

No. 124

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 124

A Bill to amend The Medical Profession Act

HON. DR. ROSS

Explanatory Note

2. Section 27 (2) presently reads:

"(2) Four members of the council form a quorum thereof, and all acts of the council are decided by a majority of those present."

3. Section 31(2) presently reads:

"(2) The registrar

- (a) on the first day of each month shall provide the Minister with a list of all additions, deletions and changes of address made in the register during the preceding month, and
- (b) when called upon to do so shall provide the Minister with a roll of all members of the College."

4. (34.) Section 34 presently reads:

"34. (1) The council may grant an interim licence entitling the person named therein to practise medicine, upon his producing a certificate from the Registrar of the University of Alberta showing that he is entitled to take the next examination of candidates for admission to practise.

(2) The interim licence continues in force only until the holding of the next examination for admission to practise unless the Registrar of the University of Alberta recommends that the council extend the interim licence from time to time, but no one period of extension shall exceed one year.

(3) The council shall keep a register of all persons holding interim licences, and shall enter their names upon the register upon payment by them of a registration fee of five dollars and all other registration and examination fees."

BILL

No. 124 of 1960

An Act to amend The Medical Profession Act

(Assented to _____, 1960)

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

1. *The Medical Profession Act*, being chapter 198 of the Revised Statutes, is hereby amended.

2. Section 27 is amended by striking out subsection (2) and by substituting the following:

(2) A quorum of the council may be fixed by by-law but in no case shall the quorum be less than half the number of council members.

3. Section 31 is amended by striking out subsection (2).

4. Section 34 is struck out and the following is substituted:

34. (1) The council may establish and maintain a register to be known as the "Educational Register".

(2) The Registrar may register in the Educational Register any person

(a) who is serving the period of internship required by the University of Alberta or by the Medical Council of Canada, or

(b) who desires registration solely for the purpose of undertaking a graduate training program in an Alberta hospital and who in the opinion of the council should be granted such privileges.

(3) Any person registered in the Educational Register may practise medicine, surgery and midwifery, but only in the hospital in which the person so registered is employed or with an ambulance service approved by the hospital.

(4) The council may make such rules and regulations governing the registration in the Educational Register as it deems advisable.

(5) The fee for registration in the Educational Register shall be set by the council but may not exceed ten dollars.

(34a.) Conditions on registration.

(34b.) Temporary registration.

5. Section 35 reads in part:

"35. The council may direct the registrar to remove from the register the name of a person who
 (a) was improperly registered,
 (b) is proved to have been convicted of an offence punishable by more than one year's imprisonment under the Criminal Code,

and such name shall be removed accordingly."

6. Section 36 presently reads:

"36. The fee for registration under this Act is fifty dollars."

7. Section 44 presently reads:

"44. (1) If the discipline committee considers that an offence is not of such gravity or importance as to warrant the removal from the register of the name of the registered practitioner concerned, it may
 (a) suspend him
 (i) until the next meeting of the council, or
 (ii) for a period of twelve months,
 whichever period is the shorter, and
 (b) make such further recommendation as it deems advisable.
(2) The council may accept, amend or reject the recommendation of the discipline committee and if it thinks fit may impose such other penalty permissible under this Act as the offence warrants."

34a. (1) Where the council is of the opinion that in the interest of the public a medical practitioner's registration should be limited or restricted in any way, the council may attach such conditions to his registration as it deems advisable.

(2) Where a registered practitioner fails to comply with the conditions imposed by the council pursuant to subsection (1), the council

(a) may suspend the registration of the registered practitioner for a time not exceeding three years, or

(b) may impose a fine upon the registered practitioner not exceeding five hundred dollars, or may both suspend and fine the registered practitioner.

(3) Subsection (4) of section 43 applies to a fine imposed under this section.

34b. The council may grant temporary registration for a period not exceeding thirty days, for the purpose of *locum tenens*, to any person who is qualified for registration upon payment of such fee, not exceeding twenty-five dollars, as the council may require.

5. Section 35 is amended by adding the following clause immediately after clause (b) :

(b1) is found to be mentally incapacitated to practise medicine by a board of five medical practitioners composed of

(i) two members appointed by the council, and

(ii) three members appointed by the Director of Mental Diseases of the Department of Public Health, one of whom shall be chairman,

6. Section 36 is struck out and the following is substituted:

36. The council shall fix the fee for registration under this Act, not exceeding one hundred dollars.

7. Section 44 is struck out and the following is substituted:

44. (1) If the discipline committee considers that an offence is of such gravity or importance as to warrant suspension of the registered practitioner from the privileges of a registered practitioner until such time as the council can deal with the matter, it may suspend him until the next meeting of the council.

(2) The discipline committee may make such recommendations to the council as it deems advisable.

(3) The council may adopt, amend or reject the recom-

8. Section 52 presently reads:

"52. If the council thinks fit it may direct the registrar to restore to the register any name or entry removed therefrom, either without fee or on payment of such fee, not exceeding the registration fee, as the council may fix, and the registrar on receiving such direction shall restore the name or entry accordingly."

9. Section 70(1) presently reads:

"70. (1) Subject to the provisions of any Act entitling a person to practise chiropractic or any other non-drug science, non-drug therapy or system of practice,

- (a) if any person not registered pursuant to this Act either directly or indirectly practises or professes to practise medicine, homeopathy or osteopathy, or
- (b) if any person registered in respect of one class of practice practises in respect of a class in respect of which he is not registered,

he is guilty of an offence."

mendations of the discipline committee and if it thinks fit may impose such other penalty or condition permissible under this Act as the offence warrants.

(4) If the discipline committee finds that a registered practitioner has been guilty of an offence that warrants his suspension but no previous misconduct or suspension is proved against him, the council may, notwithstanding any other provisions of this Act, fix the sentence to be imposed on the registered practitioner by way of suspension from practice or fine or both, and order that the execution of the sentence be withheld upon such terms and conditions as the council may impose.

(5) Where the council has ordered a sentence to be withheld, the council may, at any time,

- (a) call the registered practitioner before it and order that the sentence previously imposed be carried out, or
- (b) release the registered practitioner from the suspended sentence.

(6) A registered practitioner under a suspended sentence as provided under subsection (4) may continue to practise his profession subject to the conditions, if any, imposed upon him by the council.

8. Section 52 is struck out and the following is substituted:

52. (1) Upon the application of any person to have his name re-entered upon the register, the council may

- (a) direct the registrar to restore to the register the name of the applicant, either without fee or on payment of such fee, not exceeding the registration fee, as the council may fix, and the registrar on receiving such direction shall restore the name or entry accordingly, or
- (b) grant to such person a probationary licence on such conditions as the council may impose and may place the applicant's name on the register conditionally and subject to the conditions being met.

(2) The council may at any time revoke a probationary licence and remove the name of the holder from the register if the holder of such a probationary licence has not met or is not abiding by the conditions imposed upon him.

(3) Notwithstanding any other provisions of this Act, the holder of a valid unrevoked probationary licence may practise under this Act subject to the limitations imposed by the council in the conditions to his licence.

9. Section 70 is amended by adding the following subsection immediately after subsection (7):

(8) Subsection (1) does not apply to a *bona fide* student enrolled in the School of Medicine of the University of Al-

10. Section 71 presently reads:

"71. A person

(a) who wilfully or falsely pretends to be a physician, doctor of medicine, surgeon or general practitioner, or

(b) who assumes any title, addition or description implying that he is a physician, doctor of medicine, surgeon or general practitioner, other than one he actually possesses and is legally entitled to under this Act,

is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars."

berta who as part of his course of studies is engaged as a clinical clerk or interne, and while he is supervised by a registered practitioner.

10. Section 71 is amended by adding the following after clause (a) :

(a1) who, not being registered under this Act, appends to his name or holds himself out to the public by any title or description of services containing the word "physician", either alone or in combination with any other word or words, or

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

No. 124

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to amend The Medical
Profession Act

Received and read the

First time.....

Second time.....

Third time.....

HON. DR. ROSS
