



# INVESTIGATION HANDBOOK

---

COUNSELLING & INVESTIGATION COMMITTEE

## Table of Contents

1.	LEGISLATIVE AUTHORITY- COUNSELLING & INVESTIGATION COMMITTEE.....	3
2.	DEFINITIONS.....	3
3.	COMPLAINT PROCESS.....	5
3.1	WHAT IS A COMPLAINT?.....	5
3.2	WHO CAN SUBMIT A COMPLAINT?.....	5
3.3	HOW TO SUBMIT A COMPLAINT?.....	5
3.4	THE COMPLAINT PROCESS.....	5
3.5	TERMINATION OF EMPLOYMENT.....	5
4.	COMPLAINT RECEIPT & NOTIFICATION.....	6
4.1	RECORD OF COMPLAINT.....	6
4.2	CONFLICT OF INTEREST.....	6
4.3	REGISTRANT (MEMBER) NOTIFICATION & RESPONSE.....	6
4.4	COMMITTEE INITIAL MEETING.....	7
4.5	RISK ASSESSMENT.....	7
5.	COMMITTEE OBLIGATIONS.....	7
5.1	DUTY TO REPORT CRIMINAL CONDUCT.....	7
5.2	REQUIREMENT TO EXAMINE ALL RELEVANT INFORMATION.....	8
5.3	OBLIGATION TO ACT FAIRLY.....	8
6.	INVESTIGATION AUTHORITY.....	8
7.	INVESTIGATION PROCESS.....	8
7.1	METHODS OF EVIDENCE COLLECTION.....	8
7.2	AUDIO RECORDED INTERVIEWS.....	9
7.3	INTERVIEW ARRANGEMENTS.....	9
7.4	INVESTIGATOR'S REPORT.....	9
8.	COMMITTEE DECISION.....	9
8.1	REFER TO DISCIPLINE COMMITTEE.....	9
8.2	NO FURTHER ACTION.....	10
8.3	MEDIATION.....	10
8.4	CAUTION.....	10
8.5	REMEDIATION.....	10
8.6	REGISTRATION SURRENDERED.....	10

8.7 ACCEPTANCE OF VOLUNTARY UNDERTAKING ..... 10

8.8 ASSESSEMENT ..... 10

8.9 ANY OTHER ACTION ..... 11

The committee or panel can take any other action that the counselling and investigation committee considers appropriate that it is not inconsistent with or contrary to this Act or the bylaws. .... 11

9. COMMITTEE REPORT OF DECISION ..... 11

9.1 DECISION ..... 11

# 1. LEGISLATIVE AUTHORITY- COUNSELLING & INVESTIGATION COMMITTEE

The Government of Saskatchewan has granted the College of Medical Laboratory Professionals of Saskatchewan (CMLPSK) also known as the Saskatchewan Society of Medical Laboratory Technologists (SSMLT) the authority and responsibility to regulate Medical Laboratory Technologists (MLTs) in Saskatchewan.

The purpose of professional regulation is to protect the public from risk and reduce harm to those the MLT profession serves. MLTs are regulated because the practice of medical laboratory technology can pose a risk to the public if performed incompetently, unethically, or by unqualified individuals.

The *Medical Laboratory Technologists Act, 1995 (MLT Act)* establishes two statutory committees: The Counselling & Investigation Committee and the Discipline Committee.

The Counselling and Investigation Committee manages investigation of complaints made against MLTs. The *MLT Act* prescribes the composition and the authority of the committee. The decision-making function of the committee are independent with administrative support by college staff.

The processes and decision-making of the committee is guided by the principles of natural justice and procedural fairness such as:

- Participation rights:
  - Complainant given a full and fair opportunity to present their case
  - The MLT is provided notification of the case and the opportunity to respond to allegations
- Fair and impartial decision-making process
- Process that ensures timely proceedings
- Reasons provided for decision-making

## 2. DEFINITIONS

**Affidavit Evidence:** An affidavit is written evidence used to state facts, not to provide argument or conclusions. It is sworn or affirmed to be true before a Commissioner for Oaths or Notary Public.

**Agreed Statement of Facts:** A written list of the facts and documents that are agreed by the Counselling & Investigation Committee and the registrant (member) and therefore do not have to be proven through oral testimony of witnesses.

**Code of Ethics:** A Code of Ethics is a document that articulates the ethical values and responsibilities that MLTs uphold and to which they are accountable.

**Council:** The governing body or 'board' authorized in the *MLT Act* to regulate the MLT profession in Saskatchewan. The council oversees the management and affairs of the organization.

**Conflict of Interest:** A conflict of interest occurs when a party has competing interests or loyalties because of their duties to more than one person or organization.

**Counselling & Investigation Committee (CIC):** The Committee authorized in the *MLT Act* to investigate complaints alleging professional misconduct or professional incompetence.

**Discipline Committee:** The Committee authorized in the *MLT Act* to hear the formal complaint and determine whether the registrant (member) is guilty of professional misconduct or professional incompetence.

**Discipline Hearing:** A formal prosecutorial hearing in which the Discipline Committee hears the evidence presented by the CIC and the registrant (member) who is the subject of a complaint.

**Evidence:** Statements, information, or objects that are used to prove or disprove an alleged fact.

**Executive Director:** The college Employee responsible for registration and licensure functions, as prescribed in the *MLT Act* and bylaws.

**Investigator:** Individual contracted by the college to conduct the investigation of a complaint. The investigator presents the information gathered during the investigation to the CIC.

**Prosecutor:** The Counselling & Investigation Committee acts as the prosecutor when a registrant's (member's) case is referred to a formal hearing heard by the Discipline Committee.

**Professional Incompetence:** s. 26 of the *MLT Act*- Professional incompetence is a question of fact, but the display by a registrant (member) of:

- (a) *a lack of knowledge, skill, or judgment; or*
- (b) *a disregard for the welfare of members of the public served by the profession; of a nature or to an extent that demonstrates that the member is unfit to continue in the practice of the profession is professional incompetence within the meaning of this Act.*

**Professional Misconduct:** s. 27 of the *MLT Act*- Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act if:

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

**Registrant (Member):** A person who is registered with the CMLPSK (SSMLT), and in the context of the complaints and discipline process includes former registrants (members) set out in s.20.2 of the Act.

**Standards of Practice:** The minimum expected levels of practitioner performance or behaviour, against which actual practitioner performance or behaviour is measured.

**Undertaking:** The term “undertaking” is a legal promise or obligation made by the registrant (member) to the Counselling and Investigation committee and regulator to resolve a complaint. Undertakings as set out in s.22(3)(g) and must be clear, unambiguous, and explicit and should state the time within which the undertakings must be fulfilled, or the conditions met.

### 3. COMPLAINT PROCESS

#### 3.1 WHAT IS A COMPLAINT?

- A report of alleges incompetence or misconduct of a registrant (member) or former registrant (member) as set out in s. 20.2 of the *MLT Act*.
- A complaint should include detailed description(s) of the allegation(s).
- A complaint should include all available supporting documentation.

#### 3.2 WHO CAN SUBMIT A COMPLAINT?

- Any person including member of the public, employer, supervisor coworker, or regulatory staff may submit a complaint.
- The CMLPSK (SSMLT) office will take reasonable steps to support the complaint submission process.

#### 3.3 HOW TO SUBMIT A COMPLAINT?

A report may be submitted in the following formats:

- Electronic- online complaint form
- Written- request a pdf complaint form from the office
- Verbal- Followed by written confirmation

#### 3.4 THE COMPLAINT PROCESS

The registrant (member) is provided with a summary of allegation(s) of the complaint. They are allowed 30 days to respond to the complaint, in writing, with their account of event(s). At various stages, some, or all, details of the complaint may be shared with the following as necessary:

- Registrant (Member)
- Investigator
- Office staff (as appropriate)
- Counselling & Investigation Committee
- Discipline Committee, when required
- CMLPSK (SSMLT) Council

#### 3.5 TERMINATION OF EMPLOYMENT

(S. 39 *MLT Act*) Any employer who terminates for cause the employment of a registrant (member) shall report the termination to the society where the employer reasonably believes the cause is professional incompetence or professional

misconduct. Reports of termination are not complaints but may be investigated in the same manner.

## 4. COMPLAINT RECEIPT & NOTIFICATION

Section 22 (1) of the *MLT Act* outlines that upon receipt of allegations of professional incompetence or professional misconduct, the Committee shall:

- (a) review the complaint; and
- (b) investigate the complaint by taking any steps it considers necessary, including summoning before it the registrant (member) whose conduct is the subject of the complaint.

It is the registrant's (member's) professional obligation to cooperate with all steps in investigations conducted by the Complaints and Investigation committee.

### 4.1 RECORD OF COMPLAINT

When the office receives a complaint against a registrant (member), a case file number is assigned, the file number recorded in the registrant (member) database (administration section), and an electronic investigation file is created.

The CMLPSK (SSMLT) office complaint record includes the following information:

- Date the office received the complaint.
- Registrant's (Member's) name and registration identification number
- Complainant name(s)
- Contact details for complainant(s), the registrant (member), and any witnesses
- Allegation details
- Committee investigation documentation
- Committee reports

### 4.2 CONFLICT OF INTEREST

When the office receives a complaint, a panel of at least 3 members the counselling and investigation is contacted to determine if there any conflict of interest. Any identified risk of a conflict or perceived conflict is reported to the Executive Director and an alternate committee member is assigned to the case. The office also contacts the Investigator and Legal Counsel to determine any conflict of interest. If a conflict is identified, an alternate investigator and/or legal counsel is contracted.

### 4.3 REGISTRANT (MEMBER) NOTIFICATION & RESPONSE

- 4.3.1 When a complaint has been received by the office, the Executive Director/Registrar confirms the contact information of the registrant (member) named in the complaint. This is completed by telephone or email.
  - Following confirmation of contact information, the office sends by email and Canada Post (registered) notification, including:

- A summary of the allegation(s), an overview of the regulatory complaints process, copy of the *MLT Act*, regulatory bylaws, code of ethics and standards of practice.
  - The registrant (member) is required to submit a written response within 30 days to the office.
- 4.3.2 Upon receipt of the registrants (member's) written response:
- The office provides email confirmation to the registrant (member) that their written response has been received.

#### 4.4 COMMITTEE INITIAL MEETING

A panel of the committee selected to review a complaint will convene with legal counsel, if required to:

- Determine if the complaint is within the mandate of the college;
- To make a risk assessment, and determine case priority;
- Determine if an investigator should be engaged.

#### 4.5 RISK ASSESSMENT

Upon receipt of a complaint, an assessment for risk that measures potential risk to public safety according to a scale of identifiers.

Risk scale is **low, moderate, high**, with the risk is evaluated at least 3 times as follows:

- The initial risk assessment is completed by the college office upon receipt of the complaint.
- The second risk assessment is reviewed once registrant's (member's) written response is received. The Counselling & Investigation committee and the Investigator discuss the risk assessment to prioritize the investigation, when necessary.
- The third risk assessment is performed by the Investigator during or upon completion of the investigation of the complaint. The Investigator will submit in their report a final risk assessment that includes governability, pattern of conduct and effects on public interest.

### 5. COMMITTEE OBLIGATIONS

#### 5.1 DUTY TO REPORT CRIMINAL CONDUCT

The Counselling & Investigation has a duty to report criminal conduct. If it is believed that the registrant (member) subject to investigation may be guilty of a criminal offence, the committee may immediately discontinue its investigation and report its findings to the Council Chair and the Deputy Minister of Justice.

## 5.2 REQUIREMENT TO EXAMINE ALL RELEVANT INFORMATION

It is a principle of natural justice and part of the duty to act fairly that once engaged in an investigation, the Committee must make every reasonable effort to obtain and consider all relevant information before making a decision.

## 5.3 OBLIGATION TO ACT FAIRLY

The fundamental duty of fairness imposed on the Committee is to ensure that the registrant (member) who is the subject of the investigation is told of the case made against them and afforded a fair opportunity of responding to it. The Committee need not put every detail of the case to the registrant (member). It is sufficient if the case is given in broad terms.

## 6. INVESTIGATION AUTHORITY

As outlined in According to c. 22 1 (a)(b) of the *MLT Act*, when the Counselling & Investigation Committee receives a complaint alleging that a registrant (member) is guilty of professional misconduct or professional incompetence, the Committee will review the complaint and investigate by taking any steps it considers necessary.

The Committee reviews the information gathered during the investigation of the complaint, and determines if the registrants (member's) practice or conduct may constitute professional misconduct or professional incompetence as outlined items such as but not limited to any of the following:

- The MLT Act
- The Regulatory bylaws
- The Code of Ethics
- The Standards of Practice
- HIPA Act and Regulations
- Medical Laboratory Licensing Act and Regulations

In all matters, the principal objective of the CMLPSK (SSMLT), namely the protection of the public interest, should be a primary consideration in the Committee's decision.

## 7. INVESTIGATION PROCESS

The Counselling & Investigation Committee directs the Investigator to conduct the investigation. The investigator is provided with the complaint, the registrant (member) responses and any case file documentation, and any applicable contact information received by the CMLPSK (SSMLT). The investigation will be conducted to gather evidence related to the complaint.

### 7.1 METHODS OF EVIDENCE COLLECTION

7.1.1 Interviews with the following may be conducted in-person or by a virtual platform:

- The registrant (member)
- The complainant
- Any named or subsequently identified witnesses

7.1.2 Collection of documents and other objects or materials

7.1.3 Site visits

## 7.2 AUDIO RECORDED INTERVIEWS

To ensure the integrity of the interview process, the Investigator will audio record all interviews. The recordings may form part of the investigative record and are not disclosed to anyone outside of the Counselling & Investigation Committee, including the registrant (member), complainant, or any other parties subject to the recorded process.

## 7.3 INTERVIEW ARRANGEMENTS

Any interviews conducted at the direction of the Counselling & Investigation, with the primary interview method being virtual or telephone. In cases where a virtual or telephone interview cannot be conducted, the interview shall occur in a confidential setting within a public facility or institution. Interviews not permitted to conduct interviews within a private dwelling. All associated costs for the investigation will be paid by the CMLPSK (SSMLT).

## 7.4 INVESTIGATOR'S REPORT

Following completion of the directed investigation, the Investigator shall prepare a report of findings to the Counselling & Investigation Committee.

The Investigative Report shall include the following:

- Identity of individuals and date of interviews.
- Copy of the initial complaint
- Copy of any written responses
- Any supporting documentation collected during the investigation
- Summary of facts and evidence
- Written and signed statements- if applicable

## 8. COMMITTEE DECISION

Upon review of investigation materials and the Investigators report, the Counselling & Investigation Committee or panel of the Committee may make one or more of the following the following determinations:

### 8.1 REFER TO DISCIPLINE COMMITTEE

If the Committee or panel are unable to resolve the case by using any of the options listed in s.22(3)(g) of the *Act*, or if based on the evidence it is not in the public interest to offer an undertaking, the matter is then referred to a Discipline Hearing. This is a formal hearing process where the medical laboratory technologist is charged with Professional Incompetence and/or Professional Misconduct as defined in *The Medical Laboratory Technologists Act*. Discipline hearings are public (*MLT Act- s. 24*)

## 8.2 NO FURTHER ACTION

The Committee or panel may indicate 'no further action' in the case:

- if the actions of the medical laboratory technologist appear to be in compliance with the legislation, standards, and guidelines of the Regulator; or
- if there is insufficient evidence to support/indicate a violation occurred; or
- if the matter is not within the jurisdiction of the Regulator.

## 8.3 MEDIATION

The committee or panel refers the complaint to mediation, if the counselling and investigation committee decides that the complaint is of concern only to the complainant and the investigated member, both of whom agree to mediation.

## 8.4 CAUTION

The committee or panel can require the investigated member to appear before the counselling and investigation committee, or a panel of the committee, to be cautioned.

## 8.5 REMEDIATION

The committee or panel can require the investigated member to complete a specified continuing education or remediation program.

## 8.6 REGISTRATION SURRENDERED

The committee or panel can accept the voluntary surrender of the investigated member's registration or licence.

## 8.7 ACCEPTANCE OF VOLUNTARY UNDERTAKING

The committee or panel can be based on the evidence that if it is in the public interest to offer a low-level resolution, the Committee may decide the case may benefit from an undertaking(s) outlined in s.22(3)(g) of the Act, to be completed by the registrant (member) if it effectively addresses the complaint.

## 8.8 ASSESSEMENT

The committee or panel can order an assessment of the investigated member's capacity or fitness to practise in the profession;

- counselling or treatment of the investigated member;
- monitoring or supervision of the investigated member's practice;
- completion by the investigated member of a specified course of studies by way of remedial training;
- placing conditions on the investigated member's right to practise in the profession.

## 8.9 ANY OTHER ACTION

The committee or panel can take any other action that the counselling and investigation committee considers appropriate that it is not inconsistent with or contrary to this Act or the bylaws.

## 9. COMMITTEE REPORT OF DECISION

### 9.1 DECISION

Upon examination of the Investigator's report and supporting documents, the Counselling & Investigation Committee may determine that it is necessary to:

- Hear parts of or the full audio-recorded interviews.
- Request further information or case documentation prior to rendering their decision.

When the Counselling & Investigation Committee is satisfied, it can make a decision as set out in s. 22(3) of the *MLT Act*, the Committee will complete a report.

Following decision of the majority of the committee, the report must be signed by the chair of the Committee. The report is then distributed to the:

- Council
- Complainant,
- Registrant (member) who is the subject of the complaint.

History: January 2022  
Approved by: Council  
Previous versions: 2022, 2023, 2024, 2025  
Revision #2: January 2026

