

# *The Registered Nurses Act, 1988*

*being*

Chapter R-12.2 of the *Statutes of Saskatchewan, 1988-89* (effective September 15, 1988) as amended by the *Statutes of Saskatchewan, 1989-90, c.15; 1991, c.T-1.1; 1993, c.37; 2001, c.37; 2003, c.10; 2009, c.T-23.01; 2010, c.B-12, and c.19 and c.20; 2014, c.E-13.1; and 2015, c.21.*

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER R-12.2

### An Act respecting Registered Nurses

#### SHORT TITLE AND INTERPRETATION

##### Short title

1 This Act may be cited as *The Registered Nurses Act, 1988*.

##### Interpretation

2 In this Act:

- (a) **“association”** means The Saskatchewan Registered Nurses’ Association continued pursuant to section 3;
- (b) **“bylaws”** means the valid and subsisting bylaws of the association approved pursuant to section 14;
- (c) **“client”** means the person or group of persons to whom nursing activities are directed;
- (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) **“graduate nurse”** means a person who is registered pursuant to section 20 and whose registration has not been suspended or expelled;
- (h) **“member”** means a member of the association who is in good standing;
- (i) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (j) **“nurse”** means a graduate nurse or a registered nurse;
- (k) **“practice of registered nursing”** means the performance or co-ordination of health care services including but not limited to:
  - (i) observing and assessing the health status of clients and planning, implementing and evaluating nursing care; and
  - (ii) the counselling, teaching, supervision, administration and research that is required to implement or complement health care services;

for the purpose of promoting, maintaining or restoring health, preventing illness and alleviating suffering where the performance or co-ordination of those services requires:

- (iii) the knowledge, skill or judgment of a person who qualifies for registration pursuant to section 19 or 20;
  - (iv) specialized knowledge of nursing theory other than that mentioned in subclause (iii);
  - (v) skill or judgment acquired through nursing practice other than that mentioned in subclause (iii); or
  - (vi) other knowledge of biological, physical, behavioural, psychological and sociological sciences that is relevant to the knowledge, skill or judgment described in subclause (iii), (iv) or (v);
- (l) **“practising member”** means a registered nurse who qualifies as a practising member in accordance with the bylaws;
  - (m) **“register”** means the register kept pursuant to section 18;
  - (n) **“registered nurse”** means a person who is registered pursuant to section 19 and whose registration is not suspended or who is not expelled;
  - (o) **“registrar”** means:
    - (i) the registrar appointed pursuant to section 12;
    - (ii) in the absence of an appointment, the executive director.

1988-89, c.R-12.2, s.2; 1989-90, c.15, s.3; 2001, c.37, s.3.

## ASSOCIATION

### Association continued

- 3** The Saskatchewan Registered Nurses' Association is continued as a corporation.

1988-89, c.R-12.2, s.3.

### Membership

- 4** The membership of the association consists of:

- (a) those persons who are members of the association in good standing on the day before this Act comes into force; and
- (b) those persons who are admitted as members of the association pursuant to this Act and the bylaws.

1988-89, c.R-12.2, 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, 2009* and may sell or otherwise dispose of those investments and may reinvest the proceeds in similar investments.

1988-89, c.R-12.2, s.5; 2009, c.T-23.01, s.64.

**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 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 at least 250 members;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.

1988-89, c.R-12.2, s.6.

**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 council members determined in the bylaws, which shall not be less than nine, elected by the practising members in accordance with this Act and the bylaws; and
  - (b) the persons appointed pursuant to section 8.
- (3) The executive director of the association is a non-voting member of the council.

**c. R-12.2****REGISTERED NURSES, 1988**

- (4) For the purposes of clause (2)(a), no member is eligible to be elected as a member of the council unless the member is a registered nurse who:
- (a) practises in Saskatchewan; or
  - (b) resides in Saskatchewan.
- (5) Members of the council are entitled to remuneration and reimbursement for expenses in the amount determined in the bylaws.
- (6) Each member of the council mentioned in clause (2)(a) holds office for the term determined in the bylaws or until the member's successor is elected.

1988-89, c.R-12.2, s.7.

**Certain appointments**

- 8(1) The Lieutenant Governor in Council may appoint not more than three persons who are residents of 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) The minister shall remunerate and reimburse for expenses the members of the council appointed pursuant to this section at the rate determined by the Lieutenant Governor in Council.

1988-89, c.R-12.2, s.8; 2001, c.37, s.4; 2003, c.10, s.3.

**Resignation**

- 9(1) A member of the council may resign by giving written notice of the member's resignation to the council.
- (2) The resignation of a member of the council pursuant to subsection (1) is effective:
- (a) on the date stated in the written notice; or
  - (b) if no date is stated in the written notice, the date the written notice is received by the council.

1988-89, c.R-12.2, 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; and
- (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.

1988-89, c.R-12.2, 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.

1988-89, c.R-12.2, s.11.

**Employees**

**12(1)** The council shall appoint a registered nurse as executive director.

(2) The executive director may:

- (a) appoint a registered nurse as a registrar; and
- (b) engage any employees that the council considers necessary to carry out the duties and functions of the association.

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

1988-89, c.R-12.2, s.12.

**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 section (1);
- any of its powers or duties, other than those set out in section 34, on those terms or conditions that the council may determine.
- (5) Subject to subsections 27(1) and 29(1), a member of a committee appointed pursuant to subsection (1) may be a person who is not a nurse.
- (6) Subject to this Act and the bylaws, a committee may establish its own procedures.

1988-89, c.R-12.2, s.13.

## BYLAWS

### Procedure

- 14(1) The council may, with the approval of not less than three quarters of its members, pass bylaws for any purpose set out in section 15.
- (2) A bylaw made by the council pursuant to subsection (1) has force and effect only until the next annual or special meeting of the association and, unless confirmed or varied by the practising members in accordance with subsection (3), ceases to have any force or effect.
- (3) With the approval of a two-thirds majority of those practising members who vote at an annual or special meeting, the association may:
- (a) make bylaws for any purpose set out in section 15; and
  - (b) confirm, vary or revoke any bylaw made by the council pursuant to subsection (1).
- (4) The variation or revocation of a bylaw pursuant to subsection (3) does not affect the operation or application of the bylaw prior to its revocation or variation, and everything done, omitted to be done or authorized pursuant to the bylaw is valid and effectual against all persons notwithstanding the revocation or variation.
- (5) The executive director shall notify each practising member, by ordinary mail, of each bylaw:
- (a) passed pursuant to subsection (1) or (3); or
  - (b) confirmed, varied or revoked pursuant to subsection (3);
- within 150 days of its passage, confirmation, variation or revocation, as the case may be.



- (6) Failure to comply with subsection (5) does not invalidate a bylaw.
- (7) 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.
- (8) As between members, the ruling of the council on the construction and interpretation of the bylaws is final.

1988-89, c.R-12.2, s.14.

#### **Bylaws**

**15(1)** Subject to this Act, bylaws made pursuant to section 14 may be made 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 members of the council;
- (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) respecting the granting of membership;
- (m) prescribing the amounts of registration, licensing and other fees payable to the association, the times of payment and the penalties for late payment;
- (n) providing for the receipt, management and investment of contributions, donations or bequests from nurses or other persons;

- (o) establishing and governing scholarships, bursaries and prizes;
  - (p) regulating joint participation by:
    - (i) the association;
    - (ii) the council;
    - (iii) nurses; or
    - (iv) any person, group, association, organization or body corporate having goals or objects similar to those of the association;
  - (q) establishing any committees that the council considers necessary and prescribing the manner of election or appointment of members to those committees;
  - (r) prescribing the remuneration payable to members of committees.
- (2) Subject to this Act, bylaws made pursuant to section 14 may be made for the following purposes:
- (a) prescribing the qualifications, standards and tests of competency and good character for the registration of persons as members and the issuing of licences;
  - (b) prescribing:
    - (i) the procedures governing registration of persons as members;
    - (ii) the procedures governing the issuing of licences;
    - (iii) the conditions or restrictions that may be included in licences;
  - (c) providing for a code of professional ethics;
  - (d) setting standards of professional conduct, competency and proficiency of nurses;
  - (e) setting standards regarding the manner and method of the practice of registered nursing;
  - (e.1) establishing and governing a program for the purpose of reviewing and improving the quality of nursing care provided by members and requiring the participation of members in the program;
  - (f) establishing categories of practice and prescribing the requirements for admission to each of those categories and the practising rights and privileges associated with each category;
    - (f.1) governing the prescribing and dispensing of drugs by a registered nurse;
    - (f.2) designating screening and diagnostic tests that a registered nurse may order, perform, receive or interpret and prescribing conditions or restrictions on the ordering, performing, receiving or interpreting of those tests;

(f.3) designating minor surgical and invasive procedures that a registered nurse may perform and prescribing conditions or restrictions on the performing of those procedures;

(g) prescribing procedures for:

- (i) the investigation by the investigation committee of reports; and
- (ii) hearings by the discipline committee of complaints;

alleging that a nurse is guilty of professional misconduct or professional incompetence;

(h) governing the reinstatement of a nurse who has been expelled;

(i) prescribing qualifications for admission to practising membership;

(j) establishing categories of membership in the association and prescribing the rights and privileges of each category;

(k) prescribing the circumstances under which nurses are required to attend re-entry education programs and courses and approving programs and courses for that purpose;

(l) governing the approval of registered nursing education programs for purposes of registration pursuant to this Act and prescribing terms and conditions for initial or continued approval of those programs;

(m) governing examinations to be held for the purposes of section 19;

(n) governing persons who practise under temporary licences issued for the purposes of section 20;

(o) prescribing the minimum amount of liability protection that nurses or a category of nurses are required to obtain;

(p) generally, for the better carrying out of this Act.

1988-89, c.R-12.2, s.15; 2001, c.37, s.5; 2003,  
c.10, s.4.

**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 bylaws made for the purposes of subsection 15(2); and
- (b) any amendment to a bylaw described in clause (a), together with two copies of the bylaw to which the amendment relates.

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

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

(4) Within 30 days after making a bylaw pursuant to subsection 15(1) or an amendment to a bylaw pursuant to subsection 15(1), the council shall file with the Director of Corporations two copies, certified by the executive director to be true copies, of the bylaw or amendment.

(5) Where a bylaw pursuant to subsection 15(1) or an amendment to a bylaw pursuant to subsection 15(1) is not filed within the 30-day period mentioned in subsection (4), the bylaw or amendment is deemed to be revoked on the expiration of the period.

1988-89, c.R-12.2, s.16; 1991, c.T-1.1, s.42; 2003, c.10, s.5; 2010, B-12, s.58.

## MEMBERSHIP, LICENCES AND REGISTRATION

### Admission, licences

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

(2) The council may grant licences to nurses.

1988-89, c.R-12.2, s.17.

### Register

**18(1)** The council shall, in accordance with the bylaws, cause a register of all nurses to be kept.

(2) 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.

(3) A copy of the register or an extract from the register that is certified by the registrar is admissible in evidence as prima facie proof of its contents and that the nurses specified in it are nurses:

- (a) in good standing; or
- (b) suspended;

at the date of the certification, without proof of the signature or appointment of the registrar.

(4) The absence of the name of a person in a copy of the register or an indication that the person is suspended as a nurse is prima facie proof that the person is not a nurse or is suspended, as the case may be.

1988-89, c.R-12.2, s.18.

**Registered nurse**

**19(1)** The council may register as a registered nurse and issue a licence to practise registered nursing to a person who produces evidence establishing to the satisfaction of the council that the person:

- (a) either:
  - (i) has:
    - (A) successfully completed a basic registered nursing education program given:
      - (I) in Saskatchewan and approved by the council; or
      - (II) outside Saskatchewan and recognized by the council as being equivalent to a Saskatchewan registered nursing education program approved by the council; and
    - (B) passed examinations:
      - (I) prescribed and conducted pursuant to the bylaws; or
      - (II) recognized by the council as being equivalent to examinations mentioned in subclause (i); or
  - (ii) is registered as the equivalent of a registered nurse in good standing pursuant to the legislation of another jurisdiction in Canada, or the legislation of a jurisdiction outside of Canada that is recognized by the council;
- (b) is of good character; and
- (c) has complied with the bylaws with respect to registration.

(2) **Repealed.** 2010, c.19, s.32.

(3) **Repealed.** 2010, c.19, s.32.

(4) The council may, in accordance with the bylaws, place conditions or restrictions on a licence issued pursuant to this section.

1988-89, c.R-12.2, s.19; 2001, c.37, s.6; 2010, c.19, s.32.

**Graduate nurse**

**20(1)** The council may register as a graduate nurse and issue a temporary licence to practise registered nursing to a person who is of good character and has complied with the bylaws with respect to registration but:

- (a) does not fully meet the requirements set out in paragraph 19(1)(a)(i)(B); or
- (b) in the case of a person who has completed a basic registered nursing education program given outside Saskatchewan, does not fully meet the requirements set out in subparagraph 19(1)(a)(i)(A)(II) or subclause 19(1)(a)(ii).

(2) A person practising registered nursing under a temporary licence shall comply with the bylaws governing those who practise under temporary licences.

(3) The council may, in accordance with the bylaws, place conditions or restrictions on a licence issued pursuant to this section.

1988-89, c.R-12.2, s.20; 2001, c.37, s.7.

**Delegation and appeal**

**21(1)** The council may delegate to the registrar the power to:

- (a) admit persons as members;
- (b) register persons as nurses;
- (c) grant licences to nurses;
- (c.1) place conditions or restrictions on licences; or
- (d) all or any combination of the things mentioned in clauses (a) to (c.1);

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 appeal to the council from the decision of the registrar.

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

- (a) grant the appeal and direct the registrar to exercise the power in a manner that the council considers appropriate; or
- (b) dismiss the appeal.

(5) The council shall cause the applicant to be informed in writing of its decision.

1988-89, c.R-12.2, s.21; 2001, c.37, s.8.

**Compliance**

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

1988-89, c.R-12.2, s.22.

**PROHIBITION****Title**

**23(1)** Subject to subsection (2), no person other than a nurse shall use the title "nurse" where a client is, or may reasonably be expected to be, led to believe that the person is a nurse.

(2) Subsection (1) does not apply to a psychiatric nurse registered pursuant to *The Psychiatric Nurses Act* and whose registration is in good standing.

(3) No person other than a registered nurse shall use the title “Registered Nurse”, the abbreviation “Reg. N.” or “R.N.” or any word, title or designation, abbreviated or otherwise, to imply that the person is a registered nurse.

(4) No person other than a graduate nurse shall use the title “Graduate Nurse”, the abbreviation “G.N.” or any word, title or designation, abbreviated or otherwise, to imply that the person is a graduate nurse.

1988-89, c.R-12.2, s.23.

**Practice**

**24(1)** No person, other than a nurse, shall engage, with or without hope of reward, in the practice of registered nursing.

(2) Subsection (1) does not apply to:

(a) the provision of services by nursing students enrolled in a registered nursing education program where the services are provided under the supervision of a registered nurse as part of that program;

(b) any person who practises the profession, trade or calling that they are licensed or authorized to practise pursuant to any other Act;

(c) a person providing auxiliary nursing services;

(d) a person providing first aid; and

(e) the performance of a specific service on behalf of a client in that client’s residence by a person who is not a nurse where the service:

(i) is performed under the direction of a duly qualified medical practitioner, a nurse or a psychiatric nurse described in subsection 23(2); and

(ii) can be safely performed by that person.

(3) Subject to any conditions or restrictions on the nurse’s licence, a registered nurse who meets the requirements set out in the bylaws may, in accordance with the bylaws:

(a) order, perform, receive and interpret reports of screening and diagnostic tests that are designated in the bylaws;

(b) prescribe and dispense drugs in accordance with the bylaws;

(c) perform minor surgical and invasive procedures that are designated in the bylaws;

(d) diagnose and treat common medical disorders.

1988-89, c.R-12.2, s.24; 2001, c.37, s.9.

## DISCIPLINE

**Interpretation re discipline provisions**

**24.1(1)** In sections 24.2 to 38, “**nurse**” includes a former nurse.

(2) In this section and section 24.2, “**former nurse**” means a nurse whose registration has been suspended or expelled.

2010, c.20, s.48.

**Proceedings against former nurses**

**24.2(1)** No proceedings conducted pursuant to this Act shall be commenced against a former nurse more than two years after the day he or she became a former nurse.

(2) For the purposes of this section, a proceeding is commenced when the investigation committee, pursuant to subsection 28(1), is in receipt of a report, in writing, of any person alleging that a nurse is guilty of professional incompetence or professional misconduct.

2010, c.20, s.48.

**Professional incompetence**

**25** For the purposes of this Act, professional incompetence is a question of fact, but the display by a nurse in the professional care of a client of a lack of knowledge, skill or judgment or a disregard for the welfare of a client of a nature or to an extent that demonstrates that the nurse is unfit:

- (a) to continue in the practice of registered nursing; or
- (b) to provide one or more services ordinarily provided as part of the practice of registered nursing;

is professional incompetence within the meaning of this Act.

1988-89, c.R-12.2, s.25; 2001, c.37, s.10.

**Professional misconduct**

**26(1)** For the purpose of this Act, professional misconduct is a question of fact but any matter, conduct or thing, whether or not disgraceful or dishonourable, that is contrary to the best interests of the public or nurses or tends to harm the standing of the profession of nursing is professional misconduct within the meaning of this Act.

(2) Without restricting the generality of subsection (1), the discipline committee may find a nurse guilty of professional misconduct if the nurse has:

- (a) abused a client verbally or physically;
- (b) misappropriated a client’s personal property;
- (c) inappropriately used the nurse’s professional status for personal gain;



- (d) influenced a client to change the client's last will and testament;
- (e) wrongfully abandoned a client;
- (f) misappropriated drugs;
- (g) misappropriated property belonging to a nurse's employer;
- (h) failed to exercise discretion with respect to the disclosure of confidential information about a client;
- (i) falsified a record with respect to the observation, rehabilitation or treatment of a client;
- (j) failed to inform an employer of the nurse of the nurse's inability to accept specific responsibility in areas where special training is required or where the nurse does not feel competent to function without supervision;
- (k) failed to report the incompetence of colleagues whose actions endanger the safety of a client;
- (l) failed to comply with the code of ethics of the association;
- (m) failed without reasonable cause to respond to inquiries from the association regarding alleged professional misconduct or professional incompetence;
- (n) an addiction to the excessive or habitual use of intoxicating liquor, opiates, narcotics or other habit forming substances;
- (o) conspired to do any professional misconduct or counselled a person to do any professional misconduct;
- (p) obtained registration by misrepresentation or fraud;
- (q) contravened any provision of this Act or the bylaws.

1988-89, c.R-12.2, s.26; 1993, c.37, s.3.

#### **Investigation committee**

**27(1)** The investigation committee is established consisting of at least three registered nurses appointed by the council.

(2) No member of council and no member of the discipline committee is eligible to be appointed as a member of the investigation committee.

(3) Three members of the investigation committee constitute a quorum.

1988-89, c.R-12.2, s.27.

#### **Investigation**

**28(1)** On the report, in writing, of any person alleging that a nurse is guilty of professional incompetence or professional misconduct, the investigation committee shall review the report for the purpose of deciding whether the discipline committee should hear and determine a complaint with respect to the matter disclosed in the report.

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- (2) The investigation committee may investigate the report by taking any steps it considers necessary.
- (3) The investigation committee shall make a written report to the discipline committee recommending that:
- (a) the discipline committee hear and determine the complaint set out in the written report; or
  - (b) no further action be taken with respect to the matter under investigation.
- (4) A complaint set out in a written report made pursuant to clause (3)(a) may relate to any matter disclosed in the report mentioned in subsection (1) or in the investigation conducted by the investigation committee pursuant to subsection (2).
- (5) A decision of the majority of the investigation committee is a decision of the committee.
- (6) A copy of a written report pursuant to subsection (3) recommending no further action shall be provided to:
- (a) the council;
  - (b) the person, if any, who made the report mentioned in subsection (1); and
  - (c) the nurse who is the subject of the report mentioned in subsection (1).
- (7) Subject to clause 38(6)(c), no statement or evidence given by the nurse whose conduct is the subject of the report to the investigation committee is to be used in evidence in any proceeding other than the investigation by that committee, except at the instance of the nurse who is the subject of the proceeding.

1988-89, c.R-12.2, s.28.

**Discipline committee**

- 29(1)** The discipline committee is established consisting of at least three persons appointed by the council, a majority of whom shall be registered nurses.
- (2) No member of council and no member of the investigation committee is eligible to be appointed as a member of the discipline committee.
- (3) No member of the discipline committee who was a member of the investigation committee which investigated a complaint against a nurse shall participate in a hearing of that complaint by the discipline committee.
- (4) A majority of the discipline committee constitutes a quorum.

1988-89, c.R-12.2, s.29.

**Discipline hearing**

**30(1)** Where a report of the investigation committee recommends pursuant to section 28 that the discipline committee hear and determine a complaint, the executive director shall, at least 30 days prior to the date the discipline committee is to sit:

- (a) send a copy of the complaint contained in a written report prepared pursuant to subsection 28(3) to the nurse who is the subject of the complaint; and
  - (b) notify the nurse mentioned in clause (a) of the date, time and place of the hearing.
- (2) The investigation committee shall submit to the discipline committee evidence respecting the complaint, but its members shall not participate in any other manner in the hearing of the complaint, except as witnesses when required.
  - (3) The discipline committee shall hear the complaint and shall decide whether or not the nurse is guilty of professional incompetence or professional misconduct, and the discipline committee need not refer any 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 nurse who is the subject of the complaint may at that nurse's own expense be represented by counsel or an agent.
  - (6) The testimony of witnesses is to be under oath administered by the chairperson of the committee.
  - (7) At a hearing by the discipline committee, there is to be full right to examine, cross-examine and re-examine all witnesses and full right to adduce evidence in defence and reply.
  - (8) On the application of the nurse who is the subject of the complaint or a member of the discipline committee, the local registrar of the court at any judicial centre shall, on payment of the appropriate fees, issue writs of subpoena and, where that writ is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.
  - (9) Where the nurse who is the subject of the complaint fails to attend the hearing, the discipline committee may, on proof of service of the notice mentioned in subsection (1), proceed with the hearing in the absence of the nurse.
  - (10) The discipline committee may, either in the absence of the nurse who is the subject of the complaint or with the nurse's consent, accept evidence on affidavit.
  - (11) A decision of the majority of the discipline committee is a decision of the committee.

(12) If, during the course of a hearing, the evidence shows that the nurse who is the subject of the complaint may be guilty of a charge different from or in addition to any charge specified in the complaint, the discipline committee shall:

- (a) notify the nurse of that fact; and
- (b) if the discipline committee proposes to amend, add to or substitute the charge in the complaint and unless the nurse otherwise consents, adjourn the hearing for any period that the discipline committee considers sufficient to give the nurse an opportunity to prepare a defence to the amended complaint.

1988-89, c.R-12.2, s.30; 2015, c.21, s.64.

#### **Disciplinary powers**

**31(1)** Where the discipline committee finds a nurse guilty of professional incompetence or professional misconduct, it may:

- (a) order that the nurse be expelled from the association and that the nurse's name be struck from the register;
- (b) order that the nurse be suspended from the association for a specified period;
- (c) order that the nurse may continue to practise only under conditions specified in the order which may include, but are not restricted to, an order that the nurse:
  - (i) not do specified types of work;
  - (ii) successfully complete specified classes or courses of instruction;
  - (iii) obtain treatment, counselling or both;
- (d) reprimand the nurse; or
- (e) make 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 nurse pay to the association within a fixed period:
  - (i) a fine in a specified amount;
  - (ii) the costs of the inquiry and hearing into the nurse's conduct and related costs, including the expenses of the investigation committee and the discipline committee; or
  - (iii) both of the things mentioned in subclauses (i) and (ii); and
- (b) where a nurse fails to make payment in accordance with an order pursuant to clause (a), that the nurse 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 nurse who is the subject of the report and to the person, if any, who made the report.

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

1988-89, c.R-12.2, s.31; 1989-90, c.15, s.3.

#### **Criminal charge**

**32(1)** Subject to subsection (2), where a criminal charge is laid against a nurse, all related disciplinary proceedings against the member are stayed pending the disposition of the charge.

(2) On application of the council, a judge of the court may direct that a nurse who is charged with a criminal offence be suspended pending the disposition of the criminal charges.

1988-89, c.R-12.2, s.32.

#### **Conviction for indictable offence**

**33** A nurse who has been convicted of an indictable offence under the *Criminal Code*, as amended from time to time, the *Food and Drug Act (Canada)*, as amended from time to time, or the *Narcotic Control Act (Canada)*, as amended from time to time, may be expelled from the association without further inquiry by resolution of the discipline committee, if that committee finds that the conduct of the nurse giving rise to the conviction makes the nurse unfit to continue to practise registered nursing.

1988-89, c.R-12.2, s.33; 2001, c.37, s.11.

#### **Appeal**

**34(1)** A nurse who has been found guilty by the discipline committee or who has been expelled pursuant to section 33 may appeal the decision or any order of the discipline committee within 30 days of the decision or order to:

(a) the council by serving the executive director with a copy of the notice of appeal; or

(b) 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 the court.

(2) An appellant shall set out the grounds of appeal in a notice of appeal mentioned in subsection (1).

(3) On receipt of an appeal, the executive director shall file with the council or the local registrar, as the case may be, a true copy of:

(a) the notice of hearing;

(b) the transcript of the evidence presented to the discipline committee; and

(c) the decision and order of the discipline committee.

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

(5) In hearing an appeal, the council or the judge, as the case may be, 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 its own decision for the decision of the discipline committee;

and may make any order as to costs that it or he considers appropriate.

(6) A decision of the majority of the council pursuant to subsection (5) is a decision of the council.

1988-89, c.R-12.2, s.34; 1989-90, c.15, s.3.

**Appeal to the court**

**35** A nurse who is the subject of a decision or an order of the council pursuant to section 34 may appeal that decision or order to a judge of the court within 30 days of the decision or order of the council and section 34 applies mutatis mutandis.

1988-89, c.R-12.2, s.35.

**Effect of appeal**

**36** Notwithstanding the commencement of an appeal pursuant to section 34 or 35, the order or decision of the discipline committee or the council, as the case may be, remains effective pending the disposition of the appeal, unless otherwise ordered by a judge of the court.

1988-89, c.R-12.2, s.36; 1989-90, c.15, s.4.

**Appeal**

**36.1** A nurse who makes an appeal pursuant to section 35 or the association may appeal a decision of the court on a point of law to The Court of Appeal for Saskatchewan within 30 days of the decision.

1993, c.37, s.4.

**Effect of expulsion**

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

1988-89, c.R-12.2, s.37.

**Reinstatement**

- 38(1)** A person who has been expelled as a nurse 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 nurse on any terms and conditions that the council considers appropriate; or
  - (b) 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 nurse, the applicant may, within 30 days after the date of the order, appeal the order of 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;
  - (c) the evidence taken before the council and any committee which dealt with the matter and the report of the committee.

1988-89, c.R-12.2, s.38.

**CONTINUING COMPETENCE PROGRAM****Continuing competence program**

- 38.1(1)** In this section:
- (a) **“continuing competence program”** means the program of the association established pursuant to the bylaws for the purpose of reviewing and improving the quality of nursing care provided by members;
  - (b) **“legal proceeding”** means any civil proceeding or inquiry in which evidence is or may be given, and includes a proceeding for the imposition of punishment by way of fine, penalty or imprisonment to enforce an Act or regulation made pursuant to an Act.
- (2) Any information related to a member's participation in the continuing competence program is confidential, and any person who has access to, or comes into possession of, information related to a member's participation in the continuing competence program shall not publish, release or disclose the information in any manner except to the extent that is necessary for the operation of the continuing competence program in accordance with the bylaws.

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- (3) No person is compellable to give evidence in a legal proceeding with respect to any member's participation in the continuing competence program or any information or evidence provided in any proceedings held pursuant to the continuing competence program.
- (4) No person is compellable in a legal proceeding to produce:
- (a) any record of a proceeding held pursuant to the continuing competence program;
  - (b) any record, document or information prepared from, or statement given at, a proceeding held pursuant to the continuing competence program; or
  - (c) any record, document or information related to a member's participation in the continuing competence program.
- (5) Subsections (3) and (4) do not apply to:
- (a) any record, document or information with respect to patients that is kept by:
    - (i) a member or a professional corporation;
    - (ii) a regional health authority or affiliate, as defined in *The Regional Health Services Act*; or
    - (iii) any other person who operates a health care facility or provides a health service; or
  - (b) any other record, document or information that has been prepared or kept for a purpose unrelated to the continuing competence program.

2003, c.10, s.6.

## GENERAL

**No action against committees****39** No action lies against:

- (a) the council;
- (b) any committee established by this Act, the bylaws or the council;
- (c) a member of the council or a committee mentioned in clause (b); or
- (d) an officer or employee of the council or the association;

for any proceedings taken in good faith or orders made or enforced pursuant to the provisions of this Act or the bylaws.

1988-89, c.R-12.2, s.39.

**40 Repealed.** 2001, c.37, s.12.



**Liability protection**

41(1) The council may, on behalf of the association, enter into any agreement for liability protection whereby any:

- (a) nurse; or
- (b) category of nurses;

is protected with respect to claims for damages arising out of the errors, omissions or negligence of the nurse or category of nurses in rendering services in the practice of registered nursing, and the association is deemed to be the agent of the nurse or category of nurses for the purpose of entering into that contract.

(2) Every nurse shall obtain and maintain the minimum amount of liability protection that is prescribed in the bylaws.

1988-89, c.R-12.2, s.41; 2001, c.37, s.13.

**Offence**

42(1) Every person who contravenes section 23 or 24 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 \$1,000; and
- (b) in the case of a second or subsequent offence, not more than \$2,000.

(2) No prosecution for an offence pursuant to this section 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.

(3) In a prosecution for an offence pursuant to this section, a certificate of the registrar mentioned in section 18 is, in the absence of evidence to the contrary, proof that the accused was not entitled to engage in the practice of registered nursing.

1988-89, c.R-12.2, s.42; 2001, c.37, s.14.

**Employer responsibility**

43(1) No person shall knowingly employ or continue to employ a person who is not a registered nurse or a graduate nurse to perform the practice of registered nursing.

(2) Every employer shall annually review the registration status under this Act of all nurses employed by the employer.

(3) Any employer who terminates the employment of a nurse on the grounds of alleged professional incompetence or professional misconduct shall report in writing to the association:

- (a) the termination of the nurse; and
- (b) the grounds of the alleged professional incompetence or professional misconduct.

1988-89, c.R-12.2, s.43; 2001, c.37, s.15.

**Review by Assembly**

44(1) One copy of each bylaw and amendment filed pursuant to section 16 is to be laid before the Assembly by the minister responsible for the administration of *The Business Corporations Act* in accordance with section 13 of *The Executive Government Administration Act*.

(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.

1991, c.T-1.1, s.42; 2010, B-12, s.58; 2014, c.E-13.1, s.62.

**Record or revocation and notification**

45(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 Director of Corporations and at the same time advise him that the copies are forwarded pursuant to this subsection.

(2) On receipt of copies mentioned in subsection (1), the Director of Corporations 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.

1988-89, c.R-12.2, s.45; 1991, c.T-1.1, s.42; 2010, B-12, s.58.

**Acting for gain**

46 No provision of any other Act shall be construed as preventing a nurse from practising as a nurse for gain or reward.

1988-89, c.R-12.2, s.46.

**REPEAL****R.S.S. 1978 (Supp.), c.R-12.1 repealed**

47 *The Registered Nurses Act, 1978* is repealed.

1988-89, c.R-12.2, s.47.

**Transitional**

48(1) Persons who are registered as nurses on the day before this Act comes into force with the association pursuant to *The Registered Nurses Act, 1978*, as that Act existed before the coming into force of this Act, and whose registration is in good standing continue as nurses as if registered pursuant to this Act.

(2) All memberships issued pursuant to *The Registered Nurses Act, 1978*, as that Act existed on the day before the coming into force of this Act, and that have not been revoked or suspended, continue in force until they:

- (a) expire; or
- (b) are revoked or suspended pursuant to this Act;

whichever occurs first.

(3) A person who is a member of the council pursuant to *The Registered Nurses Act, 1978*, as that Act existed on the day before the coming into force of this Act, continues as a member of council until:

- (a) members of council are elected or appointed in accordance with this Act; or
- (b) that member of council resigns, dies or is removed in accordance with this Act;

whichever occurs first.

(4) Bylaws of the association:

- (a) made or continued pursuant to *The Registered Nurses Act, 1978*, as that Act existed on the day before the coming into force of this Act; and
- (b) that are subsisting on the day before the coming into force of this Act;

continue in force until amended, varied or revoked pursuant to this Act.

1988-89, c.R-12.2, s.48.

**Coming into force**

49 This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.

1988-89, c.R-12.2, s.49.

