

Bill No. 47 of 1952.

A BILL RESPECTING THE PRACTICE OF  
CHIROPODY

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NOTE.

This is a new Act to be known as *The Chiropody Professions Act* which repeals and replaces "*The Chiropody Act*", being chapter 289 of the Revised Statutes of Alberta, 1942.

Sections 3 to 6 deal with the Alberta Chiropody Association which is constituted a body corporate and politic under the name of the Alberta Chiropody Association. Membership in the Association will consist of all persons holding a certificate of registration as a chiropodist. The Association may pass by-laws providing for the government and discipline of its members, the management of its property, the levying of contributions from members, the advancement of the profession and the payment of fees. The by-laws and amendments are to be ratified by the members, filed with the Minister and published in *The Alberta Gazette*.

A council of management is to be set up within the Association and will consist of such number of persons and officers as the Association may determine by by-law. The officers are to be elected by the Association and the council may discipline the members of the Association, and suspend or expel members from the Association for professional misconduct or for failure to comply with a by-law of the Association imposing suspension or expulsion as a penalty for the breach thereof. A by-law imposing the suspension or expulsion as a penalty for its breach is one that the Lieutenant Governor in Council is to approve. In addition, the council may suspend the certificate of a member who is in default of his annual fee for a period of sixty days, but shall reinstate a certificate so suspended upon the payment of the annual fee and the further sum of five dollars.

Section 7 provides that a registrar be appointed by the Association, who shall register every candidate and issue certificates of registration. The registrar shall also record in a register all certificates issued and shall provide the Minister with a roll of all members when requested to do so.

Section 8 provides for the suspension or expulsion of members, by the council, upon complaint and whom they find guilty of improper conduct, incompetency or contravention of a by-law. No member may be suspended or expelled without first appearing before the council to be heard in his own defence and the evidence taken upon the hearing is to be taken under oath and in shorthand. A member suspended or expelled by the council may appeal to a judge of the Supreme Court of Alberta within fourteen days of the order of suspension or expulsion. If requested, a copy of the evidence taken at the hearing shall

be filed with the clerk of the court of the appeal. The council is to notify the Minister of the suspension or expulsion of a member from the Association.

Section 9 establishes a Board of Examiners and sets out the duties of the Board. The Board is to examine credentials of candidates wishing to practise chiropody, classify and accredit approved schools teaching chiropody and set examinations or tests for candidates desiring to practise chiropody. The Board may exempt candidates from examinations where, in its opinion, they are sufficiently qualified. The fees and allowances of the members of the Board may be prescribed by the Lieutenant Governor in Council.

Section 10 deals with the requirements for registration of a candidate and their examinations.

Section 11 provides that a person registered as a chiropodist under the old Act shall be entitled to receive a certificate of registration under this Act.

A registered chiropodist must display his certificate of registration in his office or place where he practises; and he shall be entitled to demand and to recover as a debt the proper charges for such employment.

Sections 14 to 18 set out offences and penalties under the Act. It is an offence for a person who is not registered under the Act to hold himself out as a registered chiropodist; and it is an offence for a person to advertise or hold himself out as a specialist in chiropody without having received from the registrar of the Association a certificate of compliance with the requirements prescribed by the Association. It is also an offence for a person to wilfully procure or attempt to procure registration by making false or fraudulent representations or declarations orally or in writing; and a member of the Association aiding or assisting him is also guilty of an offence under this Act. A person violating any provisions of this Act shall be liable on summary conviction to a penalty of not more than one hundred dollars for the first offence; to a penalty of two hundred dollars for the second offence; and to imprisonment for a term not exceeding three months without the option of a fine in the case of a third or subsequent offence.

Section 19 sets out the fees payable to the Minister for a certificate of approval of registration.

The Provincial Secretary is the Minister charged with the administration of this Act.

The Chiropody Act, being chapter 289 of the Revised Statutes of Alberta, 1942, is repealed.

This Bill comes into force on the 1st day of July, 1952.

J. W. RYAN,  
*Acting Legislative Counsel.*

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

# BILL

No. 47 of 1952.

An Act respecting the practice of Chiropody.

(Assented to \_\_\_\_\_, 1952.)

**H**ER 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 Chiropody Professions Act*". Short title

## Interpretation.

2. In this Act, unless the context otherwise requires,—
- (a) "Association" means the Alberta Chiropody Association as created and constituted by this Act; Interpretation  
"Association"
  - (b) "Board" means the Board of Examiners in Chiropody appointed under this Act; "Board"
  - (c) "certificate of approval for registration" means a certificate issued by the Board stating that the holder is qualified to practise as a chiropodist in the Province; "certificate of approval for registration"
  - (d) "certificate of registration" means the certificate issued by the Association entitling the holder to practise chiropody; "certificate of registration"
  - (e) "chiropodist" means a person who is registered under the provisions of this Act as such; "chiropodist"
  - (f) "chiropody" means that branch of the healing arts which treats of ailments or diseased conditions or deformities or injuries of the human foot and leg muscles controlling the foot, and includes the examination, diagnosis and treatment, but does not confer the right to treat systemic diseases of bones, muscles or ligaments; nor the use of x-ray equipment for purposes other than diagnostic; nor the use of anesthetics other than local; "chiropody"
  - (g) "council" means the council of management of the Association; "council"
  - (h) "Minister" means that member of the Executive Council charged for the time being with the administration of this Act. "Minister"

**The Alberta Chiropody Association.**

Constitution  
and powers  
of Alberta  
Chiropody  
Association

**3.** (1) The members of the Alberta Chiropody Association are hereby constituted a body corporate and politic having perpetual succession and a common seal under the name of the "Alberta Chiropody Association", with powers to,—

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

Association  
may invest  
funds

(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*.

Membership  
of  
Association

(3) The membership of the Association shall consist of all persons holding a certificate of registration as a chiropodist.

Association  
may pass  
by-laws

**4.** (1) 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 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, or the advancement of the profession of chiropody; and
- (e) the payment of fees by the members of the Association.

Total  
membership  
fee not to  
exceed fifty  
dollars

(2) The total of the levies and contributions and membership fees required under subsection (1), clauses (c) and (e) in any year shall not exceed the sum of fifty dollars for each member.

By-laws to  
be ratified  
filed and  
published in  
*The Alberta  
Gazette*

**5.** 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.

Council of  
management  
established

**6.** (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. Election of councillor

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

(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 professional misconduct or for failure to comply with a by-law of the Association imposing suspension or expulsion as a penalty for the breach thereof. Council may discipline members

(5) No person shall be suspended or expelled under the provisions of section 8, subsection (1) 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. Suspension or expulsion

(6) Notwithstanding the provisions of this section or of section 8, subsection (1) the council may suspend the certificate of registration of a 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 annual fee and a further sum of five dollars. Council may suspend certificate of registration

#### Membership in the Association.

7. (1) A registrar, who shall be appointed by the Association by by-law, shall register every candidate qualifying under section 10, subsections (1) and (2),— Registration of candidates

- (a) who produces satisfactory evidence that he is twenty-one years of age, of good moral character, that his name is not erased from the register of a chiropody association;
- (b) to whom the Board of Examiners has issued a certificate of approval for registration;
- (c) who pays the registration fee prescribed in section 4, clause (e) of this Act.

(2) Certificates issued by the registrar shall be numbered consecutively and recorded in a register kept by the registrar for that purpose and when requested to do so the registrar shall provide the Minister with a roll of all members. Certificates to be numbered and recorded

8. (1) The council in its discretion, may suspend or expel from the Association any member whom they find guilty of improper conduct, incompetency or contravention of a by-law of the Association imposing suspension or expulsion as a penalty for the breach thereof, but the council Suspension or expulsion upon complaint

shall not take action until a complaint, verified by statutory declaration, has been filed with the registrar of the Association and a copy of the complaint forwarded to the accused member.

Member entitled to be heard

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

Evidence under oath

(3) The council shall not suspend or expel 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.

Chairman may administer oath

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

Evidence recorded

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

Member may appeal suspension or expulsion

(6) Any member suspended or expelled from the Association may appeal from the decision of the council to a judge of the Supreme Court of Alberta at any time within fourteen days of the date of the order or the resolution of suspension or expulsion, or within such further time as a judge of the Supreme Court of Alberta may order.

Evidence filed with court

(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.

Judgment on appeal

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

Minister to be notified

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

#### Board of Examiners.

Appointment of Board

9. (1) The Lieutenant Governor in Council may appoint a Board to be known as the Board of Examiners in Chiropody.

Board to consist of not more than five persons

(2) The Board shall be composed of not more than five persons, of whom two shall be members of the Association, who shall hold office during the pleasure of the Lieutenant Governor in Council.

Chairman and secretary of Board

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

Duties of Board

(4) The duties of the Board shall be,—

- (a) to evaluate credentials of candidates for admission to practise;
- (b) to classify and accredit approved schools, colleges or universities teaching surgical chiropody (or podiatry) whose graduates may be considered qualified;

- (c) to exempt from examination a candidate who is a graduate of an approved college or university or other institute or who is otherwise qualified by reason of his training and experience, and who, in the opinion of the Board, possesses the qualifications required by this Act;
- (d) to set examinations or tests for, and conduct the examinations of all persons who have not been granted exemption from examination by the Board pursuant to clause (c); and
- (e) to certify successful candidates.
- (5) The majority of the members of the Board shall constitute a quorum. Quorum
- (6) The Lieutenant Governor in Council may prescribe the fees and allowances for expenses to be paid members of the Board. Board fees
- 10.** (1) A candidate for registration shall present his academic credentials, verified by certified copy of official transcript of credits issued by the graduating institutions, to the Board for inspection and evaluation and if the qualifications of the candidate, in the opinion of the Board, are in all respects the equivalent to the prescribed standards set, the Board shall exempt such candidate from further examination and upon the candidate paying the fee prescribed by section 19 shall grant him a certificate of approval for registration. Exemption of candidate from examination
- (2) The Board may require candidates presenting themselves for approval for registration who do not qualify under subsection (1) to take such examinations as may be fixed by the Board and upon successfully completing such examination the candidate, upon payment of the fee prescribed by section 19, shall be entitled to a certificate of approval for registration. Examination of candidate
- (3) The application for a certificate of approval for registration shall be filed with the Board in duplicate and one copy shall be sent by the Board to the registrar of the Association. Certificate of approval for registration
- (4) The council may appeal to the Lieutenant Governor in Council from a decision of the Board exempting an applicant from examination or approving a college or institute. Appeal of council to Lieutenant Governor in Council
- 11.** A person duly registered as a chiropodist under the provisions of *The Chiropody Act*, being chapter 289 of the Revised Statutes of Alberta, 1942, shall be entitled to receive from the Association a certificate of registration under this Act. Person registered under The Chiropody Act entitled to certificate of registration

Certificate of registration to be displayed **12.** A registered chiropodist shall display his certificate of registration in a conspicuous place in his office or place wherein he usually practises.

Fees recoverable as a debt **13.** A registered chiropodist 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 a court of competent jurisdiction, the proper charges for such consultation and employment or either of them.

### Offences and Penalties.

Offences **14.** (1) A person not duly registered under the provisions of this Act who holds himself out to be a registered chiropodist shall be guilty of an offence under this Act.

Idem (2) No chiropodist shall advertise or hold himself out to the public as a specialist in chiropody without having received from the registrar of the Association a certificate of having complied with such conditions precedent as to qualification or fitness as may be prescribed by the Association.

Idem **15.** It shall be an offence for a 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 a member of the Association knowingly aiding or assisting him therein shall be guilty of an offence under this Act.

Proof of single act sufficient **16.** In a prosecution under this Act it shall be sufficient proof of an offence under this Act if it is proved that the accused has committed a single act prohibited by this Act.

Limitation **17.** A prosecution under this Act shall be commenced within one year from the date of the alleged offence.

Penalty **18.** (1) A person violating any of the provisions of this Act shall be guilty of an offence and liable on summary conviction,—

- (a) for a first offence to a penalty of not more than one hundred dollars and costs;
- (b) for a second offence to a penalty of not more than two hundred dollars and costs;
- (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.



**19.** The following fees shall be payable to the Minister <sup>Fees payable</sup> for a certificate of approval for registration,— <sub>to Minister</sub>

- (a) by every applicant, if exempt from examination ..... \$10.00
- (b) by every applicant required to write examinations ..... \$50.00.

**20.** *The Chiropody Act*, being chapter 289 of the Revised <sup>Repeal</sup> Statutes of Alberta, 1942, is hereby repealed.

**21.** This Act shall come into force on the first day of <sup>Coming</sup> July, 1952. <sub>into force</sub>

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FIFTH SESSION  
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

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**BILL**

An Act respecting the practice of  
Chiropody.

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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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