

1906

An Act Respecting The Dental Association of Alberta.

(Assented to )

Whereas the profession of dentistry is extensively practised in the Province of Alberta, and it is expedient for the protection of the public that a certain standard of qualification should be required of each practitioner of said profession, and that certain privileges and protection should be afforded to such practitioners,

Now, therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of Alberta enacts as follows:-

SHORT TITLE.

Short Title

1. This Act may be cited as "The Dental Association Act".

ORGANIZATION.

Organization and powers.

2. The Association heretofore incorporated under the name of "The College of Dental Surgeons of the North West Territories" is hereby continued in the Province of Alberta under the name of "The Alberta Dental Association", and shall be deemed to be a body corporate and politic, and by the said name shall have perpetual succession and a common seal, with power to break, alter, change or make new the same, and by the name aforesaid may sue and be sued, implead and be impleaded, answer and be answered unto in all Courts and places whatsoever, and may have, hold, receive, enjoy, possess and retain for the

the purposes of said Association all such sums of money as may at any time be given or bequeathed to and for the use of the same, and by the said name may purchase, take, hold and enjoy any real estate, or any estate or interest derived or arising out of real estate, for the purpose aforesaid and for no other purpose, and may sell, grant, lease or otherwise dispose of the same; but the real estate so held by the said Association shall at no time exceed in annual value the sum of five thousand dollars.

Persons who shall be members.

3. The following persons shall be members of and shall constitute the said Association, namely:-

Every person duly qualified and registered, etc.

(a) Every person who, at the time of the coming into force of this Act, is a duly qualified and registered member of The College of Dental Surgeons of the North West Territories under the provisions of "The Dental Profession Ordinance" being chapter sixteen of the North West Territories Ordinance of 1903, (second session), or under any other Ordinance of the Legislature of the North West Territories relating to the said College;

Everyone hereafter licensed and registered.

(b) Every person who shall hereafter be duly licensed and registered under the provisions of this Act.

#### BOARD OF DIRECTORS.

Board of Directors composition of.

4. There shall be a Board of Directors of said Association, which shall consist of five members, who shall, except as hereinafter provided, hold office for two years. Except at the first election of Directors after the passing of this Act, three of said Directors shall be elected each second year. At the first election aforesaid five Directors shall be elected, three of whom shall

be

be elected to hold office for two years and two for one year. The three Directors at such first election receiving the greatest number of votes shall be deemed to be elected for the two-year period, and the two receiving the next largest number of votes shall be deemed to be elected for the one-year period. In the event of a tie between any candidates at such election the President of the Association, at the time such election is held, is authorized to determine which of the parties affected by the tie is elected, or which of such parties shall hold office for two years and which for one year. Any Director may at any time resign by letter directed to the Secretary; and, in the event of any such resignation or of a vacancy occurring by death or otherwise, the remaining members of the Board, or a majority of such remaining members, shall elect some fit and proper person from among the members of the Association to supply such vacancy.

Election Board.

5. An election of Directors of the said Association shall be held at such place as shall be decided upon by the Directors on the second Monday of June in every year, the first election after the passing of this Act being held on the second Monday of June A.D. 1906. One month's notice of each election of Directors shall be given by circular by the Secretary to each member of the Association, provided that any oversight or omission in giving such notice shall not void the election. If for any reason the election of Directors shall not be held on the date specified in this Act, it shall be held on such date thereafter as shall be appointed by the Directors or by any ten members of the Association in writing by a letter addressed to the Secretary.

(a) In the event of the election of Directors not being held on any of the days aforesaid, the Directors in office shall continue to hold office until their successors are appointed.

(b) The members of the Association may, at any election of Directors, cast their ballots without being actually present at the place where the election is being held, provided that such ballots shall be sent or handed to the Secretary of the Association so as to be received by him prior to the hour fixed for the holding of an election. In the event of ballots so sent or handed, they shall be signed by the members of the Association voting and shall set forth the names of the candidates for whom such member votes. In the event of any such ballot being marked for more names than there are vacancies, such ballot shall be rejected. Ballots so sent or handed shall be enclosed in an envelope, and shall be so marked on the outside as to indicate that the envelope contains a ballot.

Qualification of voters.

6. The persons qualified to vote at the said election shall be those licentiates who have obtained certificates of license under the provisions of this Act or any of said former Acts, and who are at the date of such election duly registered under this Act.

Members of present Board and officers continued.

7. The members of the present Board of Directors and the officers of the said Association as at present constituted, until their successors are duly elected, shall continue to act and exercise all powers and authority as if they were elected under this Act.

Voting to be by ballot.

8. The election of Directors shall be by ballot, and the licentiates receiving the highest

number

number of votes shall be the Directors for the then ensuing term.

Publication of Board.

9. The Secretary of the Association shall publish in the "The Alberta Gazette" the names of those persons who have been elected members of the Board of Directors, such publication to be made in the issue of the said Gazette appearing next after the said election shall have been held, or so soon thereafter as the Secretary can reasonably cause the same to be published.

#### OFFICERS.

Election of officers.

10. The Board of Directors at their first meeting shall elect from among themselves a President, a Vice-President, a Secretary-Treasurer-Registrar.

#### MEETINGS.

Meetings of Board for Examination, etc.

11. The Board of Directors of the Association shall hold two meetings in each and every year in such place as may from time to time be fixed by the Board, for the purpose of conducting examinations, granting certificates of license and doing such other business as may properly come before them. Such meetings shall be held on the second Monday in January and July of each year, and may be continued or adjourned until the business before the Board is disposed of.

Majority must be present.

12. The said Board shall have no power to transact any business of the Association, unless a majority of the members of such Board be present.

#### POWERS OF BOARD.

By-laws and Rules.

13. The Board of Directors shall from time to to

to time make such rules, regulations and by-laws as may be necessary for the better guidance, government, discipline and regulation of the said Board and of the profession of dentistry and for the carrying out of this Act.

Examination of  
candidates.

14. The Board of Directors of said Association shall also have the authority to examine candidates, both for intermediate and final examinations, and to appoint examiners to assist them in conducting such examinations or such portions thereof as they may desire, and they may accept the report of such examiners in respect to the said examinations or any portions thereof, and the Directors may grant certificates of license to practise dental surgery in this Province.

Appointment of  
examiners.

15. The said Board shall also have power and authority to appoint one or more examiners for the matriculation or preliminary examination of all students entering the profession, or may accept, in lieu of such matriculation or preliminary examination, evidence that any student has passed any other satisfactory examination.

Curriculum of  
studies.

16. The Board shall also have the power and authority to fix and determine the period for which every student shall be articulated and employed under some duly licensed and registered practitioner and the examinations necessary to be passed including such intermediate examinations as the Board may think proper, and including the curriculum of studies to be pursued by students, and to fix and determine the fees to be paid into the hands of the Treasurer of the Association before the applicant shall receive a certificate of license to practise the

profession

profession of dentistry or be entitled to registration under this Act, and also to fix the annual fee to be payable by each member of the Association.

Matriculation examination to be held each year.

17. The matriculation or preliminary examination as provided in the fifteenth section of this Act shall be passed by all students prior to entering into articles of indenture with a licentiate of dentistry, provided that a certificate from any recognized University of the Dominion of Canada, that the intending student has matriculated according to the curriculum of any such University, shall be taken lieu of the matriculation or preliminary examination aforesaid. The commencement of the term of any articulated student shall date from the signing of his articles as aforesaid.

All candidates for license to be examined.

18. The Board of Directors shall, at its regular meetings, examine or cause to be examined all candidates for license to practise dentistry and for registration under this Act who present themselves pursuant to the provisions of the next ~~succeeding~~ sections.

Payment of fees, etc., before examination.

19. Every person being desirous of being examined by the said Board touching his qualifications for the practice of the said profession of dentistry shall, at least one month before the sitting of said Board, pay into the hands of the Treasurer the required fees and furnish him satisfactory evidence of his term of apprenticeship having been fulfilled, and as to the applicant's integrity and good morals.

Who entitled to  
a license.

20. The following persons, upon payment of the required fees, shall be entitled to receive certificates of license to practise dentistry in this Province from the board of Directors of said Association, namely:-

All persons practising six months prior to November, 22nd, 1992.

(a) All persons who were and had been in regular and continuous office practice in the North West Territories as dentists for a period of not less than six months immediately preceding the in the year one thousand eight hundred and ~~ninety-two~~;

Members of other provincial or British colleges admitted to practise on certain terms.

(b) Any person who is a graduate of any school of dentistry of any of the Provinces of the Dominion of Canada having authority by law to grant certificates of license or diplomas to practise dentistry, or who is a member of any association or school of dentistry having the like powers in the United Kingdom of Great Britain and Ireland, and who, in either case, produces sufficient evidence of such membership and testimonials of good character and conduct and passes the final examination prescribed for admission of students to practise;

Holders of certificate from Dominion Dental Council admitted on certain terms.

(c) The Board of Directors shall have power to appoint one or more members of the Association as representatives of the Association upon the Dominion Dental Council, and the Board shall, so long as represented on the said Council, accept the certificate of qualification of the said Dominion Dental Council as a qualification sufficient without further examination for the granting to the holder thereof of a license to practise dentistry in the Province of Alberta.

provided



provided such certificate is accompanied by satisfactory evidence of the good moral character of the applicant.

Board to grant  
license to practise.

21. If the Board is satisfied, by the examination provided for in the eighteenth section of this Act, that the person is duly qualified to practise the profession of dentistry, or that he possesses any other of the foregoing qualifications, and is further satisfied that the applicant is a person of integrity and good moral character, it shall grant him a certificate of license, subject to the rules, regulations and by-laws promulgated under the authority of this Act, and the title of "Licentiate of Dental Surgery", which certificate and title shall entitle him to all the rights and privileges of this Act, subject, however, to the provisions of this Act respecting registration.

License to be  
sealed and signed.

22. Every certificate of license shall be sealed with the corporate seal of the Association and signed by the Board of Directors of said Association, and the production of such certificate of license shall be prima-facie evidence in all courts of law, and in all proceedings of whatever kind, of its execution and contents.

No one under 21  
entitled.

23. No diploma or certificate of license shall be granted to any person under the age of twenty-one years.

#### REGISTER - REGISTRATION FEES.

Registration -  
how made, who en-  
titled to.

24. Every person holding a valid and unfeited certificate of license to practise dentistry under the provisions of this Act, and who on or

before

before the second Monday of January in each year shall have paid to the Registrar appointed by said Board a registration fee of two dollars, or who, having during the then current year obtained a certificate of license from said Association to practise the profession of dentistry, forthwith pays to the said Registrar a registration fee of two dollars, shall, subject to the other provisions of this Act, be entitled to have his name entered in the register referred to in the next succeeding section of this Act; and a copy of such register, certified by the said Registrar, shall be evidence in any court of justice in Alberta that the persons therein named are the members of the said Association for the said year.

Register to be kept.

25. It shall be the duty of the Registrar, as nearly as possible in each year, to make a correct register, in the form in Schedule A to this Act, of the names and addresses of all persons who may be entitled to registration under this Act as members of the said Association for the then current year.

Registrar to decide right, subject to appeal.

26. No person shall be entitled to have his name on the said register unless the Registrar is satisfied by proper evidence that such person is entitled to be registered, and any appeal from a decision of the Registrar shall be decided by the Board of Directors of said Association.

Name improperly inserted may be erased.

27. If it shall at any time be proved to the satisfaction of the said Board that the name of any person has been improperly inserted in the register for the year, such name may be erased therefrom by order of said Board.

Person registered entitled to certificate.

28. Upon any person being registered under this

this Act, he shall be entitled to receive a certificate under the corporate seal of said Association and signed by the Registrar, in the form in Schedule B to this Act or to the like effect.

List of licentiates  
to be sent to  
Provincial Secretary.

29. The Secretary of the said Association shall, on or before the first day of February in each and every year, enclose to the Provincial Secretary a certified list of the names of all persons then registered as members of the said Association for the then current year.

#### WHO MAY PRACTISE.

Only registered  
persons entitled  
to practise.

30. All persons registered under this Act, and no others, shall be entitled to practise the profession of dentistry in the Province of Alberta, and no person shall be entitled to any of the privileges of a licentiate or member of the said Association, or to practise the profession of dentistry, who is in default in respect of any fees payable by him by virtue of this Act.

Only duly qualified  
practitioners entitled  
to recover fees, etc.

31. No person shall be entitled to recover in any court of law for any professional services rendered or materials provided by him in the exercise of the profession of a dentist, unless he be a duly and legally qualified licentiate of dentistry and duly registered under the provisions of this Act.

#### FORFEITURE, PENALTY.

Persons not holding  
a proper certificate  
forbidden to practise  
under a penalty.

32. If any person not holding a valide certificate of license as aforesaid or not duly registered, shall practice, within this Province, the said profession of dentistry, either publicly or privately, for hire, gain, or hope of reward, or

shall

shall voluntarily and falsely pretend to be a duly qualified licentiate of dentistry, or assume any title, addition or description implying or calculated to lead people to infer or believe him to be duly a qualified licentiate of dentistry, he shall be liable, upon conviction in a summary manner before any justice of the peace having jurisdiction where the offence is committed, to a penalty not exceeding two hundred dollars and not less than fifty dollars for the first offence, and for each and every subsequent offence to a penalty of four hundred dollars.

Charges of misconduct  
against a licentiate.

33. In case a charge is made against any licentiate of unprofessional conduct, or other misconduct provided for by the by-laws passed or to be passed under the provisions of any of said former Acts or this Act, the Board of Directors shall have power to hear and determine the same, and for this purpose to summon witnesses before them and administer an oath or affirmation to such witnesses; and if any licentiate shall be found guilty of the charge preferred against him, he shall forfeit his certificate and title, and the same shall be cancelled. Such forfeiture, however, may be annulled and the said license and all rights and privileges thereunder fully renewed and restored by said Board, in such manner and upon such conditions and terms as the said Board shall think fit; Provided, however, that nothing in this Act contained shall empower the said Board to deal with any criminal or other  
offence

offence provided for by law.

Forfeiture of  
license for  
malpractice.

34. Any licentiate who shall be convicted of any malpractice shall forfeit his license, and the same shall be cancelled; but the Board shall have power to restore the same if it shall think fit and proper, notice of such restoration to be given for two weeks in some local newspaper to be determined upon by the Board.

Before whom prosecutions may be brought, and how penalty recovered.

35. All prosecutions under the provisions hereof may be brought and heard before any justice of the peace having jurisdiction where the offence is committed, and such justice of the peace shall have power, in addition to the aforesaid penalty, to award payment of costs; and in case such penalty and costs be not paid forthwith after conviction, he shall have power to issue a warrant of distress therefor against the goods and chattels of the party so convicted, and, in default of distress, to order imprisonment for any period not exceeding six months.

Penalties may also  
be recovered by  
suit.

36. Any penalties imposed by this Act may be also proceeded for and recovered by suit in any court of law having jurisdiction, and one-half of all penalties recovered shall go to the prosecutor and the remainder shall be paid to the  
4 Treasurer of the said Association and form part of the funds of the Association. Any person may be complainant or prosecutor; Provided always that every such prosecution shall be commenced within six months of the alleged offence.

Onus of proof.

37. In any such prosecution and trial, the onus of proof as to being a legally qualified licentiate of dentistry and a duly registered

member

member of said Association is upon the person charged.

Act not to interfere with certain privileges of physicians, surgeons, etc.

38. Nothing in this Act contained shall interfere with the privileges conferred upon physicians and surgeons by the various Acts relating to the practice of medicine and surgery in this Province; but in case a regular physician or surgeon shall desire to practice dentistry as a profession and to publicly avow himself as a practitioner of said profession of dentistry, he shall first obtain a license from said Board of Directors, by paying the necessary fees and passing an examination in operative and mechanical dentistry only.

A duly indentured student may receive instructions, etc.

39. Nothing in this Act shall prevent any duly indentured and registered student of dentistry from receiving clinical instruction and practice under the personal supervision of a member of the said Association.

#### MONEY - FEES.

Treasurer to receive all Association's funds.

40. All moneys forming part of the funds of the said Association shall be paid to the Treasurer, and shall be applied to carry on the objects of this Act.

Present fees continued.

41. All fees that are now payable under the provisions of this Act and the Acts referred to in the third section of this Act and the by-laws of the said Association shall continue to be payable, until duly changed by the by-laws of the Association pursuant to the provisions of this Act.

#### FORMER BY-LAWS, ETC.

All rules, etc., continued.

42. All rules, regulations and by-laws in force at the passing of this Act shall be the rules, regulations and by-laws of the said Association, until amended, altered or repealed under this Act.

Schedule A - (Section 26)

Form of  
Register.

Schedule B - (Section 29.)

Form of certificate of registration.

(Signed),

D.F.

Registrar of The

Dental Association.

No. 29

First Session, First Legislature  
June 6 Edward VII, 1906.

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An Act Respecting The Dental  
Association of Alberta.

Received and read the

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Third Reading... *April 4*

Mr. *McLean*

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