

No. 2

4th Session, 14th Legislature, Alberta
10 Elizabeth II

BILL 2

A Bill respecting The ~~Alberta~~ Society of Medical
Radiological Technicians

MR. TOMYN

BILL

No. 2 of 1962

An Act respecting The Alberta Society of Medical Radiological Technicians

(Assented to _____, 1962)

WHEREAS George Cable Hall, Frank James Callaway, William Andrais of the City of Edmonton, and John L. Welch, of the City of Calgary, both in the Province of Alberta, have by their petition represented that they are desirous of being incorporated under the name "The Alberta Society of Medical Radiological Technicians" for the purpose of maintaining a high standard of training and practice for medical radiological technicians and for the purpose of increasing the knowledge, skill, proficiency and efficiency of the members of the Society in all things relating to the practice of medical radiological technology and ethics and maintaining, disseminating, and advancing ethical concepts and standards of knowledge in the science of medical radiological technology and generally for the carrying out of the objects of the Society.

AND WHEREAS the petitioners have prayed that an Act may be passed for these 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 Society of Medical Radiological Technicians Act*". Short title

2. In this Act

- (a) "accredited training school" means a radiological clinic or department maintained by a radiologist, or a hospital, or by a training school, duly authorized and recognized by the Society;
- (b) "College of Physicians and Surgeons" means the College of Physicians and Surgeons referred to in *The Medical Profession Act*;
- (c) "Council" means the Council established under this Act to manage the affairs of the Society;
- (d) "medical radiological technician" means a person engaged in the profession of radiological technology

Interpretation

who has become an active member of the Society under the provisions of this Act;

- (e) "radiological technology" means the profession which consists of taking X-ray photographs for medical purposes and carrying out radiotherapeutical treatments;
- (f) "radiograph" means a Roetgen ray photograph;
- (g) "radiography" means the act, process, science or art of making radiographs for use in medical treatment or diagnosis;
- (h) "radiologist" means a member of the College of Physicians and Surgeons who is certified in the medical specialty of radiology;
- (i) "radiological technician" means a person engaged in the practice of radiological technology;
- (j) "secretary" means the secretary of the Society;
- (k) "Society" means The Alberta Society of Medical Radiological Technicians incorporated by this Act.

Incorporation

3. The following persons, that is to say: George Cable Hall, Frank James Callaway, William Andrais, all of the City of Edmonton, and John L. Welch, of the City of Calgary, both in the Province of Alberta, 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 Society of Medical Radiological Technicians.

Power to hold property

4. 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.

Membership

5. (1) Membership in the Society shall consist of

- (a) active membership,
- (b) associate membership,
- (c) student membership, and
- (d) such other classes of membership as may be established by by-law of the Society.

(2) Active membership shall be open to any person who has practised in the Province of Alberta as a medical radiological technician for a period of three years prior to the coming into force of this Act, provided he applies to the Society for such recognition within twelve months after the coming into force of this Act, or who is registered as an active member in good standing of the Canadian Society of Radiological Technicians, or who is a physician practising radiology as a specialist in Alberta.

(3) Active members shall have all the rights, privileges and benefits of the Society.

(4) Associate members shall be the status bestowed

upon medical radiological technicians who are not eligible for active membership but who have completed a recognized course of training under the supervision of the Society or the Department of Public Health.

(5) Student membership shall be open to persons undergoing training as a medical radiological technician in an accredited training school.

(6) Only those persons who can produce a certificate of having successfully passed the required matriculation examinations or examinations equivalent thereto shall be entitled to apply for registration as a student member under this Act and become members of the Society.

(7) The Council shall have the authority by by-law to fix the fees payable by each class of membership in the Society.

(8) All applications for membership in the Society shall be subject to the approval of the Council.

6. (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. ^{General 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.

7. Every active member of the Society in good standing is entitled to vote at an election of the members of the council. ^{Right to vote}

8. (1) The Society may pass by-laws not inconsistent with any Act or law in force in the Province 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, and
- (d) the working and management of the Society, and the advancement of the standards of medical radiological technicians.

(2) Where the Society adopts a code of ethics governing its members and subscription thereto or observance thereof is a condition of membership, the code of ethics shall for the purposes of this section and sections 21 and 22 be deemed to be a by-law made under this Act.

(3) The Society shall file in the Department of the Provincial Secretary within thirty days after the same are made two certified copies of

- (a) all by-laws, rules and regulations made under this Act, and

(b) all amendments made to such by-laws, rules and regulations.

(4) All by-laws, rules, regulations and amendments thereto shall take effect upon the making thereof or on the date stated therein for the purpose.

(5) Failure to file any by-law, rule, regulation or amendment as required by subsection (3) shall render the by-law, rule, regulation or amendment ineffective as from the expiration of the time allowed for filing the same and it shall be deemed to have been revoked.

(6) A by-law or any amendment thereto may only be passed at an annual meeting or at a general meeting called for that purpose.

Banking

9. 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.

Officers

10. (1) The officers of the Society shall be

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

Registrar

11. (1) The registrar shall register as a member every candidate qualifying for membership in the Society

- (a) who produces satisfactory evidence that he is twenty-one years of age and that he is of good moral character, and
- (b) who pays the registration fees authorized under this Act.

Provisional council

12. The following persons, that is to say George Cable Hall, Frank James Callaway, William Andrais, all of the City of Edmonton and John L. Welch, of the City of Calgary, both in the Province of Alberta, are hereby constituted as a 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 six months after the day upon which this Act comes into force.

Council

13. (1) The affairs of the Society shall be under the management of a Council composed of eight members, of whom one shall be appointed every three years by the Alberta Association of Radiologists from among its members and six of whom shall be elected by the Society from its active members in good standing; provided that if the Alberta Association of Radiologists fail at any time to appoint a member or members, the remaining members of the Board shall constitute the Council for the time being.

(2) At the first election of members of the Council, the two members elected and receiving respectively the highest

and second highest number of votes shall hold office for a term of three years, the two members elected and receiving respectively the third highest and fourth highest number of votes shall hold office for a term of two years and the two members elected and receiving respectively the fifth and sixth highest number of votes shall hold office for a term of one year.

(3) Annually, after the first election, the Society shall elect for a period of three years the required number of members of the Council to fill the vacancies caused by the retirement of elected members whose term of office has expired.

(4) The eighth member of the Council shall be the Director from Alberta elected to the Board of Directors of the Canadian Society of Radiological Technicians.

(5) The members of the Council shall continue in office until their successors are elected or appointed, as the case may require.

(6) In the case of a vacancy in the Council among the elected members the remaining members of the Council may fill the vacancy by the election of an active member of the Society in good standing, who shall act until the next annual meeting.

(7) A vacancy in the Council from the appointed directors may be filled by a further appointment by the Alberta Association of Radiologists from among its members to complete the unexpired term.

(8) Five members of the Council shall constitute a quorum.

14. (1) The council, in addition to the other powers conferred upon it by the Society may, by resolution, or by order, in its discretion ^{Disciplinary power of council}

(a) discipline a member of the Society, and

(b) suspend or expel a member of the Society found guilty of improper conduct or ethical misconduct or contravention of a by-law of the Society imposing suspension or expulsion as a penalty for the breach thereof.

(2) 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.

(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.

General
powers of
council

15. The Council may enact rules and regulations, not contrary to law or inconsistent with the by-laws passed by the Society, for all purposes relating to the affairs, business and property of the Society, the management, government, aims, objects and interests of the Society, and in particular in relation to the following matters:

- (a) prescribing the qualifications of persons to be admitted to the Society and the evidence to be furnished as to education, good character and experience;
- (b) the registration and the issue of membership certificates to medical radiological technicians registered under this Act;
- (c) maintaining a register of medical radiological technicians registered under this Act, providing for the annual renewal of registration and prescribing the fees payable thereon;
- (d) prescribing the discipline and control of medical radiological technicians with power to prohibit all forms of advertising by medical radiological technicians registered under the Act which may be deemed by the council to be subversive to the best interests of the Society;
- (e) the investigation of any complaint that a medical radiological technician has been guilty of misconduct or displayed such ignorance or incompetence as to render it desirable in the public interest that his registration in the Society should be cancelled or suspended;
- (f) the cancellation or suspension of the registration of any medical radiological technician whose application for registration is found by the council to have been based on any false or fraudulent statement, or who is found by the council to be guilty of misconduct or to be ignorant, or incompetent, or

to be in default in the payment of any fees prescribed under this Act;

- (g) the reinstatement of any member whose registration has been cancelled or suspended;
- (h) providing for the calling of meetings of members of the Society, the procedure at meetings, including the procedure for voting, thereat;
- (i) prescribing the organization, powers and procedure of the council and regulating the council in its performance of its duties;
- (j) prescribing the fees payable by members of the Society, and fixing the time for the payment of fees;
- (k) the application of monies forming the funds of the Society;
- (l) providing for the registration of students;
- (m) the appointment, functions, duties and removal of officers or servants of the Society and their remuneration;
- (n) generally for the better carrying out of the provisions of this Act.

16. The Council, in its discretion, may admit to registration as a medical radiological technician under this Act any person who qualifies for active or associate membership in the Society. Registration

17. (1) Every order or decision of the council refusing an application for registration under this Act, or cancelling or suspending the registration of a medical radiological technician, shall be subject to appeal to a judge of the Supreme Court of Alberta not later than one month after the date of the order or decision of the council. Appeals to
Supreme
Court

(2) The presiding judge shall deal with the appeal in a summary manner and his decision thereon shall be final.

(3) The costs of the appeal shall be in the discretion of the judge.

18. (1) Where the Council orders that the name of a member be removed from the roll of the Society, the Society shall within fourteen days after the date on which the order is made forward by registered mail to the Minister of Public Health a certified copy of the complaint, a report upon the conduct of the member and the order of the Council, and shall furnish the Minister with such relative information as he may require. Report of
Minister

(2) If the Minister is of the opinion that the order is unjust, or contrary to the public interest, he may

- (a) request the Council to reconsider the case and its findings thereon,
- (b) if the Council and the person whose conduct is un-

der inquiry agree, appoint a Board of Arbitration, consisting of one member nominated by the Council, one nominated by the person whose conduct is under inquiry and one appointed by the Lieutenant Governor in Council to review or rehear the case and render a decision thereon, or

- (c) to institute an appeal to a judge of the Supreme Court of Alberta.

Offence **19.** Every person registered under this Act shall be known as a Medical Radiological Technician and any other person who assumes such title or in any manner represents that he is a Medical Radiological Technician, or by false or fraudulent declaration, attempts to procure registration under this Act, is guilty of an offence.

Prohibition **20.** (1) No person shall act as a medical radiological technician unless

- (a) he has successfully passed the examinations set by the Canadian Society of Radiological Technicians, or
 (b) has practised in the Province of Alberta as a medical radiological technician for a period of three years prior to the coming into force of this Act, and
 (c) he is registered as an active member in good standing.

(2) No person shall act as a radiological technician unless

- (a) he has completed a recognized course of training under the supervision of the Society or the Department of Public Health, or
 (b) he is registered as an active member in good standing of the Canadian Society of Radiological Technicians.

(3) No person shall act as a medical radiological technician or a radiological technician unless he does so at the request and on the responsibility of a medical radiologist or other member in good standing of the College of Physicians and Surgeons.

Offence **21.** A person is guilty of an offence
 (a) who violates the provisions of section 20 of this Act, or
 (b) who, being a member in good standing of the Society, allows a person who is not to practise medical radiological technology.

Penalty **22.** Every person who is guilty of an offence against this Act, is, on summary conviction, liable for the first offence to a fine not exceeding one hundred dollars and in default of payment to imprisonment for a period not exceeding three months, for a second offence to a fine not exceed-

ing two hundred and fifty dollars and in default of payment to imprisonment for a period not exceeding six months, and for a subsequent offence to imprisonment for a period not exceeding three months without the option of a fine.

23. The convicting justice shall forthwith, after payment of any fine imposed, transmit the amount to the secretary for the uses of the Society. ^{Disposition of fine}

24. Every prosecution under this Act shall be commenced within two years from the date of the alleged offence. ^{Limitation}

25. Nothing in *The Medical Profession Act*, *The Dental Profession Act*, or *The Chiropractic Act* shall prohibit any person registered as a medical radiological technician under this Act from practising radiography for gain or reward under the supervision or direction of a member of the College of Physicians and Surgeons. ^{Saving clause}

26. The provisions of this Act shall not apply ^{Application of Act}

- (a) to members of the College of Physicians and surgeons of the Province of Alberta,
- (b) to members of the Alberta Dental Association,
- (c) to members of the Chiropractic Association, or
- (d) to a technician employed by a Health Unit or a fixed or mobile clinic engaged in detecting tuberculosis.

27. No medical radiological technician shall be liable in any action for negligence or malpractice by reason of professional services requested or rendered unless such action is commenced within twelve months from the date when, in the matter complained of, such professional services terminated. ^{Limitation of Act}

28. This Act shall come into force on the day upon which it is assented to. ^{Commencement of Act}

No. 2

FOURTH SESSION
FOURTEENTH LEGISLATURE
10 ELIZABETH II
1962

BILL

An Act respecting The Alberta
Society of Medical Radiological
Technicians

Received and read the

First time

Second time

Third time

MR. TOMYN
