

Proposed SCPT Bylaw Revision Process

Background

The Miscellaneous Statutes (Health Professions) Amendment Act, 2022 made changes to most healthcare regulators' legislation in the province including *The Physical Therapists Act, 1998*. The changes were requested by health regulators, including the SCPT, to modernize aspects of our legislation.

The revised Act allows the SCPT Council to approve bylaws without the requirement of membership approving the bylaws (this was typically done at AGMs). A side-by-side comparison of the bylaw component change within the legislation is included at the end of this document.

The SCPT Council has committed to seeking input and feedback from, membership before approving any bylaw changes to ensure appropriate engagement of membership. The government also has this expectation.

The SCPT's Governance and Nominations Committee (GNC) has developed the process outlined below. The SCPT Council has approved the process in principle and has asked for the proposed process to be communicated to, and feedback sought from membership before final approval and implementation.

Proposed Process

1. Development

Council and relevant SCPT committees develop draft bylaw or bylaw changes.

Change: no change from previous process.

Order of #2 and #3 may be dependent upon nature and complexity of the proposed bylaw change.

2. Initial Approval

Council passes draft bylaw in principle with a 50% majority of Council members present at the meeting. A majority of voting Council members must be present (currently 6 is a majority of Council members), and bylaw must be passed by a majority of those present at the meeting.

Change: previous legislation required a 2/3 majority of Council members present at the meeting to approve bylaws.

3. Consultation

Council invites and receives feedback from membership.

- Feedback methods will vary depending on the nature of the bylaw changes (i.e. foundational changes vs small changes) and may include multiple methods.
- Methods may be added if initial feedback indicates additional methods are warranted to ensure appropriate engagement.
- Potential feedback methods include membership surveys, town halls, focus groups, and requesting feedback from sector partners (i.e. Saskatchewan Physiotherapy Association (SPA), School of Rehabilitation Science (SRS), Canadian Alliance of Physiotherapy Regulators (CAPR), Physiotherapy Education Accreditation Canada (PEAC), etc.)

Change: membership feedback previously obtained leading to and/or at a membership meeting (i.e. AGM). Feedback now received and considered prior to final approval of changes.

4. Revisions

Bylaws revised as appropriate based on membership feedback. This may include referral back to relevant committees.

Change: feedback previously obtained leading to and/or at a membership meeting (i.e. AGM). Feedback now received and considered prior to final approval of changes.

5. Final Approval and Implementation

Council approves the revised (if revised) bylaw with a 50% majority of Council members present at the meeting. A majority of voting Council members must be present, and bylaw must be passed by a majority of those present at the meeting.

Change: previous legislation required a 2/3 majority of Council members present at the meeting to approve bylaws.

Regulatory Bylaw(s) are submitted to the Ministry of Health for Ministerial approval as per legislation and existing process. Included in this submission is a description of membership feedback process/content used in developing and approving the bylaws. If the Minister approves, the bylaw is published in the Gazette, members are notified, and the bylaw becomes in effect.

For Administrative Bylaws the SCPT Executive Director and Registrar files the bylaws with the Registrar of Corporations within 30 days.

Change: no change from previous process.

Development

- Council/Committees develop bylaw(s)

Initial Approval

- Council approves bylaw(s) in principle

Consultation

- Membership is consulted and feedback obtained (e.g. survey, townhalls, focus groups, consulting stakeholders, etc.)

Revisions

- Bylaw(s) revised as needed/necessary following membership feedback

Final Approval & Implementation

- Council approves final version of bylaw
- Regulatory Bylaw to Minister of Health; Administrative Bylaw filed with ISC

Legislative Changes: Side By Side Comparison

New Version	Previous Version
<p>13(1) The council may make bylaws for any purpose set out in section 14.</p> <p>(2) The executive director shall notify each member of each bylaw made pursuant to subsection (1) within 60 days after the bylaw is made.</p> <p>(3) Failure to comply with subsection (2) does not invalidate a bylaw.</p> <p>(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 council.</p> <p>(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 council.</p> <p>(6) No regulatory bylaw made by the council comes into force until it is:</p> <ul style="list-style-type: none"> (a) approved by the minister pursuant to section 15; and (b) published in the Gazette”. 	<p>13(1) The council, with the approval of not less than two-thirds of the members of the council, may make bylaws for any purpose set out in section 14.</p> <p>(2) A bylaw made by the council pursuant to subsection (1) has effect only until the next annual or special meeting of the college and, unless confirmed or varied by the members in accordance with subsection (3), ceases to have any effect after that time.</p> <p>(3) With the approval of a two-thirds majority of those members who vote at an annual or special meeting, the college may:</p> <ul style="list-style-type: none"> (a) make bylaws for any purpose set out in section 14; and (b) confirm, vary or revoke any bylaw made by the council pursuant to subsection (1). <p>(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 effective against all persons notwithstanding the revocation or variation.</p> <p>(5) The executive director shall forward copies of proposed bylaws to all members at least 14 days before the date of the annual or special meeting at which the bylaws are to be presented.</p> <p>(6) The executive director shall notify each member of each bylaw made pursuant to subsection (1) or (3), or confirmed, varied or revoked pursuant to subsection (3), within 150 days after the bylaw is made, confirmed, varied or revoked.</p> <ul style="list-style-type: none"> (a) Failure to comply with subsection (6) does not invalidate a bylaw. <p>(7) No regulatory bylaw made by the council or the college comes into force until it is:</p> <ul style="list-style-type: none"> (a) approved by the minister pursuant to section 15; and (b) published in the Gazette.