

Bill No. 78 of 1955

A BILL TO AMEND THE CHIROPRACTIC ACT, 1945

NOTE

This Bill amends *The Chiropractic Act, 1945*, being chapter 16 of the Statutes of Alberta, 1945.

This Act is being amended to enable a person who is not a member of the Alberta Chiropractic Association to practise chiropractic if he is a graduate of a school accredited by the Chiropractic Appraisal Board and has been listed with the Board. That Board is to replace the Board of Examiners and is to be independent from the Association.

Section 10 of the Act, which sets out the subjects in which a candidate for admission to the Association must pass, is being repealed, and it is now being left to the council of the Association to make regulations concerning examinations for admission to the Association.

In view of the difficulty of proving that a person allegedly practising illegally as a chiropractor is not a graduate of an accredited school or a member of the Association, the onus is being placed on the person charged to prove that he is.

A discipline committee is constituted with power to suspend chiropractors who are guilty of conduct inimical to the best interests of the public and of chiropractors generally. Powers to appeal to a judge of the Supreme Court are given to suspended chiropractors, however.

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. 78 of 1955

An Act to amend The Chiropractic Act, 1945

(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. *The Chiropractic Act, 1945*, being chapter 16 of the Statutes of Alberta, 1945, is hereby amended.

2. Section 2 is amended

Section 2
amended

(a) by adding immediately before clause (a) the following new clause:

“(a) ‘accredited school’ means a school or college of chiropractic accredited by the Board;”,

“accredited
school”

(b) by relettering clause (a) as clause (aa),

(c) by striking out clause (b) and by substituting the following:

“(b) ‘Board’ means the Chiropractic Appraisal Board appointed under this Act;”,

“Board”

(d) by striking out clause (c),

(e) as to clause (f) by striking out the words “is registered under this Act” and by substituting the words “practises chiropractic”,

(f) as to clause (g) by striking out the words “of management”.

3. Section 4, subsection (6) is amended by striking out the words “practice of chiropractic” and by substituting the words “members of the Association”.

Section 4
amended

4. Section 5a, subsection (1) is amended

Section 5a
amended

(a) by striking out the words “this Act”,

(b) by adding immediately after the words “direction of the Association” the words “the provisions of this Act relating to the Association”.

5. Section 6 is struck out and the following is substituted:

Section 6
amended
Regulations

“6. The council may make regulations governing

“(a) the duties of the executive committee and its members,

- “(b) the admission of persons into membership of the Association and the fees to be paid for registration and renewal of registration,
- “(c) the qualifications as to education, character and experience that a chiropractor must have before he may be admitted as a member of the Association,
- “(d) the keeping of a register of persons who are members of the Association,
- “(e) the fees, not exceeding one hundred dollars, payable by a person applying for examination with a view to registration, and, subject to section 4, the annual renewal of registration of active and non-participating members and the fees payable thereon,
- “(f) the voting by the Association of the necessary funds for the activities of the council and the performance of its duties,
- “(g) the discipline and conduct of members of the Association, including the regulation or prohibition of advertising by or on behalf of members of the Association,
- “(h) the investigation of any complaint of unprofessional conduct, incompetency, or want of skill on the part of any member of the Association,
- “(i) the calling of meetings of the council, the procedure to be followed at such meetings, and the right to vote thereat,
- “(j) the examination of applicants for registration as members of the Association,
- “(k) generally any matters deemed proper for the better carrying out of the affairs of the Association.”.

Section 7
amended

6. Section 7 is amended

- (a) as to subsection (1) by striking out the words “recommend to the Lieutenant Governor in Council that his registration be suspended or cancelled” and by substituting the words “suspend or cancel the registration of such member”,
- (b) as to subsection (2) by striking out the words “recommend to the Lieutenant Governor in Council the reinstatement of the registration of the said member” and by substituting the words “reinstate the member”.

Heading
amended

.7. The heading “Board of Examiners” immediately preceding section 9 is struck out and the heading “Chiropractic Appraisal Board” is substituted.

Section 9
amended

8. Section 9 is amended

- (a) as to subsection (1) by striking out the words “Board of Examiners” and by substituting the words “Chiropractic Appraisal Board”,
- (b) as to subsection (2)
 - (i) by striking out the word “seven” and by substituting the word “four”,

- (ii) by striking out the words “, and four of whom shall be members of the Association”,
- (c) by striking out subsections (4) and (5) and by substituting the following:

“(4) The Board shall establish

“(a) a list of schools and colleges of chiropractic, graduation from which would, in the opinion of the Board, qualify a person to practise chiropractic, and

“(b) a list containing the name of each person who by submitting credentials has satisfied the Board

“(i) that he is a graduate of an accredited school or college listed by the Board, and

“(ii) that he has not been suspended or expelled from any chiropractic association or organization.

“(5) The persons listed by the Board pursuant to clause (b) of subsection (4) may practise chiropractic in the Province.”,

- (d) by striking out subsections (6), (7), (10) and (11).

9. Sections 9a, 9b and 10 are repealed.

Sections 9a,
9b and 10
repealed

10. Section 11, subsection (1) is amended

Section 11
amended

- (a) by striking out the words and figures “under clause (b) of subsection (5) of section 9 and clause (b) of subsection (6) of section 9” and by substituting the words “for membership in the Association”,
- (b) by striking out clause (b).

11. Section 12, subsection (3) is amended by striking out the words “chiropractor registered in Alberta” and by substituting the words “member of the Association”.

Section 12
amended

12. Section 14 is struck out and the following is substituted:

Section 14
amended

14. (1) Subject to subsection (2), no person shall engage in the practice of chiropractic or advertise or use the title ‘chiropractor’ or any suffix, prefix, word, title or description, abbreviated or otherwise, to imply that he is engaged in the practice of chiropractic.

Use of
title

“(2) Subsection (1) does not apply to

“(a) a member of the Association in good standing,

“(b) a person entitled under subsection (5) of section (9) to practise chiropractic in the Province, or

“(c) a person justified under section 22.

“(3) No person other than a member of the Association shall use the title ‘registered chiropractor’ or any suffix,

prefix, word, title or designation, abbreviated or otherwise, implying that he is registered as a member of the Association.”.

Section 15 amended **13.** Section 15 is amended by striking out the words “registered under this Act” and by substituting the words “registered as a member of the Association”.

Section 16 amended **14.** Section 16 is amended

- (a) as to subsection (1) by striking out the words “while unregistered” and by substituting the words “in contravention of this Act”,
- (b) as to subsection (2)
 - (i) by striking out the words “chiropractor pursuant to this Act” and by substituting the words “member of the Association”,
 - (ii) by striking out the words “required by this Act” and by substituting the words “a member of the Association”,
- (c) by adding immediately after subsection (2) the following new subsection:

“(3) The onus of proof of membership in the Association or of entitlement to practise chiropractic in the Province is upon the person charged with an offence against this Act.”.

Section 19 amended **15.** Section 19 is amended by striking out the words “who is registered” and by substituting the word “practising”.

Section 23 amended **16.** Section 23 is amended by striking out the words “registered under this Act”.

Section 24 amended **17.** Section 24 is amended by striking out the words “duly registered chiropractor” and by substituting the words “member of the Association in good standing or a person who is entitled to practise chiropractic in the Province”.

Section 26 amended **18.** Section 26 is amended by striking out the word “registered”.

Section 26a amended **19.** Section 26a is amended

- (a) as to subsection (1) by striking out the words “to practise in Alberta”, wherever they occur, and by substituting the words “for membership in the Association”,
- (b) as to subsection (2) by striking out the words “in Alberta” and by substituting the words “for membership in the Association”.

Sections 27 and 28 amended **20.** Sections 27 and 28 are struck out and the following are substituted:

"27. (1) A discipline committee is hereby constituted Discipline committee
which shall consist of

"(a) the Deputy Provincial Secretary, who shall be chairman,

"(b) the chairman of the Chiropractic Appraisal Board,

"(c) a member who shall be appointed annually by the Association, and

"(d) a member who shall be appointed from time to time by the Lieutenant Governor in Council.

"(2) If the discipline committee has reason to suspect that a chiropractor has been guilty of conduct inimical to the best interests of the public or the practice of chiropractic, it may summon the chiropractor before it by giving him two weeks' notice by registered mail.

"(3) If, when the chiropractor has appeared before it, the discipline committee is unanimously agreed that he has been guilty of conduct inimical to the best interests of the public or the practice of chiropractic, it may take such action as it deems necessary to protect the public and may reprimand the chiropractor or suspend or cancel his right to practise.

"(4) The discipline committee may take evidence under Evidence
oath and for that purpose may administer oaths or affirmations.

"(5) When a chiropractor has his right to practise in Appeal
the Province suspended or cancelled, he may appeal to a judge of the Supreme Court of Alberta within fourteen days of the suspension or cancellation, or within such further time as the judge may allow, at a time and place appointed in writing by the judge.

"(6) The appointment shall be served upon the chairman of the discipline committee seven days before the date fixed by the judge for the hearing of the appeal.

"(7) The proceedings on the appeal shall be in the nature of a re-hearing upon which the judge may make such order, including an order as to costs, as the justice of the case requires, and every such order is final and binding upon the chiropractor and the discipline committee.

"(8) The Consolidated Rules of the Supreme Court relating to the attendance of witnesses apply to the appeal.

"28. The Lieutenant Governor in Council may prescribe Expenses of discipline committee
the fees and allowances for expenses to be paid to members of the discipline committee."

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

THIRD SESSION
TWELFTH LEGISLATURE
4 ELIZABETH II
1955

BILL

A Bill to amend The Chiropractic
Act, 1945

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. GERHART
