The Chiropractic Act, 1994

being

Chapter C-10.1 of the *Statutes of Saskatchewan, 1994* (effective January 1, 1995) as amended by the *Statutes of Saskatchewan*, 2004, c.L-16.1; 2006, c.19; 2009, c.T-23.01; 2010, c.B-12, c.19 and c.20; 2014, c.E-13.1; 2015, c.17; 2018, c.C-2.111 and c.42; 2020, c.9; 2021, c.6 and c.19; 2023, c.6; and 2024, c.4.

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 C-10.1

An Act respecting Chiropractors

SHORT TITLE AND INTERPRETATION

Title

1 This Act may be cited as *The Chiropractic Act, 1994*.

Interpretation

2 In this Act:

(a) **"administrative bylaw"** means a bylaw made for a purpose set out in subsection 15(1);

(b) **"association"** means The Chiropractors' Association of Saskatchewan continued pursuant to section 3;

(c) **"board"** means the board of the association;

(d) **"bylaws"** means the valid bylaws of the association;

(e) **"chiropractic"** means:

(i) the science and art of treatment, by methods of adjustment, by hand, of one or more of the several articulations of the human body;

(ii) diagnosis, including all diagnostic methods, and spinal analysis; and

(iii) the provision of direction and advice, written or otherwise;

in relation to any ailment, disease, defect or disability of the spinal column or any other part of the human body, where the treatment, diagnosis or provision of direction or advice is taught in a College of Chiropractic accredited by the Council on Chiropractic Education (Canada);

(f) **"court"** means the Court of King's Bench;

(g) **"judge"** means a judge of the court, except where otherwise designated;

(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) **"practising member"** means a member licensed to practise chiropractic in accordance with this Act and the bylaws;

(k) **"prescription drug"** means any drug that cannot be lawfully acquired without a prescription within the meaning of *The Pharmacy and Pharmacy Disciplines Act*;

(l) **"record"** includes any information that is recorded or stored by means of any device, including a computer;

(m) **"register"** means the register kept pursuant to section 18;

(n) **"registrar"** means the registrar elected or appointed pursuant to section 12;

(o) **"regulatory bylaw"** means a bylaw made for a purpose set out in subsection 15(2).

1994, c.C-10.1, s.2; 2015, c.17, s.29; 2024, c4, s.32.

ASSOCIATION

Corporation

3 The Chiropractors' Association of Saskatchewan, continued pursuant to *The Chiropractic Act*, is continued as a corporation.

1994, c.C-10.1, s.3.

Duty and objects of association

3.1(1) It is the duty of the association at all times:

(a) to serve and protect the public; and

(b) to exercise its powers and discharge its responsibilities in the public interest and not in the interests of the members.

(2) The objects of the association are:

(a) to regulate the practice of the profession and to govern the members in accordance with this Act and the bylaws; and

(b) to assure the public of the knowledge, skill, proficiency and competency of members in the practice of the profession.

(3) In furtherance of its duty and objects, the association may:

(a) establish, maintain and enforce standards for registration and of continuing competency and standards of practice for members;

(b) establish, maintain and enforce a code of ethics for members;

(c) approve programs of study and education courses for the purposes of registration requirements;

(d) establish and maintain a continuing competency program to promote high practice standards among members; and

(e) carry out any other regulatory activity that the association determines is consistent with its duty and objects.

2023, c6, s.2-2.

Membership

4 The membership of the association consists of:

(a) those persons who are members of The Chiropractors' Association of Saskatchewan 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.

1994, c.C-10.1, 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:

(a) invest its funds in investments in which trustees are authorized to invest pursuant to *The Trustee Act, 2009*;

(b) sell or otherwise dispose of those investments; and

(c) reinvest the proceeds in similar investments.

1994, c.C-10.1, s.5; 2009, c.T-23.01, s.64.

Meetings

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

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

(a) on a resolution of the board; or

(b) on the written demand of the number of members specified in the bylaws;

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

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

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

1994, c.C-10.1, s.6.

BOARD

Board

7(1) The board shall govern, manage and regulate the affairs and business of the association.

(2) The board consists of:

(a) the number of persons elected or appointed in accordance with the bylaws; and

(b) the persons appointed pursuant to section 8.

(3) Members of the board elected or appointed pursuant to clause (2)(a) are entitled to remuneration and reimbursement for expenses in the amount prescribed in the bylaws.

(4) Each person elected or appointed as a member of the board pursuant to clause (2)(a) holds office:

(a) for the term prescribed in the bylaws; and

(b) until the person's successor is elected or appointed, as the case may be.

2023, c6, s.2-3.

Public appointees

8(1) The Lieutenant Governor in Council may appoint two persons who are residents of Saskatchewan as members of the board.

(2) Subject to subsection (3), a member of the board appointed pursuant to this section holds office for a term not greater than two years and, notwithstanding the expiry of his or her term, continues to hold office until his or her successor is appointed.

(3) A member of the board appointed pursuant to this section ceases to hold office if the person ceases to be a resident of Saskatchewan.

(4) A member of the board appointed pursuant to this section may be reappointed for one additional term.

(5) A member of the board appointed pursuant to this section may exercise rights and serve as a member of committees to the same extent as other members of the board.

(6) The minister shall remunerate and reimburse for expenses all persons appointed pursuant to this section at the rate determined by the Lieutenant Governor in Council.

(7) At least one member of the board appointed pursuant to this section is to be a member of the discipline committee.

(8) The absence or inability to act as a member of the discipline committee by a member of the board appointed pursuant to this section or the failure to appoint a member of the board pursuant to this section does not impair the ability of the other members of the discipline committee to act.

1994, c.C-10.1, s.8.

Resignation

9(1) A member of the board elected or appointed pursuant to clause 7(2)(a) may resign by giving a written notice of resignation to the board.

(2) A member of the board appointed pursuant to section 8 may resign by giving a written notice of resignation to the minister and the board.

(3) The resignation of a member of the board is effective on the date stated on the written notice or, if no date is stated:

(a) in the case of the resignation of a member of the board elected or appointed pursuant to clause 7(2)(a), on the date the written notice is received by the board; or

(b) in the case of the resignation of a member of the board appointed pursuant to section 8, on the date the written notice is received by the minister.

2023, c6, s.2-4.

Vacancy

10(1) When the office of a person elected or appointed as a member of the board pursuant to clause 7(2)(a) becomes vacant, the remaining members of the board may appoint another person to fill the vacancy until the earlier of:

(a) the expiry of the term of office of the person who ceased to be a member of the board; and

(b) the day on which a person is elected or appointed to fill the vacancy in accordance with this Act and the bylaws.

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

(3) If the licence of a member serving as a member of the board is suspended, the member's powers and duties as a member of the board are suspended for the same period.

(4) If a member serving as a member of the board is expelled from the association, the member ceases to be a member of the board on the day the member is expelled.

2023, c6, s.2-4.

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.

1994, c.C-10.1, s.11.

Registrar and other employees

12(1) A registrar is to be appointed or elected in accordance with the bylaws.

(2) The board may engage employees and shall, subject to this Act and the bylaws, determine the duties, responsibilities and remuneration of the employees of the association.

(3) The board may:

(a) engage the services of any consultants or advisers that it considers appropriate to assist the board in carrying out its responsibilities; and

(b) pay any fees and expenses that it considers appropriate to the consultants or advisers that it has engaged pursuant to clause (a).

1994, c.C-10.1, s.12.

Committees

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

(2) The board shall appoint one or more members to any committee that is provided for by this Act or the bylaws.

(3) Committee members are entitled to remuneration and reimbursement for expenses as determined in accordance with the bylaws.

(4) The board may delegate any of its powers or duties, other than the power to make bylaws, on those terms or conditions that the board may determine, to the registrar or to a committee that is:

(a) provided for by this Act or the bylaws; or

(b) established pursuant to subsection (1).

(5) When a power has been delegated, the exercise of that power by the registrar or a committee is deemed to be an exercise of that power by the board.

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

1994, c.C-10.1, s.13.

BYLAWS

Procedures

14(1) The board may make bylaws for any purpose set out in section 15.

(2) The registrar shall notify each member of each bylaw made pursuant to subsection (1) within 60 days after the bylaw is made.

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

(4) Subject to subsection (5), an administrative bylaw comes into force on the date specified in the bylaw, which date shall not be earlier than the date on which the bylaw is passed by the board.

(5) If an administrative bylaw does not specify the date on which it comes into force, the bylaw comes into force on the date on which it is passed by the board.

(6) No regulatory bylaw made by the board comes into force until it is:

(a) approved by the minister pursuant to section 16; and

(b) published in the Gazette.

2023, c6, s.2-5.

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 the 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 terms of office of members of the board, other than persons appointed pursuant to section 8;

(f.1) prescribing the officers of the association and governing the procedure for the appointment, election or removal of those officers;

(g) prescribing the duties of members of the board and officers and employees of the association;

(h) prescribing the remuneration and reimbursement for expenses for members of the board and committees, other than persons appointed pursuant to section 8;

(i) governing the procedures for the election or appointment of members of the board, other than persons appointed pursuant to section 8;

(j) prescribing the organization, powers and procedures of the board and regulating the board in the performance of its duties;

(k) respecting the holding and the procedures of meetings of the board and annual and special meetings of the association;

(l) determining the quorum for the board and any committee constituted pursuant to this Act or the bylaws;

(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 members or other persons;

(o) levying and governing any special assessment that may be required for the efficient and proper operation of the association;

(p) establishing any committees that the board or the association considers necessary and prescribing the terms of office of the members of committees established pursuant to this Act or the bylaws and the duties of the committees;

(q) prescribing the duties and determining the remuneration of employees of the association;

(r) prescribing forms for the purposes of this Act and providing for their use;

(s) providing for membership of the association in national organizations with similar purposes, the payment of an annual assessment for that membership and provision for attendance by representatives of the association at meetings of those national organizations;

(t) prescribing the length of the notice period that members must give to the registrar with respect to a proposed bylaw to come before an annual meeting;

(u) prescribing any other thing that is necessary for the effective administration of the association.

(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) the registration of persons or any category of persons as members; and

(ii) the issuing of licences;

(b) prescribing procedures governing:

(i) the registration of persons or any category of persons as members; and

(ii) the issuing of licences;

(c) prescribing the duration of any licence issued pursuant to this Act and any terms and conditions of licences;

(d) establishing categories of membership in the association;

(e) establishing the rights and privileges of and duties and restrictions applicable to each category of membership;

(f) regulating the practice of chiropractic by members of each category;

(g) requiring that the practice of chiropractic by members of a designated category of membership be supervised by other members and prescribing the manner and extent of that supervision;

(h) setting standards regarding the manner and method of practice of members;

(i) providing for a code of professional ethics;

(j) defining activities that constitute a conflict of interest and prohibiting members from engaging in those activities;

(k) establishing categories of specialization in the practice of chiropractic and, for that purpose:

(i) prescribing the qualifications, standards and tests of competency for registration of members in each category;

(ii) governing the issuing of licences in each category;

(iii) providing for the suspension of registration or revocation of licences in each category;

(iv) regulating the use of terms or designations by members registered and licensed in each category;

(l) setting standards of professional conduct, competency and proficiency of members;

(m) prescribing procedures for:

(i) reviews ordered pursuant to subsection 20(4); and

(ii) investigations by the investigation committee and hearings by the discipline committee of complaints alleging that a member is guilty of professional misconduct or professional incompetence;

(m.1) respecting the establishment of panels of the investigation committee and the discipline committee and the composition of the panels, determining the duties of the panels and establishing procedures for the operation of the panels;

(n) prescribing any acts, omissions or practices, including the use by a member of a particular modality or device, that constitute professional misconduct for the purposes of this Act;

(o) governing the reinstatement of a person whose registration as a member has been cancelled other than pursuant to sections 34 and 36;

(p) governing persons who practise under limited or academic licences;

(q) providing for certification of practising members in the production of plain film radiographs and the use of X-rays for the purposes of subsection 25(2), including:

(i) the examination of applicants for certification;

(ii) the granting of certificates of competency;

(iii) the revocation of certificates of competency;

(iv) the imposition of terms on the continued validity of certificates of competency, based on the successful completion of any examination or refresher course prescribed by the board;

(r) governing the quality assurance of the practice of chiropractic;

(s) regulating the content, form and manner of advertising by members;

(t) defining the circumstances under which members are required to attend refresher training programs and other courses of training, and approving programs and courses for those purposes;

(u) providing for:

(i) the suspension of members for contravention of bylaws respecting the payment of fees or assessments; and

(ii) the reinstatement of members who have been suspended in accordance with bylaws made pursuant to subclause (i);

(v) respecting the reporting and publication of decisions and reports of the board and committees;

(w) prescribing the maintenance of records relating to the examination, treatment and counselling of patients by members and providing for the inspection of those records on the premises in which members conduct the practice of chiropractic;

(x) prescribing the number of members required to demand a special meeting of the association;

(y) prescribing the minimum number of members who support a bylaw that is necessary before the registrar is required to forward the bylaw to all members;

(z) prescribing any other thing required for the better regulation of the practice of chiropractic and the conduct of members, having regard to the public interest and the interests of the association;

(aa) prescribing any other thing considered necessary for the better carrying out of the provisions of this Act.

1994, c.C-10.1, s.15; 2023, c6, s.2-6.

Filing of bylaws

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

(a) all regulatory bylaws made by the board or the association; and

(b) any amendment to a regulatory bylaw together with two copies of the regulatory 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 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 Registrar of Corporations two copies, certified by the registrar to be true copies, of the regulatory bylaw or amendment.

(4) Where an amendment to a regulatory bylaw is filed pursuant to subsection (3), the minister shall also file with the Registrar of Corporations two copies of the regulatory bylaw affected by the amendment.

(5) Within 30 days after administrative bylaws are made or amended, the board shall file with the Registrar of Corporations two copies, certified by the registrar to be true copies, of all administrative bylaws and all amendments to administrative bylaws.

(6) Where an administrative bylaw is amended, the board shall file with the Registrar of Corporations two copies, certified by the registrar to be true copies, of the administrative bylaw with the amendment.

1994, c.C-10.1, s.16; 2010, c.B-12, s.22; 2021, c6, s.23-26.

MEMBERSHIP, LICENCES AND REGISTRATION

Admissions and licences

17(1) The board, in accordance with this Act and the bylaws, may register persons as members.

(2) The board, in accordance with this Act and the bylaws, may issue licences to practise to members.

1994, c.C-10.1, s.17.

Register

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

(2) The register is to be:

(a) kept at the head office of the association; and

(b) open for inspection by all persons, without fee, during normal office hours of the association.

(2.1) The register may be made available in any other manner acceptable to the registrar, including an electronic format.

(3) A certificate purporting to be signed by the registrar stating that a named person was or was not, on a specified day or during a specified period, a member, and if a member, the category of membership according to the register, is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it without proof of the registrar's signature or appointment.

1994, c.C-10.1, s.18; 2020, c 9, s.9.

Registration

19(1) The board may register a person as a member and issue an annual licence to the person to practise chiropractic where the person:

(a) has paid the prescribed fees;

(b) has complied with the bylaws with respect to registration;

(c) has successfully completed an education program in chiropractic approved by the Council on Chiropractic Education (Canada);

(d) has successfully completed the examinations prescribed in the bylaws; and

(e) is of good character.

(1.1) Notwithstanding subsection (1), the board may register a person as a member and issue an annual licence to the person to practise chiropractic if the person:

(a) has paid the prescribed fees;

(b) has complied with the bylaws with respect to registration;

(c) is of good character; and

(d) is registered as the equivalent of a chiropractor in good standing pursuant to the legislation of another jurisdiction in Canada.

(2) Notwithstanding that a person does not comply with the requirements in subsection (1), the board may register the person as a member and issue a limited licence to the person to practise chiropractic where the person:

(a) is eligible, according to the bylaws, to be a member;

(b) has paid the prescribed fees;

(c) has complied with the bylaws with respect to registration; and

(d) is of good character.

1994, c.C-10.1, s.19; 2010, c.19, s.6.

Delegation and appeal

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

(a) register persons as members;

(b) issue licences to members; or

(c) do either or both of the things mentioned in clauses (a) and (b).

(2) When a power has been delegated pursuant to subsection (1), the exercise of that power by the registrar is deemed to be an exercise of that power by the board.

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

(4) A person who is aggrieved by a decision of the registrar made pursuant to a delegated power may apply to the board to review that decision.

(5) On a review of a decision pursuant to subsection (4), the board shall hear the review and may:

(a) direct the registrar to exercise the delegated power in a manner that the board considers appropriate; or

(b) confirm the registrar's decision.

(6) On a review of a decision pursuant to subsection (4), the person aggrieved by the decision of the registrar has the right to appear in person before the board in support of the application.

(7) The board shall cause the applicant to be informed in writing of its decision pursuant to subsection (5).

1994, c.C-10.1, s.20.

PROHIBITION

Protected title

21 No person other than a member shall use the title "chiropractor", "Doctor of Chiropractic" or any word, title or designation, abbreviated or otherwise, to imply that the person is engaged in or qualified to engage in the practice of chiropractic.

1994, c.C-10.1, s.21.

Prohibited practice

22(1) No person other than a practising member shall engage, for fee or reward, in the practice of chiropractic.

(2) Subsection (1) does not apply to a person providing first aid or temporary assistance in cases of emergency.

(3) Nothing in this Act extends to or interferes with the privileges conferred on any person who practises a profession, trade or calling that the person is licensed or authorized to practise pursuant to any other Act.

1994, c.C-10.1, s.22.

Restriction

23(1) No person other than a practising member shall practise or hold himself or herself out as practising chiropractic, either alone or in conjunction with any other method of treatment of the human body for disease and the causes of disease.

(2) No person other than a member shall advertise or use any prefix or suffix to his or her name signifying that he or she is qualified to practise chiropractic, either alone or in conjunction with any other method of treatment of the human body for disease and the causes of disease.

1994, c.C-10.1, s.23.

Injunction

24 On application by the board, the court may grant an injunction enjoining any person from doing any act that contravenes section 21, 22 or 23, notwithstanding any penalty that may be provided by this Act with respect to that contravention.

1994, c.C-10.1, s.24.

Limitation on practice

25(1) Nothing in this Act or the bylaws authorizes any member to:

(a) prescribe or administer prescription drugs;

(b) practise medicine, surgery or midwifery;

(c) use any method other than chiropractic in the treatment of disease.

(2) Subject to the bylaws, a practising member may in connection with the practice of chiropractic, use X-rays and produce plain film radiographs.

1994, c.C-10.1, s.25.

DISCIPLINE

Interpretation re discipline provisions

25.1 In sections 25.2 to 45, **"member"** includes a former member.

2010, c.20, s.18.

Proceedings against former members

25.2(1) No proceedings conducted pursuant to this Act shall be commenced against a former member more than two years after the day he or she became a former member.

(2) For the purposes of this section, a proceeding is commenced when the investigation committee, pursuant to subsection 29(1), is requested by the board to consider a complaint or is in receipt of a written complaint alleging that a member is guilty of professional misconduct or professional incompetence.

2010, c.20, s.18.

Examination to assess whether curtailment of practice should be ordered

25.3(1) If the registrar or the investigation committee has reasonable grounds to believe that a member may be suffering a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs the member's ability to practise in the profession and causes the continued practice in the profession by the member to constitute a danger to the public, the registrar or investigation committee may:

(a) direct the member to submit to a physical or mental examination, or both, by a person or at a facility specified by the registrar or investigation committee;

(b) request the person or facility conducting the examination of the member to report, with written reasons and within a time specified by the registrar or investigation committee, to:

(i) the investigation committee; and

(ii) the member; and

(c) for the period necessary to allow the registrar or investigation committee to act pursuant to clauses (a) and (b) and to receive, consider and act pursuant to this section on the report:

(i) impose limitations or conditions on the member's licence; or

(ii) suspend the member's licence.

(2) If the registrar or investigation committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or investigation committee must give the member an opportunity to be heard within 15 days after the imposition of the limitations, conditions or suspension.

(3) If the investigation committee receives a report pursuant to clause (1)(b) concluding that:

(a) the continued practice of the member constitutes a danger to the public; and

(b) remedial measures are necessary and, if these remedial measures are taken, the public will be adequately protected;

the investigation committee may:

(c) impose limitations or conditions on the member's licence; or

(d) suspend the member's licence;

and the limitations, conditions or suspension apply until the member satisfies the investigation committee that it should act pursuant to clause (5)(a).

(4) The investigation committee must not act pursuant to subsection (3) unless it has first given the member an opportunity to respond to the proposed limitations, conditions or suspension.

(5) If action has been taken pursuant to subsection (3) concerning a member, the investigation committee may do all or any of the following:

(a) cancel or amend a limitation or condition or cancel the suspension to allow the member to resume practice if the investigation committee is satisfied, on the member's application, that the member can resume practice without constituting a danger to the public;

(b) delay any investigation or written report mentioned in section 29;

(c) decide not to refer the complaint to a hearing before the discipline committee if the investigation committee is satisfied that:

(i) the member's condition mentioned in subsection (1) caused or substantially contributed to the member's conduct described in the complaint; and

(ii) the actions taken pursuant to subsection (3) have provided appropriate public protection.

(6) If the investigation committee acts pursuant to subsection (5), the investigation committee must deliver written notice of its decision, with written reasons, to the complainant within 30 days after making its decision.

(7) A member aggrieved by a decision of the registrar or the investigation committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 40 to 43 apply, with any necessary modification, to the appeal.

(8) Failure by a member to submit to an examination directed pursuant to subsection (1) or to comply with a limitation, condition or suspension imposed on the member pursuant to subsection (3) is professional misconduct within the meaning of this Act.

2023, c6, s.2-7.

Professional incompetence

26 Professional incompetence is a question of fact, but the display by a member of:

(a) a lack of knowledge, skill or judgment; 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.

1994, c.C-10.1, s.26.

Professional misconduct

27 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 profession;

(c) is a breach of this Act or the bylaws; or

(d) is a failure to comply with a summons of the investigation committee or an order of the board;

is professional misconduct within the meaning of this Act.

1994, c.C-10.1, s.27.

Investigation committee

28(1) The investigation committee is established consisting of the persons appointed by the board, of whom at least three must be members.

(2) No member of the investigation committee shall be a member of the discipline committee.

(3) If a panel of the investigation committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the investigation committee.

1994, c.C-10.1, s.28; 2023, c6, s.2-8.

Investigation

29(1) If the investigation committee is requested by the board to consider a complaint or is in receipt of a written complaint alleging that a member is guilty of professional misconduct or professional incompetence, the committee shall review and investigate the complaint.

(2) In investigating the complaint, the investigation committee may take any steps authorized by section 29.1.

(3) On completion of its investigation, the investigation committee may do one or more of the following:

(a) make a written report to the discipline committee recommending that the discipline committee hear and determine the formal complaint set out in the written report;

(b) make a written report to the discipline committee recommending that no further action be taken with respect to the matter under investigation;

(c) refer the complaint to mediation, if the investigation committee decides that the complaint is of concern only to the complainant and the investigated member, both of whom agree to mediation;

(d) require the investigated member to appear before the investigation committee, or a panel of the committee, to be cautioned;

(e) require the investigated member to complete a specified continuing education or remediation program;

(f) accept the voluntary surrender of the investigated member's registration or licence;

(g) accept an undertaking from the investigated member that provides for one or more of the following:

(i) assessment of the investigated member's capacity or fitness to practise in the profession;

(ii) counselling or treatment of the investigated member;

(iii) monitoring or supervision of the investigated member's practice;

(iv) completion by the investigated member of a specified course of studies by way of remedial training;

(v) placing conditions on the investigated member's right to practise in the profession;

(h) take any other action that the investigation committee considers appropriate that is not inconsistent with or contrary to this Act or the bylaws.

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

(5) A report signed by a majority of the investigation committee is the decision of that committee.

(6) A copy of a written report made pursuant to clause (3)(b) recommending that no further action be taken shall be provided by the registrar to:

(a) the board;

(b) the complainant, if any; and

(c) the member whose conduct is the subject of the complaint mentioned in subsection (1).

2023, c 6, s.2-9.

Investigative powers

29.1(1) The investigation committee may take any steps that it considers proper and may summon any person who is under investigation and any other person whose information may be relevant to the investigation.

(2) For the purposes of an investigation, the investigation committee may, at any reasonable time:

(a) require any person to answer any relevant questions and direct the person to answer the questions under oath or affirmation;

(b) require any person to give to the committee any book, record, document or thing relevant to the investigation that is in the person's possession or under the person's control;

(c) enter and inspect any premises or place where the investigated member practises or has practised in the profession;

(d) inspect, observe or audit the investigated member's practice; and

(e) examine any equipment, materials or any other thing used by the investigated member.

(3) For the purposes of an investigation, the investigation committee may:

(a) require the investigated member to provide access to any computer system used in connection with the member's practice in order to produce a record in readable form;

(b) photograph or create images of the premises or place; or

(c) use any copying equipment at the premises or place to make copies of any record related to the investigated member's practice.

(4) The investigation committee may apply, without notice or on any notice that the court may direct, to a judge of the court for an order directing any person:

(a) to attend before the committee to answer any relevant questions that the committee may have relating to the investigation; and

(b) to produce to the committee any book, record, document or thing relevant to the investigation that is in the person's possession or under the person's control.

(5) On application and payment of the appropriate fee, the local registrar of the court at any judicial centre shall issue writs of *subpoena ad testificandum* or *subpoena duces tecum* to:

(a) a member of the investigation committee; or

(b) counsel acting for the investigation committee.

(6) If a writ issued pursuant to subsection (5) is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.

(7) If any book, record, document or thing is produced to the investigation committee, the committee may authorize any person to copy or make extracts from the book, record, document or thing.

(8) No person shall obstruct the investigation committee or a member of the committee making an investigation pursuant to this Act or withhold from the committee or the member or conceal, alter or destroy any book, record, document or thing relevant to the matter being investigated.

(9) A judge of the Provincial Court of Saskatchewan, on an application without notice by the investigation committee, may issue an order authorizing a person making the investigation, together with any peace officer called to assist the person making the investigation, to enter and search, by force if necessary, any building, dwelling, receptacle, premises or place specified in the order for any book, record, document or thing and to examine them, if the judge is satisfied that:

(a) the investigation committee is conducting an investigation pursuant to this Act; and

(b) there are reasonable grounds for believing that there is in any building, dwelling, receptacle, premises or place any book, record, document or thing relating to the person whose affairs are being investigated and to the matter of the investigation.

(10) An application for an order pursuant to subsection (9) to enter a dwelling shall specifically indicate that the application relates to a dwelling.

(11) An entry and search under an order made pursuant to subsection (9) may be conducted only between 8 a.m. and 8 p.m. unless the order specifies otherwise.

(12) A person authorized by an order made pursuant to subsection (9) to conduct an entry and search may remove any book, record, document or thing examined by the person.

(13) If it is practicable to copy a book, record, document or thing removed pursuant to subsection (12), the investigation committee shall return the book, record, document or thing within a reasonable time.

(14) A copy or extract of a book, record, document or thing certified to be a true copy by a member of the investigation committee or other person who made the copy or extract pursuant to this section is admissible in evidence in any proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original item and its contents.

(15) The investigation committee may delegate any aspect of its investigation pursuant to this section to an investigator.

(16) An investigator who acts pursuant to the authority of a delegation has the authority and power of the investigation committee, and subsections (1) to (14) apply, with any necessary modification, to that investigator.

2023, c 6, s.2-9.

Suspension pending outcome of investigation

30(1) If the registrar or the discipline committee believes, on the basis of a complaint or the nature of the case, that, pending the outcome of an investigation by the investigation committee, a member's licence should be suspended or a member's ability to practise in the profession should be limited or restricted, the registrar or the discipline committee may:

(a) suspend the member's licence; or

(b) impose limitations or conditions on the member's licence.

(2) A member aggrieved by a decision of the registrar or the discipline committee pursuant to subsection (1) may appeal the decision to the court, and sections 40 to 43 apply, with any necessary modification, to the appeal.

2023, c 6, s.2-9.

31 Repealed. 2023, c 6, s.2-10.

Discipline committee

32(1) The discipline committee is established consisting of a minimum of three and a maximum of five persons appointed by the board, including a person described in subsection 8(7).

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

(3) The lesser of three or two-thirds of the members of the discipline committee constitutes a quorum.

(4) If a panel of the discipline committee is established in accordance with the bylaws, a decision of the panel has the same effect as a decision of the discipline committee.

1994, c.C-10.1, s.32; 2023, c6, s.2-11.

Discipline hearing

33(1) Where a report of the investigation committee recommends that the discipline committee hear and determine a complaint, the registrar shall, at least 30 days 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) serve notice on the member whose conduct is the subject of the hearing of the date, time and place of the hearing.

(2) The investigation committee shall prosecute or direct the prosecution of 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 member is guilty of professional misconduct or professional incompetence.

(4) The discipline committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.

(5) Subject to *The Evidence Act*, but notwithstanding any other Act or the regulations or orders made pursuant to any other Act, the records of any hospital may be brought before the board, without special order, by writ of *subpoena duces tecum* issued pursuant to subsection (10) and served on the chief executive officer of the hospital.

(6) The investigation committee and the discipline committee may employ, at the expense of the association, any legal or other assistance that it considers necessary.

(7) The member whose conduct is the subject of the hearing, at his or her own expense, may be represented by counsel.

(8) The testimony of witnesses is to be under oath administered by any member of the discipline committee.

(9) 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.

(10) On the application of the member whose conduct is the subject of a hearing or a member of the investigation committee, the local registrar of the court at any judicial centre, on payment of the appropriate fees, shall issue writs of *subpoena ad testificandum* or *subpoena duces tecum* and, where a writ is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.

(11) 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.

(12) 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.

(13) The person, if any, who made the complaint pursuant to section 29:

(a) shall be advised by the registrar of the day, time and place of the hearing; and

(b) subject to subsection (15), is entitled to attend the hearing.

(14) Subject to subsection (15), the discipline committee shall conduct all hearings in public.

(15) The discipline committee may exclude members of the public and the person mentioned in subsection (13) from any part of the hearing when the committee is of the opinion that evidence brought in the presence of the persons to be excluded will unduly violate the privacy of a person other than the member whose conduct is the subject of the hearing.

(16) A member whose conduct is the subject of a hearing is competent and compellable to give evidence at the hearing.

(17) A decision signed by a majority of the discipline committee is the decision of that committee.

1994, c.C-10.1, s.33; 2006, c.19, s.3.

Disciplinary powers

34(1) Within 60 days of the conclusion of the discipline committee hearing, the discipline committee shall submit a written decision to the board and to the member whose conduct is the subject of the hearing, signed by the members of the discipline committee concurring in the decision.

(2) Where the board receives a report from the discipline committee that a member is guilty of professional misconduct or professional incompetence, the registrar shall:

(a) set a day for a meeting of the board to determine the penalty to be assessed against or requirement to be imposed on the member;

(b) serve notice on the member concerned of the day, time and place of the meeting in accordance with the bylaws; and

(c) advise the person, if any, who made the complaint mentioned in section 29, of the day, time and place of the meeting.

(3) Where the member with respect to whom a meeting is called pursuant to subsection (2) fails to attend the meeting, the board, on proof of service of the notice mentioned in clause (2)(b), may proceed with the meeting in his or her absence.

(4) At a meeting called pursuant to subsection (2), the board may make any one or more of the following orders:

(a) an order cancelling the registration of that member in the association, revoking the member's licence and striking the member's name from the register;

(b) an order that the member be suspended and the member's licence be revoked for a specified period;

(c) an order that the member be suspended and the member's licence be revoked pending the satisfaction and completion of any conditions specified by the board;

(d) an order that the member may continue to practise only on conditions specified in the order, which may include, but are not restricted to, a requirement that the member:

(i) not engage in specific procedures of practice;

(ii) practise only under the supervision of one or more members that the board may specify;

(iii) successfully complete any upgrading, retraining or education that the board may specify, within any period that the board may specify; or

(iv) obtain medical or other treatment or counselling that the board may specify, within any period that the board may specify;

(e) an order reprimanding the member;

(f) any other order that to it seems just.

(5) In addition to any order made pursuant to subsection (4), the board may order:

(a) that the member pay to the association within a fixed period:

(i) a fine in a specified amount not exceeding $15,000;

(ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the investigation committee, the discipline committee and the board and costs of legal services and witnesses; and

(b) where a member fails to make payment in accordance with an order to pay a fine or costs, that the member be suspended and the member's licence be revoked.

(6) An order signed by a majority of the board is an order of the board.

1994, c.C-10.1, s.34.

Continuity of committee members

35 Where an investigation is commenced by the investigation committee or a hearing is commenced by the discipline committee and the term of office of a member on the committee expires or is terminated before the investigation or hearing is disposed of, the person shall remain a member of the investigation committee or the discipline committee, as the case may be, for the purpose of completing the investigation or hearing in the same manner as if the member's term of office had not expired or been terminated.

1994, c.C-10.1, s.35.

Conviction for indictable offence

36 The board may, by order, impose any penalty described in section 34 that to it seems just where:

(a) a member has been convicted of an indictable offence pursuant to the *Criminal Code*, the *Cannabis Act* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Food and Drugs Act* (Canada);

(b) a report of the investigation committee is made to the board respecting the conviction mentioned in clause (a);

(c) the board has given the member mentioned in clause (a) an opportunity to be heard; and

(d) the board finds that the conduct of the member giving rise to the conviction constitutes professional misconduct.

1994, c.C-10.1, s.36; 2018, c C-2.111, s.7-1.

Criminal conduct

37 If, in the course of an investigation pursuant to this Act, the investigation committee obtains information that leads to a reasonable belief that a member has been engaged or is engaging in possible criminal activity, the committee shall disclose the information to the appropriate law enforcement agency.

2023, c6, s.2-12.

38 Repealed. 2023, c.6, s.2-13.

Written decision

39(1) The board shall serve a copy of an order made pursuant to subsection 34(4) or (5) or section 36 on the member whose conduct is the subject of the order and provide a copy of that order to the person, if any, who made the complaint, within 15 days of the board's decision.

(2) The board shall inform a member's employer of the order made against that member where that member has been found guilty of professional misconduct or professional incompetence.

1994, c.C-10.1, s.39.

Appeal

40(1) A member who has been found guilty of professional misconduct or professional incompetence by the discipline committee or is subject to an order of the board made pursuant to section 34 or 36 may appeal to the court the decision of the discipline committee or any order of the board by serving the registrar with a copy of the notice of appeal and filing it with the local registrar of the court at any judicial centre.

(2) A notice of appeal pursuant to subsection (1) must be served and filed not later than 30 days after service on the member of the order of the board or decision of the discipline committee, as the case may be.

(3) On receipt of a notice of appeal, the registrar shall file with the local registrar of the court a true copy of:

(a) the formal complaint and notice sent pursuant to subsection 33(1) or the report of the investigation committee pursuant to section 36;

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

(c) the exhibits received in evidence by the discipline committee or the board;

(d) where the appeal is from a decision of the discipline committee or an order pursuant to subsection 34(4) or (5), the decision of the discipline committee pursuant to subsection 33(3);

(e) the order of the board, if any, pursuant to subsection 34(4), (5) or section 36.

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

1994, c.C-10.1, s.40.

Powers of judge

41 In hearing an appeal pursuant to section 40, the judge:

(a) shall:

(i) dismiss the appeal;

(ii) quash the finding of guilt;

(iii) direct a new hearing or further inquiries by the discipline committee;

(iv) vary the order of the discipline committee; or

(v) substitute his or her own decision for the decision of the discipline committee; and

(b) may make any order as to costs that the judge considers appropriate.

1994, c.C-10.1, s.41.

Effect of appeal

42 The commencement of an appeal pursuant to section 40 does not stay the effect of a decision of the discipline committee or order of the board, but, on five days' notice to the registrar, the appellant may apply to the court for a stay of proceedings pending the disposition of the appeal.

1994, c.C-10.1, s.42.

Court of Appeal

43 With leave of a judge of the Court of Appeal, the association or a member who brings an appeal pursuant to section 40 may appeal a decision of the court to the Court of Appeal on a question of law only.

2021, c 19, s.6.

Effect of cancellation or suspension

44 Where a member's registration is cancelled or suspended:

(a) the registrar shall strike the name of the member from the register or endorse the suspension on the register, as the case may be; and

(b) that member's rights and privileges as a member are removed for the period during which his or her registration is cancelled or suspended.

1994, c.C-10.1, s.44.

Reinstatement

45(1) A person whose registration as a member has been cancelled pursuant to section 34 or 36 may apply to the board for reinstatement.

(2) Subject to the bylaws, on receipt of an application pursuant to subsection (1), the board 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 board 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 board considers appropriate; or

(b) by order, refuse to reinstate the person.

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

(5) Where, on an application pursuant to subsection (1), the board refuses to reinstate the person as a member, the applicant may, within 30 days after the date of the order, appeal the order of the board to a judge, 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 board 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 board and any committee that dealt with the cancellation of the registration 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.

1994, c.C-10.1, s.45.

GENERAL

Immunity

46 No action lies or shall be instituted against:

(a) members of the board;

(b) any committee established pursuant to this Act, the bylaws or the board;

(c) a member of a committee; or

(d) an 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 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.

1994, c.C-10.1, s.46.

47 Repealed. 2004, c.L-16.1, s.38.

Offence and penalty

48(1) Every person who contravenes section 21, 22 or 23 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; and

(b) in the case of a second or subsequent offence, not more than $5,000.

(2) No prosecution pursuant to this section is to be commenced:

(a) after the expiration of 24 months from the date of the alleged offence; and

(b) without the consent of the Minister of Justice or the board.

1994, c.C-10.1, s.48.

Report of termination of employment

49 Any employer who terminates the employment of a practising member where the employer reasonably believes the cause is professional incompetence or professional misconduct shall report to the association:

(a) the termination of the member; and

(b) the grounds of the alleged professional incompetence or professional misconduct.

1994, c.C-10.1, s.49.

Review by Legislative Assembly

50(1) One copy of all bylaws and amendments filed pursuant to section 16 with the Registrar of Corporations is to be laid before the Legislative Assembly by the minister responsible for the administration of *The Business Corporations Act, 2021* in accordance with section 13 of *The Executive Government Administration 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.

1994, c.C-10.1, s.50; 2010, c.B-12, s.22; 2014, c.E-13.1, s.62; 2021, c6, s.23-26.

Record of notification

51(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 Legislative Assembly shall immediately forward two copies of the Votes and Proceedings to the Registrar of Corporations 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 Registrar 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.

1994, c.C-10.1, s.51; 2010, c.B-12, s.22; 2021, c6, s.23-26.

Annual report

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

1994, c.C-10.1, s.52.

Annual register

53 On or before February 1 in each year, the association shall file with the Registrar of Corporations and the minister a list, to be called the annual register, certified by the registrar to be a true list, showing:

(a) the names of all members of the association 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 to membership in the association of the members mentioned in clause (a).

1994, c.C-10.1, s.53; 2010, c.B-12, s.22; 2021, c6, s.23-26.

Compliance

54 Every member shall comply with this Act and the bylaws.

1994, c.C-10.1, s.54.

Other Acts not to prohibit practice or use of title

55(1) No provision of any other Act shall be construed as preventing a member from practising chiropractic for gain or reward.

(2) No provision of any other Act shall be construed as preventing a member from using the title "Doctor" or "Dr." as a prefix to his or her name.

1994, c.C-10.1, s.55.

Service of notices, etc.

56(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 fifth 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.

1994, c.C-10.1, s.56.

REPEAL, TRANSITIONAL AND COMING INTO FORCE

R.S.S. 1978, c.C-10 repealed

57 *The Chiropractic Act* is repealed.

1994, c.C-10.1, s.57.

Transitional

58 A person who is a member of the board pursuant to *The Chiropractic Act*, as that Act existed on the day before the coming into force of this Act, continues as a member of the board until the earlier of:

(a) the date members of the board are elected or appointed in accordance with this Act; or

(b) the date that the member of the board resigns, dies or is removed in accordance with this Act.

1994, c.C-10.1, s.58.

Coming into force

59 This Act comes into force on proclamation.

1994, c.C-10.1, s.59.

REGINA, SASKATCHEWAN
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