

# *The Speech-Language Pathologists and Audiologists Act*

*being*

Chapter S-56.2 of *The Statutes of Saskatchewan, 1990-91*  
(effective May 31, 1992) as amended by the *Statutes of*  
*Saskatchewan, 2002, c.24; and 2004, c.L-16.1.*

## **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.**



## CHAPTER S-56.2

### An Act respecting the Saskatchewan Association of Speech-Language Pathologists and Audiologists

#### SHORT TITLE AND INTERPRETATION

##### **Short title**

**1** This Act may be cited as *The Speech-Language Pathologists and Audiologists Act*.

##### **Interpretation**

**2** In this Act:

- (a) **“administrative bylaw”** means a bylaw made for a purpose set out in subsection 15(1);
- (a.1) **“association”** means the Saskatchewan Association of Speech-Language Pathologists and Audiologists continued pursuant to section 3;
- (b) **“audiologist”** means a person who is registered with the association as an audiologist;
- (c) **“bylaws”** means the valid and subsisting bylaws of the association;
- (d) **“council”** means the council of the association;
- (e) **“court”** means Her Majesty’s Court of Queen’s Bench for Saskatchewan;
- (f) **“executive director”** means the executive director appointed pursuant to section 12;
- (g) **“member”** means a member of the association who is in good standing;
- (h) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (i) **“practising member”** means a member of the association who is entitled to practise speech-language pathology or audiology or both speech-language pathology and audiology pursuant to this Act and the bylaws;
- (j) **“register”** means the register kept pursuant to section 18;
- (k) **“registrar”** means the registrar appointed pursuant to section 12;
- (k.1) **“regulatory bylaw”** means a bylaw made:
  - (i) for a purpose set out in subsection 15(2); or
  - (ii) pursuant to section 16.1;
- (l) **“speech-language pathologist”** means a person who is registered with the association as a speech-language pathologist.

1990-91, c.S-56.2, s.2; 2002, c.24, s.3.

## SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

### c. S-56.2

#### ASSOCIATION

##### **Association continued**

**3** The Saskatchewan Association of Speech-Language Pathologists and Audiologists, a corporation continued pursuant to *The Non-profit Corporations Act*, is hereby continued as a corporation under the name of the Saskatchewan Association of Speech-Language Pathologists and Audiologists.

1990-91, c.S-56.2, s.3.

##### **Membership**

**4** The membership of the association consists of those persons:

- (a) who are members of the Saskatchewan Association of Speech-Language Pathologists and Audiologists on the day before this Act comes into force; and
- (b) who are admitted as members of the association pursuant to this Act and the bylaws.

1990-91, c.S-56.2, s.4.

##### **Property**

**5(1)** The association may acquire, hold, mortgage, lease, sell or dispose of any property.

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

(3) The association may invest its funds in investments in which trustees are authorized to invest pursuant to *The Trustee Act* and may sell or otherwise dispose of those investments and may reinvest the proceeds in similar investments.

1990-91, c.S-56.2, s.5.

##### **Meetings**

**6(1)** An annual meeting of the association is to be held at that time and place that is determined by the council in accordance with the bylaws.

(2) The procedure at an annual or special meeting is to be determined by bylaw.

(3) A special meeting of the association is to be held:

- (a) on resolution of the council; or
- (b) on the demand, in writing, of the number of members specified in the bylaws;

for the transaction of the business that is specified in the resolution or demand.

(4) The executive director shall give notice of an annual or special meeting to each member by ordinary mail sent at least 14 days before the meeting.

1990-91, c.S-56.2, s.6.

## SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

c. S-56.2

### COUNCIL

#### **Council**

- 7(1) The council shall govern, manage and regulate the affairs and business of the association.
- (2) The council consists of:
- (a) that number of members determined in the bylaws, which shall not be less than five, elected by the practising members in accordance with this Act and the bylaws; and
  - (b) the persons appointed pursuant to section 8.
- (3) For the purposes of clause (2)(a), no member is eligible to be elected a member of the council unless that member resides in Saskatchewan.
- (4) Members of the council elected pursuant to clause (2)(a) are entitled to remuneration and reimbursement for expenses in the amount determined in the bylaws.
- (5) Each member of the council mentioned in clause (2)(a) holds office for the term determined in the bylaws.

1990-91, c.S-56.2, s.7; 2002, c.24, s.4.

#### **Certain appointments**

- 8(1) The Lieutenant Governor in Council may appoint three persons who reside in Saskatchewan as members of the council.
- (2) Where the Lieutenant Governor in Council appoints a person as a member of the council, the term of office of that person is not to exceed three years.
- (3) Subject to subsection (4), a person appointed pursuant to this section holds office until the person's successor is appointed and is eligible for reappointment, but is not eligible to hold office for more than two consecutive terms.
- (4) A person appointed pursuant to this section ceases to hold office if the person ceases to be a resident of Saskatchewan.
- (5) A member of the council appointed pursuant to this section may exercise rights and serve as a member of committees to the same extent as other members of the council, but is ineligible to be an officer of the council.
- (6) At least one member of the council appointed pursuant to this section shall be a member of the discipline committee.
- (7) The absence or inability to act as a member of the discipline committee by a member of the council appointed pursuant to this section or the failure to appoint a member of the council pursuant to this section does not impair the ability of the other members of the discipline committee to act.
- (8) The minister shall pay remuneration and reimbursement for expenses of the persons appointed pursuant to this section at the rate determined by the Lieutenant Governor in Council.

1990-91, c.S-56.2, s.8; 2002, c.24, s.5.

## SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

c. S-56.2

### **Resignation**

9(1) An elected member of the council may resign by giving written notice of his or her resignation to the council.

(2) A member of the council appointed pursuant to section 8 may resign by giving written notice of his or her resignation to the minister.

(3) The resignation of a member of the council pursuant to subsection (1) or (2) is effective:

- (a) on the date stated in the written notice; or
- (b) if no date is stated in the written notice, on the date the written notice is received by the council or the minister, as the case may be.

1990-91, c.S-56.2, s.9.

### **Vacancy**

10(1) When a vacancy occurs in the membership of the council as a result of the death or resignation of a member of the council mentioned in clause 7(2)(a) or for any other reason involving a member of the council mentioned in clause 7(2)(a), the remaining members of the council may appoint another practising member to fill the vacancy until the earlier of:

- (a) the expiry of the term of office of the council member who died or resigned or who otherwise ceased to be a member of the council; or
- (b) a practising member is elected to fill the vacancy in accordance with this Act and the bylaws.

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

1990-91, c.S-56.2, s.10.

### **Officers**

11 The officers of the association are to be those that are:

- (a) designated in the bylaws; and
- (b) appointed or elected in accordance with the bylaws.

1990-91, c.S-56.2, s.11.

### **Registrar**

12(1) The council shall appoint a registrar and an executive director.

(2) The council may engage any employees that the council considers necessary to carry out the duties and functions of the association.

(3) Subject to this Act and the bylaws, the council shall determine the duties, responsibilities and remuneration of employees of the association.

1990-91, c.S-56.2, s.12.

## SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

c. S-56.2

### **Committees**

**13**(1) The council may establish any committees that are provided for by the bylaws or that it considers necessary.

(2) The council shall appoint members to any committees that are provided for by this Act or the bylaws or that it has established pursuant to subsection (1).

(3) Committee members are eligible to be paid any remuneration that may be prescribed in the bylaws.

(4) The council may delegate to a committee that is:  
(a) provided for by this Act or the bylaws; or  
(b) established pursuant to subsection (1);

any of its powers or duties, other than the power to make bylaws, on those terms or conditions that the council may determine.

(5) Subject to this Act and the bylaws, a committee may establish its own procedures.

1990-91, c.S-56.2, s.13.

## BYLAWS

### **Procedure**

**14**(1) The council may pass bylaws for any purpose set out in section 15.

(2) The council shall notify each member, by ordinary mail, of each bylaw passed pursuant to subsection (1) within 150 days of its passage.

(3) Failure to comply with subsection (2) does not invalidate a bylaw.

(4) No bylaw made pursuant to subsection 15(2) comes into force until it is:  
(a) approved by the minister; and  
(b) published in the Gazette.

(5) The council shall file with the Department of Justice two copies, certified by the executive director to be true copies, of all administrative bylaws and all amendments made to those bylaws within 30 days after they are made.

(6) An administrative bylaw becomes effective on the later of:  
(a) the day on which it is filed pursuant to subsection (5); and  
(b) the date specified in the bylaw.

1990-91, c.S-56.2, s.14; 2002, c.24, s.6.

## SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

### c. S-56.2

#### **Bylaws**

**15(1)** Subject to this Act, administrative bylaws may be made pursuant to section 14 for the following purposes:

- (a) prescribing the seal of the association;
- (b) providing for the execution of documents by the association;
- (c) respecting banking and financial dealings of the association;
- (d) fixing the fiscal year of the association and providing for the audit of the accounts and transactions of the association;
- (e) respecting the management of the property of the association;
- (f) prescribing the number and the terms of office of members of the council mentioned in clause 7(2)(a);
- (g) prescribing the duties of members of the council and officers of the association;
- (h) prescribing remuneration and reimbursement for expenses for elected members of the council and members of committees;
- (i) governing procedures for the election of members of the council mentioned in clause 7(2)(a);
- (j) prescribing the organization, powers and procedures of the council and regulating the council in the performance of its duties;
- (k) respecting the holding and procedures of meetings of the council and annual or special meetings of the association;
- (l) prescribing the amounts of registration, licensing and other fees payable to the association, the times of payment and the penalties for late payment;
- (m) providing for the receipt, management and investment of contributions, donations or bequests from speech-language pathologists, audiologists or other persons;
- (n) establishing and governing scholarships, bursaries and prizes;
- (o) authorizing the association to enter into agreements or arrangements with any person, group, association, organization or body corporate having goals or objectives similar to those of the association;
- (p) establishing any committees that the council considers necessary and prescribing the manner of election or appointment of members to those committees.

## SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

c. S-56.2

- (2) Subject to this Act, regulatory bylaws may be made pursuant to section 14 for the following purposes:
- (a) prescribing the qualifications, standards and tests of competency for:
    - (i) registering persons or any category of persons as members of the association; and
    - (ii) issuing licences;
  - (b) prescribing:
    - (i) procedures governing the registration of persons or any category of persons as members of the association;
    - (ii) procedures governing the issuing of licences; and
    - (iii) the terms and conditions of licences;
  - (c) providing for a code of professional ethics;
  - (d) setting standards of professional conduct, competency and proficiency of members;
  - (e) setting standards regarding the manner and method of the practice of speech-language pathology and audiology;
  - (f) setting requirements for maintenance of membership;
  - (g) setting standards for continuing education and the participation of members in continuing education;
  - (h) prescribing procedures for:
    - (i) reviews pursuant to subsection 20(3); and
    - (ii) investigations and hearings by the professional conduct and discipline committees of complaints alleging that a member is guilty of professional misconduct or professional incompetence;
    - (i) governing the reinstatement of a member who has been expelled;
  - (j) establishing categories of membership in the association, and prescribing the rights and privileges of each category;
  - (k) prescribing the circumstances under which a member is required to attend re-entry education programs and courses and approving programs and courses for that purpose;
  - (l) governing the approval of education programs for purposes of registration pursuant to this Act and prescribing terms and conditions for initial or continued approval of those programs;
  - (m) prescribing the minimum amount of liability protection that practicing members or any category of practising members is required to obtain;
  - (n) respecting the reporting and publication of decisions and reports of the council and committees;
  - (o) regulating advertising by members;
  - (p) prescribing the number of members required to demand a special meeting of the association;
  - (q) generally, for the better carrying out of this Act.

1990-91, c.S-56.2, s.15; 2002, c.24, s.7.

## SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

### c. S-56.2

#### **Filing of bylaws**

**16(1)** The association shall file with the minister two copies, certified by the executive director to be true copies, of:

- (a) all regulatory bylaws; and
- (b) any amendment to a regulatory bylaw, together with two certified copies of the bylaw to which it relates.

(2) Where the minister does not advise the association in writing within 90 days of receiving copies of the regulatory bylaw or amendment that the minister approves the regulatory bylaw or amendment, the regulatory bylaw or amendment is deemed not to be approved.

(3) Where the minister approves a regulatory bylaw or an amendment to a regulatory bylaw, the minister shall file with the Department of Justice two copies, certified by the executive director to be true copies, of the regulatory bylaw or amendment.

(4) **Repealed.** 2002, c.24, s.8.

1990-91, c.S-56.2, s.16; 2002, c.24, s.8.

#### **Ministerial bylaws**

**16.1(1)** The minister may request the council to amend or revoke a regulatory bylaw or to make a new regulatory bylaw if the minister is satisfied that it is necessary or advisable.

(2) Where the minister makes a request pursuant to subsection (1), the council shall be provided with the reasons for the request and, if the minister considers it appropriate, a draft of a bylaw to amend or revoke the regulatory bylaw or a draft of a new regulatory bylaw.

(3) If the council does not comply with a request pursuant to subsection (1) within 90 days after the date of the request, the minister may amend or revoke the existing regulatory bylaw or make the new regulatory bylaw in accordance with that request.

(4) A regulatory bylaw made pursuant to this section or an amendment or revocation of a regulatory bylaw pursuant to this section comes into force on the day it is published in the Gazette.

(5) Where the minister makes, amends or revokes a regulatory bylaw, the minister shall file with the Department of Justice two copies of the regulatory bylaw, amendment or revocation.

2002, c.24, s.9.

## MEMBERSHIP, LICENCES AND REGISTRATION

#### **Admission, Licences**

**17(1)** The council, in accordance with this Act and the bylaws, may admit persons as members.

(2) The council may grant licences to speech-language pathologists and audiologists who are members.

1990-91, c.S-56.2, s.17.

**Register**

**18(1)** The registrar, in accordance with the bylaws, shall keep or cause to be kept a register in which shall be entered the name and address of every person:

- (a) who has met the qualifications for registration as a speech-language pathologist or audiologist pursuant to this Act and the bylaws; and
- (b) who is permitted by the association to use the designation speech-language pathologist or audiologist and to carry on the practice of speech-language pathology or audiology, as the case may be, in Saskatchewan under any circumstances, conditions, limitations and restrictions and for any temporary or limited periods of time as are set out in the bylaws.

(2) The register shall indicate whether the member is registered as a speech-language pathologist or audiologist or as both or in any other category as is authorized by the bylaws.

(3) The register mentioned in subsection (1) is to be kept:

- (a) at the head office of the association; and
- (b) open for inspection by all persons, without fee, during normal office hours of the association.

(4) A certificate purporting to be signed by the registrar and stating that a named person was or was not, on a specified day or during a specified period:

- (a) a member, a practising member or a suspended member; or
- (b) a speech-language pathologist or audiologist;

according to the register is admissible in evidence as prima facie proof of the facts stated in it without proof of the registrar's appointment or signature.

1990-91, c.S-56.2, s.18.

**Registration**

**19(1)** The council may register a person as a speech-language pathologist and issue an annual licence to the person to practise as a speech-language pathologist where the person has paid the prescribed fees and complied with the bylaws with respect to registration and:

- (a) has successfully completed a master's level program of study in speech-language pathology recognized by the council; or
- (b) produces evidence establishing to the satisfaction of the council that the person is eligible according to the bylaws to be a member of the association and to practise speech-language pathology.

(2) The council may register a person as an audiologist and issue an annual licence to the person to practise as an audiologist where the person has paid the prescribed fees and complied with the bylaws with respect to registration and:

- (a) has successfully completed a master's level program of study in audiology recognized by the council; or
- (b) produces evidence establishing to the satisfaction of the council that the person is eligible according to the bylaws to be a member of the association and to practise audiology.

## SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

### c. S-56.2

(3) The council may register a person as a speech-language pathologist and issue a temporary licence to the person to practise as a speech-language pathologist where the person produces evidence establishing to the satisfaction of the council that the person:

- (a) is eligible according to the bylaws to be a member of the association and to practise speech-language pathology; and
- (b) has paid the prescribed fees and complied with the bylaws with respect to registration.

(4) The council may register a person as an audiologist and issue a temporary licence to the person to practise as an audiologist where the person produces evidence establishing to the satisfaction of the council that the person:

- (a) is eligible according to the bylaws to be a member of the association and to practise audiology; and
- (b) has paid the prescribed fees and complied with the bylaws with respect to registration.

(5) A person granted a temporary licence shall comply with the bylaws governing those who practise under temporary licences.

1990-91, c.S-56.2, s.19.

### **Delegation and appeal**

**20(1)** The council may delegate to the registrar the power to:

- (a) admit persons as members;
- (b) register persons as speech-language pathologists or audiologists;
- (c) grant licences to speech-language pathologists or audiologists; or
- (d) do all or any combination of the things mentioned in clauses (a) to (c); and, when a power has been delegated, the exercise of that power by the registrar is deemed to be an exercise by the council.

(2) The council may impose any terms and conditions that it considers appropriate on a delegation pursuant to subsection (1).

(3) Where:

- (a) pursuant to subsection (1), the council has delegated to the registrar the power to do a thing mentioned in that subsection; and
- (b) a person is aggrieved by a decision of the registrar made in accordance with a delegated power; the person may ask the council to review the decision of the registrar.

(4) On a review pursuant to subsection (3), the council shall hear the review and may:

- (a) direct the registrar to exercise the power in a manner that the council considers appropriate; or
- (b) confirm the registrar's decision.

(5) On a review pursuant to subsection (3), the person aggrieved by the decision of the registrar has the right to appear in person before the council in support of the application.

1990-91, c.S-56.2, s.20.

## SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

c. S-56.2

### **Notice of decision of council**

**21** The council shall cause the applicant to be informed in writing of its decision pursuant to subsection 20(4).

1990-91, c.S-56.2, s.21.

## PROHIBITION

### **Prohibited practice**

**22**(1) No person other than a person registered with the association as a speech-language pathologist shall use the titles “Speech-Language Pathologist”, “Speech Pathologist”, “Speech Therapist”, “Speech Correctionist”, “Speech Clinician”, “Speech-Language Consultant”, “Communicologist”, “Communications Disorder Specialist”, “Logopedist” or any word, title or designation, abbreviated or otherwise, alone or in conjunction with others, to imply that the person is a registered speech-language pathologist.

(2) No person other than a person registered with the association as an audiologist shall use the titles “Audiologist”, “Audiology Clinician”, “Audiological Specialist”, “Hearing Specialists”, “Audioprosthologist”, “Audiometrist”, “Hearing Aid Audiologist” or any word, title or designation, abbreviated or otherwise, alone or in conjunction with others, to imply that the person is a registered audiologist.

1990-91, c.S-56.2, s.22.

## DISCIPLINE

### **Professional conduct committee**

**23**(1) The professional conduct committee is established consisting of at least three persons appointed by the council, a majority of whom shall be members.

(2) No member of the discipline committee is eligible to be appointed as a member of the professional conduct committee.

1990-91, c.S-56.2, s.23.

### **Investigation**

**24**(1) Where the professional conduct committee:

- (a) is requested by the council to consider a complaint; or
- (b) is in receipt of a written complaint;

that a member is guilty of professional misconduct or professional incompetence, the professional conduct committee shall:

- (c) review the complaint; and
- (d) investigate the complaint by taking any steps it considers necessary, including summoning before it the member whose conduct is the subject of the complaint.

## SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

### c. S-56.2

(2) On completion of its investigation, the professional conduct committee shall make a written report to the discipline committee recommending that:

- (a) the discipline committee hear and determine the formal complaint set out in the written report; or
- (b) no further action be taken with respect to the matter under investigation.

(3) The formal complaint set out in a written report made pursuant to clause (2)(a) may relate to any matter disclosed in the complaint received pursuant to subsection (1) or in the investigation conducted pursuant to subsection (1).

(4) A report signed by a majority of the professional conduct committee is a decision of that committee.

(5) A copy of a written report made pursuant to subsection (2) recommending no further action shall be provided to:

- (a) the council;
- (b) the person, if any, who made the complaint mentioned in subsection (1); and
- (c) the member who is the subject of the complaint mentioned in subsection (1).

(6) Subject to clause 36(6)(c), no statement or evidence given by the member whose conduct is the subject of the complaint to the professional conduct committee is to be used in evidence in any proceedings other than the investigation by that committee.

1990-91, c.S-56.2, s.24.

### **Discipline committee**

**25(1)** The discipline committee is established consisting of at least five members appointed by the council.

(2) No member of the professional conduct committee is eligible to be appointed as a member of the discipline committee.

1990-91, c.S-56.2, s.25.

### **Discipline hearing**

**26(1)** Where a report of the professional conduct committee recommends that the discipline committee hear and determine a complaint, the executive director shall, at least two weeks prior to the date the discipline committee is to sit:

- (a) send a copy of the formal complaint to the member whose conduct is the subject of the hearing; and
- (b) notify the member whose conduct is the subject of the hearing of the date, time and place of the hearing.

(2) The professional conduct committee shall prosecute the complaint, but its members shall not participate in any other manner in the hearing of the complaint, except as witnesses when required.

## SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

c. S-56.2

- (3) The discipline committee shall hear the complaint and shall decide whether or not the member is guilty of professional misconduct or professional incompetence, notwithstanding that the determination of a question of fact may be involved, and the discipline committee need not refer any such matter to a court for adjudication.
- (4) The discipline committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.
- (5) The discipline committee may employ, at the expense of the association, any legal or other assistance that it considers necessary, and the member whose conduct is the subject of the hearing, at his or her own expense, may be represented by counsel.
- (6) The testimony of witnesses is to be under oath administered by the chairperson of the discipline committee.
- (7) At a hearing by the discipline committee, there is to be full right:
- (a) to examine, cross-examine and re-examine all witnesses; and
  - (b) to adduce evidence in defence and reply.
- (8) On the application of the member whose conduct is the subject of a hearing or a member of the discipline committee, the local registrar of Her Majesty's Court of Queen's Bench for Saskatchewan at any judicial centre, on payment of the appropriate fees, shall issue writs of subpoena *ad testificandum* or subpoena *duces tecum* and, where that writ is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.
- (9) Where the member whose conduct is the subject of the hearing fails to attend the hearing, the discipline committee, on proof of service of the notice mentioned in subsection (1), may proceed with the hearing in his or her absence.
- (10) If, during the course of a hearing, the evidence shows that the member whose conduct is the subject of the hearing may be guilty of a charge different from or in addition to any charge specified in the formal complaint, the discipline committee shall:
- (a) notify the member of that fact; and
  - (b) if the discipline committee proposes to amend, add to or substitute the charge in the formal complaint and unless the member otherwise consents, adjourn the hearing for any period that the discipline committee considers sufficient to give the member an opportunity to prepare a defence to the amended formal complaint.
- (11) The person, if any, who made the complaint pursuant to section 24:
- (a) shall be served with notice of the hearing; and
  - (b) is entitled to attend the hearing.
- (12) Notwithstanding clause (11)(b), the discipline committee may exclude from any part of the hearing the person who made the complaint when the committee is of the opinion that evidence brought in the presence of that person will unduly violate the privacy of a person other than the member.

1990-91, c.S-56.2, s.26.

c. S-56.2

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

**Disciplinary powers**

27(1) Where the discipline committee finds a member guilty of professional misconduct or professional incompetence, it may make any one or more of the following orders:

- (a) an order that the member be expelled from the association and that his or her name be struck from the register;
- (b) an order that the member be suspended from the association for a specified period of time;
- (c) an order that the member be suspended pending the satisfaction and completion of any conditions as may be ordered by the committee;
- (d) an order that the member may continue to practise only under conditions specified in the order which may include, but are not restricted to, an order that the member:
  - (i) not do specified types of work;
  - (ii) successfully complete specified classes or courses of instruction;
  - (iii) obtain medical treatment;
- (e) reprimand the member; or
- (f) any other order that to it seems just.

(2) In addition to any order made pursuant to subsection (1), the discipline committee may order:

- (a) that the member pay to the association within a fixed period:
  - (i) a fine in a specified amount not exceeding \$2,000; and
  - (ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the professional conduct committee and the discipline committee and costs of legal services and witnesses; and
- (b) where a member fails to make payment in accordance with an order pursuant to clause (a), that the member be suspended from the association.

(3) The discipline committee shall send a copy of an order made pursuant to subsection (1) or (2) to the member whose conduct is the subject of the order and to the person, if any, who made the complaint.

(4) The discipline committee may inform a member's employer of the order made against that member, where that member is found guilty of professional misconduct or professional incompetence.

(5) Where a member is expelled or suspended from the association, the registrar shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.

1990-91, c.S-56.2, s.27.

**Professional misconduct**

28(1) Professional misconduct is a question of fact but any matter, conduct or thing, whether or not disgraceful or dishonourable, that:

- (a) is harmful to the best interests of the public or the members of the association;
- (b) tends to harm the standing of the professions of speech-language pathology or audiology;
- (c) is a breach of this Act or the bylaws; or
- (d) is a failure to comply with an order of the professional conduct committee, the discipline committee or the council; is professional misconduct within the meaning of this Act.

(2) Professional incompetence is a question of fact, but the display by a member of:

- (a) a lack of knowledge, skill or judgement; or
- (b) a disregard for the welfare of members of the public served by the profession;

of a nature or to an extent that demonstrates that the member is unfit to continue in the practice of the profession is professional incompetence within the meaning of this Act.

1990-91, c.S-56.2, s.28.

**Conviction for indictable offence**

29 Where:

- (a) a member has been convicted of an indictable offence pursuant to the *Criminal Code* (Canada), as amended from time to time;
- (b) a report of the professional conduct committee is made to the discipline committee respecting the conviction mentioned in clause (a);
- (c) the discipline committee has given the member mentioned in clause (a) an opportunity to be heard; and
- (d) the discipline committee finds that the conduct of the member giving rise to the conviction makes the member unfit to continue to practise speech-language pathology or audiology;

the discipline committee may, by resolution, expel the member from the association.

1990-91, c.S-56.2, s.29.

**Duty to report**

30 Where:

- (a) the professional conduct committee in its investigation pursuant to subsection 24(1); or
- (b) the discipline committee at the conclusion of its hearing pursuant to section 26; believes that the member whose conduct is the subject of the investigation or hearing may be guilty of a criminal offence, the committee may immediately discontinue its review or hearing, as the case may be, and shall make a report of its findings to:
  - (c) the president of the council; and
  - (d) the Deputy Minister of Justice.

1990-91, c.S-56.2, s.30.

## SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

### c. S-56.2

#### **Suspension**

##### **31** Where:

- (a) a criminal charge is laid against a member; and
  - (b) the member has applied to the court for a stay of any disciplinary proceedings against the member;
- a judge of the court, on the application of the council, may direct that the member be suspended pending the disposition of the criminal charge.

1990-91, c.S-56.2, s.31.

#### **Appeal**

**32(1)** A member who has been found guilty by the discipline committee pursuant to section 26 or who has been expelled pursuant to section 29 may appeal the decision or any order of the discipline committee within 30 days of the decision or order to a judge of the court by serving the executive director with a copy of the notice of appeal and filing it with a local registrar of Her Majesty's Court of Queen's Bench for Saskatchewan.

- (2) On receipt of a notice of appeal, the executive director shall file with the local registrar a true copy of:
- (a) the formal complaint and notice served pursuant to subsection 26(1) or the report of the professional conduct committee pursuant to section 29;
  - (b) the transcript of the evidence presented to the discipline committee; and
  - (c) the decision and order of the discipline committee.

(3) The appellant or the appellant's solicitor or agent may obtain from the executive director a copy of the documents filed pursuant to subsection (2) on payment of the costs of producing them.

1990-91, c.S-56.2, s.32.

#### **Powers of judge**

**33** In hearing an appeal pursuant to section 32, the judge shall:

- (a) dismiss the appeal;
- (b) quash the finding of guilty;
- (c) direct a new hearing or further inquiries by the discipline committee;
- (d) vary the order of the discipline committee; or
- (e) substitute his or her own decision for the decision of the discipline committee;

and may make any order as to costs that the judge considers appropriate.

1990-91, c.S-56.2, s.33.

## SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

c. S-56.2

### **Effect of appeal**

**34** The commencement of an appeal pursuant to section 32 does not stay the effect of a decision or order of the discipline committee, but, on five days' notice to the executive director, the appellant may apply to the court for a stay of proceedings pending the disposition of the appeal.

1990-91, c.S-56.2, s.34.

### **Effect of expulsion**

**35** Where a member is expelled or suspended from the association pursuant to this Act, that member's rights and privileges as a member are removed for the period during which he or she is expelled or suspended.

1990-91, c.S-56.2, s.35.

### **Reinstatement**

**36(1)** A person who has been expelled as a member may apply to the council for reinstatement.

(2) Subject to the bylaws, on receipt of an application pursuant to subsection (1), the council shall:

- (a) review the application; and
- (b) investigate the application by taking any steps it considers necessary.

(3) On the completion of its investigation, the council may:

- (a) where it is satisfied that the person's subsequent conduct and any other facts warrant reinstatement, order that the person be reinstated as a member on any terms and conditions that the council considers appropriate; or
- (b) by order, refuse to reinstate the person.

(4) A decision of the majority of the members of the council is a decision of the council.

(5) Where, on an application pursuant to subsection (1), the council refuses to reinstate the person as a member, the applicant, within 30 days after the date of the order, may appeal the order of the council to a judge of the court and the judge may allow or disallow the appeal.

(6) On an appeal pursuant to subsection (5), the judge shall consider:

- (a) the proceedings before the council on the application for reinstatement;
- (b) the past record of the appellant as shown by the books and records of the association; and
- (c) the evidence taken before the council and any committee which dealt with the expulsion and application for reinstatement and the report of that committee.

(7) A person whose application for reinstatement is refused or whose appeal of a refusal is dismissed may make another application for reinstatement, based on new information, at any time.

1990-91, c.S-56.2, s.36.

## SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

### c. S-56.2

#### GENERAL

##### **No action against committees or members**

**37** No action lies or shall be instituted against:

- (a) members of the council;
- (b) the discipline committee;
- (c) the professional conduct committee;
- (d) any member of any committee; or
- (e) any officer, employee or agent;

of the association for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise of or supposed exercise of any power conferred by this Act or the bylaws or in the carrying out or supposed carrying out of any decision or order made pursuant to this Act or the bylaws or any duty imposed by this Act or the bylaws.

1990-91, c.S-56.2, s.37.

**38 Repealed.** 2004, c.L-16.1, s.80.

##### **Offence and penalty**

**39** Every person who contravenes section 22 is guilty of an offence and liable on summary conviction to a fine of:

- (a) in the case of a first offence, not more than \$2,000;
- (b) in the case of a second offence, not more than \$4,000; and
- (c) for each subsequent offence, not more than \$6,000 or to imprisonment for a term of not more than six months, or to both a fine and imprisonment.

1990-91, c.S-56.2, s.39.

##### **Limitation of prosecution**

**40** No prosecution for a contravention of section 22 is to be commenced:

- (a) after the expiration of two years from the date of the alleged offence; and
- (b) without the consent of the Minister of Justice or the council.

1990-91, c.S-56.2, s.40.

##### **Termination of employment of member, report of**

**41** Any employer who terminates for cause the employment of a practicing member shall report the termination to the association where the employer reasonably believes the cause is professional incompetence or professional misconduct.

1990-91, c.S-56.2, s.41.

**Review by Legislative Assembly**

**42(1)** One copy of all bylaws and amendments filed pursuant to section 14 or 16 with the Department of Justice is to be laid before the Legislative Assembly by the Minister of Justice in accordance with *The Tabling of Documents Act*.

(2) Where any 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 ceases to have any effect and is deemed to have been revoked.

1990-91, c.S-56.2, s.42; 2002, c.24, s.10.

**Record of revocation and notification**

**43(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 Minister of Justice and at the same time advise him or her that the copies are forwarded pursuant to this subsection.

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

1990-91, c.S-56.2, s.43; 2002, c.24, s.11.

**Other Acts not to prohibit practice**

**44** No provision of any other Act shall be construed as preventing a member from practising as a speech-language pathologist or audiologist for gain or reward.

1990-91, c.S-56.2, s.44.

**Annual register**

**44.1** On or before February 1 in each year, the association shall file with the Minister of Justice a list, certified by the registrar to be a true list, showing:

- (a) the names of all members 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 association; and
- (c) the respective dates of admission of the members mentioned in clause (a).

2002, c.24, s.12.

**Annual report**

**44.2** The association shall file an annual report with the minister in the form, with the contents and in the time prescribed by the minister.

2002, c.24, s.12.

## SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

### c. S-56.2

#### **Compliance**

**45** Every member shall comply with this Act and the bylaws.

1990-91, c.S-56.2, s.45.

#### **Service of notices, etc.**

**46(1)** Any notice or other document that is required to be served pursuant to this Act may, unless otherwise provided for in this Act, be served by:

(a) personal service made:

(i) in the case of an individual, on that individual;

(ii) in the case of a partnership, on any partner; or

(iii) in the case of a corporation, on any officer or director;

(b) registered mail addressed to the last business or residential address of the person to be served known to the registrar.

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

1990-91, c.S-56.2, s.46.