

1969 Bill 90

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Second Session, 16th Legislature, 18~~th~~ Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

## **BILL 90**

**An Act to amend The Medical Profession Act**

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THE MINISTER OF HEALTH

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 90

1969

An Act to amend The Medical Profession Act

(Assented to \_\_\_\_\_, 1969)

**H**ER 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* is hereby amended.

**2.** Section 2 is amended

- (a) by striking out clause (e),
- (b) as to clause (f) by adding at the end thereof the words "or veterinary medicine",
- (c) by striking out clauses (h) and (i).

**3.** Section 8 is struck out and the following is substituted:

**8.** No person is entitled to vote at the election of a member of the council for a district unless that person

- (a) is a member of the College, and
- (b) has a mailing address, as recorded in the office of the College, which is within the district.

**4.** Section 9, subsection (6) is amended by striking out the words "two o'clock in the afternoon" and by substituting the words "9 o'clock in the morning".

**5.** Section 10 is amended by striking out subsections (2) to (5) and by substituting the following:

(2) If a complainant is dissatisfied with the decision of the registrar he may appeal to the Supreme Court of Alberta by appeal lodged with the Court not less than 10 days before the date fixed for the election.

## **Explanatory Notes**

**1.** This Bill amends chapter 198 of the Revised Statutes.

**2.** Section 2 (f) presently reads:

(f) "medicine" includes surgery and obstetrics but does not include homeopathy, osteopathy or veterinary surgery;

Clauses (e), (h) and (i) define terms no longer used in the Act.

**3.** Section 8 presently reads:

8. No person is entitled to vote at the election of a member of the council for a district unless that person is a member of the College and resident in the district.

**4.** Section 9 (6) presently reads:

(6) Each ballot shall be marked by the voter with numbers from one consecutively upwards showing the voter's order of preference for the candidates whose names are listed on the ballot, and shall be returned in a sealed envelope to the office of the registrar before two o'clock in the afternoon on the day of the election.

**5.** Section 10 is revised to substitute references to the Supreme Court in place of references to a judge thereof.

(3) The Court shall decide the appeal in a summary way and may, if it considers it necessary, direct notice of the time and place for hearing the appeal to be given to such persons as it may specify.

(4) If it is necessary to hear evidence on the appeal, the evidence may be given *viva voce* under oath or by affidavit as the Court directs.

(5) The decision of the Court is final and the list shall remain or be altered in accordance therewith.

**6.** Section 13, subsection (1) is amended by striking out the words "two o'clock in the afternoon" and by substituting the words "9 o'clock in the morning".

**7.** Section 24 is amended by adding the following subsection:

(3) The council may appoint a deputy-registrar, who need not be a member of the council, at such salary or other remuneration and for such term of office as the council may decide and who shall assist the registrar and in his absence shall carry out all duties of the registrar as contained in this Act and regulations and by-laws hereunder.

**8.** Section 25 is amended by striking out subsection (1) and by substituting the following:

**25.** (1) There shall be an executive committee of the council which shall consist of the president, the vice-president and one other member of the council to be appointed annually by the council.

(1a) The executive committee shall be called together by the registrar and shall take cognizance of and act upon

(a) all matters that are delegated to it by the council,

(b) all matters that require attention between meetings of the council, and

(c) the duties imposed upon the executive committee by this Act.

(1b) Two members of the executive committee constitute a quorum thereof.

**9.** Section 30 is amended

(a) by striking out subsection (1) and by substituting the following:

**30.** (1) The registrar shall keep a register to be known as the "Alberta Medical Register", which shall be divided into two parts,

**6. Section 13 (1) presently reads:**

13. (1) At two o'clock in the afternoon on the day of the election the ballots shall be opened by the registrar in the presence of the scrutineers.

**7. Self-explanatory.**

**8. Section 25 (1) presently reads:**

25. (1) The council shall appoint annually from among its members an executive committee, which shall be called together by the registrar, and shall take cognizance of and action upon all such matters as may be delegated to it by the council, or as require immediate attention between meetings of the council.

**9. Section 30 (1) presently reads:**

30. (1) The council shall cause to be kept by the registrar a book or register to be known as the "Alberta Medical Register", in which shall be entered

- (a) the name of every person registered according to the provisions of this Act, and
- (b) the name of every person who complies with the provisions of sections 32 and 33 so far as applicable to his case.

- (a) Part 1 to contain the name of every person registered as a medical practitioner according to this Act, and
- (b) Part 2 to contain the name of every person registered as a practitioner of osteopathy and homeopathy according to this Act.
- (b) by adding the following subsection:
  - (4) Part 1 of the Alberta Medical Register may contain a separate section for the registration of non-resident members.

**10.** Sections 32 and 33 are struck out and the following sections are substituted:

**32.** (1) The registrar shall enter in the appropriate part of the register the name and address of every person who

- (a) proves to the satisfaction of the registrar that he is qualified for registration under section 33 or produces a certificate of qualification issued under section 32a,
- (b) satisfies the registrar that his internship, residency or other training or experience is adequate and that he is not incompetent or unqualified to engage in the general practice of medicine,
- (c) satisfies the registrar that
  - (i) he is of good character and reputation and that his name has not been erased from the register of any college of physicians and surgeons and that he has not been suspended from the privileges of a medical practitioner by any college of physicians and surgeons, or by any council or similar body in Canada or elsewhere, and
  - (ii) he has not been convicted of an offence punishable by more than one year's imprisonment under the *Criminal Code*,
 and
- (d) pays to the registrar the prescribed registration fee and the annual fee for the year when registration is made.

(2) If the registrar is not satisfied with respect to any of the matters referred to in subsection (1), clauses (b) and (c), he may refer the application to the council and

- (a) if the council is satisfied with respect to those matters it shall direct the registrar to register the person, but
- (b) if the council is not satisfied with respect to any of those matters it may direct the registrar not to

**10.** Sections 32 and 33 revised. Subsection (2) of section 32 is new. Section 33a is new and is similar to section 23c of The Dental Association Act.

register the person and shall give the person written notice thereof, giving the reasons therefor.

**32a.** (1) The Universities Co-ordinating Council shall examine the qualifications of every applicant for registration under section 32 who is not qualified for registration under section 33.

(2) An applicant shall be examined only with respect to the class of practice for which he desires to be registered.

(3) Where the Universities Co-ordinating Council is of the opinion that

- (a) with respect to the practice of medicine an applicant possesses qualifications equivalent to those set out in section 33, or
- (b) with respect to the practice of homeopathy or osteopathy an applicant possesses satisfactory qualifications,

it shall issue to the applicant a certificate of qualification.

(4) Before issuing a certificate of qualification to an applicant, the Universities Co-ordinating Council may require him to pass such examinations, or pursue such further studies, or both, as the Council considers necessary to establish satisfactory qualifications.

(5) The council shall enter into an agreement with the Universities Co-ordinating Council respecting

- (a) the subject matter to be included in the examinations, and
- (b) the conduct of the examinations.

**33.** An applicant for registration is qualified for registration without examination by the Universities Co-ordinating Council if

- (a) he holds a degree in medicine from a university in Alberta and has served the period of internship required by that University, or
- (b) he holds a certificate of registration from the Medical Council of Canada, or
- (c) he holds a certificate of registration from the General Medical Council of Great Britain and
  - (i) has been granted a graduating degree in medicine by a university in the United Kingdom, or
  - (ii) is a member of the Royal College of Surgeons of England and a Licentiate of the Royal College of Physicians of London, or
  - (iii) is a Licentiate of the Royal College of Physicians of Edinburgh, and a Licentiate of the Royal College of Surgeons of Edinburgh, and a





Licentiate of either the Royal Faculty of Physicians and Surgeons of Glasgow or the Royal College of Physicians and Surgeons of Glasgow, or

(iv) has been granted a graduating degree in medicine by a university in the Republic of Ireland, or

(v) is a Licentiate of the Royal College of Physicians of Ireland and a licentiate of the Royal College of Surgeons in Ireland, or

(vi) has been granted a graduating degree in medicine by a university in Australia, New Zealand or the Republic of South Africa approved by the Universities Co-ordinating Council,

or

(d) he holds a certificate of qualification from the National Board of Medical Examiners of the United States of America and is entitled by law to practise medicine in one of the states of the United States of America.

**33a.** (1) The council may establish and maintain a register to be known as the "Courtesy Register".

(2) The registrar may register in the Courtesy Register any person who

(a) is the holder of a degree in medicine and is entitled to practise as a physician or surgeon in a jurisdiction outside Alberta, and

(b) desires registration solely for the purpose of

(i) presenting a graduate or undergraduate training course, or

(ii) conducting or engaging in a clinical presentation or research program,

at or under the sponsorship of the Faculty of Medicine of a university in Alberta.

(3) The registrar

(a) shall in registering a person in the Courtesy Register, show the purpose for which that person is registered and the period of duration of that person's registration, and

(b) may from time to time on application, extend the period of duration of that person's registration and amend the Courtesy Register accordingly.

(4) Notwithstanding subsection (3), the registrar shall cancel the registration of any person in the Courtesy Register when directed to do so by the council.



**11.** Section 34 is amended

- (a) as to subsection (2), clause (a) by striking out the words “the University of” and by substituting the words “a university in”,
- (b) as to subsection (3) by adding at the end thereof the words “or in any other faculty utilized for the training of persons registered under this section”,
- (c) as to subsection (5) by striking out the words “ten dollars” and by substituting the figures “\$25”.

**12.** Section 34a is amended

- (a) as to subsection (1) by adding after the words “the council may” the words “, at the time of registration or at any time thereafter,”,
- (b) by adding the following subsection after subsection (3):
  - (4) The council may assess against the practitioner the costs of any investigation required by council into the failure of a registered practitioner to comply with conditions or limitations imposed pursuant to this section.

**13.** Section 34b is amended by striking out the words “twenty-five dollars” and by substituting the figures “\$50”.

**14.** The following section is added after section 34b:

**34c.** (1) A person who, by order of the council,

- (a) is refused registration pursuant to section 32, subsection (2), or
- (b) has limitations or conditions imposed on his registration pursuant to section 34a,

may apply for a review of the council’s decision by an application, in writing, to the Minister of Health made within 30 days after the date of the order of the council.

(2) Upon receipt of an application under subsection (1), the Minister of Health shall appoint a review panel of three suitable persons to review the council’s decision.

(3) A review panel may confirm, reverse or vary the council’s decision and the decision of the review panel is final and binding upon the applicant and the council.

(4) Testimony may be adduced before a review panel in such manner as the panel considers proper and the panel is not bound by the rules of law concerning evidence applicable to judicial proceedings.

**11. Section 34 (2) (a), (3) and (5) presently read:**

(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

(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.

(5) The fee for registration in the Educational Register shall be set by the council but may not exceed \$10.

**12. Section 34a (1) presently reads:**

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.

**13. Section 34b presently reads:**

34b. The council may grant temporary registration for a period not exceeding 30 days, for the purpose of locum tenens, to any person who is qualified for registration upon payment of such fee, not exceeding \$25, as the council may require.

**14. Review panel.**

(5) If it sees fit to do so, a review panel may demand from an applicant and before undertaking the review, a reasonable amount of money as a deposit to cover the costs and expenses of the review.

(6) If the review establishes that the application for a review was frivolous or unjustified, the review panel may assess the cost of the review against the applicant and may apply any money deposited pursuant to subsection (2) in satisfaction thereof.

**15.** Section 35 is amended

- (a) as to clause (b) by adding after the word “convicted” the words “either before or after registration,”,
- (b) by striking out clause (b1).

**16.** The following section is added after section 35:

**35a.** (1) The council may direct the registrar to remove from the register the name of a person who is found to be mentally incapacitated to practice medicine by a board of five medical practitioners composed of

- (a) two members appointed by the council, and
- (b) three members appointed by the Minister of Health on the recommendation of the Director of the Division of Mental Health, one of whom shall be chairman.

(2) The board of medical practitioners shall be constituted at the request of council or the executive committee of council upon it receiving information which indicates in its opinion that a hearing is necessary.

(3) The board of medical practitioners is empowered to require a practitioner under investigation to undergo such medical examinations as are required for the information of the board.

(4) The provisions of this Act relating to discipline committees apply *mutatis mutandis* to a board constituted under this section.

**17.** Section 36 is amended by striking out the words “one hundred dollars” and by substituting the figures “\$200”.

**18.** Section 37 is amended by striking out subsections (3) and (4) and by substituting the following:

(3) The council may by resolution waive any annual fee or a portion thereof due to the College by a member.

**15. Section 35 (b) presently reads:**

35. The council may direct the registrar to remove from the register the name of a person who

.....

(b) is proved to have been convicted of an offence punishable by more than one year's imprisonment under the Criminal Code, or

Clause (b1) is re-enacted in the following clause of this Bill.

**16. The proposed subsection (1) is the present section 35 (b1).**

**17. Section 36 presently reads:**

36. The council shall fix the fee for registration under this Act, not exceeding \$100.

**18. Section 37 (3) and (4) presently read:**

(3) The council may by resolution remit any annual fee due to the College by a member

(a) who is or has been resident out of the Province of Alberta during the period in respect of which the fees became payable, or

(b) who, though residing in the Province, has retired temporarily or permanently from the practice of medicine.

(4) Until such fee is paid, the council may by resolution suspend from the privileges of a registered practitioner any member who does not pay to the registrar the annual fee within 30 days after the date of the mailing of a registered letter from the registrar addressed to the member and requiring payment of such fee.

(4) The registrar shall, on or before the 7th day of January in each year, send by registered mail a notice of default to each member who has not paid the annual fee to be paid for that year and if the annual fee is not paid on or before the 31st day of January of that year, the registrar shall, with effect from the 31st day of January of that year, strike the member's name from the register.

(5) Where the name of a member has been so struck from the register, the name shall be re-entered in the register upon payment to the registrar of the annual fee for that year.

**19.** Section 38 is struck out.

**20.** Section 39, clause (a) is amended by adding after the word "council" the words "or the executive committee".

**21.** Section 40, clause (e) is amended by striking out the word "communities" and by substituting the word "committees".

**22.** Section 42 is struck out and the following is substituted:

**42.** The council, or the executive committee, may appoint a discipline committee (consisting of not less than three members of the council) to investigate the facts regarding a registered practitioner who

- (a) either before or after he is registered has been convicted of a criminal offence or of an offence under any statute of the Province, or
- (b) is known or reported to be guilty of unbecoming, improper or criminal conduct, whether in a professional capacity or otherwise, or
- (c) is charged with unbecoming, improper or criminal conduct, whether in a professional capacity or otherwise, or
- (d) is alleged to be incapable or unfit to practice medicine or to be suffering from an ailment either organic or mental which might, if he continues to practice, constitute a danger to the public.

**23.** Section 43 is amended

- (a) by striking out subsection (1),
- (b) as to subsection (2) by striking out the words following clause (b) and by substituting the following:



**19.** Section 38, which relates to the functions of the Universities Co-ordinating Council, is removed as the matters can now be dealt with under the new section 32a.

**20.** Section 39 (a) presently reads:

39. If a person procures his registration or causes it to be procured by means of any false or fraudulent representation or declaration either verbal or in writing, the registrar upon receipt of sufficient evidence of the falsity or fraudulent character of the representation or declaration

(a) shall refer the matter to the council, and

**21.** A typographical error is corrected.

**22.** Section 42 presently reads:

42. (1) The council shall appoint and maintain for the purposes hereinafter named a committee of its own body of not less than three members to be known as the discipline committee.

(2) The quorum of the discipline committee shall be three, and the council may at any time alter the number, constitution and tenure of office of the discipline committee.

**23.** Section 43 (1) is included in the new section 42. Section 43 (2) and (3) presently read:

(2) If the discipline committee finds that the registered practitioner has been guilty of an offence that warrants removal of his name from the register and so reports to the council, the council

(a) may direct the registrar to remove the name of the registered practitioner from the register, or

(b) in its discretion may suspend the registered practitioner from the privileges of a registered practitioner for such time not exceeding three years as the council thinks fit,

and in addition to or in lieu of suspension as herein provided the council may impose such other penalty or fine as in its judgment the offence warrants and order the registrar to have the finding carried out.

(3) A fine imposed under subsection (2) shall not be less than \$50 nor more than \$500 with or without costs incurred by the discipline committee or council in the prosecution of the investigation of the charge or complaint against the registered practitioner.

Subsection (4) is amended to conform to the changes in subsections (2) and (3).

and, in either case, the council may in addition impose a penalty of not more than \$1,000, as in its judgment the offence warrants.

- (c) by striking out subsection (3) and by substituting the following:

(3) When a registered practitioner is found guilty of an offence, the council may order the practitioner to pay the costs of the investigation.

- (d) as to subsection (4) by striking out the words "or fine is" and by substituting the words "or costs, or both, are".

**24.** Section 44, subsection (4) is amended by striking out the words "but no previous misconduct or suspension is proved against him".

**25.** The following section is added after section 44:

**44a.** Where the council has ordered the suspension of a registered practitioner, the council may at any time release the practitioner from the suspension.

**26.** Section 45 is amended by striking out subsection (1) and by substituting the following:

**45.** (1) A registered practitioner whose name has not been ordered to be removed from the register but who has been suspended or otherwise dealt with by order of the council under this Act may, subject to subsection (2), within 30 days of the date of the order of council, appeal to the Supreme Court of Alberta

- (a) which shall dispose of the appeal in a summary manner, and
- (b) which may if it seems advisable suspend the operations of the order of the council until it has finally pronounced thereon.

**27.** Section 47 is amended by striking out the words "the discipline committee" and by substituting the words "a discipline committee".

**28.** Section 48 is amended by striking out subsection (2) and by substituting the following:

(2) If the facts justify a more thorough and complete investigation, the executive committee may order an investigation by a discipline committee, or may refer the matter to the council and the council may order an investigation by a discipline committee.

**24. Section 44 (4) presently reads:**

(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.

**25. Self-explanatory.**

**26. Section 45 (1) presently reads:**

45. (1) A registered practitioner whose name has not been ordered to be removed from the register but who has been suspended or otherwise dealt with by order of the council or discipline committee under the provisions of this Act may, subject to the provisions of subsection (2), appeal to a judge of the Supreme Court of Alberta

- (a) who shall dispose of the appeal in a summary manner, and
- (b) who may if it seems advisable suspend the operation of the order of the council or discipline committee until he has finally pronounced thereon.

**27. Section 47 presently reads:**

47. A member of the discipline committee or of the council may continue to act as such, notwithstanding that he is no longer a member of the council, for the purpose of completing and reporting upon any matter begun while he was a member of the council.

**28. Section 48 (2) presently reads:**

(2) If the facts justify a reference to the council for a more thorough and complete investigation, the executive committee shall make such reference and the council shall order an investigation by the discipline committee as hereinbefore provided.

**29.** Section 51 is amended

- (a) as to subsection (3), clause (a) by striking out the words “fifty dollars” and by substituting the figure “\$100’,
- (b) as to subsection (4) by striking out the words “one calendar month” and by substituting the words “60 days”.

**30.** Section 52, subsection (1), clause (a) is amended by striking out the words “, not exceeding the registration fee,”.

**31.** Section 53 is amended by striking out the words “the discipline committee” and by substituting the words “a discipline committee”.

**32.** Section 54 is struck out and the following is substituted:

**54.** Meetings of committees when held for taking evidence or otherwise ascertaining the facts shall be held at the office of the council or such other convenient place as decided upon by council.

**33.** Section 58 is amended

- (a) as to subsection (1)
  - (i) by striking out the words “a judge of”,
  - (ii) by striking out the words “six months” and by substituting the words “90 days”,
- (b) as to subsection (2)
  - (i) by striking out the word “judge” and by substituting the word “Court”,
  - (ii) by striking out the word “he” wherever it occurs and by substituting the word “it”.

**34.** Section 60 is amended by adding at the end thereof the words “or professional incompetence or negligence”.

**35.** Section 68, subsection (1), clause (a) is amended by striking out the words “, in Form D in the Schedule or to the like effect,”.

**29. Section 51 (3) (a) and (4) presently read:**

(3) If it is established after inquiry that a person has been guilty of a contravention of any of the provisions of subsection (1) or (2) the council

(a) may fine such person the sum of \$50 for each day during which the contravention continues, and

(4) Unless an appeal is taken to the Supreme Court of Alberta under the provisions of this Act,

(a) if the name of a registered practitioner is removed from the register, or

(b) if a registered practitioner is suspended from his privileges as such,

the council shall publish such removal or suspension within one calendar month thereafter in The Alberta Gazette, and may give such further publicity to the removal or suspension as it deems necessary.

**30. Section 52 (1) (a) presently reads:**

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

**31. Section 53 presently reads:**

53. Both the discipline committee appointed hereunder and the executive committee of the council may, for the execution of their duties under this Act, employ at the expense of the council such legal or other assistance as they think necessary.

**32. Section 54 presently reads:**

54. Meetings of committees when held for taking evidence or otherwise ascertaining the facts shall be held within the judicial district

(a) where the member whose conduct is the subject of inquiry resides, or

(b) where the alleged offence was committed, unless the member consents to a change of venue.

**33. Section 58 (1) presently reads:**

58. (1) A person whose name has been ordered to be removed from the register may appeal from the decision of the council to a judge of the Supreme Court of Alberta at any time within six months after the date of the order for the removal.

**34. Section 60 presently reads:**

60. Notwithstanding anything contained in this Act, the council in its discretion may refuse registration to any applicant or suspend any member of the College pending investigation as to whether the applicant for registration or the member has been guilty of conduct unbecoming to a member of the medical profession.

**35. Section 68 (1) (a) presently reads:**

68. (1) The registrar shall from time to time under the direction of the council

(a) cause to be printed and published a correct register, in Form D in the Schedule or to the like effect, of registered practitioners in alphabetical order according to surnames, and

**36.** Section 70 is amended

- (a) as to subsection (2) by striking out clauses (a) and (b) and by substituting the following:
- (a) for a first offence to a fine of not more than \$100, and
  - (b) for a second or subsequent offence to a fine of not less than \$100 or more than \$500, and to imprisonment for a term not exceeding six months.
- (b) by striking out subsection (4) and by substituting the following:
  - (4) No person shall advertise himself or hold himself out to the public as a specialist or as being specially qualified in any branch of any class or system of practice mentioned in this section without having received from the registrar of the College a certificate of having complied with such conditions precedent to qualification or fitness to practise as may be prescribed by the College and the Universities Co-ordinating Council.
- (c) as to subsection (8) by striking out the words "the University of" and by substituting the words "a university in".

**37.** Section 71 is amended by striking out the words "fifty dollars" and by substituting the figures "\$100".

**38.** Section 72 is amended by striking out the words "twenty-five dollars and not more than one hundred dollars" and by substituting the words "\$50 and not more than \$200".

**39.** Section 75 is struck out and the following is substituted:

**75.** A prosecution under this Act may be commenced at any time within 12 months after the commission of the offence, but not thereafter.

**40.** The following section is added after section 76:

**76a.** No action lies against any member of the council or any member of any committee or board established pursuant to this Act or the registrar or any officer or servant of the College for any thing done by him in good faith and in purporting to act under this Act or the rules and regulations made under this Act.

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

**36. Section 70 (2), (4) and (8) presently read:**

(2) A person guilty of an offence under subsection (1) is liable upon summary conviction

(a) for the first offence to a penalty of \$50, and

(b) for the second or any subsequent offence

(i) to a penalty of not less than \$50 nor more than \$200 and imprisonment for three months, and

(ii) in default of immediate payment of the fine and costs to six months' imprisonment.

(4) No person shall advertise himself or hold himself out to the public as a specialist or as being specially qualified in any branch of any class or system of practice mentioned in this section without having received from the Registrar of the University of Alberta a certificate of having complied with such conditions precedent to qualification or fitness to practise as may be prescribed by the General Faculty Council of the University of Alberta.

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

**37. Section 71 (a) presently reads:**

71. A person

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

.....

is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

**38. Section 72 (b) presently reads:**

72. A person not registered under this Act, who takes or uses any name, title, addition or description implying or calculated to lead people to infer

.....

(b) that he is recognized by law as a person entitled to practise medicine, homeopathy or osteopathy or any of them in respect of which he is not in fact registered hereunder,

is guilty of an offence and liable on summary conviction to a fine of not less than \$25 and not more than \$100.

**39. Time limit for commencing prosecution increased from 6 months.**

**40. Protection from liability.**