

Bill No. 64 of 1945.

A BILL RESPECTING THE PRACTICE OF  
CHIROPRACTIC

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NOTE.

This bill establishes the Alberta Chiropractic Association as a corporation. The members of the Association shall be the chiropractors now registered under the existing Act, but only those who desire to do so are required to become active members. The others are described as non-participating members. The fees for active members are fixed as not exceeding one hundred dollars and those of non-participating members at not more than twenty-five dollars. New active members' fees also will not exceed twenty-five dollars for the first two years following initial registration.

Provision is made in section 5(5) for the election of a "Board of Chiropractors" which, under the provisions of the Act, will be the governing body of the Association. The powers of this Board to make regulations are set out in section 6 of the Bill. These regulations will not be effective until approved by the Association and the Lieutenant Governor in Council and published in *The Alberta Gazette*.

Section 7 deals with discipline of members and the Lieutenant Governor in Council is given power, on the recommendation of the Board, to cancel or suspend the registration of a member and to reinstate the registration.

Section 9 deals with the appointment and duties of an Examining Board.

Section 10 sets out the qualifications necessary to entitle a person to apply for registration. Subsection (2) makes special provision for those persons who are attending a chiropractic school when the Act comes into force. Subsections (4) and (5) make special provisions for men discharged from the armed forces, or frozen in their occupations, providing they register at a chiropractic school within two years of discharge or release from the frozen occupation.

Provision is made in section 11 for interim licenses to be issued to qualified persons pending their examination. Subsection (5) provides an appeal to the Lieutenant Governor in Council when the Board has not recommended the registration of the applicant. Provisions are also made for further examinations after failure of a candidate.

Sections 12 and 13 deal with registration and renewal of same and the use of the term "Doctor" when it may and may not be used.

Sections 14 to 18 deal with prosecutions, which must be commenced within two years of the date of the accused offence.

Sections 19 to 24 set out the rights and duties of chiropractors and provide that an action for negligence or malpractice must be brought within six months from the date when the professional services terminated.

Sections 25 and 26 set out certain things that chiropractors are prohibited from doing.

W. S. GRAY,  
*Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 64 of 1945.

An Act Respecting the Practice of Chiropractic.

(Assented to \_\_\_\_\_, 1945.)

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

## SHORT TITLE.

1. This Act may be cited as "*The Chiropractic Act, 1945.*"

## INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
  - (a) "Association" means the Alberta Chiropractic Association constituted by this Act;
  - (b) "Board" means the Board of Chiropractors appointed under this Act;
  - (c) "Chiropractic" means the philosophy, science, and art of things natural, a system of analyzing and of adjusting by hand only, the articulations of the human spinal column and other articulations incidental thereto, for the purpose of removing the cause of disease;
  - (d) "Chiropractor" means a person who practices chiropractic.

## CONSTITUTION OF ASSOCIATION.

3. There is hereby created and established the "Alberta Chiropractic Association," a body politic and corporate, having perpetual succession and a common seal, and power to acquire, hold and dispose of real and personal property, and to sue and be sued in the manner usual with such corporations.

## STATUS OF CHIROPRACTORS REGISTERED IN ALBERTA.

- 4.—(1) Each chiropractor who at the time of the coming into force of this Act is duly registered under the provisions of *The Chiropractic Act*, being chapter 290 of the Revised Statutes of Alberta, 1942, and each chiropractor who hereafter becomes registered under the provisions of this Act, shall be a member of the Association and shall according to his choice, be classified as either an active member, or as a non-participating member of the Association.

(2) Active membership shall entitle the member to all rights, privileges, and benefits of the Association, the fees for which shall not exceed one hundred dollars per annum, and shall include the fee for renewal of registration.

Provided however, that the annual fee for active members shall not exceed the sum of twenty-five dollars for a period of two years immediately following the initial registration of such members.

(3) All active membership fees shall be paid into the treasury of the Association.

(4) Non-participating membership shall be the status bestowed upon chiropractors who are registered at the time this Act comes into force, and upon chiropractors who may subsequently become registered under this Act, who have not applied for and obtained active membership in the Association.

(5) The annual fee for renewal of registration for a non-participating member shall not exceed twenty-five dollars.

(6) Non-participating members shall be governed by all the provisions of this Act and all regulations made hereunder affecting the practice of chiropractic, but shall not have a vote at any meeting of the Association nor be entitled to any of the benefits of the Association.

#### OFFICERS OF THE ASSOCIATION.

**5.—**(1) Within two months from the date upon which this Act comes into force, the president of the Alberta Chiropractic Association heretofore existing shall call a meeting of the Association at a time and place to be fixed by him of which due notice shall be given to all registered chiropractors in the Province, for the purpose of electing the first officers and transacting any other necessary business under this Act.

(2) At that meeting the said president shall preside and shall receive applications for membership from chiropractors resident in the Province who are present, on forms to be supplied by him, and the persons so applying shall be deemed to be active members, for the purposes of this Act, of the Association constituted by this Act until the first annual meeting.

(3) Thereupon the said active members of the Association shall proceed to the election of a president, vice-president, secretary, treasurer or secretary-treasurer, and they shall constitute the executive committee of the Association.

(4) At the first annual meeting and at each subsequent annual meeting the officers mentioned in subsection (3) shall be elected by and from the active members of the Association and shall constitute the executive committee of the Association.

(5) (a) At the meeting provided for in subsection (1), there shall also be elected by and from the active membership

of the Association a "Board of Chiropractors", whose duty it shall be to administer this Act under the direction of the Association, and to act in an advisory capacity to the Association, which Board shall consist of five members, a chairman who shall be elected annually, two members who shall be elected for a term of one year each, and two members who shall be elected for a term of two years each.

(b) At the next annual meeting of the Association, and at each subsequent annual meeting, two members shall be elected to the Board for a term of two years each.

(c) Three members of the Board shall constitute a quorum.

(d) Should vacancies occur on the Board during the year, the Board shall fill the vacancies by appointment of active members of the Association, who shall hold office only until the next annual meeting of the Association.

(e) Should the office of chairman of the Board fall vacant during the year, the Board shall elect one from its members to fill that office for the balance of the year.

(f) No member of the executive committee shall be eligible for membership on the Board.

**6.—**(1) The Board shall have power, subject to subsection (2) and the other provisions of this Act, to make regulations governing,—

- (a) the duties of the executive committee and its members;
- (b) the admission of chiropractors into membership of the Association and to practice in Alberta, and the fees to be paid for registration and renewal of registration;
- (c) the qualifications as to education, character and experience that a chiropractor must have before he may be so admitted into the Association;
- (d) the keeping of a register of persons entitled to practise chiropractic in the Province;
- (e) the fees payable by a person on applying for examination, with a view to registration, which shall not exceed one hundred dollars, and subject to the provisions of section 4, the annual renewal of registration of active and non-participating members, and prescribing the fees payable thereon;
- (f) the voting by the Association of the necessary funds for the activities and performance of the duties of the Board;
- (g) the discipline and conduct of registered chiropractors, including the regulation or prohibition of advertising by or on behalf of chiropractors;
- (h) the investigation of any complaint of unprofessional conduct, incompetency or want of skill on the part of any registered chiropractor;

- (i) the calling of meetings of the Board, and the procedure to be followed at such meetings, and the right to vote thereat;
- (j) the examination of applicants for registration as chiropractors and prescribing the duties of the examining board;
- (k) generally any matters deemed proper for the better carrying out of the provisions of this Act.

(2) The regulations made from time to time by the Board shall not come into force until they have been approved by the Association and the Lieutenant Governor in Council and published in one issue of *The Alberta Gazette*.

(3) Subject to the approval of the Association and of the Lieutenant Governor in Council, the Board may at any time amend or revoke any regulations made by it, but no such amendment or revocation shall have effect until it is published in one issue of *The Alberta Gazette*.

**7.—**(1) In case a chiropractor registered under this Act is charged with unprofessional conduct, incompetency or lack of skill, an inquiry shall be made by the Board, and if the Board considers the charge to have been proved it may discipline the member in such manner as is provided by regulations under this Act or may recommend to the Lieutenant Governor in Council that his registration be suspended or cancelled.

(2) In the case of any member whose registration has been suspended or cancelled, the Board after such inquiry as it deems proper, may recommend to the Lieutenant Governor in Council the reinstatement of the registration of the said member.

**8.** No action shall be brought against the Board or any member of the Board for anything done in good faith under this Act, notwithstanding any want of form in the proceedings.

#### EXAMINING BOARD.

**9.—**(1) There shall be an examining board composed of seven active members of the Association elected annually by the Association for the purpose of testing the knowledge of every person who applies for registration as a chiropractor under this Act.

(2) Each member of the examining board shall be elected by the Association to prepare and mark a specific examination paper as set out in paragraph (c) of section 10, and immediately after the examining board has been elected, its members shall meet and elect one of their number to act as chairman for the ensuing year.

(3) If a member of the examining board resigns therefrom, or is unable or unwilling to act thereon, or dies, the

Board shall appoint another member of the Association to act in his place for the residue of the term for which he was elected.

#### QUALIFICATIONS OF A CHIROPRACTOR.

**10.**—(1) Subject to the provisions of section 4, and subsection (2) of this section, only those persons shall be entitled to apply for registration as chiropractors under this Act who are twenty-one years of age, and who,—

- (a) file with the Board a certificate showing that they have passed at least the junior matriculation examinations of the Province or school examinations equivalent thereto;
- (b) have attended a school or college of chiropractic which is approved of by the Board for at least thirty-two consecutive months, or four years of eight months each or more, and graduated therefrom;
- (c) passed an examination prepared by a member of the examining board and approved by the said Board in the following subjects respectively:

Paper No. 1—Anatomy, General Diagnosis and Symptomatology;

Paper No. 2—Philosophy, Theory and Practice of Chiropractic;

Paper No. 3—Physiology; Sanitary Science and Hygiene;

Paper No. 4—Bacteriology, and Chemistry;

Paper No. 5—Histology, and Pathology;

Paper No. 6—Examination in Meric Chiropractic Technique;

Paper No. 7—Examination in HIO Chiropractic Technique;

Provided that an applicant shall not be required to be examined on both Paper No. 6 and Paper No. 7 but may elect one or the other;

- (d) comply with any provisions of this Act and the regulations which apply to such registration.

(2) Any person who was registered with and attending a chiropractic school or college approved by the Board at the time this Act comes into force, who files with the Board a certificate showing scholastic qualifications of junior matriculation, or the equivalent thereto, and has attended for eighteen months a school or college of chiropractic approved by the Board and graduated therefrom, shall be entitled to apply for examination under the provisions of this Act.

(3) A registered chiropractor under this Act who has a certificate of competency in X-ray and Spinographic Technique, from a school or college of chiropractic approved by the Board, or who has other such certificates of competency,

may in connection with his practice, use X-ray for making shadow-graphs, or for the purpose of a general analysis wherein bone tissue is involved.

(4) Any person who is a member of the Canadian armed forces of World War II, or who was a member of such forces and has been honourably discharged therefrom at the time this Act comes into force, and who satisfies the Board that he has resided in the Province for at least one year immediately prior to September 1st, 1939, shall, subject to the provisions of subsection (6) be entitled to be examined under the provisions of this Act upon producing satisfactory evidence as to his scholastic qualifications and study at a school or college as set out in subsection (2).

(5) Any person who was prevented from changing his occupation by any regulation made under the provisions of the War Measures Act (Canada) and who has made application for admission to a school or college of chiropractic approved by the Board on or before the date on which this Act comes into force, or within six months after the date on which this Act comes into force, and who satisfies the Board that he has resided in the Province for at least one year immediately prior to September 1st, 1939, shall, subject to the provisions of subsection (6), be entitled to be examined under the provisions of this Act upon producing satisfactory evidence as to his scholastic qualifications and study at a school or college of chiropractic as set out in subsection (2).

(6) No person shall be entitled to the privileges set out in subsections (4) and (5) unless he be registered with and in attendance at a school or college of chiropractic approved by the Board within two years from the date upon which he was discharged from the armed forces or released from an occupation which he was prevented from changing by any regulation made under the provisions of *The War Measures Act (Canada)*.

#### INTERIM LICENSE.

**11.—(1)** (a) Upon receipt by the Board of an application in writing for an interim license together with proof of qualifications and registration fee, the Board, if of the opinion from the proof submitted that the applicant is entitled to apply for examination under the provisions of this Act at the next examination held, shall recommend to the Lieutenant Governor in Council that an interim license be issued in the name of the applicant, which shall entitle the applicant to practise as a chiropractor.

(b) An application for an interim license shall be finally dealt with by the Board within thirty days after receipt of the application and proof of qualifications.

(2) If the Board rejects an application for an interim license the applicant may appeal to the Lieutenant Governor in Council, who may dismiss the appeal or direct that an interim license be issued by the Board to the applicant.

(3) Any interim license granted under the provisions of this section shall terminate upon the date named thereunder,

or upon the first day of July after the day of its issue, whichever date is the earlier, but such license may be renewed from time to time.

(4) Upon receipt of a report from the examining board indicating that the applicant has passed the examination with an average of at least sixty per cent on each paper, the Board shall recommend to the Lieutenant Governor in Council that a certificate of registration be issued in the name of the applicant.

(5) Where the Board has not recommended that a certificate of registration be issued to the applicant, he may appeal to the Lieutenant Governor in Council who may dismiss the appeal or direct that a certificate of registration be issued to the applicant.

(6) Examinations under the provisions of this Act shall be held every year during the month of September, and an applicant wishing to take the examination in any year must file his application with and pay the registration fee to the Chairman of the Board on or before the first day of August in that year.

(7) Should an applicant fail in his first examination in not more than three papers, he,—

- (a) may re-write said papers on which he failed at the next regular examination held, without further fee; or
- (b) upon payment of an additional fee of fifty dollars, may request the Board to hold a supplementary examination in those papers on which he failed.

(8) (a) Should an applicant fail in four or more papers at his first examination, or fail in any paper at his second examination, he must provide evidence of at least six months additional study at a school or college of chiropractic approved by the Board before he is entitled to make further application to the Board to be examined under the provisions of this Act, and any such application shall be subject to all the provisions of this Act as if it were the first application.

(b) In any written examinations held pursuant to the provisions of this section in which an applicant has failed, he may upon payment of a fee of five dollars for each paper, apply to have the paper in which he has failed re-read and passed upon by the Board of Examiners.

#### REGISTRATION.

**12.—**(1) Each certificate of registration, or certificate of renewal of registration issued under this Act shall remain in force until the first day of July next following the date of issue thereof.

(2) Application for certificate of renewal of registration accompanied by the necessary fee, shall be filed with the secretary-treasurer of the Association before the thirtieth day of June of each year.

(3) Upon receipt of the application accompanied by the necessary fee, from a chiropractor registered in Alberta who is in good standing, a certificate of renewal of registration shall be issued to the applicant by the Board, and shall be signed on behalf of the Association by the chairman and secretary-treasurer of the Association.

**13.—**(1) A registered chiropractor may use words or symbols to indicate his calling, and for this purpose may use the term "Doctor", provided it is used in connection with words indicating he is a chiropractor.

(2) Except as otherwise herein provided, no registered chiropractor shall use any abbreviations in connection with his name which suggests that he is a graduate or licentiate in medicine or surgery of any University or other diploma granting body, or the words "Doctor", or "Physician", or "Surgeon" or "Doctor of Medicine", or "Physician and Surgeon" in connection with his name, nor shall he by advertisement, announcement or otherwise represent or hold himself out as a physician or surgeon.

#### OFFENCES AND PENALTIES.

**14.—**(1) No person other than a chiropractor registered under this Act as a member of the Association, or other than a person to whom a temporary license has been issued which is in good standing, shall engage in the practice of chiropractic or use the title "Chiropractor" or any word, title or designation, abbreviated or otherwise, to imply that he is engaged in the practice of chiropractic.

(2) Any person who is not a medical doctor and who practices chiropractic, either alone or in conjunction with any other method of treatment of the human body for disease and the causes of disease, for hire, gain, reward or remuneration, or the hope or expectation thereof, unless he is duly registered or licensed to practice as a chiropractor under the provisions of this Act, shall be guilty of an offence against this Act.

(3) Any person who, not being registered or licensed as a chiropractor under this Act, or who, having been so registered and whose registration has been cancelled or is under suspension, practices or holds himself out as practising chiropractic, either alone or in conjunction with any other method of treatment of the human body for disease and the causes of disease, or advertises or uses any prefix or suffix to his name signifying that he is qualified to practise chiropractic, either alone or in conjunction with any other method of treatment of the human body for disease and the causes of disease, shall be guilty of an offence against this Act.

**15.** It shall be an offence for any person to wilfully procure or attempt to procure himself to be registered or licensed under this Act by making any false or fraudulent

representation or declaration, either verbally or in writing; and any person knowingly aiding or assisting him therein shall be guilty of an offence under this Act.

**16.**—(1) In any prosecution under this Act it shall be sufficient proof of an offence under this Act if it is proved that the accused has done or committed a single act of practising while unregistered and unlicensed, or has committed on one occasion any of the acts prohibited by this Act.

(2) In any action, prosecution or other proceeding the fact that a person is or is not registered or licensed as a chiropractor pursuant to this Act may be proved by the production of a certificate of the secretary-treasurer of the Association and any certificate purporting to be so signed shall be received in evidence without any proof of the signature of the person signing the same or of his official position and shall be *prima facie* evidence of the truth of any statements therein contained as to whether or not at the date of the certificate or at any time or times stated therein any person named therein was or was not duly registered or licensed as required by this Act.

**17.** Any prosecution under this Act shall be commenced within two years from the date of the alleged offence.

**18.** Any person who commits an offence against any of the provisions of this Act shall be liable on summary conviction,—

- (a) for a first offence to a fine not exceeding one hundred dollars, and in default of payment to imprisonment for a term not exceeding thirty days;
- (b) for a second offence, to a fine not exceeding two hundred dollars, and in default of payment to imprisonment for a term not exceeding sixty days; and
- (c) for a third or subsequent offence, to imprisonment for a term not exceeding ninety days without the option of a fine.

#### RIGHTS AND DUTIES OF CHIROPRACTORS.

**19.** Any chiropractor who is registered or licensed under this Act shall be entitled to demand from any person by whom he is consulted or employed, and to recover as a debt in any court of competent jurisdiction, the proper charges for such consultation and employment, or either of them.

**20.** Any chiropractor registered or licensed under this Act shall, if he so desires, be exempt from serving on any jury.

**21.** No registered or licensed chiropractor shall be liable in any action for negligence or malpractice by reason of professional services requested and rendered, unless the

action is commenced within six months from the date when, in the matter complained of, such professional services terminated.

**22.** Nothing in this Act shall apply to or affect,—

- (a) the practise of any profession or calling by any person practising the same under authority of a general or special Act of the Legislature;
- (b) any nurse acting in the absence of or under the prescription or direction of a legally qualified medical practitioner;
- (c) the furnishing of first aid or temporary assistance in cases of emergency.

**23.** The provisions of *The Public Health Act* imposing certain duties upon physicians with respect to contagious or infectious diseases shall *mutatis mutandis* apply to every chiropractor registered or licensed under this Act.

**24.** Nothing in *The Medical Profession Act* shall prohibit a duly registered or licensed chiropractor from practising chiropractic for hire, gain or hope of reward.

#### PRACTISE OF MEDICINE PROHIBITED.

**25.** Nothing in this Act or the regulations shall authorize any person to prescribe or administer drugs for use internally or externally, or to use or direct or prescribe the use of anaesthetics for any purpose whatsoever, or to practise medicine, surgery or midwifery.

**26.** No registered or licensed chiropractor shall prescribe or administer drugs or medicinal preparations or treat any venereal disease, or any communicable disease, as defined by *The Public Health Act*, nor shall he perform any surgical operation, or practise obstetrics or any branch of medicine or osteopathy.

**27.** All chiropractors at present duly registered under the provisions of *The Chiropractic Act*, being chapter 290 of the Revised Statutes of Alberta, 1942, shall be deemed to be registered under the provisions of this Act and any person whose application for registration is pending at the time this Act comes into force, may complete his registration under the provisions of this Act.

**28.** In any case where it is provided in this Act that the Board may make any recommendation to the Lieutenant Governor in Council the Lieutenant Governor in Council is hereby empowered to carry out such recommendation.

**29.** *The Chiropractic Act*, being chapter 290 of the Revised Statutes of Alberta, 1942, is hereby repealed.

**30.** This Act shall come into force on the day upon which it is assented to.

No. 64.

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FIRST SESSION  
**TENTH LEGISLATURE**  
9 GEORGE VI  
1945

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**BILL**

An Act Respecting the Practice of  
Chiropractic.

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Received and read the

First time.....

Second time.....

Third time.....

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MR. BOURCIER.

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