

No. 42

3rd Session, 15th Legislature, Alberta
14 Elizabeth II

BILL 42

A Bill respecting the Practice of Chiropractic

HON. DR. ROSS

Explanatory Note

1. This Bill revises and replaces The Chiropractic Act, which is chapter 41 of the Revised Statutes.

2. Definitions.

3. Alberta Chiropractic Association is continued.

4. Council of Association.

BILL

No. 42 of 1966

An Act respecting the Practice of Chiropractic

(Assented to , 1966)

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 Chiropractic Profession Act*".

2. In this Act,

- (a) "adjustment" means a calculated procedure, force or thrust designed to move one structure in relation to another, particularly of the spinal column, to remove subluxations or fixations and to mobilize the affected structures for the purpose of restoring or maintaining health;
- (b) "Association" means the Alberta Chiropractic Association continued under this Act;
- (c) "Board" means the Chiropractic Appraisal Board appointed under this Act;
- (d) "certificate of registration" means a certificate showing the holder to be registered as a member of the Association and entitled to practise chiropractic;
- (e) "chiropractic" means the philosophy, science and art of analyzing and the adjustment of the human spinal column and other structures incidental thereto, and includes the use of x-ray and analytical instruments in relation thereto;
- (f) "chiropractor" means a person registered under this Act to practise chiropractic;
- (g) "council" means the council of the Association.

3. (1) The body heretofore incorporated under the name of the "Alberta Chiropractic Association" is continued as a corporation with the same name.

(2) The Association may acquire, hold and alienate real property.

(3) The persons who are members of the Association on the commencement of this Act continue as members thereof, subject to this Act.

4. (1) The Association shall have a council consisting of

5. Appointment of council secretary, etc.

6. By-laws of the Association.

(a) an executive committee of three persons, and
(b) three other persons,
all to be elected by and from the members of the Association.

(2) The executive committee shall consist of the president and the vice-president and one other person, all of whom shall hold office for a term of one year.

(3) The other three members of the council shall be elected to hold office for a term of three years.

(4) The elections required to be held under this section shall be held at the annual meetings of the Association in the manner prescribed by the by-laws.

(5) If a position on the council becomes vacant for any cause, the council shall appoint a member to fill the vacancy until the next annual meeting, at which time a person shall be elected to fill the position for the remainder of the unexpired term of office, if any.

(6) The persons who are members of the council on the commencement of this Act continue in office for the remainder of the term of office for which they were elected.

5. The council shall appoint a secretary and a treasurer or a secretary-treasurer who may or may not be a member of the Association, and a representative to the Canadian Chiropractic Association who shall be a member of the council.

6. Subject to the approval of the Lieutenant Governor in Council, the council may make by-laws governing:

- (a) the duties of the executive committee and the council;
- (b) the admission of persons into membership of the Association and the fees to be paid for registration and renewal of registration;
- (c) the keeping of a register of persons who are members of the Association;
- (d) the voting by the Association of the necessary funds for the activities of the council and the performance of its duties;
- (e) the discipline and conduct of members of the Association, including the regulation or prohibition of advertising by or on behalf of members of the Association;
- (f) the investigation of any complaint of unprofessional conduct, incompetency or want of skill on the part of any member of the Association;
- (g) the calling of meetings of the council, the procedure to be followed at such meetings, and the right to vote thereat;
- (h) generally any matters deemed proper for the better carrying out of the affairs of the Association.

7. Reciprocal agreements.

8. Disciplinary powers.

9. Protection from action.

10. Chiropractic Appraisal Board constituted.

7. (1) Subject to the approval of the Association, the council may make reciprocal agreements with other bodies, councils or boards governing the practice of chiropractic in jurisdictions outside Alberta whereby the qualifications to practise in such jurisdictions may be recognized as qualifications for membership in the Association and qualifications for membership in the Association may be recognized as qualifications to practise in such other jurisdiction.

(2) No such agreement shall be made with any other body, council or board unless, in the opinion of the Board, the qualifications to practise in the jurisdiction governed by the other body, council or board are of a standard at least as high as the qualifications required for membership in the Association.

8. (1) If a chiropractor registered under this Act is charged with unprofessional conduct, incompetency or lack of skill, an inquiry shall be made by the council and if the council considers the charge to have been proved it may

(a) discipline the member in such manner as is provided by the by-laws of the Association, or

(b) suspend or cancel the registration of the member.

(2) Where the registration of any member has been suspended or cancelled, the council, after such inquiry as it considers proper, may reinstate the member.

(3) A member may appeal, by originating notice, from a decision of the council under subsection (1) to a judge of the district court at any time within thirty days of the date of the decision or within such further time as a judge may order.

(4) 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.

(5) The council shall promptly report any decision made under subsection (1) to the Minister of Health.

9. Notwithstanding any want of form in the proceedings, no action shall be brought against the council or a member of the council for any thing done in good faith under this Act.

10. (1) The Lieutenant Governor in Council shall appoint a Board to be known as the Chiropractic Appraisal Board.

(2) The Board shall consist of not more than five persons, two of whom shall be members of the Association and all of whom hold office during the pleasure of the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council may appoint one of the members of the Board to be chairman of the Board and one of the members of the Board to be secretary of the Board.

11. Powers and duties of Board.

12. Registration of members of Association.

(4) A majority of the Board constitutes a quorum.

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

11. (1) The Board shall establish

(a) a list of colleges of chiropractic, graduation from which would, in the opinion of the Board, qualify a person to practise chiropractic, and

(b) a registry recording the name of each person

(i) who by submitting credentials has satisfied the Board that he is a graduate of a college listed by the Board, or

(ii) who has passed a written examination in chiropractic set by the Board.

(2) A fee of ten dollars shall be charged to each applicant for recording in the registry which shall be deposited to the credit of the General Revenue Fund.

(3) The Board may require that an applicant for recording in the registry shall have been in active practice for a certain proportion of time since graduation or for a certain proportion of time during the five years prior to application.

(4) When a person has been out of active practice as a chiropractor for a continuous period of five years the Board, before recording such person in the registry, may require him to take a refresher course for a minimum period of six months at a college listed by the Board, and thereafter to write successfully an examination set by that college.

(5) The Board may make such rules as it considers necessary for the carrying out of the intent of this section.

12. (1) The council shall register as a member of the Association a person who

(a) is of the full age of twenty-one years,

(b) is a resident of Canada,

(c) has shown himself to be of good character and reputation,

(d) has received the degree of doctor of chiropractic from a college listed by the Board or has passed such examinations as may be prescribed by the Board, or is a member in good standing of the Canadian Chiropractic Association and has fulfilled all the regulations of the Canadian Chiropractic Association pertaining to reciprocity,

(e) has not been refused registration in any other jurisdiction,

(f) has not had his name erased from the register of any chiropractic association,

13. Certificates of registration to be issued.

14. Duration of certificates.

15. Active membership.

16. Life membership.

(g) is recorded in the registry established under clause (b) of subsection (1) of section 11, and

(h) has paid the fees prescribed by the by-laws of the Association.

(2) Notwithstanding subsection (1), a person who is recorded in the registry established under clause (b) of subsection (1) of section 11 on the date this subsection comes into force shall be registered as of right, upon payment of the registration fee.

(3) A person who is refused registration under subsection (1) may appeal to a judge of the district court and the judge may make such order as in the circumstance seems to him to be just.

13. (1) The secretary or secretary-treasurer of the Association shall be the registrar of the Association and is responsible for keeping a register containing the names of all members approved for registration by the council.

(2) Certificates of registration shall be issued by the registrar and shall be numbered consecutively and recorded in a register kept by the registrar for that purpose.

(3) When requested to do so the registrar shall provide the Minister of Health with a list of all members of the Association.

14. (1) A certificate of registration or certificate of renewal of registration issued under this Act remains in force until the first day of July next following the date of issue thereof.

(2) An application for a certificate of renewal of registration, accompanied by the necessary fee, shall be filed with the registrar of the Association before the thirty-first day of May of each year.

(3) Upon receipt of an application, accompanied by the necessary fee, from a member of the Association who is in good standing, a certificate of renewal of registration shall be issued to the applicant signed by the president and secretary of the Association.

15. (1) Active membership in the Association entitles the member to all rights, privileges and benefits of the Association.

(2) The annual fee payable under this Act to the Association by an active member shall not exceed the sum of two hundred dollars.

(3) Upon payment of the annual fee to the Association a member is entitled to a renewal certificate of registration.

16. (1) The council, in its discretion, may grant a life membership in the Association to any member who, in the

17. Limitation of action.

18. Corporations prohibited from practising chiropractic.

19. Members may not employ non-members as chiropractors.

20. Chiropractor may not practise medicine.

21. False representation to obtain membership.

22. Holding out unqualified persons as qualified.

opinion of the council, has rendered outstanding service to the Association.

(2) The council, in its discretion, may cancel any life membership at any time for any act of misconduct committed by the member or for any other cause that, in the opinion of the council, is proper and expedient.

17. No registered chiropractor is liable to an action for negligence or malpractice by reason of professional services requested and rendered unless the action is commenced within one year from the date when, in the matter complained of, the professional services terminated.

18. (1) No company incorporated, registered or licensed under any of the Acts of the Province regulating or respecting corporations shall carry on, or attempt or purport to carry on, the practice of the profession of chiropractic in the Province.

(2) No member of the Association shall in any way whatever assist or enter into the employ of any such company or carry on or attempt or purport to carry on such a practice.

19. No member of the Association shall employ a person who

(a) is not registered, and

(b) is not for the time being the holder of a subsisting annual certificate,

for the purpose of practising chiropractic.

20. No member of the Association shall

(a) prescribe or administer drugs or medicinal preparations or treat any venereal disease or any communicable disease as defined by *The Venereal Diseases Prevention Act, 1965*, or *The Public Health Act*, or

(b) perform any surgical operation or practise obstetrics or any branch of medicine.

21. It is an offence for a person wilfully to procure, or to attempt to procure, himself to be registered as a member of the Association by making any false or fraudulent representation or declaration, either verbally or in writing, and a member of the Association knowingly aiding or assisting him therein is also guilty of an offence.

22. No person shall directly or indirectly within the Province

(a) hold out or represent any other person not registered under this Act as practising, or as qualified,

23. Exclusive rights of members of Association.

24. Offences and penalties.

or entitled or willing to practise the profession of chiropractic within the Province, or

- (b) circulate or make public anything designed or tending to induce the public to engage or employ as a chiropractor a person not entitled to practise under this Act.

23. (1) No person other than a member of the Association shall advertise or use the title "Doctor of Chiropractic", "Chiropractor" or "Registered Chiropractor" or any suffix, prefix, word, title or designation, abbreviated or otherwise, implying that he is registered as a member of the Association, or that he is engaged in the practice of chiropractic.

(2) No person other than a member of the Association shall practise the profession of chiropractic within the Province, either publicly or privately, for hire, gain or hope of reward.

(3) No person other than a member of the Association shall hold himself out as being qualified or entitled to practise chiropractic within the Province.

24. (1) A person who contravenes any provision of section 23 is guilty of an offence and is liable upon summary conviction

- (a) for a first offence to a fine of not more than fifty dollars and in default of payment to imprisonment for a term of not more than thirty days,
- (b) for a second offence to a fine of not more than three hundred dollars and in default of payment to imprisonment for a term of not more than sixty days, and
- (c) for a third or subsequent offence to imprisonment for a term of not more than six months without the option of a fine.

(2) A person who contravenes any provision of this Act, other than those specified in section 23, is guilty of an offence and is liable upon summary conviction

- (a) for a first offence to a fine of not more than one hundred dollars and in default of payment to imprisonment for a term of not more than thirty days,
- (b) for a second offence to a fine of not more than two hundred dollars and in default of payment to imprisonment for a term of not more than sixty days, and
- (c) for a third or subsequent offence to imprisonment for a term of not more than ninety days without the option of a fine.

(3) A prosecution under this Act may be commenced within two years from the date of the alleged offence but not afterward.

25. Proof of offences.

26. Exemptions from Act.

27. Application of The Medical Profession Act.

28. Repeal of chapter 41 of the Revised Statutes.

29. Commencement of Act.

25. (1) In a prosecution for an offence under this Act it is sufficient proof of the offence if it is proved that the accused

- (a) has done or committed a single act of practising in contravention of this Act, or
- (b) has committed on one occasion any of the acts prohibited by this Act.

(2) A certificate purporting to be signed by the secretary-treasurer of the Association and stating that a named person was or was not on a specified day or during a specified period, a member, an active member or a suspended member shall be admitted in evidence as *prima facie* proof of the facts stated therein without proof of the secretary-treasurer's appointment or signature.

26. Nothing in this Act prohibits a duly qualified medical practitioner from performing work or services ordinarily performed by a chiropractor registered under this Act.

27. Nothing in *The Medical Profession Act* prohibits a member of the Association in good standing or a person who is entitled to practise chiropractic in the Province from practising chiropractic for hire, gain or hope of reward.

28. *The Chiropractic Act* is hereby repealed.

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

No. 42

THIRD SESSION
FIFTEENTH LEGISLATURE
14 ELIZABETH II
1966

BILL

An Act respecting the Practice of
Chiropractic

Received and read the

First time

Second time

Third time

HON. DR. ROSS
