

No. 30

5th Session, 14th Legislature, Alberta
11 Elizabeth II

BILL 30

A Bill to Incorporate the Psychiatric Nurses
Association of Alberta

HON. DR. ROSS

Explanatory Note

1. This Bill will incorporate the **Psychiatric Nurses Association of Alberta** with power to license, regulate and discipline its members.

2. Definitions.

3. Incorporation.

4. Officers of association and procedure at first meeting.

BILL

No. 30 of 1963

An Act to Incorporate the Psychiatric Nurses Association of Alberta

(Assented to _____, 1963)

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 Psychiatric Nurses Association Act*".

2. In this Act,

- (a) "association" means the Psychiatric Nurses Association of Alberta incorporated by this Act;
- (b) "council" means the council of the association;
- (c) "Minister" means the Minister of Health;
- (d) "psychiatric nursing" means the nursing care of persons who are mentally defective, or the nursing care of persons who are subject to or afflicted with mental disease and includes the treatment of such persons under the direction and supervision of a duly qualified medical practitioner;
- (e) "registrar" means the registrar of the association appointed under section 8.

Incorporation

3. (1) There is hereby constituted a corporation under the style and title of the Psychiatric Nurses Association of Alberta.

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

4. (1) The officers of the organization known to the Minister as the Alberta Psychiatric Nurses Association who held office at the commencement of this Act,

- (a) shall act as the officers of the association until the first council is elected, and
- (b) shall, within three months of the commencement of this Act, call and conduct a meeting, which shall be the first meeting of the association, for the purpose of electing first council and transacting any other business for the association.

5. Annual general meeting.

6. Council of association.

7. Procedure upon vacancy of office.

8. Employees of the association.

9. By-laws.

(2) Due notice of the first meeting shall be given to all persons eligible for membership in the association under subsection (1) of section 11.

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

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

5. 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.

Council

6. (1) The affairs of the association shall be managed by a council which shall consist of the immediate past president of the association and twelve members in good standing of the association.

(2) The officers of the council shall be a president, one or more vice-presidents as determined by by-law, a secretary and a treasurer.

(3) The officers and other members of the council shall be elected by the members of the association at a meeting of the association called for that purpose or at the annual meeting or in such manner as the by-laws may provide.

(4) Seven members of the council constitute a quorum.

7. (1) Unless he sooner dies, resigns or is removed from office, each member of the council holds office for two years from the date of the meeting at which he was elected or until his successor is elected.

(2) A member of the council, if otherwise qualified, is eligible for re-election.

(3) Where a vacancy occurs on the council, the council may appoint a member of the association to fill the vacancy for the remainder of the term of the person in whose place he is appointed.

8. (1) The council may engage such full-time or part-time employees as may be required to attend to the business of the association.

(2) The council shall appoint a registrar of the association who may be, but need not be, a member of the council or the association.

9. (1) Subject to this Act, the council may, with the approval of the Lieutenant Governor in Council, make by-laws

- (a) governing the management of the property and affairs of the association,
- (b) providing for the maintenance of the association,

10. Membership.

11. Membership qualifications.

- (c) providing for the organization of district associations and for the delegation to them of such powers and functions as the council considers proper,
- (d) governing the discipline and conduct of members,
- (e) fixing registration fees, annual membership fees and other fees,
- (f) governing
 - (i) the investigation of complaints under subsection (1) of section 14,
 - (ii) the expulsion or suspension of any member, and
 - (iii) the reinstatement of any member who has been expelled or suspended,
- (g) setting out the duties of the officers and the times and places of the meetings of the council and of the association,
- (h) governing the conduct of meetings of the council and of the association,
- (i) governing the election and removal of members of the council,
- (j) providing for the suspension of members in arrears of dues and for the reinstatement of members on the payment of arrears of dues, and
- (k) 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) Subject to the approval of the Lieutenant Governor in Council the council may enter into an agreement with the University of Alberta or other acceptable bodies for the purpose of setting examinations or qualifications for membership.

10. The council may by by-law establish one or more classes of membership and may prescribe the conditions of membership and the rights and privileges of each class.

Membership

11. (1) Persons who were, at the commencement of this Act, members in good standing of the organization known to the Minister as the Alberta Psychiatric Nurses Association shall be admitted to membership upon payment of the registration fee and without any further conditions.

(2) Subject to subsection (3), every person shall be admitted to membership in the association who

- (a) produces a certificate of qualification issued by a school for the instruction of persons in psychiatric nursing approved by the council,
- (b) produces evidence satisfactory to the council of his good character and reputation,

12. Register of association members.

13. Proof of membership.

14. Expulsion or suspension from association.

- (c) has satisfied the registrar of the association that his name has not been removed for cause from the register of any psychiatric association or similar body in Canada or elsewhere, and
 - (d) pays the prescribed registration fees.
- (3) Where the certificate of qualification referred to in clause (a) of subsection (2) was not issued within one year of the date of application for membership, the applicant shall also prove to the satisfaction of the council
- (a) that he has practised psychiatric nursing for at least one full year within the five years immediately preceding the date of his application for membership, or
 - (b) that he has in effect acquired substantially the same benefit, knowledge and experience as if his association with the active practice of psychiatric nursing had not been so interrupted.

12. (1) The registrar shall keep a register of the association in which shall be entered the names of all persons who have been admitted to membership in the association and who are in good standing.

(2) The registrar shall send to each member documentary proof that his name is entered in the register and that he is a member of the association.

(3) Subject to this Act and the by-laws, the first registration of a member remains 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 registration for each succeeding calendar year upon making application and paying the prescribed fee therefor.

13. The register or a copy thereof duly certified by the registrar is admissible in evidence as *prima facie* proof that the persons named therein are members in good standing and the absence of the name of a person from the register is *prima facie* proof that such person is not a member of the association.

Discipline

14. (1) Subject to this section, the council in its discretion may, by order, expel or suspend any member of the association for

- (a) dishonesty, or
- (b) incompetency, or
- (c) a habit or illness rendering the member unfit to practise psychiatric nursing, or
- (d) conduct that does not conform to the standards of the profession of nursing or is unbecoming to a psychiatric nurse, or
- (e) fraud or misrepresentation in obtaining membership in the association,

15. Appeal from expulsion or suspension to the Supreme Court.

16. Striking off register.

17. Prohibition against unqualified person to represent himself as a psychiatric nurse.

upon a complaint thereof, in writing, being filed with the registrar of the association and a copy of the complaint being forwarded to the accused member.

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

- (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 presiding officer 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.

15. (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.

(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.

16. (1) When a member is expelled by order of the council and the order has been confirmed on appeal under section 15 or the time for appeal has expired the registrar shall strike the name of the expelled member from the register.

(2) When a member is suspended by order of the council and the order has been confirmed on an appeal under section 15 or the time for appeal has expired, the registrar shall enter upon the register the fact and the dates of the suspension.

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

Prohibitions

17. (1) Only a member of the association has the right to use the designation "Psychiatric Nurse" or the abbreviation "Psych. N."

(2) No person other than a member of the association shall take or use the designation "Psychiatric Nurse" or

18. Prohibition against practising as a psychiatric nurse.

19. Restrictions on practising as a psychiatric nurse.

20. Offences and penalties.

21. Commencement of Act.

the abbreviation "Psych. N." either alone or in combination with other words, letters or description, to imply that the person is registered under this Act as a member of the association.

18. (1) No person other than a member of the association shall

- (a) practise psychiatric nursing, or
- (b) hold himself out to be qualified to practise psychiatric nursing, or
- (c) hold himself out to be a psychiatric nurse.

(2) This Act does not affect or apply to the nursing care of a mentally ill person

- (a) by members of the family of the mentally ill person, or
- (b) by a person employed primarily in a domestic capacity who does not hold himself out to be or accept employment as a person entitled to practise psychiatric nursing, or
- (c) by a person enrolled in a school or course of training for the purpose of becoming a psychiatric nurse, or
- (d) in a hospital by a person employed as an orderly or an aide, or
- (e) by a registered nurse.

19. A member of the association may practise psychiatric nursing

- (a) under the supervision of a duly qualified medical practitioner, or
- (b) in an employment approved by the council, and not otherwise.

20. (1) A person who contravenes this Act is guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars and in default of payment to imprisonment for a term not exceeding sixty days.

(2) A prosecution for an offence under this Act may be commenced within one year from the date of the commission of the offence, but not thereafter.

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

No. 30

FIFTH SESSION
FOURTEENTH LEGISLATURE
11 ELIZABETH II
1963

BILL

An Act to Incorporate the
Psychiatric Nurses Association
of Alberta

Received and read the

First time

Second time

Third Time

HON. DR. ROSS
