

Bill No. 65 of 1950.

A BILL TO REGULATE THE PRACTICE OF DRUGLESS  
THERAPY AND TO INCORPORATE THE NATURO-  
PATHIC ASSOCIATION OF ALBERTA.

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NOTE.

This Bill enacts a new Act to be known as "*The Drugless Practitioners Act, 1950*" which repeals and replaces *The Drugless Practitioners Act*, being chapter 84 of the Statutes of Alberta, 1948.

The new Act provides for a Board of Examiners to be appointed by the Lieutenant Governor in Council. Under the former Act the examining committee was appointed by the Board of Drugless Practitioners, elected by the Association, it being the duty of this Board to administer the Act under the direction of the Association and to act in an advisory capacity to the Association.

Compulsory membership in the Association is to continue but licenses to practise are to be issued by the Department of the Provincial Secretary instead of by the Association and are to be issued when the applicant has been registered as a member of the Association after receipt by the Association of a certificate of qualification from the Board of Examiners.

Sections 3 to 8 deal with the Naturopathic Association of Alberta which is continued as a body corporate and politic under the same name as in the former Act. Membership in the Association is compulsory and the internal management remains much as it was under the former Act. A fee not exceeding fifty dollars shall be paid by each applicant for registration or interim registration and the total of the levies, contributions and membership fees required in any one year shall not exceed the sum of fifty dollars for each member.

The holder of a certificate of approval for registration issued by the Board shall, within fourteen days of the filing of the certificate with the registrar of the Association, be granted a certificate of registration by the Association. Provision is also made for the issue of an interim certificate of registration pending examination of the applicant by the Board.

The Lieutenant Governor in Council may appoint a Board of Examiners not exceeding ten in number, one of whom shall be chairman, and the Board shall be responsible for fixing the qualifications of all applicants applying for registration. The duties of the Board shall be to set the examinations or

tests for persons applying for certificates of approval for registration. The Board shall determine the course of study to be followed and the subjects of examination to be taken by applicants for admission to practise. The Board may exempt from examination any person who is a graduate of an approved school or who is otherwise qualified by reason of his training or experience, and who possesses the qualifications required under the Act.

The Board is required to report to the Minister the results of every examination and to file with the Minister a report dealing with the qualifications of applicants exempted from examination under the Act.

Every person registered under the provisions of the former Act shall be entitled to receive from the Association a certificate of registration under this Act. The fees required for the certificates and licenses are provided for.

A person who is the holder of a certificate or interim certificate of registration is entitled to receive from the Minister a license or interim license permitting him to practise as a naturopath. The license must be displayed in a conspicuous place and may be cancelled or suspended by the Minister if the certificate of registration of the holder of the license has been cancelled, suspended or revoked.

A registered naturopath under the Act who is the holder of a certificate of competency in x-ray from a school or college approved by the Board may in connection with his practice use x-ray for making shadowgraphs or for the purpose of a general analysis wherein bone tissue is involved.

A registered naturopath shall, if he so desires, be exempt from serving on juries and inquests.

No registered naturopath shall be liable in any action for negligence or malpractice by reason of professional services requested and rendered, unless the action is so commenced within one year from the date when such professional services terminated in the matter complained of.

Any naturopath who has reason to believe that any person whom he may be treating has any contagious or infectious disease or any other disease dangerous to public health, shall immediately give notice in writing to the officer of health of the municipality in which that person resides.

No masseur shall diagnose and prescribe treatment for any ailment, disease, defect or disability of the human body, unless he has first consulted a legally qualified physician in the Province to diagnose and prescribe treatment for such ailment, disease, defect or disability, and no physiotherapist or masseur shall make or attempt to make any adjustment of any boney structure of the human body.

Any person registered under the Act who commits any breach thereof or who wilfully or falsely pretends to be a physician, doctor, or assumes any title, addition or descrip-

tion other than "Registered Physiotherapist" or "Registered Masseur" as the case may be, shall be guilty of an offence under this Act and liable to the penalties provided.

Nothing contained in any Act in force in the Province shall prohibit a duly registered or licensed naturopath, physiotherapist or masseur practising under the provisions of this Act for hire, gain or hope of reward, and every person registered under the 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.

Nothing in the Act shall apply to or affect the practice of any profession or calling by any person practising the same under authority of a general or special Act of the Legislature, any nurse or physiotherapist acting under the prescription or direction of a legally qualified medical practitioner, the furnishing of first aid or temporary assistance in cases of emergency, or to any person treating human elements by prayer or spiritual means as an enjoyment of exercise of religious freedom.

The Act does not permit 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.

The Act does not permit any person to make any movement or adjustment of any segment or segments of the cervical vertebrae, and any such movement or adjustment will be deemed a contravention of *The Chiropractic Act, 1945*.

The Act does not authorize any person to prescribe or administer drugs or medicinal preparations for or to 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.

The Act makes it an offence for any person, unless registered under the Act, to engage in the practice of "naturopathy" or use the title "naturopath", "physiotherapist" or "masseur" or any word, title or designation abbreviated or otherwise, to imply that he is engaged in the practice of naturopathy, physiotherapy or massage.

The Act prohibits a registered naturopath from displaying or making use of the prefix or title "Doctor" or the abbreviation "Dr." or any other words or letters commonly used to designate a legally qualified medical practitioner, or which suggests that he is a graduate or licentiate in medicine or surgery of any university or other diploma-granting body, unless at the same time he displays, or makes use of the word "naturopath", the word "naturopathy" or the word "naturopathic" immediately preceding or following his name.

The Act makes it an offence for any person to procure, or attempt to procure, himself to be registered under this Act by making false or fraudulent representations or declarations, either orally or in writing, and every person knowingly aiding or assisting him therein shall be guilty of an offence under this Act.

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 unlicensed practice, or has committed on one occasion any of the acts prohibited by this Act.

A prosecution under this Act shall be commenced within one year from the date of the alleged offence.

Any person found guilty of an offence against the Act is subject to a penalty not exceeding one hundred dollars for a first offence, not exceeding two hundred dollars for a second offence, and to imprisonment for a term not exceeding three months without the option of a fine for a third or subsequent offence.

The onus of proof of registration under this Act is upon the person charged with the offence.

The Provincial Secretary is the Minister in charge of the administration of the Act.

KENNETH A. MCKENZIE,  
*Acting Legislative Counsel.*

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

# BILL

No. 65 of 1950,

An Act to regulate the Practice of Drugless Therapy and to incorporate the Naturopathic Association of Alberta.

(Assented to \_\_\_\_\_, 1950.)

**H**IS 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 Drugless Practitioners Act, 1950*".

## Interpretation.

2. In this Act, unless the context otherwise requires,—

- (a) "Association" means the Naturopathic Association of Alberta as created and constituted by this Act;
- (b) "Board" means the Board of Examiners appointed under this Act;
- (c) "certificate of approval for registration" means a certificate issued by the Board stating that the holder is qualified to practise as a naturopath, physiotherapist or masseur in the Province;
- (d) "certificate of registration" means a certificate showing the holder to be registered as a member of the Association and entitled to a license to practise as a naturopath, physiotherapist or masseur;
- (e) "council" means the council of management of the Association;
- (f) "massage" means kneading, rubbing or massaging of the human body whether with or without such appliances as steam baths, vapour baths, fume baths, electric baths, electric light baths, or any other similar method as taught in the school of massage approved under the provisions of this Act but does not include any form of medical electricity;
- (g) "masseur" means a person who is registered under the provisions of this Act as such;
- (h) "Minister" means the Provincial Secretary;
- (i) "naturopath" means a person who is registered under the provisions of this Act as such;

- (j) "naturopathy" means a drugless system of therapy that treats human injuries, ailments or diseases by natural methods, including any agency of nature, and employs as auxiliaries for such purpose the use of electrotherapy, hydrotherapy, body manipulation and diatetics, as taught in schools of naturopathy or drugless therapeutics;
- (k) "physiotherapist" is a person who is registered under the provisions of this Act as such;
- (l) "physiotherapy" means the treatment of the human body by physical and mechanical means by manipulation, massage, exercise, application of bandages, hydrotherapy and medical electricity, as taught in schools of physiotherapy.

### **Naturopathic Association of Alberta.**

**3.—**(1) The "Naturopathic Association of Alberta" heretofore constituted and the members thereof are hereby continued as a body corporate and politic under the same name and shall have perpetual succession and a common seal, with powers,—

- (a) to acquire, hold, mortgage, lease, sell or otherwise charge or dispose of real estate and personal property for the purposes of the Association;
- (b) to borrow money for its purposes and to secure the repayment thereof by mortgage on its real and personal property; and
- (c) to sue and be sued.

(2) The Association may invest such portion of its funds as is not required for its immediate purposes in any securities specified in section 3 of *The Trustee Act*.

(3) The membership of the Association shall consist of all persons holding a certificate of registration as a naturopath, physiotherapist or masseur.

**4.—**(1) The existing by-laws or regulations of the Association, in so far as they are not in conflict with the provisions of this Act, shall remain in full force and effect until others are enacted to replace them pursuant to the provisions of this Act.

(2) The Association may pass by-laws not inconsistent with any Act or law in force in the Province providing for,—

- (a) the government and discipline and welfare of its members;
- (b) the management of its property;
- (c) the maintenance of the Association by levying contributions or otherwise;
- (d) all such other purposes as may be deemed necessary or convenient for the working or management of the Association;

- (e) the payment of a fee not exceeding fifty dollars by each applicant for registration or interim registration; and
  - (f) the payment of fees by the members of the Association.
- (3) The total of the levies and contributions and membership fees required under subsection (2), clauses (c) and (f) in any year shall not exceed the sum of fifty dollars for each member.
- (4) All by-laws or amendments thereto,—
- (a) shall be ratified by the Association at an annual general meeting or at a general meeting called for that purpose; and
  - (b) shall be filed with the Minister and published in *The Alberta Gazette*; and
  - (c) shall come into force upon publication or upon such later date as may be specified in the by-laws.

5.—(1) There shall be a council of management of the Association consisting of such number of persons and including such officers as the Association enacts from time to time by by-law.

(2) The members thereof shall be elected by the Association for such term and in such manner as the by-law may provide, but in no case shall a member hold office without re-election for a longer term than until the second annual meeting following his election.

(3) The majority, or in case of an even number, one-half, of the members of the council shall constitute a quorum.

(4) The council, in addition to such other powers as may be conferred upon it by the Association, may discipline the members of the Association and may suspend or expel any member thereof for misconduct or for failure to comply with any by-law of the Association imposing suspension or expulsion as a penalty for the breach thereof.

(5) No person shall be suspended or expelled under the provisions of section 8 or otherwise for failure to comply with any by-law except a by-law which imposes suspension or expulsion as a penalty for the breach thereof, and which has been approved by the Lieutenant Governor in Council.

(6) Notwithstanding the provisions of this section or of section 8, the council may suspend the certificate of registration of any member who is in default of payment of his annual fee, including levies and contributions, for a period of sixty days, and shall reinstate a certificate so suspended at any time upon payment of the said annual fee and a further sum of five dollars.

#### **Membership in the Association.**

6.—(1) The holder of a certificate of approval for registration, shall within fourteen days of the filing of the cer-

tificate with the registrar of the Association, be granted a certificate of registration.

(2) All certificates issued by the registrar shall be numbered consecutively and recorded in a register kept by the registrar for that purpose and a copy of each certificate shall be sent to the Minister.

**7.—**(1) Every applicant having made an application to the Board for a certificate of approval for registration pursuant to section 10 and having submitted himself for examination by the Board may be granted an interim certificate of registration by the council enabling him to practise as a naturopath, physiotherapist or masseur but only at the usual place of business and in the employ of a person duly registered and licensed under this Act and in good standing, and such applicant shall be deemed to be registered under this Act during the period for which he holds a valid interim certificate of registration.

(2) The council may at any time revoke an interim certificate of registration.

(3) An interim certificate of registration shall cease to be valid on the expiration of thirty days from the date upon which the result of the holder's examination by the Board is published, unless renewed by the council, in which case the same shall cease to be valid on the expiration of thirty days from the date upon which the results of the next following examinations of the Board are published, and shall not be further renewed.

(4) No person shall be granted more than one interim certificate of registration.

(5) A copy of each interim certificate of registration granted by the council shall be sent to the Minister.

**8.—**(1) The council may, in its discretion, suspend or expel from the Association any member thereof whom they find guilty of improper conduct, incompetency or contravention of any by-law of the Association imposing suspension or expulsion as a penalty for the breach thereof, but the council shall not take action until a complaint, verified by statutory declaration, has been filed with the registrar of the Association and a copy thereof forwarded to the accused member.

(2) No member shall be suspended or dismissed without first being summoned to appear before the council in order to be heard in his own defence.

(3) The council shall not suspend or dismiss any member without having heard the evidence under oath, in support of the complaint and on behalf of the accused member, in case such member wishes to be heard.

(4) The chairman of the council, or the person acting in his absence may administer any oath.



(5) All evidence offered by the complainant and the accused member shall be taken down in shorthand by a competent stenographer.

(6) Any member suspended or dismissed from the Association may appeal, within fourteen days after the date of the order or resolution of suspension or dismissal is made, or within such further time as a judge of the Supreme Court of Alberta may order, to a judge of the court against the order or resolution by giving one week's notice in writing to the council.

(7) On the request of the appellant a copy of the evidence taken at the hearing before the council shall be filed with the clerk of the court for the judicial district in which the appellant resides.

(8) The judge on the appeal may make such order or direction and as to costs, as the justice of the case may require.

(9) The council shall notify the Minister of the suspension or dismissal of a member of the Association.

#### **Board of Examiners.**

**9.**—(1) There shall be a board known as the Board of Examiners which shall be composed of not more than ten persons who shall be appointed by and hold office during the pleasure of the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council may appoint one of the members to be chairman of the Board and may also appoint a secretary of the Board.

(3) The duties of the Board shall be to set the examinations or tests for, and conduct the examination of, all persons who have applied for a certificate of approval for registration.

(4) The majority of the members of the Board shall constitute a quorum.

(5) The Board shall determine,—

(a) the course of study to be followed and the subjects of examination to be taken by applicants for admission to practise;

(b) the schools or colleges whose graduates may be admitted to qualify.

(6) The Lieutenant Governor in Council may prescribe the fees and allowances for expenses to be paid to members of the Board.

**10.**—(1) Every person who files with the Minister an application, verified by oath or by statutory declaration, stating therein that the applicant,—

(a) is more than twenty-one years of age;

(b) has been a resident of the Province for three months prior to the date of the application;

- (c) is of good moral character; and
- (d) possesses the qualifications as to general education, training and experience required for the practice of naturopathy, physiotherapy or as a masseur;

may be admitted to examination by the Board as to his qualifications as a naturopath, physiotherapist or masseur.

(2) The application shall be filed in triplicate and one copy shall be sent by the Minister to the registrar of the Association, and one copy shall be sent by the Minister to the Board.

(3) Upon passing the examination such person shall receive from the Board a certificate of approval for registration.

(4) The Board may exempt from examination any person,—

- (a) who is a graduate of an approved school or other institute or who is otherwise qualified by reason of his training and experience to be granted such certificate; and
- (b) who, in the opinion of the Board, possesses the qualifications required by this Act.

(5) The council may appeal to the Lieutenant Governor in Council from any decision of the Board exempting an applicant from examination or approving any school or institute.

(6) The Board shall report to the Minister the results of every examination held pursuant to the provisions of this section and shall file with the Minister a report dealing with the qualifications of applicants exempted from examination under subsection (4).

**11.** Every person duly registered under the provisions of *The Drugless Practitioners Act*, being chapter 84 of the Statutes of Alberta, 1948, shall be entitled to receive from the Association a certificate of registration under this Act.

**12.—**(1) A person who is the holder of a certificate or interim certificate of registration shall be entitled to receive from the Minister a license or interim license permitting him to practise as a naturopath, physiotherapist or masseur in the Province.

(2) Every licensee shall display his certificate of registration and license in a conspicuous place in his office or place wherein he usually practises.

(3) The Minister shall cancel or suspend a license issued pursuant to subsection (1) if the certificate of registration of the holder of the license has been cancelled, suspended or revoked.

**13.** A registered naturopath under this Act who has a certificate of competency in x-ray from a school or college approved by the Board may use x-ray in connection with his practice, for making shadowgraphs, or for the purpose of a general analysis wherein bone tissue is involved.

**14.** Every registered naturopath, if he so desires, shall be exempt from serving on all juries and inquests whatsoever.

**15.** No registered naturopath shall be liable in any action for negligence or malpractice by reason of professional services requested and rendered, unless the action is so commenced within one year from the date when such professional services terminated in the matter complained of.

**16.** Any naturopath who has reason to believe that any person whom he may be treating has any contagious or infectious disease or any other disease dangerous to public health, shall immediately give notice in writing to the officer of health of the municipality in which that person resides.

**17.—**(1) No masseur shall diagnose and prescribe treatment for any ailment, disease, defect or disability of the human body, unless he has first consulted a legally qualified physician in the Province to diagnose and prescribe treatment for such ailment, disease, defect or disability.

(2) No physiotherapist or masseur shall attempt to make any adjustment of any bony structure of the human body.

**18.** Any person registered under this Act who commits any breach thereof or who wilfully or falsely pretends to be a physician, doctor, or assumes any title, addition or description other than "Registered Naturopath", "Registered Physiotherapist" or "Registered Masseur", as the case may be, shall be guilty of an offence under this Act and liable to the penalties hereinafter provided.

**19.** Nothing contained in any Act in force in the Province shall prohibit a duly registered or licensed naturopath, physiotherapist or masseur practising under the provisions of this Act for hire, gain or hope of reward.

**20.** Every registered practitioner 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.

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

- (a) the practice 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 or physiotherapist acting under the prescription or direction of a legally qualified medical practitioner;
- (c) the furnishing of first aid or temporary assistance in cases of emergency;
- (d) any person treating human ailments by prayer or spiritual means as an enjoyment of exercise of religious freedom.

**22.**—(1) Nothing in this Act 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.

(2) Nothing in this Act shall authorize any person to make any movement or adjustment of any segment or segments of the cervical vertebrae, and any such movement or adjustment will be deemed a contravention of *The Chiropractic Act, 1945*.

**23.** Nothing in this Act shall authorize any person to prescribe or administer drugs or medicinal preparations for or to 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.

#### **Offences and Penalties.**

**24.**—(1) No person other than a registered naturopath shall engage in the practice of naturopathy or use the title "naturopath" or any word, title or designation abbreviated or otherwise, to imply that he is engaged in the practice of naturopathy.

(2) No person other than a registered physiotherapist shall engage in the practice of physiotherapy or use the title "physiotherapist" or any word, title or designation abbreviated or otherwise, to imply that he is engaged in the practice of physiotherapy.

(3) No person other than a registered masseur shall engage in the practice of massage or use the title "masseur" or any word, title or designation abbreviated or otherwise, to imply that he is engaged in the practice of massage.

(4) Every person who is not a registered naturopath, physiotherapist or masseur, and who practises or holds himself out as practising naturopathy, physiotherapy or massage, either alone or in conjunction with any other method of treatment of the body for disease and the cause of disease, or advertises or uses any prefix or suffix to his name signifying that he is qualified to practise naturopathy, 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 under this Act.

(5) No registered naturopath shall, in conjunction with his name and to designate his profession or calling, display, or make use of the prefix or title "Doctor" or the abbreviation "Dr.", or any other words or letters commonly used to designate a legally qualified medical practitioner, or which suggests that he is a graduate or licentiate in medicine or surgery of any university or other diploma-granting body, unless at the same time he displays, or makes use of the word "naturopath", the word "naturopathy" or the word "naturopathic" immediately preceding or following his name.

**25.** It shall be an offence for any person wilfully to procure, or attempt to procure, himself to be registered under this Act by making false or fraudulent representations or declarations, either orally or in writing, and every person knowingly aiding or assisting him therein shall be guilty of an offence under this Act.

**26.** 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 unlicensed practice, or has committed on one occasion any of the acts prohibited by this Act.

**27.** Every prosecution under this Act shall be commenced within one year from the date of the alleged offence.

**28.—(1)** Every person who commits an offence against any of the provisions of this Act shall on conviction,—

- (a) for a first offence be sentenced to a fine not exceeding one hundred dollars;
- (b) for a second offence be sentenced to a fine not exceeding two hundred dollars;
- (c) for a third or subsequent offence, to imprisonment for a term not exceeding three months without the option of a fine.

(2) The onus of proof of registration under this Act shall be upon the person charged with any offence under this Act.

#### **Fees.**

**29.** The following fees shall be payable to the Minister:

- (a) by every applicant for a certificate of approval for registration, the sum of ..... \$50.00
- (b) for every certificate issued by the Minister, the sum of ..... 2.00  
and
- (c) for every license or interim license, the sum of 10.00.

**30.** *The Drugless Practitioners Act*, being chapter 84 of the Statutes of Alberta, 1948, is hereby repealed.

**31.** This Act shall come into force on the first day of July, 1950.

THIRD SESSION  
ELEVENTH LEGISLATURE

14 GEORGE VI

1950

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**BILL**

An Act to regulate the Practice of  
Drugless Therapy and to incorpor-  
ate the Naturopathic Association  
of Alberta.

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. GERHART.

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