

Bill No. 108 of 1951.

A BILL TO AMEND THE MEDICAL PROFESSION  
ACT.

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NOTE.

This Bill amends *The Medical Profession Act*, being chapter 295 of the Revised Statutes of Alberta, 1942.

A new interpretation section is added to the Act defining a number of terms which are used throughout the Act.

Section 10 is struck out and a new section is substituted in its stead. This section deals with election procedure in connection with the election of members of the College of Physicians and Surgeons to the council of the College which administers its affairs. The new section requires the registrar to make out an alphabetical list of all practitioners and to mail a copy of the list to each practitioner. Any three members of the College resident in a medical electoral district may nominate a member of the College from that district. The nominee must accept the nomination and all nomination papers must be in the hands of the registrar at least five weeks prior to the election. Four weeks prior to the election the registrar mails to every member eligible to vote a ballot paper and a copy of the instructions to voters. Voting is by single transferable ballot and all ballots must be returned to the registrar in a sealed envelope before two o'clock in the afternoon on the day of election.

Section 14 is struck out and a new section is substituted. This section sets out the procedure for the opening of the ballots and for the counting of them.

Section 20 is struck out. This section was applicable to the former system of balloting but is now no longer required.

Section 32 is amended by the addition of a new subsection (2). This subsection requires the registrar to provide the Provincial Secretary with a roll of all members of the College and to keep him advised of all changes or alterations made in the roll.

Section 33 is amended to provide that academic qualifications for membership in the College will be determined by the General Faculty Council of the University of Alberta. Subsection (2) of section 33 is struck out and two new subsections are substituted which make it clear that the General Faculty Council of the University conducts and controls all examinations of candidates for admission to practice.

Subsections (4), (5) and (6) of section 33 are struck out and four new subsections are substituted. Subsection (4) provides that an applicant who holds a certificate from the Medical Council of Canada, the General Medical Council of Great Britain or the National Board of Medical Examiners of the United States shall be deemed to be qualified and entitled to registration. Subsections (5) and (6) provide that every other applicant must present his qualifications to the General Faculty Council of the University of Alberta for inspection. A doctor who does not have one of the certificates referred to above must satisfy the General Faculty Council of the University that his qualifications at the time they were acquired were at least the equivalent of those required for registration in the Province at that time. Such an applicant must also satisfy the council of the College that he has been in active practice throughout the major part of the five years immediately preceding the date of his application if he graduated more than five years prior to his application. If he graduated less than five years prior to the date of his application he must satisfy the council of the College that he has been in active practice or engaged in post graduate studies throughout the major part of the time between his graduation and his application for registration. An applicant who can meet these requirements is deemed to be qualified and entitled to registration.

Subsection (6a) provides that the General Faculty Council of the University, before issuing a certificate of qualification, may require any applicant for registration who does not qualify above to take such examinations as it may fix or to pursue further studies. This provision is similar to that formerly contained in subsection (8) of section 33 which is struck out.

Section 34 is amended. This section contains a provision that a person granted an interim license to practise medicine pending the writing of his examinations may practise in any location not less than twenty miles from the nearest licensed medical practitioner. The portion of the section requiring an interim licensee to practise more than twenty miles from the nearest licensed practitioner is deleted.

Section 37 is amended by the addition of a new subsection (2) and by striking out the proviso to the present section. The effect of the amendment is that medical practitioners from the United Kingdom may practise in the Province irrespective of whether the United Kingdom extends a similar privilege to medical practitioners from Alberta. The new subsection (2) authorizes medical practitioners holding a certificate from the National Board of Medical Examiners of the United States to be registered and practise in the Province without further examination.

Sections 44, 46, 47 and 52 are each amended slightly for purposes of clarification.

A new subsection (3) is added to section 53. This subsection provides that where the name of a registered practitioner is erased from the register or where he is suspended notice of such erasure or suspension shall be published in *The Alberta Gazette* and may be further publicized by the council of the College in its discretion.

Minor amendments are made to sections 58 and 60 for purposes of clarification.

Section 62 is struck out and a new section is substituted. The new section gives the council of the College a discretion to refuse registration or to suspend registration pending investigation of the conduct of any applicant or member who may have been guilty of conduct unbecoming to a member of the profession.

Section 63 is amended and section 66 is struck out and a new section is substituted. The changes made are minor and are simply for the purpose of clarifying the present sections.

Section 68 is struck out and a new section is substituted. The section provides that references to medical, homeopathic or osteopathic practitioners are to be construed as referring to persons registered under this Act in respect of their respective classes of practice.

Section 69 is amended by striking out the proviso to subsection (1) and by adding a new subsection (3). This new subsection makes it clear that nothing in this Act applies to or affects the practice of any profession or calling by any person practising under the authority of a general or special Act of the Legislature.

The Form referred to in section 70 has been relettered so the reference to the Form in section 70 is corrected accordingly.

Section 72 is amended by making it subject to any Act entitling any person to practise chiropractic or any other non-drug science, therapy or system of practice. The effect of this is that such persons are not deemed to be practising medicine and consequently are not guilty of any offence against this Act.

Minor amendments are made to sections 74 and 78 for purposes of clarification.

The Schedule is amended by striking out Form A and substituting three new Forms. These new Forms are required by reason of the change in election procedure which is provided for in this Bill.

This Bill comes into force on the 1st day of July, 1951.

KENNETH A. MCKENZIE,  
*Legislative Counsel.*

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

# BILL

No. 108 of 1951.

An Act to amend The Medical Profession Act.

(Assented to \_\_\_\_\_, 1951.)

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

**1.** *The Medical Profession Act*, being chapter 295 of the Revised Statutes of Alberta, 1942, is hereby amended.

**2.** The following new heading and section 1a are added immediately after section 1: New section 1a

**“Interpretation.**

- “1a.** In this Act, unless the context otherwise requires,— Interpretation
- “(a)** ‘council’ means the council of the College of Physicians and Surgeons constituted under the provisions of this Act; “council”
- “(b)** ‘medical’ includes surgical and obstetrical; “medical”
- “(c)** ‘medical school or college’ means any institution recognized as such by the General Faculty Council of the University of Alberta wherein medicine is taught; “medical school or college”
- “(d)** ‘medicine’ includes surgery and obstetrics but does not include homeopathy, osteopathy or veterinary surgery; “medicine”
- “(e)** ‘school or college of homeopathy’ means any institution recognized as such by the General Faculty Council of the University of Alberta wherein homeopathy is taught; “school or college of homeopathy”
- “(f)** ‘school or college of osteopathy’ means any institution recognized as such by the General Faculty Council of the University of Alberta wherein osteopathy is taught; “school or college of osteopathy”
- “(g)** ‘University’ means any university which has a medical, homeopathic or osteopathic department in connection therewith, and has the power to grant medical, homeopathic or osteopathic degrees.”. “University”

**3.** Section 10 is struck out and the following is substituted: Section 10 amended

**“10.** (1) The registrar, at least two months prior to the date on which the election is to be held, shall make out an alphabetical list of the practitioners who are entitled to Alphabetical list of practitioners

vote at the election showing the district in which each resides.

“(2) The registrar shall mail a copy of the list to each registered practitioner, along with the nomination paper in Form A in the Schedule.

Nomination  
paper

“(3) Each nomination paper shall be signed,—

“(a) by three members of the College eligible to vote in the district; and

“(b) by the nominee indicating his acceptance of the nomination.

“(4) The registrar shall not accept any nomination which is not received by him at least five weeks prior to the date on which the election is to be held.

Duties of  
registrar  
prior to  
election

“(5) Not less than four weeks prior to the date of election the registrar shall mail to every person eligible to vote in any district,—

“(a) a copy of the ‘Instruction to Voters’ in Form B in the Schedule; and

“(b) a ballot in Form C in the Schedule listing the names of persons nominated for election in that district.

“(6) Voting shall be by single transferable vote.

Marking of  
ballots

“(7) The ballots marked with numbers one, two, three, etc., in order of choice shall be returned in a sealed envelope to the office of the registrar before two o’clock in the afternoon on the day of election.”.

Section 14  
amended

**4.** Section 14 is struck out and the following is substituted:

Counting  
of votes

“**14.** (1) At two o’clock in the afternoon on the day of the election, the voting papers shall be opened by the registrar in the presence of the scrutineers.

“(2) The registrar shall count the votes and keep a record thereof in a proper book to be provided by the council.

“(3) In order to be elected a candidate must receive more than fifty per cent of the votes cast.

“(4) If no candidate receives more than fifty per cent of the first choice votes the second choice on the ballots of the candidate receiving the lowest number of first choice votes shall be distributed.

“(5) If this distribution does not give any candidate a clear majority over all remaining candidates then,—

“(a) the second choice on the ballots of the candidate receiving the second lowest number of first choice votes shall be distributed; or

“(b) the third choice shall be distributed where the second choice on any ballot is cast for a candidate already eliminated.

“(6) The same procedure shall be followed until one candidate has a clear majority over all remaining candidates and thereupon that candidate shall be declared elected.”.

5. Section 20 is repealed.

Section 20  
repealed

6. Section 32 is amended,—

Section 32  
amended

- (a) by renumbering the section as subsection (1) ;
- (b) by adding immediately after subsection (1) the following new subsection:

“(2) The registrar, on the first day of each month, shall provide the Provincial Secretary with a list of all additions, deletions and changes of address made to the register for the preceding month, and when called upon to do so shall provide the Provincial Secretary with a roll of all members of the College of Physicians and Surgeons of Alberta.”.

7. Section 33 is amended,—

Section 33  
amended

- (a) by striking out the words “chiropractic, or any non-drug science, therapy, or system of practice,” where they occur in subsection (1), and by substituting the words “or any subdivision of them,”;
- (b) by striking out subsection (2) and by substituting the following:

“(2) The council shall enter into an agreement with the General Faculty Council of the University of Alberta for the conduct of examinations.

Conduct of  
examinations

“(2a) The examination of candidates for admission to practise medicine, surgery, midwifery, homeopathy, osteopathy, or any subdivision of them, in the Province, shall be under the control of the University of Alberta.”;

- (c) by striking out subsections (4), (5) and (6) and by substituting the following:

“(4) The General Faculty Council of the University of Alberta shall examine the qualifications of every applicant for registration, other than those of an applicant who holds a certificate from,—

Qualifica-  
tions for  
registration

“(a) the Medical Council of Canada; or

“(b) the General Medical Council of Great Britain; or

“(c) the National Board of Medical Examiners of the United States of America;

who shall be deemed to be qualified and entitled to registration.

“(5) Every applicant for registration who is not entitled to registration under subsection (4) shall present his qualifications to the General Faculty Council of the University of Alberta for inspection.

“(6) An applicant who,—

“(a) satisfies the General Faculty Council of the University of Alberta that his qualifications at the time they were acquired were at least the equivalent of those re-

quired for registration in the Province at that time, and who produces a certificate from the registrar so certifying; and

“(b) satisfies the council,—

“(i) that he graduated in medicine at least five years prior to the date of his application for registration and that he has been active in the practice of medicine throughout the major part of the five years immediately preceding the date of his application; or

“(ii) that he graduated in medicine less than five years prior to the date of his application for registration and that he has been in the active practice of medicine or engaged in post graduate study thereof throughout the major part of the time between his graduation and his application for registration;

shall be deemed to have satisfactory qualifications and be entitled to registration.

“(6a) Before issuing a certificate of qualification, the General Faculty Council of the University of Alberta may require any applicant for registration who does not qualify under subsections (4), (5) and (6) to take such examinations as it may fix by rule or regulations or to pursue further studies.”;

(d) by striking out subsection (8).

Section 34  
amended

**8.** Section 34, subsection (1) is amended by striking out the words “, and upon his satisfying the council that he has located or will locate and practise, until having passed the said examination at a place not less than twenty miles from any then licensed medical practitioner”.

Section 37  
amended

**9.** Section 37 is amended,—

(a) by renumbering the section as subsection (1);

(b) by striking out the proviso to subsection (1);

(c) by adding immediately after subsection (1) the following new subsection:

American  
medical  
practitioners

“(2) Every medical practitioner holding a certificate from the National Board of Medical Examiners of the United States of America, upon proving to the satisfaction of the registrar of the College that he is of good character and that he is by law entitled to practise medicine, in a State of the United States, on application to the registrar and upon payment of such fee as by regulations of the council is from time to time charged for registration of all persons entitled to be registered in the Prov-

ince, shall be entitled, without examination in the Province, to be registered under the provisions of this Act.”.

**10.** Section 44, subsection (1) is amended by striking out the words “medical practitioner”, wherever they occur, and by substituting the words “registered practitioner”. Section 44  
amended

**11.** Section 46 is amended by adding immediately after the words “Supreme Court” the words “of Alberta”. Section 46  
amended

**12.** Section 47 is amended by striking out the words “of the medical profession”. Section 47  
amended

**13.** Section 52 is amended by adding immediately after the words “Supreme Court” the words “of Alberta”. Section 52  
amended

**14.** Section 53 is amended by striking out subsection (3) and by substituting the following: Section 53  
amended

“(3) Upon the name of any registered practitioner being erased from the register or upon any registered practitioner being suspended from his privileges as such, the council, unless an appeal is taken to the Supreme Court of Alberta under the provisions of this Act, shall publish such erasure or suspension within one calendar month thereafter in *The Alberta Gazette*, and may give such further publicity to the erasure or suspension as in its discretion it deems necessary.”. Publication  
of erasure or  
suspension

**15.** Section 58, subsections (3) and (4) are amended by adding immediately after the words “Supreme Court”, wherever they occur, the words “of Alberta”. Section 58  
amended

**16.** Section 60 is amended by adding immediately after the words “Supreme Court” the words “of Alberta”. Section 60  
amended

**17.** Section 62 is struck out and the following is substituted: Section 62  
amended

“**62.** Notwithstanding anything contained in this Act, the council, in its discretion, may refuse registration to any applicant or suspend any member of the College pending the investigation of whether the applicant for registration or the member has been guilty of conduct unbecoming to a member of the medical profession.”. Refusal of  
registration  
or suspension

**18.** Section 63 is amended by striking out the words “medicine, surgery and midwifery or any of them” and by substituting the words “any class of practice in respect of which he is registered”. Section 63  
amended

**19.** Section 66 is struck out and the following is substituted: Section 66  
amended



- Appointment  
in public  
service      **“66.** No person shall be appointed as a medical or homeopathic officer in any hospital or in any charitable institution unless he is registered under the provisions of this Act and is not under suspension, and then only in the class of practice in respect of which he is registered.”.
- Section 68  
amended      **20.** Section 68 is struck out and the following is substituted:
- Construction  
of Act      **“68.** Any words implying legal recognition of any person as a medical, homeopathic or osteopathic practitioner, when used in any Act, shall, in so far as that Act applies to the Province, be construed to mean a person registered under this Act in respect of the said respective classes of practice and not under suspension.”.
- Section 69  
amended      **21.** Section 69 is amended,—  
     (a) by striking out the proviso to subsection (1);  
     (b) by adding immediately after subsection (2) the following new subsection:  
         **“(3)** Nothing in this Act applies to or affects the practice of any profession or calling by any person practising the same under authority of a general or special Act of the Legislature.”.
- Section 70  
amended      **22.** Section 70, subsection (1) is amended by striking out the words “Form B” and by substituting the words “Form D”.
- Section 72  
amended      **23.** Section 72, subsection (1) is amended,—  
     (a) by striking out the words “*The Chiropractic Act,*” and by substituting the words “any Act presently in force or which may be enacted entitling any person to practise chiropractic or any other non-drug science, therapy or system of practice,”;  
     (b) by adding immediately after the word “homeopathy,” the word “or”;  
     (c) by striking out the words “, or any non-drug science, therapy, or system of practice,”.
- Section 74  
amended      **24.** Section 74 is amended by striking out the words “physician, surgeon, or a licentiate in medicine, surgery, or midwifery,” and by substituting the words “person entitled to practise medicine, homeopathy or osteopathy or any of them in respect of which he is not registered hereunder,”.
- Section 78  
amended      **25.** Section 78 is amended by striking out the words “or surgery,” and by substituting the words “, homeopathy or osteopathy”.
- Schedule  
amended      **26.** Form A in the Schedule is struck out and the following are substituted:

“FORM A.  
(Section 10.)

Form A

“NOMINATION PAPER.

“We, the undersigned, being resident members of District No. .... and members in good standing of the College of Physicians and Surgeons of Alberta, hereby nominate .....

of ..... for election as member of this council of the College of Physicians and Surgeons for District No. .... at the election to be held on the ..... day of ..... 19.....

Signed ..... Address .....  
Signed ..... Address .....  
Signed ..... Address .....

I, ..... of ..... being a resident practitioner in good standing of District No. .... accept the nomination and hereby authorize the registrar of the College of Physicians and Surgeons to place my name on the ballot paper for the election of councillor at the 19..... election of District No. ....

Dated ..... Signed .....

“FORM B.  
(Section 10.)

Form B

“College of Physicians and Surgeons of Alberta.

“Instructions to Voters.

“District No. ....

“Attached is a ballot paper showing the list of candidates for election to council for District No. .... For the purpose of election the district includes the following

EDMONTON.

“Only those members who reside in District No. .... and whose fees are paid to date, are entitled to vote.

“Ballots must be marked with the figures ‘1’, ‘2’—indicating the order of choice.

“The ballot must be returned to the registrar in the enclosed envelope not later than 2:00 p.m. on the ..... day of ..... 19.....

.....  
*Registrar.*

Edmonton, Alberta,  
..... day of ..... 19.....

“FORM C.  
(Section 10.)

Form C

“BALLOT.

“CANDIDATES.

DONALD, Edward Ferris..... Edmonton	
KELLY, John Ross..... Edmonton	

”.

Schedule  
amended

**27.** Form B in the Schedule is relettered as Form D.

Coming  
into force

**28.** This Act shall come into force on the first day of July, 1951.

No. 108.

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**FOURTH SESSION**  
**ELEVENTH LEGISLATURE**  
**15 GEORGE VI**  
**1951**

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**BILL**

An Act to amend The Medical  
Profession Act.

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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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