

No. 83

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1st Session, 15th Legislature, Alberta  
12 Elizabeth II

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## **BILL 83**

A Bill respecting the Practice of Podiatry

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HON. DR. ROSS

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## **Explanatory Note**

**General.** This Bill will replace The Podiatry Professions Act which is chapter 40 of the Revised Statutes. The main change effected by the Bill is the return to the Alberta Podiatry Association of the power of disciplining and regulating the conduct of persons practising podiatry in the Province. The section references in the explanatory notes are to the equivalent provisions presently found in The Podiatry Professions Act.

**2. Definitions.** The present section 2 except for clause (d) which is new.

**3. The Alberta Podiatry Association is continued.**

# BILL

No. 83 of 1964

An Act respecting the Practice of Podiatry

(Assented to \_\_\_\_\_, 1964)

**H**ER 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 Podiatry Act*".

2. In this Act,

- (a) "Association" means the Alberta Podiatry Association;
- (b) "Board" means the Board of Examiners in Podiatry appointed under this Act;
- (c) "certificate of competency" means a certificate issued by the Board stating that the holder is qualified to practise podiatry;
- (d) "certificate of registration" means a certificate issued by the Association entitling the holder to practise podiatry;
- (e) "Council" means the Council of Management of the Association;
- (f) "Minister" means the member of the Executive Council charged with the administration of this Act;
- (g) "podiatrist" means a registered member of the Association;
- (h) "podiatry"
  - (i) means the branch of the healing arts that treats of ailments, diseased conditions, deformities or injuries of the human foot and the leg muscles controlling the foot, and
  - (ii) includes the examination, diagnosis and treatment of such ailments, conditions, deformities or injuries, but
  - (iii) does not include the treatment of systemic diseases of bones, muscles or ligaments, or the use of x-ray equipment for purposes other than diagnostic, or the use of anaesthetics other than local.

3. (1) The Alberta Podiatry Association heretofore established is continued as a corporation with the same name.

**4. Authority to make by-laws.** The present section 4 is revised. The requirement of the approval of by-laws by the Lieutenant Governor in Council is new.

**5. Council of Management of the Association.** The present section 6.

**6. Registration of members.** This clause replaces the present section 7, which provides for registration of podiatrists by the Board of Examiners in Podiatry. (See Clause 7 of this Bill).

(2) In addition to its other corporate powers, the Association may acquire by gift, purchase or otherwise and may sell, mortgage, lease or otherwise dispose of real property for the purposes of the Association.

(3) The Association may invest any of the funds of the Association that are not required for the immediate purposes of the Association in securities specified in section 3 of *The Trustee Act*.

4. (1) Subject to the approval of the Lieutenant Governor in Council, the Association may pass by-laws not inconsistent with this Act relating to

- (a) the election of the Council,
- (b) the appointment of a registrar and such other officers as may be necessary for carrying out the purposes of the Association,
- (c) the government and discipline of members,
- (d) the management of its property,
- (e) the maintenance of the Association and the fixing and collection of fees and contributions, which shall not exceed fifty dollars annually for any person,
- (f) the registration of members of the Association,
- (g) the time, place and conduct of the annual and other meetings of the Association, and
- (h) all such other matters as the Council may consider necessary or convenient for the management of the Association, the conduct of its business and promotion of its welfare.

(2) A by-law may only be passed by the Association at an annual general meeting or at a general meeting called for that purpose.

5. (1) There shall be a Council of Management of the Association consisting of such number of persons and including such officers as the by-laws provide.

(2) The members of the Council shall be elected by the Association for such term and in such manner as the by-laws provide, but in no case shall a member hold office without re-election after the second annual meeting following his previous election.

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

6. (1) Every person shall be admitted to membership in the Association who

- (a) produces evidence satisfactory to the Council that he is of good moral character and reputation,
- (b) has satisfied the registrar that he is twenty-one years of age and that his name has not been removed for cause from the register of any podiatry association or similar body in Canada or elsewhere,
- (c) produces a certificate of competency, and

**7.** The Board of Examiners in Podiatry is continued with the same duties with respect to the examination of qualifications. The present section 10.

**8.** Application to the Board for a certificate of competency. The present section 11 in part and section 20 revised.

- (d) pays the registration fee prescribed by the by-laws.
- (2) The registrar shall issue a certificate of registration to each member of the Association.
- (3) Certificates of registration shall be numbered consecutively and recorded by the registrar in a register kept for that purpose and the registrar shall on request provide the Minister with a roll of all podiatrists registered.

**7.** (1) The Lieutenant Governor in Council may appoint a Board to be known as the Board of Examiners in Podiatry.

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

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

(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

- (a) shall evaluate the credentials of candidates for admission to practise,
- (b) shall classify and accredit approved schools, colleges or universities teaching podiatry whose graduates may be accepted as fully qualified,
- (c) shall exempt from examination a candidate who
  - (i) is a graduate of an approved college or university or other institute, or otherwise qualified by reason of his training and experience, and
  - (ii) in the opinion of the Board, possesses the qualifications required by this Act,
- (d) shall set examinations or tests for, and conduct the examination of all persons who have not been granted exemption from examination by the Board, and
- (e) shall certify successful candidates for admission to practise.

(5) A majority of the members of the Board constitutes a quorum.

(6) The Lieutenant Governor in Council may prescribe the fees and allowances for expenses to be paid to members of the Board.

**8.** (1) An application for a certificate of competency shall be filed with the Board in duplicate and one copy shall be sent by the Board to the registrar of the Association.

(2) A candidate shall present his academic credentials, verified by a certified copy of the official transcript of credits issued by the candidate's college, university or other graduating institution, to the Board for inspection and evaluation.

**9.** Certificate of registration to be displayed. The present section 13 revised.

**10.** Recovery of fees. The present section 14.

**11.** Podiatrists are entitled to handle certain drugs. The present section 22.

**12.** The Council is authorized to discipline members. This amendment returns to the Council the powers it had before 1959. The powers and procedures are like those found in other similar Acts. At present the power is exercised by the Board of Examiners in Podiatry.



(3) If in the opinion of the Board the qualifications of the candidate are in all respects at least equivalent to the standards set by the Board, the Board shall exempt the candidate from further examination.

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

(5) The following fees shall be payable to the Minister:

- (a) by each applicant, if exempt from examination \$100.00;
- (b) by each applicant required to write examinations \$150.00.

**9.** A podiatrist shall display his certificate of registration in a conspicuous place in his office or other place wherein he usually practises.

**10.** A podiatrist 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.

**11.** Subject to the *Narcotic Control Act* (Canada) a podiatrist may purchase and supply to his patients only those drugs, chemicals and compounds that are authorized by the Lieutenant Governor in Council and may prescribe such authorized drugs, chemicals or compounds for compounding under the direction of a pharmaceutical chemist under *The Alberta Pharmaceutical Association Act*.

**12.** (1) The Council may by order expel or suspend any member of the Association

- (a) who is guilty of professional misconduct or incompetency, or
- (b) who contravenes any by-law that imposes suspension or cancellation as a penalty for contravention thereof,

upon a complaint thereof in writing being filed with the registrar 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, either in person or by counsel or agent, 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.

**13.** Right of appeal to a judge of the Supreme Court. This is similar to the right contained in the present section 9.

**14.** The registrar is to note disciplining proceedings in the register of the Association. Subsection (3) is the present subsection (10) of section 9.

**15.** The present section 15 revised. Under the present section the right to practise is based upon holding a certificate of competency issued by the Board.

**16.** The present section 16.

(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.

**13.** (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 in chambers, 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 may

(a) receive further evidence by oral examination or by affidavit, or

(b) direct a trial to determine all or any of the matters in issue.

(4) 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.

**14.** (1) When a member is expelled by order of the Council and the order has been confirmed on appeal under section 13 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 13 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.

**15.** Any person

(a) who does not hold a subsisting certificate of registration, or

(b) who is not permitted under any other law of the Province to practise podiatry.

and who practises podiatry is guilty of an offence.

**16.** A person who wilfully procures or who wilfully attempts to procure himself to be registered under this Act by making false or fraudulent representations or declarations, either orally or in writing, and a podiatrist knowingly aiding or assisting him therein is guilty of an offence.

**17.** The present subsection (1) of section 19.

**18.** The present sections 17 and 18, and subsection (2) of section 19.

**19.** Repeal of the present Act.

**20.** Commencement of Act.

**17.** A person who is guilty of an offence under this Act is liable on summary conviction

- (a) for the first offence to a fine of not more than one hundred dollars,
- (b) for a second offence to a fine of not more than two hundred dollars, and
- (c) for a third or subsequent offence to imprisonment for a term of not more than three months without the alternative of a fine.

**18.** (1) A prosecution under this Act shall not be instituted unless it is commenced within one year from the day the alleged offence was committed.

(2) In a prosecution under this Act it is sufficient proof of an offence if it is proved that the accused has committed a single act prohibited by this Act.

(3) The onus of proof of registration under this Act is upon the person charged with any offence under this Act.

**19.** This Act repeals and replaces *The Podiatry Professions Act*, being chapter 40 of the Revised Statutes.

**20.** This Act comes into force on the first day of July, 1964.

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FIRST SESSION  
FIFTEENTH LEGISLATURE  
12 ELIZABETH II  
1964

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**BILL**

An Act respecting the Practice  
of Podiatry

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Received and read the

First time .....

Second time .....

Third time .....

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HON. DR. ROSS

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