**THE PCC AND THE NEW DDA**

The OLD DDA

**29**(1) Where the professional conduct committee is requested by its council to consider a complaint or is in receipt of a written complaint alleging that a member is guilty of professional misconduct or professional incompetence, the committee shall:

(a) review the complaint; and

(b) investigate the complaint by taking any steps it considers necessary, including summoning before it the member whose conduct is the subject of the complaint or assessing the member’s competence.

(2) On completion of its investigation, the professional conduct committee shall make a written report to the discipline committee recommending:

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

(b) that no further action be taken with respect to the matter under investigation because:

(i) the matter has been resolved, with the consent of the complainant and the member who is the subject of the investigation; or

(ii) in the opinion of the professional conduct committee no further action is warranted on the facts of the case.

(c) The member has agreed to a confidential “Consent to Conditions” agreement, which merits that no further action is warranted. \*\*\* no merit in the DDA (2021 version) other than**using any steps it considers necessary** but supported by the Saskatchewan Court of Appeals\*\*\*

The NEW DDA

30(1) The professional conduct committee may take any steps that it considers proper and may summon any person who is under investigation and any other person whose information may be relevant to the investigation.

30(2) For the purposes of an investigation, the professional conduct committee may, at any reasonable time:

29(3) On completion of its investigation, the professional conduct committee may do one or more of the following:

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

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

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

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

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

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

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

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

(ii) counselling or treatment of the investigated member;

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

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

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

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

Section 29(3)(d) of the DDA the PCC can require a registrant to appear for a caution.  This requires no consent from the registrant and includes the following:

* by design cautions are meant to be educational as opposed to punitive.
* essentially informing the registrant that they did something wrong and they need to address it.
* parenting equivalent to telling your kid you are disappointed in them as opposed to grounding them for a week
* it is recommended that we do not publish (CDSS or wider audiences) as it may breach Duty of Fairness since this is not agreed upon
* it is not part of the registrant's record if other regulatory bodies reach out regarding their professional standing
* expedient