

**DRAFT**  
**October 1, 2019**

Saskatchewan Health Authority

Interim Practitioner Staff Bylaws

~~December 2017~~

DRAFT SASKATCHEWAN HEALTH AUTHORITY PRACTITIONER  
STAFF BYLAWS

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## PRACTITIONER STAFF BYLAWS PART I

### 1. Title

(1) These are the Practitioner Staff Bylaws (Bylaws) for the Saskatchewan Health Authority (SHA).

### 2. Purpose

(1) These Bylaws are developed and enacted for the purposes outlined in *The Provincial Health Authority Act*.

(2) These Bylaws apply to the members of the Practitioner Staff.

### 3. Definitions

(1) In these Bylaws, the following definitions apply:

~~a) "Affiliation Agreement" means an agreement in place between the SHA and the College of Medicine, University of Saskatchewan which governs the relationship between the parties with respect to matters covered by these Bylaws;~~

~~b) "Appointment" means the process by which a Physician, Dentist, Midwife, Chiropractor or Nurse Practitioner becomes a Member of the Practitioner Staff of the SHA. An appointment does not constitute employment or presume specific Privileges;~~

~~c) "Area Chief of Staff" or "ACOS" means a Practitioner-Physician appointed under section 8 (Areas Chief of Staff) of these Bylaws;~~

~~d) "Area Department Lead" means a Practitioner appointed under section 12 (Appointment of Area Department Leads) of these Bylaws;~~

~~e) "Area Department" means a major subunit of the Practitioner Staff within an Area established under section 11 (Area Departments) of the Bylaws; and composed of practitioners with common clinical or specialty expertise;~~

~~f) "Area Division Lead" means a Practitioner appointed under section 14 (Area Division Lead) of these Bylaws;~~

~~g) "Area Division" means a component of an Area Department composed of practitioners with a clearly defined sub-specialty and designated by the CMO as an Area Division; or "Area Division" means an organizational sub-unit of an Area Department established under section 13 (Area Divisions) of these Bylaws;~~

~~h) "Area Rules" means the Rules governing the day-to-day obligations of the Practitioner Staff which are applicable to the Facilities operated and Programs delivered by the SHA within a specific Area;~~

~~i) "Area" means a geographically defined part of geographic area of the province within which SHA~~

health service delivery occurs;

~~h)~~ “Board” means the voting members of the Board of the Saskatchewan Health Authority and, includes any subcommittee of the Board which has been authorized by the Board to carry out any function assigned to or power exercised by the Board under these Bylaws, including, without limitation, under sections 39 ([Temporary Staff](#)), ~~46~~44 ([Power to Appoint and Reappoint](#)), ~~59~~57 ([Recommendation of the Area Practitioner Advisory Committee](#)), ~~66~~64 ([Immediate Suspension of Appointment or Privileges](#)), ~~73-71~~ ([Decision of Practitioner Staff Review Committee](#)), 72 ([Notice of Board Meeting](#)), 73 ([Board Proceedings](#)), 74 ([Board Decision](#)), ~~to 77-75~~ ([Service of the Board Decision](#)) and ~~80~~78 [Duty to Make Disclosure](#);

~~h)~~ “Bylaws” means these [Saskatchewan Health Authority](#) Practitioner Staff Bylaws;

~~k)~~ “Chief Executive Officer” or “CEO” means the person employed by contract who is responsible for the general management and conduct of the affairs of the SHA;

~~k)~~ “Chief Medical Officer” or “CMO” means the Physician appointed under section 4 ([Chief Medical Officer Appointment](#)) of these Bylaws;

~~m)~~ “Chiropractor” means a ~~P~~p practitioner who is duly licensed by the Chiropractors' Association of Saskatchewan and who is entitled to practice Chiropractic in Saskatchewan pursuant to *The Chiropractic Act, 1994*;

~~m)~~ \_\_\_\_\_ “College” means in the case of a Physician the College of Physicians and Surgeons of Saskatchewan, in the case of a Dentist the ~~Saskatchewan~~-College of Dental Surgeons of [Saskatchewan](#), in the case of a Midwife the Saskatchewan College of Midwives, in the case of a Chiropractor the Chiropractors’ Association of Saskatchewan, and in the case of a Nurse Practitioner, the Saskatchewan Registered Nurses’ Association;

~~n.~~ ~~“consult with the Dean” or “consulting with the Dean” means to carry out consultations or collaboration with the applicable Affiliation Agreement;~~

~~e)~~n) \_\_\_\_\_ “Dean” means the Dean of the College of Medicine, University of Saskatchewan ~~or the Dean of the College of Dentistry, University of Surgeons of Saskatchewan, as the context indicates;~~

~~p)~~o) \_\_\_\_\_ “Dentist” means a ~~P~~p practitioner who is duly licensed by the College of Dental Surgeons of Saskatchewan and who is entitled to practice dentistry in Saskatchewan pursuant to *The Dental Disciplines Act*;

~~e)~~p) “Department Rules” means the Rules governing the day-to-day obligations of the Practitioner Staff who are appointed to a specific Area Department and which are applicable to the Facilities and Programs owned or operated by the SHA;

~~f)g)~~ “Deputy Chief Medical Officer” or “DCMO” means the ~~person~~ Physician appointed under section 6 (Deputy Chief Medical Officer Appointment and Responsibilities) of these Bylaws;

~~f)r)~~ “Facility” means a facility which is owned or operated by the SHA;

~~t)s)~~ “Member” ~~means a Physician, Dentist, Chiropractor, Midwife or Registered Nurse Practitioner (RN, NP) and Registered Nurses with additional authorized practice (RN, AAP) who has a SHA staff Appointment~~ means a Member of the Practitioner Staff or a Member of a committee established under these Bylaws;

~~u)t)~~ “Midwife” means a ~~p~~practitioner who is not employed by the SHA and who is duly licensed as a Midwife with the Saskatchewan College of Midwives pursuant to *The Midwifery Act*;

~~u)~~ “Nurse Practitioner” means a ~~p~~practitioner who is not employed by the SHA and who is duly licenced as a Registered Nurse Practitioner with the Saskatchewan Registered Nurses’ Association pursuant to *The Registered Nurses Act, 1988*;

v) “Periodic Review” means a regularly scheduled evaluation of professional performance and all matters related to the Appointment and Privileges of a Member with an Appointment to Practitioner Staff;

w) “Physician” means a ~~p~~practitioner who is duly licensed by the College of Physicians and Surgeons of Saskatchewan and who is entitled to practice medicine in Saskatchewan pursuant to *The Medical Profession Act, 1981*;

~~aa)x)~~ “Policies and Procedures” means those Policies and Procedures that have been adopted by the SHA;

~~bb)y)~~ “Practitioner Staff Appointment” means the Appointment of an individual or a ~~p~~practitioner to one of the Practitioner Staff categories established pursuant to these Bylaws;

~~cc)z)~~ “Practitioner Staff” means all Members of the Practitioner Staff;

~~dd)aa)~~ “Privileges” means the authority granted to practitioners to provide specific types of practitioner care within the Facilities and Programs of the SHA;

~~ee)bb)~~ “Program” means an ongoing care delivery system under the jurisdiction of the SHA for coordinating and delivering a specified type of patient care;

[ffcc](#)) “Provincial Department” means a major provincial subunit of the Practitioner Staff established under section 9 ([Provincial Departments](#)) of these Bylaws;

[ggdd](#)) “Provincial [Department](#) Head” means a practitioner appointed under section 10 ([Appointment of Provincial Department Heads](#)) of these Bylaws;

[hbee](#)) “Provincial Rules” means the Practitioner Staff Provincial Rules governing the day-to-day practice and obligations of the Practitioner Staff which are applicable to all Facilities operated by or Programs provided by the SHA;

[hff](#)) “Quality Assurance” means a system that monitors critical and adverse events caused by the care provided or having the potential to cause harm, and works to prevent future harm;

[jggg](#)) “Quality Improvement Committee” means a committee designated as a Quality Improvement Committee by the Saskatchewan Health Authority to carry out a quality improvement activity the purpose of which is to examine and evaluate the provision of health services for the purpose of educating persons who provide health services, or improving the care, practice or services provided to patients by the SHA;

[khh](#)) “Quality Improvement” means initiatives that improve the quality of care based on principles of best practice and standardization of care, appropriateness of care, and improved access to care;

[hji](#)) “Record” means the legal and other information including but not limited to the commencement document, exhibits, transcript of proceeding, rulings and decision;

[mmj](#)) “Resident” means those practitioners who have been appointed to the Resident Practitioner Staff, as per the Bylaws, to temporarily work in the facilities operated or owned by [the SHA for the duration of their residency](#);

[nkk](#)) “Risk Management” means the clinical and administrative activities undertaken to identify, evaluate, and reduce the risk of injury to patients, staff, and visitors and the risk of loss to the organization itself;

[eej](#)) “Saskatchewan Health Authority” or “SHA” means the Authority established [December 4, 2017](#) pursuant to *The Provincial Health Authority Act*;

[pmm](#)) “[Search Committee](#)” means a committee established to assist in search for the best candidate for a specified position.

[ppqnn](#)) “Sites of Clinical Activity” means the locations listed in the grant of Privileges, where a practitioner may perform [clinical](#) procedures or provide care or services to [Ppatients](#). Sites of Clinical Activity may include Areas, Facilities, and specific Programs owned, operated, or contracted

with the SHA;

~~qq) "Specialist" means a Physician with "Fellowship" or "Certificate" status with the Royal College of Physicians and Surgeons of Canada or equivalent, or relevant clinical experience, and licensed to practice as a Specialist by the College of Physicians and Surgeons of Saskatchewan;~~

~~rr) "Training Fellow" means someone who has completed their residency training, commonly is not yet certified as a Specialist, and is doing additional training in a field of special interest;~~

~~ss) "Year" means the fiscal year of the SHA;~~

## PART II ORGANIZATION OF THE PRACTITIONER STAFF

### 4. Chief Medical Officer Appointment

~~(1) Subject to subsection (2),~~ The CEO shall appoint a Physician Member of the Practitioner Staff, or a ~~person~~ Physician eligible for Appointment to the ~~medical Practitioner Staff~~, to the position of Chief Medical Officer (CMO) after giving consideration to the advice of a Search Committee. ~~pursuant to a process outlined in the Provincial Rules. A CMO Search Committee is a committee in search of the best candidates for the CMO position.~~

~~(a) A Search Committee for the CMO shall be established by the CEO and be comprised of:~~

~~i. two members of the Provincial Practitioner Advisory Committee (PPAC);~~

~~ii. one member of the SMA selected by the SMA Board;~~

~~iii. one member of the Practitioner Staff who is not a physician;~~

~~iv. one member of the ~~Senior~~ executive leadership team; and~~

~~v. one patient and family advisor.~~

~~(b) members of the Search Committee shall select a member as Chair;~~

~~(c) the Search Committee shall invite applications from physicians eligible for membership to the Practitioner Staff;~~

~~(d) the Search Committee may conduct reference checks and, at the request of the CEO, interview applicants;~~

~~(e) the CEO may interview the top candidates recommended by the Search Committee, and/or any other candidates they wish to consider.~~

~~(1) Upon establishment of the SHA, the CEO may make the first Appointment of a person to the position of CMO without recommendations or advice from a Search Committee.~~

(2) The individual appointed to the position of CMO may exercise any or all of the powers and responsibilities of the CMO position.

(3) No ~~Physician person~~ may be appointed to the position of CMO without approval of the Board.

(4) The CEO will conduct an annual performance review of the CMO.

~~(5) Subject to the confirmation of the Board, the CEO may at any time revoke or suspend the~~

~~Appointment of the CMO.~~

## 5. Responsibilities of the Chief Medical Officer

(1) The CMO shall be accountable to the CEO with respect to all matters regarding the management and organization of the Practitioner Staff, including the establishment or dissolution of an organizational structure that supports the achievement of health outcomes, and ensures the delivery of practitioner services within the SHA, consistent with the strategic plan and mission of the SHA.

~~(2)~~ The roles and responsibilities of the CMO include, but are not limited to:

- (a) ensuring the delivery of Practitioner Staff services within the SHA, consistent with the strategic plan and mission of the SHA, applicable legislation and these Bylaws;
- (b) the establishment or dissolution of Provincial Departments, Provincial Divisions, Area Departments and or Area Divisions as are warranted from time to time as outlined in these Bylaws; and
- (c) the establishment or dissolution of an organizational structure to assist in the implementation of the strategic plan and mission of the SHA, with due process.

(3) CMO shall be responsible for:

- (a) with respect to corporate management:
  - (i) as a ~~M~~member of the senior-executive leadership team of the SHA, participating in management discussions and decisions including, but not limited to discussions and decisions regarding strategic planning, financial and program planning, human resources planning, the development, implementation and evaluation of patient/client/resident care programs and services, and resource allocation.
- (b) with respect to Practitioner Staff administration:
  - (i) ensuring development, maintenance and updating of these Bylaws and the Rules pertaining to Practitioner Staff care provided within the Provincial Departments, Area Departments, Divisions, Facilities, and Sites of Clinical Activity operated by the SHA;
  - (ii) providing leadership and direction on matters pertaining to clinical organization, advances in medical technology and other relevant Practitioner Staff administrative matters;
  - (iii) participating in any SHA committees, as required; and
  - (iv) providing leadership and direction to Provincial Departments, Area Departments, Area Divisions, and Sites of Clinical Activity, other Practitioner Staff leaders, and the Provincial Practitioner Advisory Committee (PPAC) and standing and ad hoc committees, so as to integrate the activities of the various Provincial and Area Departments, Divisions, and committees with each other and with the goals of the SHA.
- (c) with respect to the Appointment, privileging and review, including reappointment, termination, and suspension, of Practitioner Staff ~~Members~~:
  - (i) ensuring that appropriate Practitioner Staff Appointment, privileging, re-appointment and review processes are in place and consistent with applicable legislation and associated regulations, these Bylaws and the Provincial Rules.
- (d) with respect to the provision of the quality of practitioner care:

- (i) developing, establishing and maintaining Quality Assurance, Quality Improvement, Risk Management and utilization activities within the SHA in compliance with all applicable legislation, Bylaws, [Provincial](#) Rules and Policies and Procedures of the SHA; and
- (ii) collaborating with the provincial or Area Chiefs of Staff to ensure that patient/client/~~resident~~ concerns regarding the quality of practitioner care are resolved in a timely manner.

(e) with respect to Practitioner Staff resource planning:

- (i) submitting annually an SHA Practitioner Staff human resource plan to the CEO that addresses the needs of the [residents of the province population served](#); and
- (ii) providing leadership and direction on matters pertaining to Practitioner Staff compensation, recruitment, orientation and retention.

(f) with respect to the professional and ethical conduct of Members of the Practitioner Staff:

- (i) encouraging, promoting and fostering the professional and ethical conduct of Member in relation to their practice, teaching, research and interactions with others; and
- (ii) addressing concerns arising from the professional and ethical conduct of [MembersPractitioner Staff](#).

(g) with respect to continuing Practitioner Staff education:

- (i) encouraging, promoting and fostering participation in continuing Practitioner Staff education on an ongoing basis; and
- (ii) assisting in identifying and addressing the management and leadership needs of the Practitioner Staff.

(h) with respect to teaching and research:

- (i) encouraging, promoting and fostering teaching and research within the province;
- (ii) ensuring that appropriate processes and protocols are in place for the consideration and approval of research proposals; and
- (iii) working with the health science institutions to achieve mutual goals as it relates to education of the health workforce and related academic/research activities.

(4) The CMO job description ~~will~~ [may](#) be further outlined within the appendix of the Provincial Rules.

#### **6. Deputy Chief Medical Officer Appointment and Responsibilities**

(1) Subject to subsection (2), the Chief Medical Officer, with the approval of the CEO, shall appoint a Member of the Practitioner Staff, or a ~~person~~ [Physician](#) eligible for Appointment to the medical staff, to the position of Deputy Chief Medical Officer after giving consideration to the advice of a Search Committee ~~pursuant to the process outlined in the Provincial Rules~~.

(2) [A DCMO Search Committee is a committee in search of the best candidates for the DCMO position.](#)

[\(a\) A Search Committee for the DCMO shall be established by the CMO and be comprised of:](#)

[i. two members of the PPAC;](#)

[ii. one member of the SMA selected by the SMA Board;](#)

[iii. one member of the Practitioner Staff who is not a physician;](#)

[iv. one member of the executive leadership team; and](#)

[v. one-patient and family advisor.](#)

[\(b\) members of the Search Committee shall select a member as Chair;](#)

- (c) the Search Committee shall invite applications from members of the Practitioner Staff or physician eligible for membership to the Practitioner Staff;
- (d) the Search Committee may conduct reference checks and, at the request of the CMO, interview applicants;
- (e) the CMO may interview the top candidates recommended by the Search Committee, and/or any other candidates they wish to consider.

~~(1) Upon establishment of the SHA, the CMO may make the first Appointment of a person to the position of DCMO without recommendations or advice from a Search Committee.~~

(3) Where the CMO is absent or unable to serve, the ~~person~~Physician or ~~persons~~Physicians appointed to the position of DCMO may exercise any or all of the powers and responsibilities of the CMO position.

(4) The DCMO ~~can~~ may delegate powers and responsibilities to any Area Chief of Staff as appropriate.

(5) The CMO will conduct an annual performance review of the DCMO.

~~(2) Subject to the confirmation of the CEO, the Chief Medical Officer may at any time revoke or suspend the Appointment of the DCMO.~~

(6) The DCMO job description will may be further outlined within the appendix of the Provincial Rules.

#### **7. Responsibilities of the Deputy Chief Medical Officer**

(1) The DCMO shall be accountable to the CMO with respect to all matters delegated by the CMO.

(2) The DCMO shall be responsible for:

- (a) Management of Practitioner Staff Affairs functions;
- (b) Aacting as Chair of the Bylaws and Rules Review Committee;
- (c) Appointing the Area Chiefs of Staff;
- (d) Ensuring consistent processes for Practitioner Staff ~~p~~eriodic ~~r~~Review throughout the SHA;
- (e) Performing other duties as may be assigned by the CMO; and
- (f) Collaborating with other operational leaders;
- (g) advancing the perspective, advice and resource requirements of the Practitioner Staff within the SHA; and
- (h) advocating for the provision of high quality and safe patient care within the SHA.

#### **8. Area Chiefs of Staff**

~~(1) Subject to subsection (2),~~ Each Area shall have an at least one Area Chief of Staff (ACOS). The ACOS shall be appointed by the DCMO after consideration of the advice of a Search Committee pursuant to the process specified in the Provincial Rules.

(2) An ACOS Search Committee is a committee in search of the best candidates for the ACOS position.

(a) A Search Committee for the ACOS shall be established by the DCMO and be comprised of:

- i. two Area Department Leads;
- ii. one member of the SMA selected by the SMA Board;
- iii. one member of the Practitioner Staff who is not a physician;
- iv. one member of administration; and,
- v. one patient and family advisor.

- (b) Members of the Search Committee shall select a member as Chair.
- (c) The Search Committee shall invite applications from members of the Practitioner Staff or physicians eligible for membership to the Practitioner Staff.
- (d) The Search Committee may conduct reference checks and, at the request of the DCMO, interview applicants.
- (e) The DCMO may interview the top candidates recommended by the Search Committee, and/or any other candidates they wish to consider.

~~(1)(3) Upon establishment of the SHA, the CMO may make the first Appointment of a person to the position of ACOS without recommendations or advice from a Search Committee.~~

~~(2)(4)~~ Each ACOS shall be directly accountable to the DCMO.

~~(3)(5)~~ Without limiting the authority of the SHA relative to its administrative structures, the responsibilities of the ACOS include, but are not limited to:

- (a) accountability for all practitioner-related matters, as well as all operational and strategic issues and decisions requiring practitioner input or leadership that arise within the Area;
- (b) ensuring clinical operational coordination across the Area, collaboration between Areas, and implementation of SHA strategies as approved from time to time by the ~~senior Executive Leadership~~ Team;
- (c) advising on Practitioner Staff resource requirements within the Area and advising on other resource requirements;
- (d) advancing the provision of high quality and safe ~~P~~patient care within the Area;
- (e) performing all other duties assigned to ~~him, her, or them~~ by these Bylaws and the Provincial Rules;
- (f) performing other duties as may be assigned by the DCMO;
- (g) collaborating with other operational leaders; and
- (h) oversight of the Area Departments/Divisions as related to operations, patient care, Bylaws and Rules-related issues;

(4) The DCMO will conduct annual performance reviews of the ACOS.

(5) The ACOS job description ~~will~~ may be further outlined within the appendix of the Provincial Rules.

~~(6) Subject to the confirmation of the CMO, the DCMO may at any time suspend or revoke the Appointment of an ACOS.~~

## 9. Provincial Departments

(1) In accordance with these Bylaws, the CMO and the relevant Dean, with the approval of the CEO, may jointly establish and dissolve Provincial Departments in the SHA organizational structure.

~~(1)(2)~~ In addition to the process outlined in subsection (1), the CMO with approval of the CEO may establish or dissolve additional Provincial Departments.

(3) In determining whether to establish a Provincial Department, the CMO and, where appropriate, the relevant Dean will:

- (a) consider the criteria listed in subsections (4) and (5); and

(b) carry out consultation with the PPAC, where appropriate.

(2)(4) A Provincial Department consists of practitioners who provide patient care, clinical service, and academic service:

- (a) related to a specialty or subspecialty recognized by the Royal College of Physicians and Surgeons of Canada or the College of Family Physicians of Canada or the Royal College of Dentists of Canada;
- (b) related to generalist academic services considered necessary for academic programming; or
- (c) related to provision of health services, including dental services, or programming which is considered to be best organized as a Provincial Department.

(3)(5) The purposes of Provincial Departments are to:

- (a) support the delivery of high quality and safe patient care and clinical services within the province;
- (b) provide oversight to the Practitioner Staff and advice to the SHA with respect to improving provincial quality, optimizing practitioner resources, and contributing to strategic planning and implementation; and
- (c) contribute to the optimization of the design and delivery of undergraduate and postgraduate medical and dental education, in collaboration with the College of Medicine.

(4)(6) Members of the Practitioner Staff will be assigned to Provincial Departments.

#### **10. Appointment of Provincial Department Heads**

(1) Each Provincial Department shall be led by a Provincial Department Head whose duties and responsibilities are specified in these Bylaws and the Rules. A Provincial Department Head will not be responsible for:

- (a) Bylaws related issues/matters;
- (b) Concerns around Area-specific aspects of clinical care;
- (c) Clinical service operational matters within Areas; and
- (d) Area Departments.

(2) In accordance with departmental review/search processes as identified in the Provincial Rules, the CMO and, where appropriate, the relevant the Dean may jointly appoint a Provincial Head Provincial Department Head in accordance with an applicable Affiliation Agreement, with approval of the CEO.

~~(3) A Provincial Head will be appointed for a term of five (5) years unless otherwise provided for in the Rules, and will be eligible for one (1) additional term of Appointment. Subsection (2) applies to any additional term of Appointment. Where in the opinion of the CMO and the Dean, exceptional circumstances warrant, a Provincial Head may be appointed for more than one (1) additional term.~~

(4)(3) The Provincial Department Head shall report to the CMO and, where appropriate, the relevant the Dean.

~~(5)~~(4) Each Provincial Department Head will undergo an annual performance review conducted by the CMO and, where appropriate, the relevant Dean.

~~(6) With the approval of the CEO, the CMO and the Dean may, at any time, jointly suspend or revoke the appointment of a Provincial Head and appoint another individual to be Acting Provincial Head.~~

~~(5)~~ ~~6)~~In the event a Provincial Department Head position becomes vacant the CMO and, where appropriate, the relevant Dean may, with the approval of the CEO, appoint another individual to be Acting Provincial Head until the vacancy is filled.

~~(7)~~(6) An Acting Provincial Department Head shall have all of the powers, duties and responsibilities of the ~~Provincial Head~~Provincial Department Head.

~~(7) Except as otherwise provided for in this section, the term of appointment and any reappointment, suspension, or revocation of appointment of an Acting Provincial Head will be made in accordance with an applicable Affiliation Agreement.~~

#### **11. Area Departments**

(1) In accordance with these Bylaws, the CMO, with the approval of the CEO, will establish Area Departments.

(2) An Area Department consists of practitioners who provide patient care and clinical service within a specific Area:

- (a) related to a specialty or subspecialty recognized by the Royal College of Physicians and Surgeons of Canada or the College of Family Physicians of Canada or the Royal College of Dentists of Canada or regulatory body for other practitioners; or
- (b) that the ACOS and Area Practitioner Advisory Committee (APAC) considers to be best organized and operated as an Area Department.

(3) The purposes of Area Departments are:

- (a) to support the delivery of high quality and safe patient care and clinical services within the Area;
- (b) to permit effective oversight of the Practitioner Staff within the Area;
- (c) to advance the perspective, advice and resource requirements of the Area Practitioner Staff to the SHA; and
- (d) to deliver the academic mandate of the Provincial Department.

(4) Each Member of the Practitioner Staff in an Area shall be assigned to an Area Department.

#### **12. Appointment of Area Department Leads**

(1) Each Area Department shall be led by an Area Department Lead whose duties and responsibilities

are specified in the [Provincial](#) Rules.

- (2) In accordance with these Bylaws and the [Provincial](#) Rules, the ACOS:
- (a) after consulting with the Provincial [Department](#) Head for that Department and considering the advice of the APAC; and
  - (b) with the approval of the DCMO;
- may appoint one or more individuals to be responsible for and serve as an Area Department Lead.

- (3) To be appointed as an Area Department Lead an individual must:
- (a) be a Member of the [Active](#)-or [Associate](#)[provisional](#) [Staff](#); and
  - (b) be a [practitioner](#) whose primary practice is in the Area Department [he/she/they](#) [are/is being](#) appointed to be the Area Department Lead for.

~~4. An Area Department Lead will be appointed for a term of five (5) years unless otherwise provided for in the Rules, and will be eligible for one (1) additional term of Appointment. Where in the opinion of the DCMO, exceptional circumstances warrant, an Area Department Lead may be appointed for more than one (1) additional term.~~

- (4) Each Area Department Lead will have a dual reporting relationship:
- (a) Reporting directly to the ACOS on matters including:
    - (i) Area operational matters;
    - (ii) [Assigned](#) Bylaws and [Provincial](#) Rules-related matters;
    - (iii) Area [practitioner](#) review matters;
    - (iv) Area quality of care issues and [quality](#) [improvement](#) activities such as patient or other concerns, discussions or meetings involving critical incidents, morbidity and mortality discussions, and adverse events; and
    - (v) Area [quality](#) [assurance](#) activities.
  - (b) Reporting to the Provincial [Department](#) Head on matters that include:
    - (i) [Academic](#) [program](#) delivery within [his/her/their](#) respective Area;
    - (ii) Provincial Departmental strategic planning;
    - (iii) Provincial Departmental [practitioner](#) human resource planning and collaboration on recruitment of [practitioners](#) within their respective Area [departments](#);
    - (iv) [Provincial](#) [clinical](#) [practice](#) [standard](#) [setting](#); and
    - (v) [Provincial](#) [quality](#) [improvement](#) initiatives within the scope and realm of that Department.

(5) Each Area Department Lead shall undergo an annual performance review by the ACOS.

~~(6) After consultation with the Provincial Head for that Department, and with the approval of the DCMO, the ACOS may at any time suspend or revoke the Appointment of an Area Department Lead.~~

~~(7)~~(6) Where an ~~A~~appointment is suspended, ~~or~~ revoked ~~or the Area Department Lead is unable to~~ serve under subsection (7), the ACOS may, after consultation with the Provincial Department Head for that Department, and with the approval of the DCMO, appoint an individual to be Acting Area Department Lead.

~~(8)~~(7) An Acting Area Department Lead shall have all of the powers, duties and responsibilities of an Area Department Lead.

~~(9)~~(8) The search and selection process shall be determined and implemented by the DCMO.

### 13. Area Divisions

- (1) An Area Department may be further divided, as appropriate, into Area Divisions, organizational sub—units which shall be directly accountable to the Area Department within which they function.
- (2) An Area Division may be established by the CMO, and approved by the CEO, if it is determined that it will assist the Area Department in optimally fulfilling its functions and responsibilities pursuant to these Bylaws and the Provincial Rules.

(3) As appropriate, each Area Division shall have an Area Division Lead whose duties and responsibilities are specified in these Bylaws and the Provincial Rules.

### 14. Area Division Lead

(1) Each Area Division Lead shall be a pPractitioner of the Aactive or Aprovisional Sstaff and a pPractitioner of the Area Division.

(2) The Area Division Lead shall report to and be accountable to the Area Department Lead for the activities of the Area Division and its pPractitioners.

~~(3)~~(3) An Area Division Lead will be appointed by the Area Department Lead and confirmed by the ACOS, ~~for a term of five (5) years unless otherwise provided for in the Rules, and will be eligible for one (1) additional term of Appointment. Where in the opinion of the ACOS, exceptional circumstances warrant, an Area Division Lead may be appointed for more than one (1) additional term.~~

(4) Each Area Division Lead reports to the Area Department Lead on matters including:

- (a) Area Division operational matters;
- (b) Division Bylaws and Provincial Rules-related matters;
- (c) Area Division Practitioner periodic and other review matters;
- (d) Area Division quality of care issues;
- (e) Area Division eQuality improvement activities such as patient and other concerns, critical incidents, morbidity and mortality discussions, and adverse events;
- (f) Area Division eQuality assurance activities;
- (g) Area Division Academics and training within the Area and provincially; and
- (h) Provincial practice standardization of care within the Area Division.

- (5) The Area Department Lead will conduct annual performance reviews of Area Division Leads.
- (6) In considering re-appointment of an Area Division Lead, the respective Area Department Lead shall consider the results of annual performance reviews and the views of the Members of the Division.

~~With the approval of the ACOS, the Area Department Lead may at any time suspend or revoke the Appointment of an Area Division Lead.~~

(7) In the event an Area Division Lead position becomes vacant the Area Department Lead may, after consultation with the ACOS, and with the approval of the DCMO, appoint an individual to be Acting Area Division Lead until the vacancy is filled.

~~(7)(8) An Acting Area Division Lead shall have all of the powers, duties and responsibilities of an Area Department Lead as outlined in these Bylaws and Provincial Rules.~~

#### **15. Responsibilities of Area Division Lead**

- (1) Roles and responsibilities of the Area Division Leads ~~shall~~may be set out more fully in the appendix of the Provincial Rules.

#### **16. Establishment of the Provincial Practitioner Advisory Committee (PPAC)**

- (1) ~~Within 30 days of the effective date of these Bylaws,~~ The CEO and CMO shall establish a Provincial Practitioner Advisory Committee (PPAC).
- (2) The CMO may in addition establish an executive committee of the PPAC which is accountable to the PPAC and with specific terms of reference approved by the PPAC.

#### **17. Responsibilities of the Provincial Practitioner Advisory Committee**

- (1) The PPAC shall:
  - (a) assist the CMO with the effective organization, management and functioning of the Practitioner Staff; and
  - (b) recommend Practitioner Staff Bylaws, Provincial Rules, ~~Area Rules~~, and Area Department Rules relating to practitioner staff affairs.
- (2) The responsibilities of the PPAC include, but are not limited to, providing advice and recommendations to the CMO, with a view to integrating and coordinating activities in a consistent manner throughout the province on matters:
  - (a) ~~With~~ respect to Practitioner Staff organization, making recommendations to the CMO regarding:
    - (i) the development, maintenance and updating of Practitioner Staff Bylaws, Provincial Rules, ~~Area Rules~~, and Area Department Rules pertaining to practitioner care provided within Facilities, Programs and services operated by the SHA;
    - (ii) matters pertaining to clinical organization, medical technology and other relevant practitioner administrative matters; and
    - (iii) matters pertaining to strategic planning, financial and program planning, the development, implementation and evaluation of patient/client/resident care programs and services and resource allocation.

- (b) with respect to the provision of the quality of practitioner care:
  - (i) receiving, reviewing and making recommendations to the CMO on reports from quality review bodies and committees;
  - (ii) making recommendations to the CMO concerning the establishment and maintenance of professional standards in Facilities, Programs and services operated by the SHA in compliance with all applicable legislation, Bylaws, [Provincial](#) Rules and Policies and Procedures of the SHA; and
  - (iii) making recommendations on the quality, effectiveness and availability of practitioner care provided in Facilities, Programs and services operated by the SHA.
- (c) with respect to practitioner human resource planning:
  - (i) making recommendations to the CMO regarding practitioner resources required to meet the health needs of the population served by the SHA.
- (d) with respect to academics and learning:
  - (i) making recommendations regarding province-wide innovations, research, [Quality Assurance](#), [Quality Improvement](#), appropriateness of care, standardization of care, and distributed [Practitioner](#) education.

#### 18. Provincial Practitioner Advisory Committee (PPAC) Composition

- (1) The following persons shall be voting [M](#)members of the PPAC
  - (a) the DCMO;
  - (b) the Senior [Chief](#) Medical Health Officer;
  - (c) ~~the~~ [Practitioner](#) Staff Member representative of the Saskatchewan Medical Association (SMA) selected by the SMA president;
  - ~~(d)~~ [each](#) Provincial [Department](#) Head;
  - ~~(e)~~ [each one](#) ACOS from [each Area](#);
  - ~~(f)~~ [a](#) Practitioner Staff Member designated by the Dean of the College of Medicine; and
  - ~~(g)~~ [two](#) patient and family advisors selected by the CMO.
- (2) The following persons shall be non-voting [M](#)members of the PPAC:
  - (a) the CMO;
  - (b) the Physician Executives of Northern Health, Rural Health, Urban Health, and Provincial Programs; and
  - (c) other administrative staff as deemed appropriate by the CEO and CMO.
- (3) The ~~e~~Chair and ~~v~~Vice-~~e~~Chair shall be elected annually from the voting [M](#)members of PPAC.
- (4) The Chair of the PPAC shall:
  - (a) preside at all meetings of the PPAC;
  - (b) give such notice, as required in the [Provincial](#) Rules, of all meetings of the PPAC;
  - (c) in consultation with the CMO, develop the agenda for PPAC meetings;
  - (d) maintain the minutes of all meetings of the PPAC;
  - (e) maintain an attendance record of those attending all meetings of the PPAC; and
  - (f) perform such other duties as ordinarily pertain to this office and as the CMO directs.
- (5) The ~~v~~Vice-~~e~~Chair of the PPAC shall have all the powers and perform all the duties of the ~~e~~Chair in

the absence or disability of the Chair.

(6) PPAC shall meet not less than four ~~(4)~~ times per year.

#### 19. Standing and Ad Hoc Committees of Provincial Practitioner Advisory Committee

(1) The PPAC may establish such standing committees and ad hoc committees as required to advise the CMO and the PPAC.

(2) The terms of reference, duties and composition of each standing and ad hoc committee shall be approved by PPAC and recorded in the minutes of the PPAC.

(3) The PPAC shall appoint a ~~e~~C chair of each standing committee and each ad hoc committee.

(4) The ~~e~~C chair of each standing or ad hoc committee shall submit the minutes, reports, and any recommendations of the standing or ad hoc committee on a regular basis, or as directed by the PPAC, and, at the request of the PPAC, be present to discuss all or part of any minutes, reports, or recommendations of the standing or ad hoc committee.

#### 20. Bylaws and Rules Review Committee

~~(1)~~ Within 30 days of the effective date of these Bylaws, ~~t~~he DCMO will establish and maintain a Bylaws and Rules Review Committee.

~~(2)~~(1) The purpose of the ~~C~~committee will be to continually maintain currency of the Practitioner Staff Bylaws, Provincial Rules, ~~Area Rules~~, and Department Rules.

~~(3)~~(2) Amendments may be proposed by any Member of the Practitioner Staff, the SHA administration, or any ~~M~~member of the Bylaws and Rules Review Committee.

~~(4)~~(3) The Bylaws and Rules Review Committee shall be composed of the following voting ~~M~~members:

(a) ~~Deputy~~ CMO who will be ~~e~~C chair;

(b) ~~four~~ ~~M~~members of the Practitioner Staff nominated by the [Saskatchewan Medical Association \(SMA\)](#) selected by the SMA

(c) ~~four~~ Area Chiefs of Staff

~~(d)~~ ~~1 non-Physician Member of the Practitioner Staff;~~

~~(e)~~(d) ~~one to 2two~~ ~~p~~atient & ~~f~~amily representatives ~~Advisors~~ selected by the ~~D~~CMO; ~~and~~

~~(e)~~ ~~1one~~ Executive Director Practitioner Affairs; ~~and~~

(f) ~~one~~ ~~Dentist~~ ~~nominated by the College of Dental Surgeons of Saskatchewan~~

~~(5)~~(4) Non-voting ~~M~~members shall include:

(a) SHA Legal Consultant(s);

(b) ~~A~~administrative staff as determined by the ~~C~~committee and approved by the DCMO; ~~and~~

(c) Ministry of Health representative(s) designated by the Ministry of Health; ~~and~~

~~(e)~~(d) ~~Other non-physician and non-dentist Practitioner Sstaff as determined by the Ccommittee and approved by the DCMO.;~~

~~(6)~~(5) The committee will make recommendations to, and report to, the PPAC.

~~(7)~~(6) The committee shall meet not less than ~~2two~~ times per year, and as may otherwise be required at the call of the ~~e~~C chair.

## 21. Area Practitioner Advisory Committees (APAC) Establishment and Responsibilities

~~(1)~~ Within 30 days of the effective date of these Bylaws, the CEO and CMO shall establish Area Practitioner Advisory Committees (APAC).

~~(2)~~(1) The ACOS may in addition establish an executive committee of the APAC which is accountable to the APAC and with specific terms of reference approved by the CMO.

~~(3)~~(2) The APAC shall:

- (a) assist the Area Chiefs of Staff with the effective organization, management and functioning of the Practitioner Staff within that Area;
- (b) with respect to Practitioner Staff administration:
  - (i) providing advice and recommendations to the ACOS on matters pertaining to clinical organization, medical technology and other relevant practitioner administrative matters; and
- (c) with respect to the provision of the quality of practitioner care:
  - (i) receiving, reviewing and making recommendations to the ACOS on reports from Quality Assurance committees and/or Quality Improvement Committees within the Area;
  - (ii) reporting and making recommendations to the ACOS on the quality, effectiveness and availability of practitioner care provided in Facilities, Programs and services operated within the Area;
  - (iii) report and make recommendations regarding critical incidents and adverse events within the Area;
  - (iv) report and make recommendations on Appointments, reappointments, and recommendations of the Practitioner Staff Review Committee, and
  - (v) report and make recommendations brought from Area Departments and/or Area Divisions.

~~(4)~~(3) The conduct of APAC meetings, Department, Program or Area Division meetings, and general meetings of the Practitioner Staff, as well as questions of procedure at both regular and special meetings of such bodies, shall be determined in accordance with the Provincial Rules.

## 22. Area Practitioner Advisory Committee (APAC) Composition

(1) The following persons shall be voting members of the APAC:

- (a) the Medical Health Officer(s) for the Areas;
- (b) a representative of the Saskatchewan Medical Association;
- (c) each Area Department lead;
- (d) a representative of the College of Medicine, University of Saskatchewan, ~~designated by the Dean of Medicine; and~~
- (e) one to two patient and family advisors selected by the ACOS; and
- (f) one Dentist nominated by the College of Dental Surgeons of Saskatchewan;
- (g) one non-physician, non-dental member from any of the non-physician practitioner associations, to attend on a rotating basis.

(2) The following persons shall be non-voting members of the APAC:

- (a) ~~o~~Other administrative staff as determined by the CMO and ACOS;
- (b) the ACOS;
- (c) ~~a~~As may be applicable, depending on the Area, the relevant VP and Physician Executive Directors of Integrated Northern Health, Integrated Rural Health, Integrated Urban Health, and Provincial Programs, or delegate.

(3) The Chair and ~~v~~Vice-~~e~~Chair of the APAC will be elected annually by the mMembers of the APAC.

(4) The Chair of the APAC shall:

- (a) preside at all meetings of the APAC;
- (b) give such notice, as required in the Provincial Rules, of all meetings of the APAC;
- (c) in consultation with the ACOS, develop the agenda for APAC meetings;
- (d) maintain the minutes of all meetings of the APAC;
- (e) maintain an attendance record of those attending all meetings of the APAC; and
- (f) perform such other duties as the ACOS directs

(5) The Vice-Chair of the APAC shall have all the powers and perform all the duties of the Chair in the absence or disability of the Chair.

(6) APAC shall meet not less than six ~~(6)~~ times per year.

### **23. Standing and Ad Hoc Committees of Area Practitioner Advisory Committee**

(1) The APAC may establish such standing committees and ad hoc committees as required to advise the ACOS and the CMO.

(2) The terms of reference, duties and composition of each standing and ad hoc committee shall be approved by APAC and recorded in the Area Rules or minutes of the APAC.

(3) The APAC shall appoint a eChair of each standing committee and each ad hoc committee.

(4) The eChair of each standing or ad hoc committee shall submit the minutes, reports, and any recommendations of the standing or ad hoc committee on a regular basis, or as directed by the APAC, and, at the request of the APAC, be present to discuss all or part of any minutes, reports, or recommendations of the standing or ad hoc committee.

### **24. Area Application Review Committee**

(1) Each Area shall have an Area Application Review Committee (AARC).

(2) The purpose of the AARC is to review:

(a) all initial applications to the Practitioner Staff for Appointment and /or Privileges and prepare a written recommendation (to accept, deny, or amend the application) after initial review by an Area Department Lead; ~~and~~

~~(b) to review~~ all requests to change a Practitioner Staff Appointment and /or Privileges and prepare a written recommendation (to accept, deny, or amend the Request for Change) after initial review by an Area Department Lead; and

~~(b)~~(c) all changes from provisional staff Appointment to another staff category Appointment after

consideration of recommendation made by the Area Department Lead to whom the provisional staff Member has been assigned.

- (3) ~~The~~ AARC shall be composed of the following persons who shall be voting ~~m~~Members:
  - ~~(a) The ACOS, who shall be Chair;~~
  - (a) The Chair and Vice Chair of AARC will be elected annually by the members of AARC.
  - (b) two Area Department Leads selected by the ACOS;
  - (c) one ~~p~~Practitioner from the Practitioner Staff, selected by the SMA ~~p~~resident;
  - (d) one ~~p~~Practitioner from the Practitioner Staff selected by the ACOS; and
  - (e) one to two patient and family advisors representatives selected by the ACOS.
- (4) The applicable Area Department Lead shall be invited to attend and participate in the committee meeting for the period during which any initial Application(s) and any ~~R~~request(s) to ~~C~~change a Medical-Practitioner Staff Appointment and/or Privileges related to ~~his/her~~their Department is(are) under discussion. The applicable Area Department Lead will not be a voting ~~M~~member. This would include changes related to a Dentist, Midwife, Chiropractor, or independent Nurse Practitioner.
- (5) At the discretion of the applicable Area Department Lead, a relevant Area Division Lead may be invited to attend with respect to a particular Application(s) or ~~R~~request(s) to ~~C~~change related to ~~his/her~~their Division.
- (6) Meetings of the AARC may be held in person, electronically, by videoconference or teleconference;
- (7) The AARC shall follow the procedures outlined in the Provincial Rules.
- (8) The AARC shall report to, and make recommendations to, the APAC.

#### **25. Establishment of the Practitioner Staff Review Panel**

- (1) ~~Within 30 days of the effective date of these Bylaws, T~~he Board, on recommendation from the CEO and CMO, shall establish a Practitioner Staff Review Panel, from which some a pool of practitioners, some of whom may be called on from time to time to form Practitioner Staff Review Committees.

#### **26. Practitioner Staff Review Panel Composition**

- (1) The Practitioner Staff Review Panel shall be comprised of the following persons appointed by the Board:
  - (a) 20 ~~M~~memberspersons appointed from among 25 Practitioner Staff ~~M~~Members-nominated by the CMO having considered the advice of PPAC; and
  - (b) five Memberspersons appointed from among seven persons who are not Practitioner Staff nominated by the CEO.
- (2) Upon appointment, Each person appointed to the Practitioner Staff Review Panel shall serve a two-year term subject to a maximum of three consecutive terms.
- (3) Vacancies on the Practitioner Staff Review Panel shall be filled by the Board on the recommendation of the PPAC or CEO, whichever nominated the person who resigned or whose term has expired, ~~to serve~~

for the balance of the term of the former panel Member.

- (4) A ~~e~~Chairperson and ~~v~~Vice ~~e~~Chairperson of the Practitioner Staff Review Panel shall be appointed ~~by the Board annually, for a two-year term.~~
- (5) ~~The eChairperson shall submit any reports and recommendations of the Practitioner Staff Review Committees and, as required, be present to discuss all or part of any reports and recommendations so submitted. Chairpersons of the relevant PSRCs may be invited to attend to discuss reports.~~

#### 27. Responsibilities of the Practitioner Staff Review Committees

- (1) A Practitioner Staff Review Committee shall make recommendations respecting matters that may be submitted to it pursuant to these Bylaws including Member who is aggrieved by a recommendation of the APAC or the CMO:
  - (a) ~~respecting~~ the reappointment and termination of Appointment of persons to the Practitioner Staff and the suspension of persons appointed to the Practitioner Staff;
  - (b) ~~respecting~~ the granting of Privileges to ~~a Member~~Members of the Practitioner Staff, including the amending, suspending and revoking of Privileges granted; and
  - (c) ~~respecting~~ the review of ~~a Member~~Members of the Practitioner Staff.

#### 28. Practitioner Staff Review Committee Composition

- (1) Practitioner Staff Review Committees shall be established by the ~~e~~Chairperson or, in the ~~e~~Chairperson's absence, the ~~v~~Vice ~~e~~Chairperson of the Practitioner Staff Review Panel, on an ad hoc basis.
- (2) Practitioner Staff Review Committees shall be comprised as follows:
  - (a) ~~Two Practitioner Members Staffpersons~~ from the pool of ~~twenty (20)~~ ~~p~~Practitioner Staff Members appointed to the Practitioner Staff Review Panel; and
  - (b) ~~One Mmemberperson~~ from the pool of ~~five ten (10) seven persons who are not Practitioner Staff non-practitioner m~~Members appointed to the Practitioner Staff Review Panel.
- (3) The ~~e~~Chairperson of the Practitioner Staff Review Panel shall appoint a ~~e~~Chairperson for each Practitioner Staff Review Committee, ~~except in committees where the chairperson is a Mmember. In cases where the chairperson is a Member of the Practitioner Staff Review Committee, the vice-chairperson shall appoint a chairperson for that Committee.~~
- (4) The conduct, processes and duties of Practitioner Staff Review Committees shall be determined in accordance with these Bylaws, and the Provincial Rules as established from time to time.
- (5) Any number of ~~e~~Committees may sit concurrently.
- ~~(6) A majority of the Members of a Committee constitutes a quorum of the Committee.~~
- ~~(7)~~(6) Subject to these Bylaws, a recommendation ~~of a majority of the Members of the persons~~ of a ~~e~~Committee is a recommendation of the Practitioner Staff Review Committee.
- ~~(8)~~(7) Subject to these Bylaws, if a vacancy occurs in a ~~e~~Committee after a hearing has commenced, the remaining ~~Members of persons on~~ the Committee may continue with the hearing and render a recommendation in the matter.

~~(9)(8)~~ The ~~e~~Chairperson of the Practitioner Staff Review Panel shall appoint a new Committee to rehear an appeal if either:

- (a) A tie occurs; or
- (b) A further vacancy occurs before a decision has been made.

~~(10)(9)~~ Any ~~Member of person on~~ the Practitioner Staff Review Committee who resigns or whose appointment to the Practitioner Staff Review Panel expires prior to the conclusion of a hearing before it, but who was involved in a matter prior to the resignation or expiration of ~~his or her~~their Appointment, may continue to sit ~~as a Member of on~~ the Practitioner Staff Review Committee, but only for the purpose of completing the matters before it.

### 29. Practitioner Liaison Committee

(1) The Board shall establish a Practitioner Liaison Committee.

(2) Except as otherwise provided in ~~this~~these Bylaws, the conduct of Practitioner Liaison Committee meetings, as well as questions of procedure, shall be determined in the Terms of Reference as established by the Board.

(3) The purpose of the Saskatchewan Health Authority Practitioner Liaison Committee is to serve as a forum for communication between the SHA and practitioners and it will seek, in a spirit of cooperation, to maintain and improve the provision of health services in the province.

(4) The SHA Practitioner Liaison Committee acts in an advisory capacity to the Board.

(5) Responsibilities of the SHA Practitioner Liaison Committee shall be set out in the Terms of Reference and will include:

- (a) contributing to a stable, constructive and long term relationship between the SHA and ~~pp~~practitioners providing health services in the province;
- (b) enhancing the quality and effectiveness of care within the province;
- (c) providing a forum for the discussion of broader health care management issues; and
- (d) providing a forum for the discussion of other issues of mutual interest or of concern to the parties.

### 30. Practitioner Liaison Committee Composition

(1) The Practitioner Liaison Committee shall be composed of the following representatives:

(a) in the case of the SHA:

- (i) ~~the~~ Chair of the Board;
- (ii) ~~the~~ CEO;
- (iii) ~~the~~ CMO;
- (iv) ~~the~~ DCMO; and
- (v) ~~two three~~ Board ~~M~~members.

(b) in the case of the Practitioner Staff, the following ~~M~~members will be selected by their respective association:

- (i) ~~President and six~~ ~~6~~ ~~P~~physician ~~M~~members of the Saskatchewan Medical Association

Comment [KSS1]: SHA Legal – flagged for discussion with the Board

- (SMA), ~~1 from each Area;~~  
(ii) ~~one~~ non-~~P~~physician, ~~non-dental M~~member from any of the non-~~P~~physician, ~~non-dental~~ practitioner associations, to attend on a rotating basis;  
(iii) one Dentist nominated by the College of Dental Surgeons of Saskatchewan;  
~~(iv) one patient & family advisor;~~

- (2) The SHA Practitioner Liaison Committee shall be co-chaired by the Chair of the Board and one of the representatives of the ~~P~~practitioners chosen by the ~~M~~members referred to in clause (1)(b)
- (3) With the mutual consent of the co-chairs, other individuals may attend meetings, as deemed necessary or appropriate, from time to time.

### 31. Practitioner Liaison Committee Meetings

- (1) The Practitioner Liaison Committee shall meet at least semi-annually or more often at the call of the co-chairs.
- (2) At least one week prior to the meeting, the co-chairs shall circulate the agenda to the ~~M~~members of the Practitioner Liaison Committee.
- (3) Minutes of the SHA Practitioner Liaison Committee shall be submitted to the SHA and the associations represented on the committee.

### 32. Practitioner Reports

- (1) The President of the SMA or ~~his/her~~their designate may, in accordance with the ~~p~~Policies and ~~p~~Procedures of the Saskatchewan Health Authority, attend and provide reports on SMA activities to meetings of the Board. Other practitioner associations may also attend and provide reports at the request or approval of the Board. The CEO shall receive these reports prior to the presentation of the reports to the Board.

## PART III PRACTITIONER STAFF CATEGORIES

### 33. Practitioner Staff ~~Categories~~

- (1) The Practitioner Staff shall be organized into the following ~~categories~~:
- (a) ~~p~~Physicians;
  - (b) ~~d~~Dentists;
  - (c) ~~c~~Chiropractors;
  - (d) ~~m~~Midwives; and
  - (e) ~~R~~Registered ~~n~~Nurse ~~p~~Practitioners (RN(NP)) and ~~R~~Registered ~~n~~Nurses with additional authorized practice (RN (AAP)).

### 34. ~~Establishment of Practitioner Staff Subcategories~~Categories

- (1) The Practitioner Staff shall be organized into the following:
- (a) ~~associate~~Provisional;
  - (b) active;
  - ~~(c) limited;~~
  - ~~(d)~~(c) assistant;

- (d) ~~visiting~~ visiting;
- (e) ~~locum tenens~~;
- (f) ~~temporary~~;
- (f)(g) ~~telemedicine~~
- (g)(h) ~~Resident; fellow~~
- (h) ~~training fellow~~.
- (i) ~~honorary~~

**35. ~~Associate Staff~~ Provisional Staff**

- (1) ~~The associate~~ Provisional Staff shall consist of those practitioners who apply for an initial Appointment to ~~the Active, limited, resident or assistant~~ Practitioner Staff, ~~and who are appointed to the associate staff~~. Appointment to ~~the associate~~ Provisional Staff shall be considered a probationary Appointment during which time the APAC and the appropriate Area Department Lead shall evaluate the Member. Mentorship shall be provided with the intent that new ~~Members~~ Practitioner Staff succeed in their profession.
- (2) Each ~~associate~~ Provisional Staff Member shall have such Privileges that are approved within the staff category to which they applied.
- (3) Subject to these Bylaws, a ~~Provisional~~ ~~associate~~ Staff Member shall serve a ~~12~~ twelve-month probationary period under the supervision of an ~~active staff~~ Member ~~of the same category~~ assigned by the ACOS ~~or a supervision plan approved by the ACOS when assigning a supervisor is not feasible~~ pursuant to the recommendation of the Area Department Lead to whom the ~~associate~~ provisional staff Member has been assigned. ~~The Area Department Lead or Area Division Lead should not be the supervisor.~~
- (4) The ~~associate~~ Provisional Staff Member or the Area Department Lead may request the ACOS to assign a different supervisor at any time during the ~~practitioners~~ Members' Appointment to the ~~associate~~ provisional staff.
- (5) The ACOS ~~may, at the request of the Area Department Lead, recommend waiving or reducing the probationary period. may recommend waiver or reduction of the twelve month probationary period, and the probationary period may be waived or reduced. If there is agreement with the recommendation, the Appointment may be granted for the balance of the term to the staff category to which the practitioner initially applied.~~
- (6) ~~At the end of the twelve month Appointment, and~~ Subject to the provisions of these Bylaws and the Provincial Rules respecting ~~the change from provisional staff Appointment to another staff category reappointment, the~~ APAC shall review the performance of the ~~associate~~ Provisional Staff Member ~~including on at least two evaluations during the year~~ and recommend either:
  - (a) Appointment to ~~the another~~ staff category ~~to which the individual applied~~; or
  - (b) a further probationary period by reappointment to the ~~associate~~ Provisional Staff for a further period not exceeding ~~12~~ twelve months.

(7) No Member of the ~~associate~~ Provisional Staff shall be appointed to the ~~associate~~ Provisional Staff for more than ~~twenty-four~~ 24 consecutive months. At the end of 24 months a decision must be made on whether to ~~appoint to another subcategory or to~~ terminate the Appointment. ~~In the event that a Member has had their Provisional Appointment extended to 24 months for further evaluation, they will remain on the provisional staff until that evaluation is completed and decision is rendered.~~

~~(7)~~(8) At any time, the APAC may recommend that the Appointment to the associate-provisional staff be terminated. If the APAC recommends termination, the APAC shall prepare written reasons with respect to its recommendation and the process described in these Bylaws and the Provincial Rules, with any necessary modification, shall be followed.

**Comment [CI2]:** SHA legal feels strongly that this addition adds clarity to the process.

There was no consent on this addition at the BRRC meeting Oct 1, 2019

This is the recommendation from SHA Legal counsel:

At any time, the APAC may recommend that the Appointment to the provisional staff be terminated. If the APAC recommends termination, the APAC shall prepare written reasons with respect to its recommendation and the Member shall be entitled to the process outlined in section 57(5) and Part VIII of these Bylaws, subject to the limitation that the Practitioner Staff Review Committee process is limited to whether the Member received a fair and reasonable evaluation.

(9) Members of the associate-provisional staff may have such membership and voting rights, and be subject to such duties and obligations commensurate with the staff category to which they are applied.  
appointed.

### 36. Active Staff

(1) The active staff shall consist of those Physicians, Dentists and oral maxillofacial surgeons, Chiropractors, Midwives, and Nurse Practitioners who have been appointed as active staff.

(2) Every practitioner-person applying for an initial Appointment to the active staff will be appointed to the associate-provisional staff for a probationary period.

(3) Every Member of active staff will have Privileges which shall specify:

(a) SHA Programs that the practitioner is eligible to access;

(b) the Area, Facilities, or Sites of Clinical Activity where the Member is eligible to admit to and/or provide patient care and/or services;

~~(a)~~(c) Privileges as further defined in the Privileges granted or as outlined in these Bylaws and the Provincial Rules.

~~(2)~~ unless otherwise stated in the Privileges granted, Members of the active staff shall:

~~(a)~~ be granted Privileges to admit to, and/or treat patients in specific inpatient facilities; and be granted the privilege to treat patients in specific outpatient facilities or other Sites of Clinical Activity;

~~(3)~~(4) Members of the active staff may Act as a mentor or supervisor of a Member of the associate-provisional staff as mutually agreed upon by the associate-provisional staff Member, the active staff Member, the ACOS, and the Area Department Lead; and

~~(4)~~(5) Members of the active staff shall Attend meetings of the Practitioner Staff as required by the Provincial, Area and ~~d~~Department Rules.

~~(5)~~ In the case of dental staff, be granted Privileges to admit to an inpatient Facility on the joint order of a Physician who is a Member of the active staff.

~~(6)~~ In the case of oral maxillofacial surgeons, be granted Privileges to admit to an inpatient Facility.

~~(7)~~ Members of the active staff shall have Privileges as further defined in the Privileges granted.

~~(8)~~(6) Members of the active staff may be a Member or the eChairperson of any committee of the Practitioner Staff and vote at meetings of the Practitioner Staff or any committee on which they hold membership.

~~(iii)~~ **Limited Staff**

~~(1)~~ The limited staff shall consist of those practitioners who have been appointed as limited staff.

~~(2) Every practitioner applying for an initial Appointment to the limited staff will be appointed to the associate staff for a probationary period.~~

~~(3) A practitioner may be appointed to the limited staff if:~~

~~(a) the applicant has patients/clients/residents who are residents of a special care home operated by the SHA;~~

~~(b) the applicant has demonstrated a need for Privileges to and may:~~

~~(i) cause a person to be registered as an out-patient of a Facility;~~

~~(ii) attend, diagnose or treat a person registered as an out-patient of the Facility; and~~

~~(iii) discharge a person registered as an out-patient of the Facility.~~

~~(c) the applicant has demonstrated a need for Privileges to access SHA Programs and services such as diagnostic imaging, laboratory, rehabilitation, health promotion and education and home care to serve the needs of his or her patients/clients/residents residing within the province; or~~

~~(d) In the case of chiropractors, be appointed to the limited chiropractic staff if the Chiropractor is not employed by the SHA, and:~~

~~(i) The applicant has demonstrated a need for Privileges to:~~

~~(i) cause a person to be registered as an out-patient of a Facility operated by the SHA for the purpose of obtaining plain film radiographs of the person's skeletal system, or ultrasound images of the person's musculoskeletal system;~~

~~(ii) on the request of the person's attending Physician, attend, diagnose, or treat a person admitted to a Facility operated by the SHA as an in-patient or registered as an out-patient for the purpose of chiropractic treatment or services.~~

~~(e) In the case of an RN(NP)s or RN(AAP)s, be appointed to the limited RN(NP)s or RN(AAP) Practitioner Staff if the RN(NP) or RN(AAP) Practitioner is not employed by the SHA, and:~~

~~(i) The applicant has demonstrated a need for Privileges to:~~

~~(i) Attend patients and undertake such medical and surgical treatments in accordance with the Privileges granted~~

~~(ii) Undertake such duties respecting patient care as may be reasonably assigned by the ACOS in circumstances where additional human resources are required.~~

~~(f) The applicant will serve as CMO or DCMO.~~

~~(4) Each practitioner of the Limited Staff shall attend meetings of the Practitioner Staff as required by the Provincial, Area and Department Rules.~~

~~(iv) — **Assistant Staff**~~

~~(1) The assistant staff shall consist of those Physicians who have been appointed to the assistant staff.~~

~~(2) A Physician may be appointed to the assistant staff if the applicant is to provide specific services within an Area Department, or Area Division.~~

~~(3) Every Physician applying for an initial Appointment to the assistant staff will be appointed to the associate staff for a probationary period~~

~~(4) Members of the assistant staff shall have Privileges as further defined in the Privileges granted or as outlined in these Bylaws and the Provincial Rules.~~

**(v) Temporary Staff**

~~(1) The temporary staff shall consist of those practitioners who have been appointed to the temporary staff.~~

~~(2) A practitioner may be appointed to the temporary staff and granted such Privileges for a period of time of no more than twelve months at any given time where the Appointment is:~~

~~(a) to provide a specific service or Program; or~~

~~(b) to provide temporary replacement or support for a Member of the active or limited staff.~~

~~(3) A practitioner shall not be appointed to the temporary staff for a period of more than twenty four months on a cumulative basis. After a total of twenty four months, over a five year period, in the temporary staff category, the ACOS shall review the Appointment and make recommendations.~~

~~(4) Members of the temporary staff shall have Privileges as further defined in the Privileges granted or as outlined in these Bylaws and the Provincial Rules.~~

~~(5) An urgent temporary Appointment to the Practitioner Staff with temporary Privileges, including procedural Privileges, may be granted by the CMO to:~~

~~(a) a practitioner who has made an application for Privileges or without application under special or urgent circumstances such as a medical emergency, organ retrieval, infant and maternal transport, education, demonstration of medical equipment, or~~

~~(b) a practitioner who has applied for an Appointment to the Practitioner Staff and there is a demonstrated need for the applicant to begin to provide clinical services in advance of an AARC meeting to consider the application.~~

~~(6) The granting of temporary privileges and appointment pursuant to subsection (5) shall be reviewed by the Board at its next regularly scheduled meeting and the Board may, where considered appropriate, affirm, amend, modify or revoke any temporary privileges.~~

~~(7) A decision made under this section is not subject to appeal/review under the process set out in Parts V, VI or VII of these bylaws.~~

**37. Visiting Staff**

(1) The visiting staff shall consist of those practitioners who are appointed to the visiting staff and who have been licensed by their appropriate regulatory body ~~and appointed to the visiting staff.~~

(2) An applicant may only be appointed to the visiting staff where the applicant has an appointment with another province or other similar health care organization in Canada, or outside of Canada, and

(a) the applicant has established consultant clinics or performs itinerant services in any of the SHA facilities; and

(b) the application requires access to SHA resources to service the needs of their patients/clients/residents residing within the province.

(3) Members of the visiting staff shall have Privileges as further defined in the Privileges granted or as

outlined in these Bylaws and the Provincial Rules.

- ~~(2) Every practitioner applying for an initial Appointment to the visiting staff will be appointed to the associate staff for a probationary period unless directed otherwise.~~
- ~~(3) Practitioners may only be appointed to the visiting staff category where the applicant has an active staff Appointment with another province or other similar health care organization in Canada, or outside of Canada, and:
  - ~~(a) the applicant has demonstrated a need to access diagnostic imaging, laboratory, rehabilitation, health promotion and education, and home care programs and services to serve the needs of his or her patients/clients/residents residing within the province; or~~
  - ~~(b) the applicant has established consultant clinics or performs itinerant services in any of the SHA facilities.~~~~
- ~~(4) Members of the visiting staff shall have Privileges as further defined in the Privileges granted or as outlined in these Bylaws and the Provincial Rules.~~

### **38. Locum Tenens Staff**

- (1) The locum tenens staff shall consist of those practitioners who are appointed to the locum tenens category for the purpose of replacing a member of the active or provisional staff during an absence or filling a temporary service need for a defined period of time, not exceeding 12 months. An extension in the locum tenens category may be considered by the ACOS in consultation with the Area Department/Division Lead.
- (2) Those appointed to the locum tenens staff shall have Privileges that specify:
  - (a) SHA Programs that the practitioner is eligible to access;
  - (b) the Area, Facilities, or Sites of Clinical Activity where the practitioner is eligible to admit to and/or provide patient care and/or services; and
  - (c) Privileges as further defined in the privileges granted or as outlined in these Bylaws and the Provincial Rules.
- (3) Appointment to the locum tenens staff for a period of less than three months may have privileges granted by the ACOS for a defined period of time without their Application being processed through AARC and APAC. The Privileges granted shall be forwarded to AARC and APAC for information and reported to the Board.

### **39. Temporary Staff**

- (1)The temporary staff shall consist of those practitioners who do not hold a SHA Appointment and are clinical fellows, SIPPA candidates completing their Clinical Field Assessment, practitioners requiring enhanced skills training, and any other practitioners who require assessment.
- (2)Appointment to the temporary staff for a period of less than three months may have privileges granted by the ACOS for the duration of their assessment/training without their application being processed through AARC and APAC. The Privileges granted would be forwarded to AARC and APAC for information and reported to the Board.
- (3)Those appointed to the temporary staff shall have privileges as further defined in the Privileges granted or as outlined in these Bylaws and the Provincial Rules.
- (4)In the case of a clinical fellow, a clinical fellow is a physician who has completed the minimum

requirements for Royal College of Physicians and Surgeons of Canada in speciality training and/or College of Family Physicians of Canada qualifications and who is licensed by the College of Physicians and Surgeons of Saskatchewan to practice. Such an appointment should be reserved for a physician:

- (a) to spend a period of time in teaching and/or research;
- (b) to further their speciality training in preparation for exams; or
- (c) who is already a practicing qualified specialist, to return for a period of further training and education.

(5) In the case of a SIPPA candidate, a SIPPA candidate is an internationally training physician who enters into the "practice readiness" competency assessment program established in Saskatchewan and is approved for licensure with the College of Physicians and Surgeons of Saskatchewan. Once the candidate has completed the required clinical field assessment, the candidate must apply for an initial appointment to the active staff and complete the required provisional staff year.

#### **40. Telemedicine**

(1) The telemedicine staff shall consist of those practitioners who have been appointed to the telemedicine staff.

(2) The telemedicine staff category allows those qualified Physicians, located outside of Saskatchewan, the provision to provide a medical opinion concerning diagnosis of a patient or the provision of treatment of a patient as a result of transmission of individual patient information by electronic or other means from within Saskatchewan to such physician or their agent. The physician must have licensure with the College of Physicians and Surgeons of Saskatchewan or be eligible to obtain a Telemedicine license with CPSS.

(3) Those appointed to the telemedicine staff for a period of less than three months may have Privileges granted by the ACOS for a defined period of time without their Application being processed through AARC and APAC. The Privileges granted would be forwarded to AARC and APAC for information and reported to the Board.

#### **38.41. Resident Staff**

- (1) The Resident staff shall consist of those practitioners who have been appointed to the Resident staff.
- (2) Every practitioner applying for an initial Appointment to the Resident staff will be appointed to the resident staff for the duration of the practitioner's residency.
- (3) A practitioner may be granted an Appointment to the Resident staff with such Privileges that are consistent with the learning objectives for the practitioner where the practitioner is under the supervision and direction of a recognized educational institution.
- (4) Each Member of the Resident staff shall have Privileges as further defined in the Privileges granted or as outlined in the Bylaws and the Provincial Rules.

#### **39. Training Fellow Staff**

- ~~(1) A Training Fellow is someone who has completed their residency training, commonly is not yet certified as a Specialist, and is doing additional training in a field of special interest.~~

~~(2) Every practitioner applying for an initial Appointment to the Training Fellow staff will be appointed to the associate staff for a probationary period unless directed otherwise.~~

~~(3) A practitioner may be granted an Appointment to the Training Fellow staff with such Privileges that are consistent with the Training Fellow's approved training program, where the practitioner is:~~

~~(a) participating in an approved training program recognized by the practitioner's College or other recognized licencing body; and~~

~~(b) working under the direct supervision of a designated Member of the department and be responsible for the Training Fellow's work.~~

~~(4) Each Member of the Training Fellow staff shall have Privileges as further defined in the Privileges granted or as outlined in these Bylaws and the Provincial Rules.~~

#### **40. Honorary Staff**

~~(1) A practitioner may be appointed to the honorary staff.~~

~~(2) Sections of these Bylaws respecting Appointment, re-appointment, and review in these Bylaws do not apply to an Appointment to this category.~~

~~(3) The honorary staff category is to recognize practitioners who have provided distinguished service to the residents of the province.~~

~~(4) Members of the honorary staff hold no Privileges.~~

~~(5) Members of the honorary staff:~~

~~(a) subject to subsection (6), may attend meetings of the Practitioner Staff but shall have no voting rights;~~

~~(b) may not hold any office or be a voting Member on any committee; and~~

~~(c) are not subject to mandatory meeting attendance as required by the Rules.~~

~~(6) An honorary staff Member may be excluded from any meeting or portion of a meeting of the Practitioner Staff at the discretion of the chair, where personal information, personal health information or confidential information is being discussed.~~

~~(7) At any time, where considered appropriate, an Appointment of a practitioner to the honorary staff may be terminated.~~

#### **41-42. Responsibilities of the Practitioner Staff**

(1) Collectively, ~~Members of the Practitioner Staff, other than honorary staff,~~ have a responsibility and accountability to the SHA to

(a) promote and provide a high level of quality care in the SHA Facilities, Programs and services that is directed towards satisfying the needs of the patient/client/resident and meets the standards set out by recognized bodies of the profession, such as licensing bodies, national clinical societies and others where the essential components of quality include competence, accessibility, acceptability, effectiveness, appropriateness, efficiency, affordability and safety;

(b) participate in appropriate quality improvement and quality assurance initiatives aimed at

- improving access to and quality of care provided within the province;
- (c) promote appropriate use of evidence-informed clinical practice and appropriate patient and family-centred informed care; and
- (d) assist in fulfilling the mission of the SHA by contributing where reasonably possible to the strategic planning, community needs assessment, resource utilization management and quality management activities.

- (2) Each Member of the Practitioner Staff, ~~other than a Member of the honorary staff,~~ has a responsibility to the SHA to:
  - (a) ensure a high professional and ethical standard of care is provided to patients/clients/residents under his or her care;
  - (b) practice within the limits of the Privileges provided and his or her professional competency and skill;
  - (c) meet the requirements for continuing medical education and continuing professional learning as established by their professional regulatory authority;
  - (d) participate in such education and training initiatives as appropriate that support the SHA in providing quality health services;
  - (e) recognize the authority of the Provincial [Department](#) Head, Area Department Lead, Area Division Lead, ACOS, CEO, Practitioner Advisory Committee and the CMO;
  - (f) abide by applicable legislation, Bylaws, Rules and Policies and Procedures;
  - (g) participate in appropriate quality improvement initiatives;
  - (h) work, cooperate with and relate to others in a collegial and professional manner;
  - (i) conduct him or herself in a manner consistent with the SHA's mission, vision and values;
  - (j) serve where required by these Bylaws on various SHA and Practitioner Staff committees;
  - (k) utilize health care resources within SHA Facilities and Programs in a manner consistent with the Rules; and
  - (l) participate in call rotas as set out in the Rules including call rotas for new and/or unassigned patients.

#### **42-43. Leave of Absence**

- (1) A Member of the Practitioner Staff may apply to the Area Department Lead and/or Area Chief of Staff for a leave of absence.
- (2) The Area Department Lead or Area Chief of Staff may grant a leave of absence for a period not exceeding twelve months in any of the following circumstances:
  - (a) the Practitioner Staff Member has enrolled in an educational program approved by the ACOS;
  - (b) maternity/family leave or disability/illness; or
  - (c) in any other circumstance where considered appropriate.
- (3) A Member of the Practitioner Staff may apply for consecutive leaves of absence, which may be approved if considered advisable.
- (4) If the Member's reappointment comes due during the period of the Member's leave of absence, the Member shall apply for reappointment.
- (5) While on an approved leave of absence, ~~M~~m members of the Practitioner Staff maintain their

Practitioner Staff Appointment to the category of Practitioner Staff to which they are appointed but:

- (a) are exempt from Provincial Department, Area Department, Area Division duties, including the requirement to attend meetings; and
- (b) do not have any admitting, discharge or procedural Privileges.

- (6) While on an approved leave of absence, [Members-Practitioner Staff](#) are required to maintain licensure with the applicable College and shall maintain professional liability insurance satisfactory to the SHA.
- (7) Prior to commencing the leave of absence, [Members-Practitioner Staff](#) must ensure arrangements are in place for the ongoing care of their patients/clients/residents by another Member of the Practitioner Staff and shall notify the ACOS of the Member of the Practitioner Staff who will be attending to their patients/clients/residents in their absence.

## PART IV

### APPOINTMENT AND REAPPOINTMENT – GENERAL

#### [43.44. Power to Appoint and Reappointment](#)

- (1) Except for a temporary Appointment, the granting of temporary Privileges or as otherwise provided in these Bylaws, the Board has the sole and exclusive power to appoint and reappoint [Members](#) to the Practitioner Staff and to grant Privileges. In considering whether to make an Appointment or reappointment to the Practitioner Staff, or to grant Privileges, the recommendations of the APAC shall be considered, however the appointing authority is not bound by those recommendations.
- (2) Except in the circumstances mentioned in these Bylaws a practitioner must hold an Appointment to the Practitioner Staff in order to:
  - (a) hold any privilege under these Bylaws;
  - (b) provide any service to an individual or patient/client/resident in a Facility operated or Program offered by the SHA; or
  - (c) refer any individual or patient/client/resident to any service provided by the SHA.
- (3) Any Member of the Practitioner Staff who resigned or otherwise caused or permitted termination from the Practitioner Staff, or whose Practitioner Staff membership has been terminated and who subsequently wishes to become a Member of the Practitioner Staff, is required to make application and follow the process for an initial Appointment.

#### [44.45. SHA May Refuse to Appoint](#)

- (1) In accordance with these Bylaws, the SHA may refuse to appoint or reappoint any applicant to the Practitioner Staff if the applicant does not meet the qualifications, criteria or requirements set out in these Bylaws and in the Rules.

**PART V**  
**INITIAL PRACTITIONER STAFF APPOINTMENT**

**45-46. Term of Initial Practitioner Staff Appointment**

- (1) Unless otherwise specified in a Practitioner Staff Appointment or terminated prior to the expiration of the term of the Appointment, an Appointment expires on that day that is one year from the date the Appointment is granted.

**46-47. Initial Appointment Procedure**

- (1) An application for initial Appointment to the Practitioner Staff shall be processed in accordance with these Bylaws, the Provincial Rules and the organizational directions of the SHA.
- (2) The procedure for initial Appointment shall be set out in the Provincial Rules.

**47-48. Application Deemed Incomplete**

- (1) Until a Member has provided all the information required to be submitted pursuant to these Bylaws and as outlined in the Provincial Rules, the application for Appointment will be deemed incomplete and will not be processed.

**48-49. Criteria for Appointment**

- (1) Each applicant seeking Appointment to the Practitioner Staff is required to meet the following criteria:
- (a) the applicant is a Member in good standing with their respective College and is entitled to practice pursuant to their respective legislation;
  - (b) the applicant shall have education, training and experience appropriate to the Privileges being sought;
  - (c) in the case of a Physician, an applicant seeking to practice in a specialty must be licensed by the College of Physicians and Surgeons of Saskatchewan on the basis of the Physician's training and experience in that specialty and may be required to:
    - (i) possess the appropriate Certification or Fellowship of the Royal College of Physicians and Surgeons of Canada; or
    - (ii) be currently eligible to write the appropriate specialty examination of the Royal College of Physicians and Surgeons of Canada; and
  - (d) In the case of a practitioner other than a Physician seeking to practise in a specialty applicable to that practitioner, an applicant must be licensed and certified in that specialty by the College applicable to the practitioner.
- (2) The applicant will have demonstrated:
- (a) the ability to provide patient/client/resident care at an appropriate level of quality and efficiency;
  - (b) the ability to work and cooperate with and relate to others in a collegial and professional manner;
  - (c) the ability to communicate and relate appropriately with patients/clients/residents and families;

- (d) the willingness to participate in the discharge of staff, committee and other obligations appropriate to the membership category;
- (e) ethical character, performance and behaviour; and
- (f) evidence of membership in the Canadian Medical Protective Association, or equivalent professional liability insurance satisfactory to the SHA.

(3) All Appointments to Practitioner Staff shall be:

- (a) consistent with the need for service, as determined by the SHA, from time to time;
- (b) consistent with the provincial Practitioner Staff human resource plan of the SHA and the Area Department;
- (c) consistent with the strategic plan and mission of the SHA;
- (d) supported by a demonstrated sufficiency of resources within the SHA and the provincial and Area Department to which the applicant is applying; and
- (e) in the best interest of the SHA.

**49.50. Review of Application for initial Appointment by the Area Application Review Committee**

(1) The AARC will review applications for initial Appointment and Privileges.

(2) In considering the application for Appointment, the AARC:

- (a) shall evaluate the applicant with regard to the criteria set out in these Bylaws and in the Provincial Rules;
- (b) shall evaluate the information submitted or obtained from the applicant;
- (c) shall consult with the Area Department Lead if applicable; and
- (d) may interview the applicant.

(3) Following consideration of the application, and the material and information referred to in these Bylaws and the Provincial Rules, the AARC Committee shall make a recommendation to the APAC respecting the application for initial Appointment:

- (a) that the Appointment be approved or denied;
- (b) the applicant be appointed to the Practitioner Staff category requested;
- (c) the applicant be appointed to a Practitioner Staff category other than requested; and/or
- (d) that the Privileges requested:
  - (i) be granted as requested;
  - (ii) be granted with Privileges different than those requested; or
  - (iii) be denied.

(4) If the AARC recommends to the APAC that the application for Appointment be granted in accordance with the category of Appointment sought and Privileges requested, the ACOS shall forward the recommendation of the AARC to the APAC for consideration at its next regular meeting.

(5) If the recommendation of the AARC varies from the Appointment sought or Privileges requested by the applicant, the AARC shall prepare written reasons with respect to its recommendation.

**50.51. Recommendation of Area Practitioner Advisory Committee**

(1) Upon consideration of the application for initial Appointment and all supporting information, the recommendations of the AARC, as applicable, including the reasons therefore, the APAC shall make a recommendation respecting the application for Appointment, that:

- (a) the applicant be appointed to the Practitioner Staff category requested and/or be granted

- the Privileges requested;
  - (b) the applicant be appointed to a Practitioner Staff category other than requested and/or be granted Privileges other than those requested; or
  - (c) the applicant's request for Appointment to the Practitioner Staff be denied.
- (2) The APAC recommendation shall be forwarded to the ACOS for consideration. The ACOS shall make a recommendation and forward it to the CMO for consideration.
- (3) The CMO shall:
- (a) in the case where the Board has authorized the CMO to determine Appointments/Privileges under this Part, make a decision on the application; or
  - (b) where clause 3(a) does not apply, make a recommendation and forward the application and recommendation to the Board for decision.
- (4) If a decision is made that the application for Initial Appointment is not granted as requested:
- (a) a copy of the decision along with written reasons shall be served on the applicant within thirty (30) days after rendering the decision; and
  - (b) the decision shall include a notice advising the applicant the applicant may appeal that decision to a tribunal in accordance with *The Provincial Health Authority Act* and *The Practitioner Staff Appeals Regulations*.

## PART VI PRACTITIONER STAFF REAPPOINTMENT

### **51.52. Application for Reappointment**

- (1) Following a Member's initial Appointment, each Member of the Practitioner Staff may apply for reappointment to the Practitioner Staff. The term of reappointment shall be for a period of not less than one (1) year and not more than five (5) years in accordance with the Provincial Rules.
- (2) The reappointment procedure shall be more fully set out in the Provincial Rules.

### **52.53. Application Deemed Incomplete**

- (1) Until a Member has provided all the information required to be submitted pursuant to these Bylaws and as outlined in the Rules, the application for reappointment will be deemed incomplete and will not be processed.

### **53.54. Criteria for Reappointment to the Practitioner Staff**

- (1) A Member shall be eligible for reappointment if the Member:
  - (a) continues to meet the criteria set out in these Bylaws and as elaborated in the Rules; and
  - (b) has demonstrated an appropriate use of SHA resources in a manner consistent with the Provincial Rules.

### **54.55. Process on Reappointment**

- (1) Upon receipt of the completed application for reappointment, the Area Department Lead and Area Division Lead, as applicable will consider the application, and forward recommendations to the ACOS, who, being satisfied that the Member meets the criteria set out in these Bylaws and more fully set out

in the Provincial Rules, shall forward the completed application and all supporting material it to the APAC for consideration and recommendation.

**55.56. Review of the Application for Reappointment**

- (1) In considering the application for reappointment, the Area Department Lead and Area Division Lead, as applicable, shall:
  - (a) evaluate the Member with respect to the matters referred to in these Bylaws and in the Rules;
  - (b) evaluate the information submitted by the Member; and
  - (c) assess the Member's:
    - (i) performance over the preceding period; and
    - (ii) utilization of SHA resources.
  - (d) discuss with the Member his or her plans for any changes in the Privileges and/or category of reappointment of the Member and/or changes in the type or level of service to be provided by the Member.
- (2) The APAC, in considering the application for reappointment:
  - (a) may interview the Member; and
  - (b) consult with the appropriate Area Department Lead or executive committee of the Area Department or Program, if any.
- (3) In addition, the APAC shall make a recommendation respecting the following:
  - (a) the term of the reappointment;
  - (b) the number of periodic assessment(s) and the interval in which they will occur during the term of the Member's reappointment; and
  - (c) whether the Member be required to undertake additional training and/or education either independently or under supervision.

**56.57. Recommendation of Area Practitioner Advisory Committee**

- (1) Upon consideration of the application for reappointment and all supporting information and the recommendations of the Area Department Lead, including the reasons therefore, the APAC shall make a recommendation respecting the application for reappointment, that:
  - (a) the applicant be reappointed to the Practitioner Staff category requested and/or be granted the Privileges requested;
  - (b) the applicant be appointed to a Practitioner Staff category other than requested and/or be granted Privileges other than those requested; and
  - (c) the applicant request for reappointment to the Practitioner Staff be denied.
- (2) Where the recommendation of the APAC varies from the Appointment sought or Privileges requested by the applicant, the APAC shall prepare written reasons with respect to its recommendation.
- (3) The APAC recommendation shall be forwarded to the ACOS for consideration. The ACOS shall make a recommendation and forward it to the CMO for consideration.

- (4) The CMO shall:
- (a) in the case where the Board has authorized the CMO to determine Appointments/Privileges under this Part, make a decision on the application; or
  - (b) where clause 4(a) does not apply, make a recommendation and forward the application and recommendation to the Board for decision.
- (5) If a decision is made that the application for reappointment is not granted as requested:
- (a) a copy of the decision along with written reasons shall be served on the applicant within thirty (30) days after rendering the decision; and
  - (b) advise the applicant that the applicant may request a hearing before the Practitioner Staff Review Committee.

**57-58. Periodic Review**

- (1) Each practitioner who is reappointed for a term exceeding one (1) year shall undergo a periodic review(s), as outlined in the provincial Rules.
- (2) The ACOS shall ensure that the periodic review is completed, as outlined in the Provincial Rules.

## **PART VII CHANGE OF CATEGORY OR PRIVILEGES**

**58-59. Mid-term Request for Change of Category or Privileges**

- (1) A Member of the Practitioner Staff may request a change of Practitioner Staff category or Privileges during the term of the Member's Appointment by written application to the AARC. The reappointment process outlined in these Bylaws and the [Provincial](#) Rules shall apply, with necessary modification, to a mid-term request.

**60. Change of Category or Privileges**

- (1) At any time during a ~~pp~~Practitioner's term of Appointment, the SHA may determine that the Member's Privileges are no longer:
- (a) consistent with the need for service, as determined by the SHA, from time to time;
  - (b) consistent with the Practitioner Staff human resource plan of the SHA and the department;
  - (c) consistent with the strategic plan and mission of the SHA; and/or
  - (d) supported by a demonstrated sufficiency of resources within the SHA and the department to which the applicant is a Member.
- (2) The CMO shall give notice to the Member in writing with reasons.
- (3) The CMO and the Member shall meet within 30 days following receipt of the notice referred to in subsection (2).
- (4) The CMO shall advise the Member that:
- (a) the Member and CMO may mutually agree to amend the Member's Privileges such that they are consistent with the criteria mentioned in subsection (1);

- (b) the Member shall request within 30 days that the question of the Member's future Privileges be referred to the APAC. The process outlined in these Bylaws and in the [Provincial Rules](#) shall apply, with necessary modification, to such a request.

## PART VIII PRACTITIONER STAFF REVIEW

### 61. General

- (1) Practitioner Staff Review is intended to encourage local concern management and resolution. Such concerns should ordinarily be regarded as opportunities for improvement.
- (2) All ~~Members~~ [Practitioner Staff](#) are subject to review proceedings and provisions outlined in these Bylaws and elaborated in the [Provincial Rules](#). Action or penalties may include, without limitation:
  - (a) dismissal of the concern;
  - (b) a verbal or written reprimand;
  - (c) the requirement to adhere to conditions;
  - (d) the amendment, suspension or revocation of Privileges; and
  - (e) the suspension or termination of Appointment from the Practitioner Staff.

### 62. Conduct Subject to Review

- (1) Conduct subject to review includes, but is not limited to acts, omissions, statements, demeanour or professional conduct, either within or outside of the SHA, which exposes, or is reasonably likely to expose individuals to harm or injury, or is reasonably likely to be detrimental to the safety of individuals or to the delivery of quality care within the SHA, or is reasonably likely to be detrimental to the SHA operations, or is reasonably likely to constitute abuse, or if the said conduct results in the imposition of sanctions by a College, or is contrary to the Bylaws, Rules and Policies and Procedures of the SHA, or any applicable and relevant laws or legislated requirements.
- (2) Without limiting the generality of the foregoing, the following are examples of conduct subject to review:
  - (a) those actions or omissions described in:
    - (i) *The Medical Professions Act, 1981*, or the Bylaws under the Act, as constituting "unbecoming, improper, unprofessional or discreditable conduct";
    - (ii) *The Dental Discipline Act* or the Bylaws under the Act, as constituting "professional misconduct";
    - (iii) *The Chiropractic Act, 1994*, or the Bylaws under the Act, as constituting "professional misconduct";
    - (iv) *The Midwifery Act* or the Bylaws under the Act, as constituting "professional misconduct" and,
    - (v) *The Registered Nurses' Act, 1988*, or the Bylaws under the Act, as constituting "professional misconduct".
  - (b) conduct which is unprofessional, unethical, unbecoming, improper or disruptive to the operations of the SHA;

- (c) disruptive workplace behaviour meaning behaviour, either verbal or non-verbal, which by its nature may:
  - (i) demonstrate disrespect to others in the workplace;
  - (ii) affect or have the potential to affect adversely the care provided to patients/clients/residents; or
  - (iii) reflect a misuse of a power imbalance between the parties.
- (d) incompetence or demonstrated deficiencies in clinical practice;
- (e) breach of any SHA Rules, policies or other organizational ~~directions-directives~~ regarding conduct of ~~employees or~~ practitioners;
- (f) breach of any applicable legislation, these Bylaws, any Provincial Rules, or policies and other organizational ~~directions-directives~~ of the SHA;
- (g) failure to follow a lawful order or ~~direction-directive~~ issued, ~~by the~~ CMO, CEO or anyone having authority under these Bylaws, Provincial Rules or Policies and Procedures of the SHA;
- (h) failure to assist or cooperate with the Appointment, reappointment or review process established in these Bylaws and elaborated in the Provincial Rules;
- (i) failure to comply with the conditions of any required action, penalty, or remedial steps imposed on a Member or the terms of an alternative dispute resolution; and
- (j) failure to undertake ~~mutually agreed upon assigned administrative, clinical teaching and research~~ commitments mutually agreed upon by the SHA and the practitioner.

### 63. Review Procedure

- (1) ~~Any concerns received by the SHA regarding the Practitioner Staff should be directed to the ACOS. An Area Division Lead and/or Department Lead, the Provincial Head, the ACOS, the CMO, the Deputy CMO, or the CEO may receive concerns made against a Member respecting any matter.~~
- (2) The Area Department Lead, the Provincial Head, the ACOS, the DCMO, the CMO, or the CEO shall advise each other as appropriate if any one of them receives an egregious concern made against a Member respecting any matter.
- (3) The Member shall be advised of the ~~nature details~~ of the concern, and where appropriate, shall be provided copies of any relevant documents. The Member shall be given a reasonable opportunity to present relevant information on ~~his or her~~their own behalf.
- (4) The ACOS may consult with the appropriate Area Department Lead and determine whether a further inquiry or investigation is necessary, and may make such initial inquiry and investigation as deemed necessary and may delegate to others, including external consultants, the conduct of such inquiry and investigation.
- (5) The ACOS and the Area Department Lead shall review any report with the Member and complainant and may, following discussions with the Member and the complainant:

- (a) determine that the concern is unsubstantiated and or that the matter does not warrant further steps and advise the Member accordingly;
- (b) with the consent of the Member utilize an alternative dispute resolution process(es) to deal with the matter;
- (c) give a verbal or written reprimand to the Member and place a report to that effect or copy of the report on the Member's file; or
- (d) refer the concern to the [Chairperson of the](#) Practitioner Staff Review Panel.

~~(6)~~ In the case where the ACOS or Area Department Lead gives a verbal or written reprimand to a Member and places a report to that effect or copy of the report on the Member's file pursuant to these Bylaws ~~and the Member is aggrieved by that decision, the Member may request that the matter be referred to the Practitioner Staff Review Panel;~~

~~(a)~~ [the ACOS or Area Department Lead shall provide written notice to the Member that the reprimand will be placed on the Member's file; and](#)

~~(b)~~ [If the Member is aggrieved by the decision, the Member may request that the matter be referred to the Chairperson of the Practitioner Staff Review Panel.](#)

~~(6)~~~~(7)~~ Where a matter has been referred to the [Chairperson of the](#) Practitioner Staff Review Panel pursuant to these Bylaws, the Practitioner Staff Review Panel provisions within these Bylaws and the [Provincial](#) Rules apply.

~~(7)~~~~(8)~~ Practitioners aggrieved by recommendations around the granting of re-appointment or Privileges, or an ACOS may refer the ~~situation~~[matter](#) to the [Chairperson of the](#) Practitioner [Staff](#) Review panel.

#### **64. Immediate Suspension of Appointment or Privileges**

- (1) Notwithstanding anything in these Bylaws, the ACOS, after consultation with the CMO and the CEO, may immediately suspend the Appointment of a Member or suspend the Member's Privileges in whole or in part in circumstances where in the opinion of the ACOS:
  - (a) the conduct, performance or competence of a Member exposes, or is reasonably likely to expose patient(s)/client(s)/resident(s) or others to harm or injury, or is reasonably likely to be detrimental to the delivery of quality patient/client/resident care provided by the SHA; and
  - (b) immediate action ~~is must be taken~~[warranted](#) to protect the patient(s)/client(s)/resident(s) or others, or to avoid detriment to the delivery of quality patient/client/resident care.
- (2) The ACOS shall immediately advise the Member of the suspension.
- (3) Within 48 hours of the immediate suspension, the ACOS who suspended the Member shall provide the Member with written reasons for the suspension.
- (4) Concurrently, the ACOS will refer the matter to the [Chairperson of the](#) Practitioner Staff Review Panel to examine and assess the concerns that lead to the suspension.
- (5) The ACOS, with the assistance of the Member, [where appropriate](#), shall ~~immediately make arrangements, including to assign appoint~~ another Member [or members](#) of the active Practitioner Staff to assume responsibility for the care of all of the patients/clients/residents of the suspended Member within the facilities of the SHA, as required.
- (6) The ACOS or the CMO ~~shall~~[may](#) also notify the appropriate College of the suspension.

- (7) The ~~Chairperson of the~~ Board shall set a date for a hearing, to be held within 30 days from the date of the immediate suspension made pursuant to these Bylaws and the Rules, to review the immediate suspension of Appointment or Privileges.

#### **65. Conduct Subject to Administrative Suspension**

- (1) An administrative suspension or curtailment of Privileges means “the temporary suspension or curtailment of some or all of a Member’s Privileges for breach of any applicable legislation, SHA Practitioner Staff rule or policy and procedure”, as outlined in the Rules.

#### **66. Alternate Dispute Resolution Process**

- (1) ~~With the consent of the parties, and without restricting the final authority and discretion of the Board as outlined in these Bylaws, the parties to Practitioner Staff Review Panel proceedings, A Member and the SHA~~ may agree to an alternative dispute resolution process where the circumstances warrant.
- (2) The alternative dispute resolution process adopted pursuant to these Bylaws and ~~outlined in the any~~ applicable rules shall be conducted on a without prejudice basis to the parties, and any communication or discussion during the process is privileged and shall not be disclosed in subsequent proceedings, if any.
- (3) Where the matter is resolved through an alternative dispute resolution process, the matter and the ~~proposed~~ resolution shall be reported to the Board, ~~for its consideration. In the event the Board does not adopt the proposed resolution, the CMO shall refer the matter to the Practitioner Staff Review Panel.~~
- (4) The CMO ~~shall may~~ advise the appropriate College ~~or professional association~~ where the alternate dispute resolution process results in:
- (a) Privileges being amended, suspended or revoked;
  - (b) Practitioner Staff category being changed; or
  - (c) Practitioner Staff Appointment being suspended or ~~expired~~ terminated.

#### **67. Notice of Practitioner Staff Review Committee Hearing**

- (1) The Chairperson of the Practitioner Staff Review Panel shall, in accordance with these Bylaws and the Rules, form a Practitioner Staff Review Committee. Once appointed, the Chairperson of the Practitioner Staff Review Committee shall serve the ~~applicant~~ Member, and copy the ACOS, with written notice at least ~~thirty (30)~~ 15 days before the hearing, which notice shall:
- (a) with respect to appeal of reappointment recommendations, ~~change of staff Privileges or staff category~~ include a copy of the recommendations together with written reasons for the recommendations of the Area Department Lead, CMO, AARC, and/or the APAC, as applicable;
  - (b) with respect to review proceedings, set out the particulars of the allegations;
  - (c) inform the ~~applicant~~ Member of ~~his or her~~ their right to make written representations to the Practitioner Staff Review Committee, and of the right to appear personally before the Practitioner Staff Review Committee;

- (d) specify the date, time and place of the hearing of the Practitioner Staff Review Committee;
- (e) subject to these Bylaws, include a statement that the applicant-Member shall be afforded an opportunity to examine prior to the Practitioner Staff Review Committee hearing any written information, evidence or reports that were considered by the Area Department Lead, AARC, APAC, ACOS, DCMO or CMO, as the case may be;
- (f) include a statement that the applicant-Member may appear in person and be represented by counsel, and that in ~~his or her~~their absence the Practitioner Staff Review Committee may proceed with consideration of the application and recommendation of the Area Department Lead, AARC, APAC, CMO, DCMO or ACOS, as the case may be;
- (g) inform the applicant-Member that the Practitioner Staff Review Committee may adjourn or extend the time for the hearing;
- (h) include a statement that the applicant-Member may call witnesses, cross-examine witnesses, and tender documents in evidence in support of his or her position;
- (i) include a statement that the Area Department Lead and/or ACOS may call witnesses, cross-examine witnesses, and tender documents in evidence in relation to his or her position; and
- (j) include a statement advising the applicant-Member that ~~his or her~~their right to appear in person, make oral representations and to call and cross-examine witnesses is subject to the applicant providing not less than five (5) days written notice to the Chairperson of the Practitioner Staff Review Committee in advance of the hearing by the Practitioner Staff Review Committee.

(2) The Practitioner Staff Review Committee may refuse to hear the oral representations of the applicant-Member or the applicant-Member's legal counsel, or to hear witnesses if the applicant-Member fails to provide the notice required by these Bylaws.

(3) With respect to review proceedings, the ACOS, DCMO or CMO may ~~contemporaneously refer~~advise the ~~matter to the~~ College of the matter. ~~The referral may be made for the purposes of parallel required action or for a competency assessment.~~

#### **68. Practitioner Staff Review Committee Proceedings**

- (1) With respect to reappointment, the parties before the Practitioner Staff Review Committee are the applicant, the chair of the APAC and such other persons as the Practitioner Staff Review Committee may specify.
- (2) With respect to review proceedings, the parties to the Practitioner Staff Review Committee hearing are the Member, the ACOS, and such other persons as the Practitioner Staff Review Committee may specify.
- (3) The Practitioner Staff Review Committee hearing shall be transcribed and a Record of the proceeding shall be kept in the minutes of the Practitioner Staff Review Panel.
- (4) The ~~CEO-SHA may will~~ provide any reasonable professional, technical or clerical support or other

assistance ~~that to the chairpersons of the Practitioner Staff Review Panel or~~ Practitioner Staff Review Committee, ~~consider necessary or advisable.~~

- (5) Members of the Practitioner Staff Review Committee holding the hearing shall not have taken part in any investigation or consideration of the subject matter of the hearing before the hearing and shall not communicate directly or indirectly in relation to the subject matter of the hearing with any person or with any party or his or her representative, except upon notice to and an opportunity for all parties to participate.
- (6) The Practitioner Staff Review Committee shall consider the reasons of the Area Department Lead, AARC, APAC, ACOS, DCMO or CMO, as the case may be, that have been given to the Member. Where through error or inadvertence, certain reasons have been omitted in the written reasons delivered to the ~~applicant~~ Member, the Practitioner Staff Review Committee may consider those reasons only if those reasons are given in writing to the ~~applicant~~ Member and the ~~applicant~~ Member is given a reasonable time to review the reasons and to prepare a case to meet those additional reasons.
- (7) No ~~M~~ member of the Practitioner Staff Review Committee shall participate at the hearing of the Practitioner Staff Review Committee unless ~~he or she~~ they was/were present throughout the hearing and heard the information, reports and representations of the parties and, except with the consent of the parties, no recommendation of the Practitioner Staff Review Committee shall be given unless all ~~M~~ members so present participate in the recommendation process.

#### **69. Recommendation of Practitioner Staff Review Committee**

- (1) With respect to reappointment:
  - (a) The Practitioner Staff Review Committee shall make a recommendation to the Board, as set out in these Bylaws, respecting the application for reappointment, that either:
    - (i) the Member be reappointed to the Practitioner Staff category requested and be granted the Privileges requested;
    - (ii) the Member be reappointed to a Practitioner Staff category other than requested and/or be granted Privileges other than those requested; and/or
    - (iii) the Member's request for reappointment to the Practitioner Staff and the granting of Privileges be denied.
- (2) If the Practitioner Staff Review Committee recommends to the Board that the application for reappointment be granted in accordance with the category of Appointment sought and Privileges requested, the CMO shall forward the recommendation of the Practitioner Staff Review Committee to the Board for its consideration at its next regular meeting.
- (3) If the recommendation of the Practitioner Staff Review Committee varies from the reappointment sought or Privileges requested by the Member, the Practitioner Staff Review Committee shall prepare written reasons as soon as practicable with respect to its recommendation.
- (4) With respect to review proceedings:

Upon consideration of the allegations, the evidence adduced and the representations of the parties the Practitioner Staff Review Committee shall, as soon as practicable, prepare a report of its findings of fact and its recommendations regarding required action, if any, and the report shall be forwarded to the Board, subject to section ~~7472~~ (Notice of Board Meeting) for consideration at its next regular meeting.

- (5) The Practitioner Staff Review Committee recommendations with respect to required action may include but are not limited to:
- (a) no action be taken against the Member;
  - (b) require the Member to undertake a period of clinical supervision with retrospective review of cases but without special requirements of prior or concurrent consultation or direct supervision;
  - (c) require the Member to undertake a period of clinical supervision with concurrent consultation or direct supervision;
  - (d) in the case of conduct which is unprofessional, unethical, unbecoming, improper or disruptive to the operations of the SHA or is deemed to be disruptive workplace behaviour, require the Member to undertake ~~such~~ remedial measures to address the matter that gave rise to the complaint;
  - (e) the Member's Privileges be amended, suspended or revoked;
  - (f) the Member's Practitioner Staff category be changed; and
  - (g) the suspension or termination of the Member's Practitioner Staff Appointment.

#### **70. Evidence at Hearings**

- (1) If the Practitioner Staff Review Committee considers the evidence to be credible and trustworthy, they may admit as evidence any oral or written testimony or report.
- (2) The testimony of witnesses at a hearing is to be under oath or affirmation administered by any Member of the Practitioner Staff Review Committee.

#### **71. Decision of Practitioner Staff Review Committee**

- (1) Within 30 days after the completion of a hearing, the Practitioner Staff Review Committee shall make a recommendation to the board and copy the Practitioner Staff Review Panel.
- (2) A decision of the Practitioner Staff Review Committee must be in writing and must set out the reasons for the recommendation.
- (3) The chairperson of the Practitioner Staff Review Committee shall cause a copy of the Practitioner Staff Review Committee's recommendation to be served on each of the parties.

#### **72. Notice of Board Meeting**

- (1) The ~~Chairperson of the~~ Board shall serve the Member with a written notice, and copy the Area Department Lead, AARC, APAC, DCMO, CMO or CEO, as the case may be:
  - (a) In the event of immediate suspension, at least five (5) days prior to the date of the Board meeting, and
  - (b) For all other matters before the board, at least 30 days before the meeting of the Board at which the recommendation of the APAC or Practitioner Staff Review Committee, as the case may be, will be considered, and which notice shall:
    - (i) include a copy of the notice of immediate suspension and such other documentation required by these Bylaws and Rules, or recommendation together with written reasons for the recommendation of the Practitioner Staff Review Committee made pursuant to these Bylaws;
    - (ii) inform the Member of his or her right to make written and oral representations to the

Board, and of the right to appear personally before the Board;

(iii) specify the date, time and place of the meeting of the Board;

(iv) subject to these Bylaws, include a statement that the Member shall be afforded an opportunity to examine prior to the Board meeting, any written information, evidence reports or representations that were considered in relation to the matter before the Board;

(v) include a statement that the Member may appear in person or be represented by counsel, and that in his or her absence the Board may proceed with consideration of the matter before the Board;

(vi) ~~inform the Member that the Board may adjourn or extend the time for the meeting; and~~

(vii) where applicable, include a statement advising the Member that his or her right to appear in person to make oral representations is subject to the Member providing not less than five (5) days written notice to the Board, in advance of the Board meeting of his or her intention to do so.

(2) For the purposes of subsection (1), notice is not required to be given if the Practitioner Staff Review Committee recommends that:

- (a) the Member be reappointed to the Practitioner Staff category requested and be granted the Privileges requested; or
- (b) no action be taken against the Member.

(3) The Board may refuse to hear the oral representations of the Member or the Member's legal counsel if the Member fails to provide the notice set out in these Bylaws.

### **73. Board Proceedings**

(1) The parties before the Board are:

- (a) the Member;
- (b) the Chairperson of the APAC, as applicable;
- (c) the ACOS and/or the DCMO or CMO, as applicable;
- (d) the Chairperson of the Practitioner Staff Review Committee, as applicable; and
- (e) ~~and~~ such other persons as the Board may specify.

(2) A meeting of the Board to consider the recommendation of the Practitioner Staff Review Committee shall not constitute a rehearing of the matters considered by the Practitioner Staff Review Committee in making its recommendation.

(3) The parties are entitled to submit written representations and to appear in person, with or without legal counsel, before the Board. The parties are not entitled to call witnesses.

(4) Subject to these Bylaws, the parties appearing before the Board shall be afforded an opportunity to examine any written or documentary evidence or information that will be produced or that were considered in making recommendation to the Board.

- (5) Except for hearings under section 64 (Immediate Suspension of Appointment or Privileges) ~~M~~members of the Board at which the application matter is considered shall not have taken part in any investigation or consideration of the subject matter of the application before the meeting and shall not communicate directly or indirectly in relation to the subject matter of the meeting with any person or with any party or his or her representative, except upon notice to and an opportunity for all parties to participate.
- (6) The Board shall consider the reasons of the Area Department Lead, AARC, APAC, ACOS, DCMO, CMO or Practitioner Staff Review Committee, as the case may be, that have been given to the Member in support of its recommendation. Where through error or inadvertence, certain reasons have been omitted in the written reason delivered to the Member, the Board may consider those reasons only if those reasons are given by the Area Department Lead, AARC, APAC, ACOS, CMO or Practitioner Staff Review Committee, as the case may be, in writing to both the Member and the Board and the Member is given a reasonable time to review the reasons and to prepare representations in response to those additional reasons.
- (7) No Member of the Board shall participate in a decision of the Board pursuant to this section unless ~~he or she~~they was/were present throughout the meeting and heard the representations of the applicant, if any, and except with the consent of the parties, no decision of the Board shall be given unless all ~~M~~members so present participate in the decision.

#### **74. Board Decision**

- (1) Upon consideration of the recommendations of the Area Department Lead, AARC, APAC, ACOS, DCMO, CMO or Practitioner Staff Review Committee as the case may be, including the reasons therefore, and upon consideration of the submission of the parties, the Board may, without limitation:
- (a) With respect to reappointment:
    - (i) reappoint the Member to the Practitioner Staff category requested and be granted the Privileges requested;
    - (ii) reappoint the Member to a Practitioner Staff category other than requested and/or be granted Privileges other than those requested; or
    - (iii) deny the Member's request for reappointment to the Practitioner Staff and deny the granting of Privileges.
  - (b) With respect to immediate suspension:
    - (i) overturn the immediate suspension of the Member's Appointment and/or Privileges;
    - (ii) vary the immediate suspension of the Member's Appointment and/or Privileges;
    - (iii) confirm the immediate suspension of the Member's Appointment and/or Privileges for a specified period of time; or
    - (iv) confirm the immediate suspension of Appointment or Privileges and refer the matter to the Practitioner Staff Review Panel.
  - (c) With respect to Practitioner Staff Review Committee proceedings:
    - (i) determine that no action be taken against the Member;
    - (ii) require the Member to undertake a period of clinical supervision with retrospective review of cases but without special requirements of prior or concurrent consultation or direct supervision;
    - (iii) require the Member to undertake a period of clinical supervision with concurrent

- consultation or direct supervision;
- (iv) in the case of conduct which is unprofessional, unethical, unbecoming, improper or disruptive to the operations of the SHA or is deemed to be disruptive workplace behaviour, require the Member to undertake such remedial measures to address the matter that gave rise to the concern;
- (v) amend, suspend or revoke the Member's Privileges;
- (vi) change the Member's Practitioner Staff category; or
- (vii) suspend or terminate the Member's Practitioner Staff Appointment.

#### 75. Service of Board Decision

- (1) With respect to immediate suspension, the Board shall make a decision and serve or cause to be served a copy of its decision and written reasons on the Member as soon as practicable, within five (5) days after rendering its decision.
- (2) With respect to all other matters before the Board, the Board shall make a decision and serve or cause to be served a copy of its decision on the applicant Member, as soon as practicable, within thirty (30) days after rendering its decision, and w Where the decision of the Board varies from the request of the applicant Member, the Board shall provide written reasons to the applicant Member.
- (2)(3) A decision of the Board shall include a record of any dissenting opinion.
- (3)(4) The decision shall include a notice advising the applicant that if the applicant is aggrieved by the decision of the Board, the applicant may appeal that decision to a tribunal in accordance with *The Provincial Health Authority Act* and *The Practitioner Staff Appeals Regulations*.

## PART IX GENERAL PROCEDURES

#### 76. Requirement to Provide Information

- (1) An Area Department Lead, Area Division Lead, AARC, APAC, ACOS, or the CMO may, at any time, request information and explanations from a Member of the Practitioner Staff relating to any matter contained in these Bylaws or in the Rules.
- (2) Upon receipt of a written request pursuant to subsection (1), a Member of the Practitioner Staff shall:
  - (a) respond to the request in writing by providing the information or explanation requested, to the best of the Member's ability to do so;
  - (b) provide originals or certified copies of documents requested, if originals are requested, or legible copies of documents if copies are requested; and
  - (c) provide a printed or electronic Record if the requested information or documents are stored in an electronic computer storage form or similar form.
- (3) A Member shall provide the requested information within fourteen (14) days of receipt of the request, or such additional time as the Area Department Lead, Area Division Lead, AARC, APAC, ACOS, DCMO or CMO may grant for the response.

### **77. Representation by Legal Counsel**

- (1) An applicant, Member of the Practitioner Staff and the SHA may be represented by legal counsel in all meetings, proceedings or hearings before the Practitioner Advisory Committee, a Practitioner Staff Review Committee and the Board.

### **78. Duty to Make Disclosure**

- (1) In all matters before the APAC or Practitioner Staff Review Committee or Board at which a hearing or meeting is held or conducted, the parties to the hearing or meeting shall disclose to the other party the following information and documents:
  - (a) the names of each of the witnesses which the party intends to call to give evidence;
  - (b) a summary of the evidence which the party expects will be given by that witness;
  - (c) if a witness will be called to give expert evidence, a summary of the qualifications of that witness; and
  - (d) [a list of a copy of](#) all documents which the party intends to introduce into evidence at the hearing.
- (2) Nothing herein prevents a party from asserting a claim of confidentiality or privilege that may exist at law in relation to any of the documents that the party is required to disclose pursuant to these Bylaws or Rules. Where a claim of confidentiality or privilege is asserted, the party claiming it shall advise the other party of the grounds upon which the confidentiality or privilege is claimed and endeavour to disclose as much of the document or the substance of the information contained in the document without compromising the privilege or breaching confidentiality. [Where a party challenges a claim of confidentiality or privilege raised by another party which cannot be resolved by agreement, either party may apply to the APAC, Practitioner Staff Review Committee or the Board, as the case may be to make a ruling regarding the claim of confidentiality or privilege.](#)
- (3) The parties shall permit each other to examine such documents and to obtain copies of all such documents.
- (4) If, as a result of the information disclosed by the parties pursuant to subsection (3) above, the other party intends to introduce evidence at the hearing in addition to the evidence, which it has disclosed, that party shall provide the information to the other party prior to the hearing.
- (5) The Practitioner Staff Review Committee, or the Board may refuse to allow a witness to testify unless the name of that witness, a summary of that witness' evidence, and if the witness is called to give expert evidence, a summary of that witness' qualifications has been disclosed in accordance with this section.
- (6) The Practitioner Staff Review Committee or the Board may refuse to allow a document to be entered into evidence unless the information respecting that document has been disclosed in accordance with this section.
- (7) Notwithstanding these Bylaws, if the Practitioner Staff Review Committee or the Board is satisfied that the failure to disclose the required information arose through inadvertence, or that the information was not in the possession of the party at the time that disclosure was required, or that for any other compelling reason it would be manifestly unfair to exclude evidence or documents not disclosed as required, the Practitioner Staff Review Committee or the Board may permit such evidence to be given, or such documents to be introduced into evidence. This may be done on such terms or conditions as the Practitioner Staff Review Committee or the Board may determine.

#### **79. Procedures**

- (1) In all matters before it under these Bylaws, the Practitioner Staff Review Committee and the Board, may, subject to these Bylaws and [Provincial](#) Rules:
  - (a) adjourn any meeting, hearing or proceeding from time to time if considered advisable;
  - (b) if the applicant or Member fails to attend a meeting, hearing or proceeding after receiving notice in accordance with these Bylaws, proceed with the meeting, hearing or proceeding in the absence of the person;
  - (c) admit any evidence that may be relevant;
  - (d) establish its own Rules of procedure; and
  - (e) engage any professional, technical or clerical support or other assistance that may be considered necessary or advisable.

#### **80. Report to the College**

- (1) The ACOS, DCMO or CMO shall prepare and forward a detailed report to the applicable College where ~~in the case~~:
  - (a) the application of a practitioner for Appointment or reappointment to the Practitioner Staff of the SHA is rejected by reason of ~~his or her~~ [their](#) incompetence, negligence or misconduct;
  - (b) there is any action or penalty arising from a decision of the Board pursuant to review proceedings under these Bylaws and [Provincial](#) Rules; or
  - (c) a practitioner voluntarily or involuntarily resigns from the Practitioner Staff of the SHA during the course of an investigation into ~~his or her~~ [their](#) competence, negligence or conduct.

#### **81. Timeframes**

- (1) [While unnecessary delays shall be avoided](#), failure of the Practitioner Staff Review Committee and the Board to comply with any requirement of these Bylaws and [Provincial](#) Rules as to time does not invalidate any decision made by the Practitioner Staff Review Committee and the Board.

#### **82. Service of Documents**

- (1) Except as otherwise provided in these Bylaws, service of any notice, report, recommendation, written reasons or decision required pursuant to these Bylaws may be made personally, by registered mail, by courier, facsimile or by electronic mail addressed to the person to be served at the person's last known address.
- (2) Where the notice is served by registered mail, by courier, facsimile or by electronic mail it shall be deemed to have been served on the third day after the mailing delivery or transmission unless the person to be served establishes that, acting in good faith, it was not received until a later day, and in which case, the actual date of receipt shall be the date of service.

#### **83. Conflict of Interest**

- (1) Any Member who has a conflict of interest or possible conflict of interest shall disclose such conflict to the ACOS at the earliest opportunity where that Member is involved:
  - (a) in making recommendations to the ACOS or CMO, the APAC or the Board on any matter; or
  - (b) in considering or recommending any applicant for Appointment, reappointment, Privileges or review.
- (2) The CMO [or designate](#), in keeping with applicable legislation, Bylaws, [Provincial](#) Rules and Policies and Procedures of the SHA regarding conflict of interest and bias, shall determine whether the Member has a conflict of interest and outline what, if any, involvement in the discussion and voting

the Member may have concerning the issue with respect to which the conflict exists.

#### 84. Bias

- (1) In all proceedings before it pursuant to these Bylaws, [except for hearings under section 64 \(Immediate Suspension of Appointment or Privileges\)](#). Members of the Board shall not have taken part in any investigation or consideration of the subject matter at a Board meeting or at a hearing before the Board, and shall not communicate directly or indirectly in relation to the subject matter of the meeting or hearing with any person or with any party or his or her representative, except upon notice and an opportunity for all parties to participate.

### PART X APPEALS

#### 85. Right of Appeal

- (1) Nothing in these Bylaws limits or restricts any right of appeal or other legal recourse, which is available to an individual pursuant to *The Provincial Health Authority Act*, or any other applicable legislation.

### PART XI AMENDMENTS

#### 86. Amendments

- (1) Amendments to these Bylaws may be proposed to the Board by the PPAC by a two-thirds majority of those present and entitled to vote at a meeting of the PPAC, provided:
  - (a) the proposed amendments have been reviewed and commented on by the Bylaws and Rules Review Committee; and
  - (b) a notice of motion in writing has been given at least 30 days prior to the PPAC meeting and distributed to the voting members.
- (2) An amendment proposed pursuant to subsection (1) shall be presented to the Board for consideration in accordance with the Board's General Bylaws.
- (3) The Board may in its sole discretion approve, amend or reject any amendment(s) presented for its consideration.
- (4) Amendments shall become effective when approved by the Minister of Health in accordance with section 6-3 of *The Provincial Health Authority Act*.

### PART XII REVOCATION, RULES, TERM and TRANSITION

#### ~~33.~~ 87. Revocation of Previous Bylaws

- ~~(1)~~ (1) These Practitioner Staff Bylaws of the SHA revoke, supersede and replace [the December 2017 Interim Practitioner Staff Bylaws](#):
  - ~~(a)~~ (a) ~~any Practitioner Staff bylaw previously enacted by any regional health authority;~~
  - and,
  - ~~(b)~~ (b) ~~any other bylaw of a regional health authority that deals with the same subject~~

~~matter which is addressed in these bylaws.~~

#### **34. 88. Application of Rules**

- ~~(1)~~(1) Where, pursuant to these Bylaws, a matter is referenced to, or is to be addressed in accordance with Provincial Rules, ~~or Department Rules~~ ~~or Area Rules~~ and those rules do not exist:
- ~~(a)~~(a) if, in the opinion of the Board the matter can be addressed based on past practice without need of specific rules, that practice will apply;
- ~~(b)~~(b) the Board may establish temporary rules to address the matter, until the particular Rules have been adopted.
- (c) The Board may delegate the power to establish temporary rules under clause (1) (b) to the CMO or DCMO.

#### **35. 89. Transitional Provisions**

- (1) The replacement of a Practitioner Staff bylaw does not:
- (a) affect the previous operation of the replaced bylaw or anything done or permitted pursuant to it;
- (b) affect a right or obligation acquired pursuant to the replaced bylaw;
- (c) prevent or affect any investigations, review proceedings, disciplinary proceedings or disciplinary actions underway pursuant to a former health region bylaw and such matter continues under that bylaw. For greater clarity:
- (i) the composition of a review or disciplinary committee under a former bylaw is not impacted and the committee composition continues until the matter is complete;
- (ii) a reference to the regional health board under the replaced bylaw shall mean the SHA Board; and
- (iii) any other matters that require adjustment shall continue as may be determined by the CMO or DCMO; or
- (iv) affect or impact any penalty or sanction imposed under a replaced bylaw.
- (d) The substitution of a replaced bylaw with this bylaw is deemed to have the following effect:
- (e) a person acting pursuant to the replaced bylaw has authority to act pursuant to the new bylaw until another person becomes authorized to do so;
- (f) an application for Appointment or Privileges made pursuant to the replaced bylaw shall be continued pursuant to and in conformity with this bylaw as far as is consistent with the new bylaw;
- ~~(g)~~(g) the procedure established by the new bylaw shall be followed as far as can be adapted in relation to the matters that happened before the replacement;
- ~~(h)~~(h) the Appointment of a ~~Pp~~ practitioner under a replaced bylaw will continue in the equivalent category under these Bylaws or where there is not an equivalent, the most equivalent category determined by the DCMO until:
- (i) the expiration of the person's term of Appointment; or
- ~~(ii)~~(ii) the ~~Pp~~ practitioner is Appointed under these Bylaws
- ~~(i)~~(i) a practitioner granted Privileges pursuant to the replaced bylaw shall continue to enjoy those Privileges until the expiration of the person's term of Appointment.

#### **90. Effective Date and Expiry**

- (1) These Bylaws shall become effective ~~on the date that section 6-1 of The Provincial Health Authority Act is proclaimed in force, and subject to subsection (2), will expire December 31, 2018~~ when they are approved by the Minister of Health in accordance with section 6-3 of the Provincial Health Authority

| [Act.](#)

| ~~(2) These Bylaws will expire December 31, 2018. If new Bylaws are not in place by December 31, 2018, these Bylaws will continue in force until such time as they are replaced in accordance with the Act.~~

| These are the [2020](#) interim Practitioner Staff Bylaws of the SHA set by the Minister of Health the ~~30th~~ day of ~~November~~, 2017

Jim Reiter  
Minister of Health