

Saskatchewan Association of Naturopathic Practitioners

Rules of Procedure

April 2009

Once a Complaint against a Registrant has been reviewed by the Professional Conduct Committee (PCC) – see [SANP Complaints Process](#) - and deemed necessary for further investigation by the Discipline Committee (DC), the following Rules of Procedure will be followed by the DC:

Rules of Procedure for Discipline Hearing

- Where a report of the PCC recommends that the DC hear and determine a formal complaint, the registrar shall, at least 14 days before the day on which the discipline committee is to sit:
 - send a copy of the formal complaint to the Registrant whose conduct is the subject of the hearing; and
 - serve notice on the Registrant whose conduct is the subject of the hearing of the date, time and place of the hearing.
- The Complainant:
 - is to be advised orally or in writing by the registrar of the date, time and place of the hearing; and
 - is entitled to attend the hearing.
- The PCC shall prosecute or direct the prosecution of the formal complaint, but its members shall not participate in any other manner in the hearing of the formal complaint except as witnesses when required.
- The DC shall conduct all hearings in public.
- The DC may exclude members of the public and the Complainant from any part of the hearing where the committee is of the opinion that evidence brought in the presence of the person or persons to be excluded will unduly violate the privacy of a person other than the member whose conduct is the subject of the hearing.
- The DC shall hear the formal complaint and shall determine whether or not the member is guilty of professional misconduct¹ or professional incompetence².

¹ Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct if:

- (a) it is harmful to the best interests of the public or the members;
- (b) it tends to harm the standing of the profession;
- (c) it is a breach of the Act or the bylaws; or
- (d) it is a failure to comply with an order of the professional conduct committee, the discipline committee or the council.

² Professional incompetence is a question of fact, but the display by a member of a lack of knowledge, skill or judgment or a disregard for the welfare of a member of the public served by the profession of a nature or to an extent that demonstrates that the member is unfit to:

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

is professional incompetence within the meaning of the Act.

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- 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, may proceed with the hearing in the member's absence.

Disciplinary powers

Where the DC finds the Registrant guilty of professional misconduct or professional incompetence, it may make one or more of the following orders:

- an order that the member be expelled from the college and that the Registrant's name be struck from the register;
- an order that the Registrant's license be suspended for a specified period;
- an order that the Registrant's license be suspended pending the satisfaction and completion of any conditions specified in the order;
- an order that the Registrant may continue to practice, but only under conditions specified in the order, which may include, but are not restricted to, an order that the member:
 - not do specified types of work;
 - successfully complete specified classes or courses of instruction;
 - obtain medical or other treatment or counseling or both;
- an order reprimanding the Registrant;
- any other order that the DC considers just.

In addition, the DC may order:

- that the Registrant pay to the college, within a fixed period:
 - a fine in a specified amount not exceeding \$5,000; and
 - the costs of the investigation and hearing into the Registrant's conduct and related costs, including the expenses of the PCC and the DC and costs of legal services and witnesses; and where a Registrant fails to make payment in accordance with an order pursuant to clause (a), that the Registrant's license be suspended.

The registrar shall send a copy of an order made pursuant to this section to the Registrant whose conduct is the subject of the order and to the Complainant.

Where a Registrant is expelled from the college or a Registrant's license is suspended, the registrar shall strike the name of the Registrant from the register or indicate the suspension on the register, as the case may be.

NOTE: For further definitions on Professional Misconduct and Professional Incompetence see also: [SANP Misconduct Policy](#)