

Bill No. 9 of 1955

A BILL TO INCORPORATE THE ASSOCIATION OF
CHARTERED PHYSIOTHERAPISTS OF ALBERTA

NOTE

This Bill enacts a new Act to be known as *The Chartered Physiotherapists Act*.

The Association of Chartered Physiotherapists of Alberta is incorporated and instituted. The association will draw its membership from graduates in physiotherapy from the University of Alberta, members of the Canadian Physiotherapy Association of Canada, and others with equivalent professional and educational qualifications.

While this Bill does prevent non-members from using the designation "registered" or "chartered" physiotherapists, it does not prohibit non-members from practising physiotherapy in Alberta. Its main purpose is to set up an association for those practising physiotherapy in the Province, to raise their standards, and govern the conduct and practice of the members of this association.

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. 9 of 1955

An Act to Incorporate the Association of Chartered
Physiotherapists of Alberta

(Assented to _____, 1955)

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

1. This Act may be cited as "*The Chartered Physio- Short title
therapists Act*".

Interpretation

2. In this Act

- | | |
|--|---|
| (a) "association" means the Association of Chartered
Physiotherapists of Alberta as constituted by this
Act; | Interpreta-
tion
"associa-
tion" |
| (b) "by-laws" means by-laws of the association; | "by-laws" |
| (c) "council" means the Council of the Association of
Chartered Physiotherapists of Alberta appointed
under this Act; | "council" |
| (d) "General Faculty Council" means the General
Faculty Council of the University of Alberta; | "General
Faculty
Council" |
| (e) "Minister" means that member of the Executive
Council for the time being charged by the Lieu-
tenant Governor in Council with the administration
of this Act; | "Minister" |
| (f) "physiotherapy" means the science and art of treat-
ing sick and disabled persons in order to restore
to them useful function by the use of radiant,
mechanical or electrical energy, or by massage or
manipulations, or by active and passive movement
in any suitable medium. | "physio-
therapy" |

Incorporation

3. (1) There is hereby constituted a corporation under the style and title of the Association of Chartered Physio-
therapists of Alberta. Incorporation

(2) In addition to its other powers, the corporation may
acquire, hold and dispose of real property.

4. The head office of the association shall be in the
Province of Alberta at such place as the association shall,
by by-law, appoint as the location of its head office. Head office

- Eligibility for membership** **5.** The following persons are eligible for membership in the association without examination:
- (a) all members of the Canadian Physiotherapy Association and all graduates in physiotherapy of the University of Alberta, and
 - (b) all others who have educational qualifications at least the equivalent of those required for graduation in physiotherapy from the University of Alberta and who have not been removed for cause from the register of any physiotherapy association, or institute, or college or any similar body in Canada or elsewhere.

Council

- Election of officers** **6.** (1) Within six weeks after the commencement of this Act, and at a time and place to be fixed by the President of the Alberta Branch of the Canadian Physiotherapy Association, the President of that Branch shall, for the purpose of electing the first officers and transacting any other necessary business of the association, call a meeting of the persons referred to in section 5, which shall be the first meeting of the association.

(2) Due notice of the first meeting shall be given to all such eligible persons.

(3) Forms of application for membership shall be distributed with the notice of the meeting.

- Application for membership** **7.** (1) At the first meeting, the President of the Alberta Branch of the Canadian Physiotherapy Association shall preside and shall receive applications for membership from physiotherapists who are present at the meeting.

- Active members** (2) The eligible persons applying for membership and in attendance shall be deemed to be active members of the association for the purpose of holding the first meeting of the association.

- Annual meeting** **8.** In every year after the first meeting of the association, a general meeting of the association shall be held, which shall be the annual meeting.

- Management** **9.** (1) The affairs and business of the association shall be managed by a council, which shall be known as the Council of the Association of Chartered Physiotherapists of Alberta and consist of no more than eight members.

(2) The council may hold office until the next annual meeting following election.

(3) Members of the council shall be elected at each annual meeting.

- Quorum** (4) Five members of the council constitute a quorum.

- Vacancy on council** (5) When a vacancy occurs on the council during any year, the council shall appoint a member of the association to fill the office on the council for the balance of the term of office.

10. (1) The council shall elect from its number a president, vice-president and secretary-treasurer. Officers

(2) The secretary-treasurer shall be the registrar of the association.

(3) The president shall be the chairman of the council.

11. At the first meeting of the association, and at every subsequent annual meeting thereafter, the members of the association shall elect the members of the council. Election of council

By-laws

12. (1) Subject to this Act, the association may make by-laws By-laws

(a) governing

- (i) the keeping of a register of members,
- (ii) the fees payable by a person applying for registration, but such fees shall not exceed forty dollars for any one applicant,
- (iii) the voting by the association of the funds necessary for the activities and duties of the council,
- (iv) the discipline and conduct of members,
- (v) the investigation of complaints of unprofessional conduct, incompetency or want of skill on the part of members,
- (vi) the expulsion or suspension of any member for unprofessional conduct, incompetency or lack of skill,
- (vii) the reinstatement of any member who has been expelled or suspended,
- (viii) the meetings of the council, the procedure to be followed and the manner of voting thereat and the qualifications for voting,

(b) prescribing the manner of investing the funds of the association,

(c) fixing the location of the head office of the association,

(d) setting out the duties of the officers and the times and places of the meetings of the association,

(e) providing for the payment of annual dues,

(f) providing for the suspension of members in arrears of dues,

(g) providing for the reinstatement of members upon the payment of arrears of dues, and

(h) providing for such other matters or things as are necessary to carry on the affairs and business of the association in accordance with the intent of this Act.

(2) By-laws made pursuant to this section do not come into force until they have been approved by the Lieutenant Governor in Council and published in *The Alberta Gazette*. Approval of by-laws

Membership

Examina- tions

13. (1) The academic standing and the examination of candidates for admission to membership in the association shall be under the control of the University of Alberta.

(2) The association shall enter into an agreement with the General Faculty Council for the conduct of examinations for admission of candidates to membership in the association.

(3) The subjects of all examinations under this Act shall be such as are prescribed by the General Faculty Council.

Qualifica- tions

14. (1) A candidate for admission to membership in the association who satisfies the General Faculty Council that his educational qualifications are at least the equivalent of those required for graduation in physiotherapy from the University of Alberta, shall be deemed to have satisfactory educational qualifications for admission to membership in the association without further examination.

(2) When it deems it necessary or desirable to do so, the General Faculty Council may require a candidate for admission to membership in the association who cannot furnish satisfactory credentials to pass such examination or examinations as the General Faculty Council may prescribe.

Certificate

(3) The General Faculty Council shall issue a certificate certifying compliance with subsection (1) to a candidate who has satisfied the General Faculty Council as to his educational qualifications under that subsection.

(4) To enable candidates whose educational qualifications have not been deemed adequate for certification under subsection (3) to establish the adequacy of their educational qualifications, the General Faculty Council may prescribe the completion of such courses and the passing of such examinations as it deems necessary.

Qualifica- tions for membership

15. Any person who

- (a) is a graduate of the University of Alberta in physiotherapy, or produces a certificate from the General Faculty Council pursuant to section 14,
 - (b) has shown himself to be of good character and reputation,
 - (c) has satisfied the secretary-treasurer of the association that his name has not been removed for cause from the register of any physiotherapists' association, institute, society or college, or any similar body in Canada or elsewhere, and
 - (d) pays the prescribed fees,
- shall be admitted as a member of the association.

Register

16. (1) The council shall cause a register to be kept by the secretary-treasurer. Register

(2) The names of all persons who have been admitted to membership in the association and who are in good standing shall be entered in the register in alphabetical order.

(3) The register shall be subject to inspection free of charge.

(4) The register or a copy thereof duly certified by the secretary-treasurer is *prima facie* evidence that the persons therein named are members in good standing and the absence of the name of any person from the register is *prima facie* evidence that such person is not a member of the association.

17. Subject to the provisions of this Act and the by-laws, the first registration of any member shall remain in force until the end of the calendar year in which such registration is made, and a member in good standing is entitled to a renewal of his registration for each succeeding calendar year upon making application and paying the prescribed fee therefor. Renewal of registration

18. (1) Certificates of registration shall be issued by the registrar and shall be numbered consecutively and recorded in a register kept by the registrar for that purpose and the registrar shall annually provide the Minister with a list of all the members of the association. Certificate of registration

(2) A certificate of renewal of registration may be issued to a member upon payment of the prescribed annual fee.

Suspension and Appeal

19. (1) Subject to this section, the council in its discretion may, by order, expel or suspend any member of the association for unprofessional conduct or incompetency, upon a complaint thereof verified by statutory declaration being filed with the secretary-treasurer of the association and a copy of the complaint being forwarded to the accused member. Cancellation or suspension of registration

(2) No member shall be expelled or suspended by order of the council unless Defence

- (a) the member is summoned to appear before the council and given an opportunity to be heard in his own defence, and
- (b) the council hears under oath the evidence in support of the complaint, and if the accused member wishes to be heard, the evidence on behalf of the accused member.

(3) For the purpose of a hearing under this section, the chairman of the council, or the person acting for him, may administer oaths.

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

Appeal

20. (1) Any member who has been expelled or suspended from the association may appeal from the order of the council to a judge of the Supreme Court of Alberta at any time within fourteen days of the date of the order of expulsion or suspension, or within such further time as a judge of the Supreme Court may order.

Copy of
evidence

(2) 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.

(3) The judge on the appeal may make such order or give such direction as to the expulsion or suspension and as to the costs of the appeal as to him seems just.

Expulsion
order

21. (1) When a member is expelled by order of the council and the order has been confirmed on appeal under section 20 or the time for appeal has expired, the secretary-treasurer shall strike the name of the expelled member from the register.

Suspension
order

(2) When a member is suspended by order of the council and the order has been confirmed on an appeal under section 20 or the time for appeal has expired, the secretary-treasurer shall enter upon the register the fact and dates of the suspension.

(3) The council shall notify the Minister of the expulsion or suspension of any member of the association.

Prohibitions

Use of title

22. No person other than a member of the association shall use the title "chartered physiotherapist" or the title "registered physiotherapist".

Diagnosis
prohibited

23. (1) No member of the association shall

- (a) diagnose any disease, ailment, defect or disability of the human body,
- (b) prescribe or administer drugs or medicinal preparations for internal use,
- (c) perform any surgical operation or practise obstetrics or any branch of medicine or osteopathy.

Practice
limited

(2) Except when authorized by a legally qualified medical practitioner practising in Alberta, no member of the association shall

- (a) prescribe or administer treatment for any ailment, disease, defect or disability of the human body,

- (b) prescribe or administer drugs or medicinal preparations for external use,
- (c) treat any venereal disease or any communicable disease within the meaning of *The Public Health Act*.

24. Any person who, by false or fraudulent representations or declarations, either orally or in writing, wilfully procures his membership in the association is guilty of an offence. Registration

25. A person who commits an offence under this Act is liable on summary conviction Penalties

- (a) for a first offence to a fine of not more than one hundred dollars,
 - (b) for a second offence to a fine of not more than 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,
- and in default of payment of any fine under clauses (a) and (b) to imprisonment for a term not exceeding three months.

26. No prosecution for an offence under this Act may be commenced after two years from the date of the alleged offence. Commencement of prosecution

27. Nothing in this Act shall be deemed to authorize any person to prescribe or administer drugs for internal use or to use or direct or prescribe the use of anaesthetics for any purpose whatsoever or to practise medicine, surgery or midwifery, or to prescribe or administer drugs or medicinal preparations for external use except when authorized by a legally qualified medical practitioner practising in Alberta. Certain practices prohibited

28. No action lies against the council or any member of the association for anything done under this Act in good faith, notwithstanding any want of form in the proceedings. Right of action

- 29.** A member of the association is entitled Recovery of fees
- (a) to demand his proper fees from any person by whom he is consulted or employed as a physiotherapist upon a qualified medical practitioner's prescription, and
 - (b) to recover such fees in any court of competent jurisdiction.

30. This Act comes into force on the day upon which it is assented to. Coming into force

THIRD SESSION
TWELFTH LEGISLATURE
4 ELIZABETH II
1955

BILL

An Act to Incorporate the
Association of Chartered
Physiotherapists of Alberta

Received and read the

First time

Second time

Third time

HON. MR. GERHART
