

Bill No. 71 of 1952.

A BILL RESPECTING THE PRACTICE OF
NATUROPATHY.

NOTE.

This Bill enacts a new Act to be known as "*The Naturopathy Act*" which repeals and replaces "*The Drugless Practitioners Act, 1950*", being chapter 21 of the Statutes of Alberta, 1950.

The members of the Naturopathic Association of Alberta who possess a certificate of registration as a naturopath are constituted a body corporate and politic under the name of the Alberta Association of Naturopathic Practitioners.

The Act provides that a council of management consisting of such persons and officers as the association desires and creates by by-law may discipline the members of the association and may suspend or expel members for misconduct or for failure to comply with the by-laws of the association which impose suspension or expulsion as a penalty for the breach thereof. In addition, the council of management may suspend the certificate of registration of a member who is in default of payment of his annual fee, levies or contributions for a period of sixty days, but the council shall reinstate a certificate suspended in such a case at any time upon payment of the annual fee, levies or contributions and a further sum of five dollars.

The association will appoint a registrar who shall register every candidate qualifying for registration who produces evidence that he is twenty-one years of age, of good moral character and is not in suspension from any naturopathic association, who has a certificate of approval for registration and who pays the registration fee. An applicant for a certificate of approval for registration who must submit to an examination by the board, may be granted an interim certificate of registration.

While the council may suspend or expel a member of the association no such member shall be suspended or expelled without first being summoned to appear before the council to defend himself, and the council shall hear his evidence under oath in case the member wishes to be heard. The evidence submitted shall be taken down in shorthand. The member may appeal the suspension or expulsion to a judge of the Supreme Court within fourteen days of the date of the order or the resolution of the council and, if the appeal is taken, a copy of the evidence of the hearing before the council is to be filed with the clerk of the court. A judge on appeal may make any order or direction as the justice of

the case requires. The Minister is to be notified by the council of the suspension or expulsion of a member of the association.

A board to be known as the Board of Examiners is to be appointed by the Lieutenant Governor in Council. It will consist of not more than seven persons, four of whom shall be members of the association, and the board will hold office during the pleasure of the Lieutenant Governor in Council. Within the board there will be two committees, namely, the accrediting committee, composed of three lay members and one member of the association, and an examining committee, composed of the whole board.

The accrediting committee will evaluate credentials of candidates for admission to practise and will exempt from examination candidates who are graduates of an approved school or other institute or who are otherwise qualified by reason of their training and experience and who, in the opinion of the committee, possess the qualifications required by this Act. That committee will further certify successful candidates.

The examining committee will classify and accredit approved schools and colleges of naturopathy whose graduates may be considered qualified and will set the examinations and tests for and conduct the examinations of persons who have not been granted exemption by the accrediting committee.

The Board of Examiners will review the results of examinations and shall approve an examination only by a majority vote.

Every applicant required to write examinations shall pay a fee of fifty dollars to the Minister for a certificate of approval for registration and every applicant, if exempt from examination, shall pay ten dollars to the Minister for such certificate.

The expenses and allowances to be paid to members of the board may be prescribed by the Lieutenant Governor in Council.

Sections 10, 11, and 12 set out the provisions with respect to a candidate applying for approval for registration. Where the Board of Examiners exempts an applicant from examination or approves any school or institute the council of management may appeal to the Lieutenant Governor in Council from such decision.

A person registered as a naturopath under the provisions of *The Drugless Practitioners Act, 1950*, is entitled to receive a certificate of registration under this Act.

A registered naturopath is to display his certificate of registration in a conspicuous place and if he so desires may be exempt from serving on juries and inquests.

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

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

This 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 in *The Public Health Act*, nor shall he perform any surgical operation or practise obstetrics or any branch of medicine or osteopathy.

Nothing in the Act shall affect or apply to the practice of any profession or calling by any person practising the same under authority of a general or special Act of the Legislature, or to any person treating human ailments by prayer or spiritual means as an enjoyment of exercise of religious freedom.

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

The Act makes it an offence for a 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 any person knowingly aiding or assisting him therein is 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 is to be commenced within one year from the date of the alleged offence.

A person found guilty of an offence against the Act is subject to a penalty not exceeding one hundred dollars and costs for a first offence, two hundred dollars and costs 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 Minister charged with the administration of this Act is that member of the Executive Council charged for the time being with the administration of the Act.

This Bill comes into force upon assent.

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. 71 of 1952.

An Act respecting the Practice of Naturopathy.

(Assented to , 1952.)

HER 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 Naturopathy Act*". Short title

Interpretation.

2. In this Act, unless the context otherwise requires,— Interpre-
tation
- (a) "association" means the Alberta Association of Naturopathic Practitioners as created and constituted by this Act; "associa-
tion"
 - (b) "board" means the Board of Examiners 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 naturopath in the Province; "certificate
of approval
for regis-
tration"
 - (d) "certificate of registration" means a certificate showing the holder to be registered as a member of the association and entitled to practise as a naturopath; "certificate
of regis-
tration"
 - (e) "council" means the council of management of the association; "council"
 - (f) "Minister" means that member of the Executive Council charged for the time being with the administration of this Act; "Minister"
 - (g) "naturopath" means a person who is registered under the provisions of this Act as such; "naturo-
path"
 - (h) "naturopathy" means the art of healing by natural methods as taught in schools of naturopathy; "naturo-
pathy"
 - (i) "registrar" means the registrar of the association. "registrar"

Alberta Association of Naturopathic Practitioners.

3. (1) The members of the Naturopathic Association of Alberta heretofore constituted who possess a certificate of registration as a naturopath are hereby constituted a body corporate and politic having perpetual succession and a Constitu-
tion of
Alberta
Associa-
tion of
Naturopathic
Prac-
titioners

common seal, under the name of the "Alberta Association of Naturopathic Practitioners," with powers to,—

Powers of association

- (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 purpose and to secure the repayment thereof by mortgage on its real and personal property; and
- (c) sue and be sued.

Investments

(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

(3) The membership of the association shall consist of all persons holding certificates of registration as naturopaths.

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 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.

Maximum fees, etc.

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

Requirement of by-laws

(3) By-laws, or amendments thereto, shall,—

- (a) be ratified by the association at an annual general meeting or at a general meeting called for that purpose; and
- (b) be filed with the Minister and published in *The Alberta Gazette*; and
- (c) come into force upon publication or upon such later date as may be specified in the by-laws.

Council of management

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 of the council of management 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.

Term of
office of
council

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

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 a 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.

Powers of
council

(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.

Suspension
or expulsion
by council

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

Council
may
suspend
certificate
of regis-
tration

Membership in the Association.

6. (1) A registrar, who shall be appointed by the association by by-law, shall register every candidate qualifying under section 11, subsections (1) and (2) or section 12,—

Registrar

- (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 any naturopathic association; and
- (b) to whom the Board of Examiners has issued a certificate of approval for registration; and
- (c) who pays the registration fee prescribed by a by-law of the association.

(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.

Certificate
of regis-
tration

7. (1) Any applicant having made application to the board for a certificate of approval for registration pursuant to section 11, and having been notified by the accrediting committee that he must submit himself to examination by the board, may be granted, at the discretion of the council, an interim certificate of registration enabling him

Interim
certificate of
registration

to practise under this Act and such applicant shall be deemed to be registered during the period for which he holds a valid interim registration.

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

Termination of interim certificate

(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.

Filing of complaint

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 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.

Hearing

(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.

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

Oath

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

Evidence

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

Appeal

(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.

(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 such order as to costs, as the justice of the case may require.

Notice to Minister

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

Board of Examiners.

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

(2) The board shall consist of not more than seven persons, who shall hold office during the pleasure of the Lieutenant Governor in Council, of whom four shall be members of the association.

(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. Chairman and secretary of board

(4) The board shall consist of two components,—

(a) an accrediting committee which shall be composed of three lay members and one member of the association; and Accrediting committee

(b) an examining committee which shall be composed of the whole board. Examining committee

(5) The duties of the accrediting committee shall be,— Duties of accrediting committee

(a) to evaluate credentials of candidates for admission to practice;

(b) to exempt from examination a candidate who is a graduate of an approved school or other institute or who is otherwise qualified by reason of his training and experience, and who, in the opinion of the accrediting committee, possesses the qualifications required by this Act; and

(c) to certify successful candidates.

(6) The duties of the examining committee shall be,— Duties of examining committee

(a) to classify and accredit approved schools and colleges of naturopathy whose graduates may be considered qualified;

(b) to set the examinations or tests for, and conduct the examination of, all persons who have not been granted exemption from examination by the accrediting committee pursuant to section 11, subsection (2).

(7) Results of examinations shall be reviewed by the board and shall not be approved except by majority vote. Results of examinations

(8) The majority of the members of the board shall constitute a quorum. Quorum

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

10. (1) A candidate applying for approval for registration shall submit to the association a statutory declaration, in duplicate, on a form prescribed and furnished by the board. Application for approval for registration

(2) The association shall send one copy of the statutory declaration to the board.

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| Credentials | 11. (1) A candidate for approval for registration shall present his academic credentials verified by a certified copy of an official transcript of credits issued by the graduating institution to the board for inspection and evaluation by the accrediting committee. |
| Exemption from examination | (2) If the qualifications of the candidate, in the opinion of the accrediting committee, are in all respects the equivalent to the prescribed standards set, the board shall exempt the candidate from further examination and, upon the candidate paying the fee prescribed by section 29, shall grant him a certificate of approval for registration. |
| Examination | 12. The board may require candidates presenting themselves for approval for registration, who do not qualify under section 11, subsection (2), to take such examination as may be fixed by the examining committee and upon successfully completing such examination the candidate, upon payment of the fee prescribed by section 29, shall be entitled to a certificate of approval for registration from the accrediting committee. |
| Appeal from decision of board | 13. The council may appeal to the Lieutenant Governor in Council from a decision of the board exempting an applicant from examination, or approving a school or institute. |
| Registration under <i>Drugless Practitioners Act</i> , 1950 | 14. A person duly registered as a naturopath under the provisions of <i>The Drugless Practitioners Act, 1950</i> shall be entitled to receive from the association a certificate of registration under this Act. |
| Display of certificate | 15. A registered naturopath shall display his certificate of registration in a conspicuous place in his office or the place wherein he usually practises. |
| Exemption from jury duty | 16. A registered naturopath, if he so desires, shall be exempt from serving on all juries and inquests whatsoever. |
| Negligence or malpractice | 17. No registered naturopath shall be liable in an 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. |
| Contagious or infectious disease | 18. A naturopath who has reason to believe that a person who he may be treating has a contagious or infectious disease or any other disease dangerous to public health, shall immediately give notice in writing to the medical officer of health of the municipality in which that person resides. |
| Charges for services | 19. A registered naturopath under this Act shall be entitled to demand from a 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. |

20. Nothing in this Act shall apply to or affect a person treating human ailments by prayer or spiritual means as an enjoyment or exercise of religious freedom. Treatment by prayer

21. Nothing in this Act shall authorize a person to prescribe or administer drugs or medicinal preparations for or to treat venereal disease, or a communicable disease as defined by *The Public Health Act*, nor shall he perform a surgical operation, or practise obstetrics or any branch of medicine or osteopathy. Practice of medicine or use of drugs prohibited.

22. Nothing in this Act applies to or affects the practice of a profession or calling by a person practising the same under authority of a general or special Act of the Legislature. Non-application of Act

Offences and Penalties.

23. 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. Use of title "Naturopath"

24. A person who is not a registered naturopath, and who practises or holds himself out as practising naturopathy, either alone or in conjunction with any other method of treatment of the body for disease and the cause of the 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. Offence to practise if not registered

25. 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. Registration by fraud

26. 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. Proof of offence

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

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

(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.

Proof of
registra-
tion

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

Fees

29. The following fees shall be payable to the Minister for a certificate of approval for registration,—

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

Repeal

30. *The Drugless Practitioners Act, 1950*, being chapter 21 of the Statutes of Alberta, 1950, is hereby repealed.

Coming into
force

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

FIFTH SESSION
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

BILL

An Act respecting the Practice of
Naturopathy.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.
