

No. 4

4th Session, 13th Legislature, Alberta
6 Elizabeth II, 1958

BILL 4

A Bill to Incorporate the Public Denturists of Alberta

MR. DIXON

Printed by L. S. WALL, Printer to the Queen's Most Excellent Majesty,
Edmonton, Alberta, 1958

BILL

No. 4 of 1958

An Act to Incorporate the Public Denturists of Alberta

(Assented to _____, 1958)

WHEREAS Clarence R. Phipps, of Calgary, and Wilburt E. Burton, Edwin Thompson, Warren Wright and Jack S. Katz, all of Edmonton, have by their petition represented that they are desirous of being incorporated under the name: "The Alberta Public Denturists Society" for the purpose of increasing the knowledge, skill, proficiency and efficiency of the members of the corporation in all things, relating to dental prosthetics, business organization, administration and ethics and of encouraging, promoting and extending the science of dental prosthetics and maintaining, disseminating, and advancing ethical concepts and standards of knowledge in the science, and promoting and safeguarding the oral health of the public and generally for the carrying out of the objects of the corporation:

Preamble

And whereas the petitioners have prayed that an Act may be passed for those purposes;

And whereas it is expedient to grant the prayer of the said petition;

Therefore 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 Alberta Public Denturists Society Act*".

Short title

2. In this Act,

Interpretation

- (a) "active member" is a member of the Society who has fully paid all dues and levies set by the Society; "active member"
- (b) "Board" means the Board appointed under section 18; "Board"
- (c) "certificate of approval for registration" means a certificate issued by the Board stating that the holder is qualified to practise as a certified public denturist in the Province of Alberta; "certificate of approval for registration"
- (d) "certificate of oral health" means a written certificate attesting to the healthy condition of any human oral cavity, and the associated structure and tissue thereof; "certificate of oral health"

"certificate of registration"	(e) "certificate of registration" means the certificate issued by the Society entitling the holder to practise as a certified public dentist;
"certified public dentist"	(f) "certified public dentist" means a person who is registered under this Act as an active or non-participating member of the Alberta Public Denturists Society;
"corporation"	(g) "corporation" means the Alberta Public Denturists Society incorporated under section 3;
"council"	(h) "council" means the council of management of the Society for which provision is made in section 10;
"dental prosthetics"	(i) "dental prosthetics" means <ul style="list-style-type: none"> (i) the repairing of any complete upper or complete lower denture, or (ii) the making, producing, construction, furnishing, supplying or fitting of any complete upper or lower denture for the intended wearer thereof;
"dental technician"	(j) "dental technician" means a person who constructs dental appliances;
"dentist"	(k) "dentist" means a person who holds a valid and subsisting licence to practise dentistry in the Province under <i>The Dental Association Act</i> ;
"member"	(l) "member" means a member of the Society;
"non-participating member"	(m) "non-participating member" is a registered member of the Society who has not paid dues or levies set by the Society;
"registrar"	(n) "registrar" means the registrar of the Society elected as provided in section 17.

Corporation

3. The following persons, that is to say, Clarence R. Phipps, of Calgary, and Wilburt E. Burton, Edwin Thompson, Warren Wright and Jack S. Katz, all of Edmonton, and such other persons as are from time to time members of the Society are hereby constituted and created a corporation under the name of "The Alberta Public Denturists Society".

Classification of members

4. (1) Any person, who under this Act is registered as a member of the Society shall, according to his choice, be classified as either an active member or a non-participating member of the Society.

(2) Active membership shall entitle the member to all rights, privileges and benefits of the Society.

(3) Non-participating membership shall be the status bestowed upon public denturists

(a) who are registered at the time this Act comes into force, or

(b) who may subsequently become registered under this Act, but who have not applied for and obtained active membership in the Society.

5. Non-participating members are governed by this Act and all regulations made hereunder and affecting the members of the Society, but they shall not have a vote at any meeting of the Society and are not entitled to any benefits of the Society. Non-participating members

6. (1) The Society shall consist of the persons who, after the coming into force of this Act, are registered under this Act to practise as certified public denturists in the Province of Alberta. Members and powers of society

(2) The Society may acquire and hold real and personal property for its corporate purposes, and may alienate, exchange, lease, mortgage or otherwise charge or dispose of it, or any part thereof, as occasion may require.

7. (1) The officers of the Society shall be Officers

- (a) a president and vice-president chosen by the members from their own number, and
- (b) a secretary, a treasurer and a registrar.

(2) The offices of secretary, treasurer and registrar, or any two of them, may be filled by the same person.

8. The Society may pass by-laws not inconsistent with any Act or law in force in the Province of Alberta providing *inter alia* for By-laws

- (a) the government and discipline of the members of the Society,
- (b) the management of the property of the Society,
- (c) the maintenance of the Society by levy of contributions or otherwise,
- (d) the working or management of the Society, or the advancement of the profession of public denturists, and
- (e) the payment of fees for registration as an active or non-participating member of the Society.

9. A by-law referred to in section 8 or amendment thereof Passing of by-law

- (a) may only be passed by the Society at an annual general meeting or at a general meeting called for that purpose,
- (b) shall be filed with the Minister and published in *The Alberta Gazette*, and
- (c) comes into force upon the publication in *The Alberta Gazette* or upon such later date as the by-laws may specify.

10. (1) There shall be a council of management of the Society consisting of such number of persons and including such officers as the Society enacts from time to time by by-law. Council of management

(2) The members of the council shall hold office for a term of one year.

(3) A quorum of the council shall not be fewer than one-half the members thereof.

(4) When a vacancy occurs in the council from any cause, the council shall appoint any member of the Society to fill the vacancy until the next annual meeting of the Society.

Annual
meeting

11. (1) A general meeting of the members of the Society shall be held annually for the purpose of electing the council and for such other business as may be brought before the meeting.

(2) The general meeting of the Society shall be held at such time and place, upon such notice and otherwise as is provided in the by-laws of the Society.

Vote

12. Every active member of the Society in good standing is entitled to vote at an election of the members of the council.

First
meeting

13. The following persons, that is to say, Clarence R. Phipps, of Calgary and Wilburt E. Burton, Edwin Thompson, Warren Wright and Jack S. Katz, all of Edmonton, are hereby constituted as provisional council with power to call the first annual general meeting of the Society at such time and place, upon such notice and otherwise as to them appears advisable but the meeting shall be called within three months after the day and date upon which this Act comes into force.

Re-election

14. Retiring members of the council if otherwise qualified are eligible for re-election.

Additional
powers of
council

15. (1) The council in addition to the other powers conferred upon it by the Society

- (a) shall prescribe a program of training for student public denturists,
- (b) may discipline the members of the Society, and
- (c) may suspend or expel members of the Society
 - (i) for professional misconduct or incompetency,
 - (ii) for failure to comply with a by-law of the Society that imposes suspension or expulsion as a penalty for the breach thereof.

(2) No person shall be suspended or expelled, under subsection (1) of section 16 or otherwise, for failure to comply with any by-law except a by-law that imposes suspension or expulsion as a penalty for the breach thereof, and that has been approved by the Lieutenant Governor in Council.

16. (1) The council, by resolution or by order, may in its discretion suspend or expel from the Society any member they find guilty of improper conduct, incompetency or contravention of a by-law of the Society imposing suspension or expulsion as a penalty for the breach thereof, but the council shall not take action under this section until a complaint, verified by statutory declaration, has been filed with the registrar of the Society and a copy of the complaint forwarded to the accused member. ^{Suspension or expulsion}

(2) No member of the Society 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 any member of the Society without having heard the evidence under oath

- (a) in support of the complaint, and
- (b) on behalf of the accused member, if the accused member wishes to be heard.

(4) The chairman of the council or the person conducting the hearing in his absence may administer the oath.

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

(6) A member suspended or expelled from the Society may appeal from the decision of the council to a judge of the Supreme Court of Alberta at any time within fourteen days from 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.

(8) The judge on appeal may make such order or direction on the merits of the case, and on the costs as the judge considers just.

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

17. (1) The secretary or treasurer shall be the registrar of the Society and shall register every candidate qualifying for membership in the Society ^{Registrar}

- (a) who produces satisfactory evidence that he is twenty-one years of age, that he is of good moral character and that his name is not erased from the register of any public denturist society,
- (b) to whom the Board of Examiners has issued a certificate of approval for registration,
- (c) who qualifies under subsection (1) and (2) or (3) of section 19, and

(d) who pays the registration fee prescribed in clause (e) of section 8, and the secretary or treasurer shall supply to each such candidate a certificate of registration.

(2) Certificates issued by the registrar shall be numbered consecutively and recorded in a register kept by the registrar for that purpose and the registrar shall on request provide the Provincial Secretary with a roll of all members of the society.

**Board of
Examiners**

18. (1) The Lieutenant Governor in Council may appoint a board to be known as the Board of Examiners for public denturists.

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

(3) Two members of the Board shall be members of the Society.

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

(5) The Board shall

- (a) evaluate the credentials of candidates for admission to practise,
- (b) exempt from examination a candidate who in the opinion of the Board
 - (i) qualifies by reason of his training and experience, and
 - (ii) possesses the qualifications required by this Act,
- (c) set examinations or tests for and conduct the examination of all persons who have not been granted exemption from examination by the Board, and
- (d) certify successful candidates for admission to practise.

**Qualifica-
tions of
candidate**

19. (1) A candidate for registration shall present his credentials to the Board together with supporting documents verifying training and experience for inspection and evaluation.

(2) If in the opinion of the Board the qualifications of the candidate are in all respects at least equivalent to the prescribed standards set, the Board shall

- (a) exempt the candidate from further examination, and
- (b) upon the candidate paying the fee prescribed by section 29, grant him a certificate of approval for registration.

(3) The Board may require candidates presenting themselves for approval for registration who do not qualify under subsection (2) to take such examinations as may be fixed by the Board.

(4) The candidate is entitled to a certificate of approval for registration

(a) upon successfully completing the examination referred to in subsection (3), and

(b) upon payment of the fee prescribed by section 29.

(5) 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 Society.

(6) The council may appeal to the Lieutenant Governor in Council from a decision of the Board exempting an applicant from examination.

20. A registered public denturist shall display his certificate of registration in a conspicuous place in his office or other place, wherein he usually practises. Display of certificate

21. A registered public denturist under this Act may demand from a person by whom he is consulted or employed and recover as a debt in a court of competent jurisdiction, the proper charges for the consultation and employment or either of them. Consultation fees

22. On the coming into force of this Act, any person not duly registered under this Act, who holds himself out to be a certified public denturist is not entitled to any privileges or subject to any provisions granted or provided herein. Forfeiture of privileges

23. Any person, on the coming into force of this Act, who wishes to deal directly with the public in the supplying, repairing or manufacturing of dentures or any dental appliances, and who is not registered as a certified public denturist, is not entitled to any privileges or subject to any provisions granted or provided herein. Idem

24. Any person whose name is entered in the register shall be entitled to receive a certificate of registration to practise as a certified public denturist in the Province of Alberta, on payment of the prescribed fee, notwithstanding any provision of *The Dental Association Act*. Entitlement to practise

25. No person shall practise in Alberta under the name of "certified public denturist" unless he holds a valid and subsisting certificate of registration for the purpose issued to him. Use of name

Certificate of
oral health

26. No certified public denturist shall make, produce, construct, furnish, supply or fit any complete upper or lower denture directly for the intended wearer thereof unless the intended wearer first obtains and delivers to the public denturist a certificate of oral health from a duly qualified medical practitioner or dentist.

Funds

27. The funds of the Society shall be deposited in a bank or a treasury branch for the credit of the Society and the expenses of the Society shall be paid therefrom.

Performance
of work

28. Nothing in this Act prohibits

- (a) a dentist,
- (b) a duly qualified medical practitioner,
- (c) a hospital dispensary or a university or municipal clinic acting upon the certificate or order of a dentist or duly qualified medical practitioner, or
- (d) a student public denturist or any person working as an employee of a duly certified public denturist and under the direct supervision of that certified public denturist,

from performing work or services ordinarily performed by a public denturist.

Fees

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

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

Coming
into force

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

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

BILL

An Act to Incorporate the Public
Denturists of Alberta

Received and read the

First time.....

Second time.....

Third time.....

MR. DIXON
