (3) The order of the judge is final and there shall be no further appeal.

R.S.S. 1978, c.R-13, s.13.

#### **Discipline**

**14(1)** Where the registration of a member is suspended or cancelled, the society 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 and any report upon the conduct of the member, and shall furnish the Minister of Health with such relevant information as he may require.

(2) If the Minister of Health is of opinion that the suspension or cancellation is unjust or contrary to the public interest, he may:

- (a) request the executive to reconsider the case and its findings thereon;
  - (b) if the executive and the person whose conduct is under inquiry agree, appoint a board of arbitration consisting of one member nominated by the executive, 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. 1978, c.R-13, s.14.

#### **Rules respecting examinations**

**15(1)** The University of Saskatchewan may, after consultation with the executive, make rules:

- (a) prescribing the subjects for examination of candidates for registration as occupational therapists and the fees to be paid on examination;
  - (b) relating to examinations and the duties and functions of examiners.
- (2) The registrar of the university shall report the results of all examinations to the secretary treasurer of the society.

R.S.S. 1978, c.R-13, s.15; 1989-90, c.54, s.4.

#### **Proof of registration of member**

**16** A certificate signed or purporting to be signed by the secretary treasurer of the society that a person was or was not or is or is not a registered member of the society on a date or during a period specified in the certificate is admissible in evidence without proof of the signature or election of the secretary treasurer of the society and is *prima facie* proof of the facts certified.

R.S.S. 1978, c.R-13, s.16.

**c. R-13****REGISTERED OCCUPATIONAL THERAPISTS****Use of designation, etc.**

**17** Every person registered under this Act shall be known as a registered occupational therapist and may use the title “O.T.Reg.(Sask.)” or such other title as may be approved by the executive.

R.S.S. 1978, c.R-13, s.17.

**Offences**

**18(1)** No person, other than a registered occupational therapist in good standing, shall use the title “O.T.Reg.(Sask.)” or such other title as has been approved by the executive, or use any prefix or suffix to his name signifying that he is an occupational therapist, or advertise or otherwise hold himself out to the public or to any person as being an occupational therapist, or by false or fraudulent declaration attempt to procure registration under this Act.

(2) No person, other than a registered occupational therapist in good standing, shall allow or permit his employer to hold out or represent to the public or to any person, either expressly or by necessary implication, that he is an occupational therapist.

R.S.S. 1978, c.R-13, s.18.

**Penalties**

**19** Every person who contravenes any of the provisions of this Act or the bylaws or rules is guilty of an offence and liable on summary conviction:

- (a) for a first offence, to a fine not exceeding \$50 and in default of payment to imprisonment for a term not exceeding thirty days;
- (b) for a second offence, to a fine not exceeding \$200 and in default of payment to imprisonment for a term not exceeding three months;
- (c) for an offence subsequent to a second offence, to imprisonment for a term not exceeding three months without the option of a fine.

R.S.S. 1978, c.R-13, s.19; 1989-90, c.54, s.4.

**Limitation of prosecution**

**20** No prosecution under this Act shall be commenced after two years from the date of the alleged offence.

R.S.S. 1978, c.R-13, s.20.

**Limitation of action**

**21** No registered occupational therapist is liable to any action for negligence or malpractice by reason of professional services requested or 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. 1978, c.R-13, s.21.

**Other Acts not to prohibit practising**

**22** Nothing in any other Act prohibits a registered occupational therapist from practising as an occupational therapist for gain or reward.

R.S.S. 1978, c.R-13, s.22.

**Immunity from actions**

**23** No action lies against the executive or any committee or member thereof for any proceedings taken in good faith or orders or decisions made or enforced under this Act.

R.S.S. 1978, c.R-13, s.23.

**Filing of bylaws and rules**

**24(1)** The society shall file in the Department of Consumer and Commercial Affairs two copies, certified by the secretary to be true copies, of:

- (a) all bylaws and rules made under this Act;
- (b) all amendments made to such bylaws and rules;

with thirty days after they are made.

(2) Where the society adopts a code of ethics governing its members and subscription thereto or observance thereof is a condition of membership, the code of ethics of the purposes of this section and sections 25, 26, 27 and 28 shall be deemed to be a bylaw made under this Act.

(3) Where a bylaw or rule is amended, two copies thereof shall be filed with the amendment.

R.S.S. 1978, c.R-13, s.24; 1980-81, c.21, s.43;  
1989-90, c.54, s.4.

**Effective date of bylaws, etc.**

**25** All bylaws, rules and amendments thereto take effect upon the making thereof or on a date stated therein for the purpose.

R.S.S. 1978, c.R-13, s.25; 1989-90, c.54, s.6.

**Effect of failure to file bylaw, etc.**

**26** Failure to file a bylaw, rule or amendment as required by section 24 renders the bylaw, rule or amendment ineffective as from the expiration of the time allowed for filing it and it shall be deemed to have been revoked.

R.S.S. 1978, c.R-13, s.26; 1989-90, c.54, s.6.

**Review by Legislative Assembly**

**27(1)** One copy of all bylaws, rules and amendments thereto filed with the Department of Consumer and Commercial Affairs pursuant to section 24 shall, in accordance with *The Tabling of Documents Act*, be laid before the Legislative Assembly.

**c. R-13****REGISTERED OCCUPATIONAL THERAPISTS**

(2) Where any bylaw, rule or any amendment thereto laid before the Legislative Assembly is found by the Assembly to be beyond the powers designated by the Legislature or in any way prejudicial to the public interest, such bylaw, rule or amendment shall thereupon cease to have any effect and be deemed to have been revoked.

R.S.S. 1978, c.R-13, s.27; 1980-81, c.21, s.43;  
1989-90, c.54, s.6.

**Record of revocation and notification**

**28(1)** Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw, rule or amendment thereto has ceased to have effect, the Clerk of the Assembly shall forthwith forward two copies of such Votes and Proceedings to the Deputy Minister of Consumer and Commercial Affairs and at the same time advise him that the copies are forwarded pursuant to this subsection.

(2) Upon receipt of such copies, the Deputy Minister of Consumer and Commercial Affairs shall file one of the copies with the bylaw, rule or amendment to which it relates and forthwith forward the other copy to the society and at the same time advise the society that the copy is forwarded pursuant to this subsection.

R.S.S. 1978, c.R-13, s.28; 1980-81, c.21, s.43;  
1989-90, c.54, s.6.

**List of members, etc., to be filed**

**29** The society shall, before the first day of February in each year, file in the Department of Consumer and Commercial Affairs lists, certified by the secretary to be true lists, showing:

- (a) the names of all registered occupational 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 society and the respective dates of their admission to the society;
- (b) the names of all persons whose registrations were suspended or cancelled 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. 1978, c.R-13, s.29; 1980-81, c.21, s.43.

**Fees**

**30** All fees receivable by the society under this Act belong to the society.

R.S.S. 1978, c.R-13, s.30.