

1970 Bill 80

Third Session, 16th Legislature, 19 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 80

**An Act respecting
The Alberta Co-ordinating Council on Nursing**

THE MINISTER OF HEALTH

First Reading

Second Reading

Third Reading

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BILL 80

1970

An Act respecting The Alberta Co-ordinating
Council on Nursing

(Assented to _____, 1970)

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 Co-ordinating
Council on Nursing Act*.

2. In this Act,

- (a) "by-laws" means the by-laws of the Council;
- (b) "constituent body" means a person or body of persons entitled to appoint a member or members of the Council pursuant to section 4, clauses (a) to (j);
- (c) "Council" means The Alberta Co-ordinating Council on Nursing incorporated under this Act;
- (d) "licence" means a licence or temporary licence issued by the Registrar and "licensed" has a corresponding meaning;
- (e) "licensee" means the holder of a licence according to the records of the Council;
- (f) "mental deficiency nurse" means the holder of a certificate in mental deficiency nursing issued under *The Psychiatric Nursing Training Act*;
- (g) "nurse" means the holder of a degree or diploma in nursing who has obtained temporary registration from the Alberta Association of Registered Nurses;
- (h) "nursing aide" means the holder of a certificate under *The Nursing Aides Act*;
- (i) "nursing orderly" means
 - (i) a person who has received a certificate following completion of a training program for nursing orderlies under *The Department of Education Act*, or

Explanatory Notes

1. This Bill will incorporate The Alberta Co-ordinating Council on Nursing which will be a licensing authority, as well as a co-ordinating body, for the major categories of nursing personnel, namely, registered nurses, psychiatric nurses, mental deficiency nurses, nursing aides and nursing orderlies.

The proposal for the creation of the Council was one of the main recommendations in the Report of the Nursing Education Survey Committee to the Minister of Health published in 1963. The same recommendation was made in the 1967 Report of the Advisory Council on Nursing.

This Bill is a substantial revision of Bill 119 of 1969 for An Act respecting The Alberta Council on Nursing.

The Bill is divided into Parts as follows :

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2. Definitions.

- (ii) a person who performs services similar to those for which training is provided in the training program for nursing orderlies under *The Department of Education Act*;
- (j) “prescribed” means prescribed by the by-laws;
- (k) “psychiatric nurse” means the holder of a certificate in psychiatric nursing issued under *The Psychiatric Nursing Training Act*;
- (l) “register” means the register of the Council;
- (m) “registered nurse” means an active member of the Alberta Association of Registered Nurses;
- (n) “Registrar”, “Secretary” and “Treasurer” mean respectively the Registrar, Secretary and Treasurer of the Council.

PART 1

THE ALBERTA CO-ORDINATING COUNCIL ON NURSING

3. There is hereby created a corporation with the name "The Alberta Co-ordinating Council on Nursing" consisting of the members from time to time appointed pursuant to this Part.

4. (1) The Council shall consist of

- (a) four members appointed by the council of the Alberta Association of Registered Nurses;
- (b) one member appointed by the council of the Psychiatric Nurses Association of Alberta;
- (c) one member appointed by the board of directors of the Alberta Mental Deficiency Nurses Association;
- (d) two members appointed by the board of directors of the Alberta Certified Nursing Aide Association;
- (e) one member appointed by the board of directors of The Alberta Association of Nursing Orderlies;
- (f) one member appointed by the school councils of the Schools of Nursing of the universities under *The Universities Act*, on an alternating basis prescribed in the by-laws;
- (g) one member appointed by the board of directors of the Alberta Medical Association (C.M.A. Alberta Division);
- (h) two members appointed by the board of directors of the Alberta Hospital Association;
- (i) one member appointed by the Minister of Health;
- (j) one member appointed by the Minister of Education;
- (k) one member appointed by other members of the Council as a representative of the general public.

(2) Where there is a vacancy on the Council and the constituent body entitled to appoint a member to fill the vacancy does not, within 60 days after the day on which the vacancy first occurred, appoint a member to fill the vacancy, the Council may appoint any person as a member to fill that vacancy.

(3) The constituent body whose default led to an appointment of a member by the Council pursuant to subsection (2) may subsequently appoint a member under subsection (1), and thereupon the member appointed by the Council ceases to hold office.

3. Incorporation of Council.

4. Appointment of 16 Council members.

(4) Except in the case of a member appointed by the Council, an appointment of a member of the Council is not valid unless proof of the appointment is filed with the Registrar.

5. (1) The members of the Council shall retire from office on the 31st day of December, 1973, and on the 31st day of December in every third year thereafter.

(2) Nothing in this Act prevents a constituent body from revoking an appointment of a member or from appointing a member for a term that will expire before the date on which it would otherwise expire under subsection (1).

(3) A person is not eligible to be appointed as a member of the Council if the appointment could result in that person serving as a member of the Council for a period or periods of more than six years in the aggregate.

(4) During the period of 60 days prior to the date of retirement from office of the member of the Council under subsection (1), the constituent bodies may appoint their respective members to assume office on the first day of January next following.

(5) Each member holds office during the pleasure of the constituent body appointing him.

6. (1) There shall be a committee called the "Executive Committee" consisting of

- (a) the Chairman,
- (b) the Vice-chairman, and
- (c) three other members of the Council appointed by the Council.

(2) The Executive Committee may administer the affairs of the Council between meetings, subject to the by-laws and policy directions contained in resolutions of the Council.

(3) The Council may by by-law establish one or more standing committees and prescribe their duties and functions.

(4) A committee established under subsection (3) shall consist

- (a) of members of the Council, or
- (b) partly of members of the Council and partly of persons who are not members of the Council,

except that where the committee's duties pertain exclusively to matters affecting a particular class of licensees, a majority of the members appointed shall be persons nominated by the association referred to in section 4 that is representative of that class.

5. Terms of office of members. No person may serve for more than six years.

6. Executive Committee and other committees of the Council.

(5) With respect to the determination of any matter dealt with by a committee established under this section, the decision of a majority of the members of the committee is the determination or decision of the committee.

(6) Where one or more members of a committee established under this section cannot for any reason continue to act, the remaining members of the committee may continue to act and determine any matter.

7. (1) The officers of the Council are the Chairman, the Vice-chairman, the Registrar, the Secretary and the Treasurer.

(2) The Chairman and Vice-chairman shall be elected by the Council from among its members at its first regular meeting in each year and whenever required by reason of a vacancy.

(3) The Vice-chairman shall be the Acting Chairman if the Chairman is absent or unable to act.

(4) In the absence or inability of the Chairman and the Vice-chairman to act, the Council may appoint one of its members as Acting Chairman.

(5) The Acting Chairman has the powers and shall perform the duties of the Chairman.

8. (1) The Council shall appoint the Registrar, the Secretary and the Treasurer.

(2) Subject to subsection (3), one person may hold the offices of Registrar, Secretary and Treasurer or any two of those offices.

(3) The Registrar shall not be a member of the Council but a member of the Council may hold the office of Secretary or Treasurer.

(4) The Council may appoint an Acting Registrar, an Acting Secretary and an Acting Treasurer and the person so appointed, when so acting, has the powers and shall perform the duties of the officer for whom he acts.

(5) The Council at its first meeting in each year shall appoint a chartered accountant or a firm of chartered accountants as the auditor for the Council.

(6) The Council may appoint such other officers and employees as it considers necessary and may prescribe the duties, salaries and remuneration of all of its officers and employees.

(7) The appointment of officers and employees of the Council shall be during pleasure unless otherwise agreed between the Council and the officer or employee.

7. Elected officers of the Council.

8. Appointed officers and employees.

(8) The Council may engage the services of any agents or advisors or persons providing technical or professional services of a kind required by the Council in connection with its business and affairs.

9. (1) At a meeting of the Council, the Chairman of the Council shall preside at the meeting but where neither the Chairman or an Acting Chairman are present, the members present may elect one of their number to preside at that meeting.

(2) At a meeting of the Council eight members constitute a quorum.

(3) The affirmative votes of a majority of the members present at any meeting of the Council at which a quorum is present are sufficient to pass any resolution or by-law to bind all the members.

(4) Where one or more vacancies occur on the Council, the remaining members may exercise all the powers of the Council.

(5) At its meetings, the Council may exercise any of its powers by resolution except where some other mode of exercising any power is prescribed in this Act.

(6) Where it appears for any reason that, in the opinion of the Chairman, it is desirable to take a vote of the Council by mail, telegram or telephone or when in his opinion it is impracticable to hold a special meeting of the Council, a resolution agreed to by three-quarters of the members present within Alberta polled by mail, telegram or telephone is as valid as though the vote were taken at a properly constituted meeting of the Council.

(7) At a meeting of the Council, matters including decisions respecting disciplinary matters, shall be determined by the majority of votes of those members present at the meeting and in the case of an equality of votes the motion shall be declared to be defeated.

10. The members, officers and employees of the Council and persons acting under the instructions of any of them or under the authority of this or any other Act or the by-laws or regulations under any of them are not personally liable for any loss or damage suffered by any person by reason of anything in good faith done or omitted to be done in the exercise or purported exercise of any powers given by this or any other Act or the by-laws or regulations under any of them.

9. Meetings of Council.

10. No personal liability on members, employees, etc. of Council.

Powers and Duties of the Council

11. The Council,

- (a) shall serve in a co-ordinating capacity and liaison capacity for the constituent bodies and the various classes of licensees and in those capacities shall endeavour to advance the interests of the Council and licensees generally and to improve nursing services in Alberta;
- (b) may advise the Minister of Health or the Minister of Education, or report to either of them on any matter pertaining to the administration of this Act or to nursing services in Alberta;
- (c) may promote or sponsor programs for the recruitment of nursing personnel and the encouragement of persons to become prepared as nursing personnel, or assist, financially or otherwise, programs sponsored by any other person or group;
- (d) may take such action and incur such expense as the Council considers necessary for the protection, interest or welfare of the Council or licensees or any class thereof.

12. In addition to its powers under section 14 of *The Interpretation Act, 1958* and this Act, the Council may

- (a) acquire and hold real property and sell, lease or otherwise dispose of its real property or any part thereof;
- (b) borrow money for the purposes of the Council and mortgage or charge property of the Council or its sources of funds as security for the repayment of moneys borrowed;
- (c) make such banking arrangements as are necessary for the carrying out of its powers, duties and functions;
- (d) draw, make, accept, endorse, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments;
- (e) establish guarantee and pension funds for the employees and former employees of the Council and the dependants of those persons, and may, in accordance with the by-laws, make contributions thereto out of the funds of the Council;
- (f) enter into group insurance contracts
 - (i) insuring the lives or incomes of employees of the Council, or
 - (ii) insuring employees of the Council in respect of the costs of hospitalization or other health services.

11. Primary functions of the Council in relation to nursing services.

12. General powers of the Council as to property, borrowing, contracts, etc.

13. (1) All fees, assessments, costs and other moneys payable to the Council by any person under this Act or the by-laws and any fines imposed by the Council are the property of the Council and shall be paid to the Treasurer.

(2) The Council may invest any of its funds not required for its immediate purposes in securities or other investments authorized under *The Trustee Act* for the investment of trust funds.

(3) The books and accounts of the Council shall be audited by the auditor and submitted to the Council at such times as the Council requires.

14. (1) The Council may make by-laws

- (a) generally, for the government of the Council and licensees, the management and conduct of the business and affairs of the Council and for the exercise or carrying out of the duties and powers conferred or imposed on the Council under this or any other Act;
- (b) the calling of meetings of the Council or any committee of the Council and the conduct of business thereat;
- (c) the rates of remuneration to be paid as reasonable travelling and living expenses to members, officers or employees of the Council while absent from their ordinary place of residence in the course of their duties;
- (d) prescribing the manner of proof as to matters required to be proven by applicants for licences;
- (e) fixing the fees payable to the Council for the issue of licences, the fees payable annually by licensees and any other fees incidental to the conduct of the business and affairs of the Council or for any service rendered by the Council or its officers or employees;
- (f) providing that a licence is suspended without notice or investigation upon default of payment of the annual fee on or before the date prescribed for payment;
- (g) providing for the cancellation of a licence that has been suspended for a period of at least three months pursuant to by-laws made under clause (f);
- (h) providing for the reinstatement of licences that have been cancelled or suspended pursuant to by-laws made under clause (f) or (g);
- (i) prescribing the information that may be entered in the register;

13. Council's funds and accounts.

14. By-laws of the Council.

- (j) for the management of the property and funds of the Council, the keeping of its books, accounts and other records;
 - (k) prescribing the fiscal year of the Council;
 - (l) providing for any matter incidental to or in connection with the funds established or contracts entered into under section 12.
- (2) No by-laws made under this Act are valid until they are approved by the Lieutenant Governor in Council.

15. (1) The Council shall annually, after the end of its fiscal year, prepare a general report summarizing its transactions and affairs during its last fiscal year and showing the revenues and expenditures during that period, together with an audited balance sheet of its accounts and financial transactions during that period and such other information as the by-laws may require.

(2) When the report is prepared, the Secretary shall send a copy of it to each of the constituent bodies.

15. Annual report.

PART 2

EDUCATION, TRAINING AND LICENSING

16. (1) The Council shall consider reports and recommendations submitted to it by

- (a) the Universities Co-ordinating Council, in respect of the education programs for degree or diploma courses in nursing, or
- (b) its respective standing committees on education and licensing with regard to training programs for psychiatric nurses, mental deficiency nurses, nursing aides and nursing orderlies, or
- (c) any constituent body,

and shall report its findings and recommendations thereon to the Minister of Health and the Minister of Education.

(2) Subsection (1) shall not be construed to preclude the Council from considering reports or recommendations made by any other persons or from submitting its own findings and recommendations on any matter to persons other than the Minister of Health and the Minister of Education.

17. The Registrar shall, on behalf of the Council, issue a licence to each person who pays the prescribed licence fee and who proves to his satisfaction that he or she

- (a) is a registered nurse whose membership in the Alberta Association of Registered Nurses is not under suspension, or
- (b) is a psychiatric nurse whose membership in the Psychiatric Nurses Association of Alberta is not under suspension, or
- (c) is a mental deficiency nurse, or
- (d) is a nursing aide, or
- (e) is a nursing orderly who has received a certificate following completion of a training program for nursing orderlies under *The Department of Education Act*, or
- (f) is a nursing orderly, other than one referred to in clause (e), who has met the minimum requirements prescribed by the Council with respect to training or experience.

18. (1) The Registrar shall, on behalf of the Council, issue a temporary licence to a person who pays the prescribed licence fee and who proves to his satisfaction that he or she

- (a) is a nurse (as defined in section 2), or

16. Council's reports and recommendations re training programs.

17. Issue of licences to qualified persons.

18. Temporary licences to persons who are in the process of qualifying as registered nurses or for certificates in psychiatric nursing or mental deficiency nursing.

(b) has applied for a certificate in psychiatric nursing or a certificate in mental deficiency nursing under *The Psychiatric Nursing Training Act* by reason of having obtained equivalent training outside Alberta but who has not yet obtained or has not yet been refused the certificate.

(2) A licence issued under this section shall show clearly on its face that it is a temporary licence and shall show the date on which it expires.

(3) Where a temporary licence is issued under this section to a person who has obtained temporary registration as a member of the Alberta Association of Registered Nurses, the expiry date of the licence shall be the same as the expiry date of the temporary registration.

(4) Where a temporary licence is issued pursuant to subsection (1), clause (b), the expiry date shall be determined in accordance with the by-laws.

19. (1) The Registrar shall keep and maintain a register called the "Register of the Alberta Co-ordinating Council on Nursing" in which he shall enter the names of all persons to whom licences have been issued under this Act and such other information as the by-laws prescribe.

(2) A licence shall show on its face that the person to whom it is issued is licensed as a registered nurse, nurse, psychiatric nurse, mental deficiency nurse, nursing aide or nursing orderly, as the case requires.

20. A licence shall not be cancelled at the request of the licensee except with the approval of the Council.

19. Register.

20. Cancellation of licence on request.

PART 3

DISCIPLINE

Division 1

Registered Nurses, Nurses and Psychiatric Nurses

21. (1) The suspension of a person as a member of the Alberta Association of Registered Nurses or the Psychiatric Nurses Association of Alberta operates as a suspension of a licence issued under this Act to that person during the period of the suspension.

(2) The expulsion of a person as a member of the Alberta Association of Registered Nurses or the Psychiatric Nurses Association of Alberta operates as a cancellation of a licence issued to that person under this Act.

(3) The reinstatement of a person as a member of the Alberta Association of Registered Nurses or the Psychiatric Nurses Association of Alberta operates as a reinstatement of a licence issued under this Act to that person upon the payment of the prescribed reinstatement fee to the Council.

22. Where a person is suspended, expelled or reinstated as a member of the Alberta Association of Registered Nurses or the Psychiatric Nurses Association of Alberta, the secretary of that Association shall forthwith notify the Registrar of that fact and, in the case of a suspension, the duration of the suspension.

Division 2

Licensees other than Registered Nurses, Nurses and Psychiatric Nurses

23. (1) This Division applies only to persons licensed as mental deficiency nurses, nursing aides or nursing orderlies.

(2) In this Division,

- (a) "investigating committee" means an investigating committee appointed pursuant to this Division;
- (b) "licensee" does not include a person licensed as a registered nurse, nurse or as a psychiatric nurse;
- (c) "unbecoming conduct" means any conduct of a licensee that in judgment of an investigating committee or the Supreme Court,
 - (i) is inimical to the best interests of the general public or of the Council, or

21. Effect of suspension, expulsion or reinstatement of a registered nurse or psychiatric nurse.

22. Duty of secretary of Association to notify the Council of a suspension, expulsion or reinstatement.

23. Application of Division and definitions. This Division prescribes the discipline proceedings for licensees other than registered nurses and psychiatric nurses.

- (ii) that amounts to gross incompetence or scandalous or infamous conduct, whether in the course of the licensee's employment or practice or not.

24. The Council may make by-laws

- (a) providing for the making of preliminary investigations into any matter regarding the conduct of a licensee, whether a complaint is made or not,
- (b) subject to sections 25 and 26 governing the appointment of investigating committees,
- (c) subject to this Division, prescribing the powers and duties of a person conducting a preliminary investigation and of an investigating committee,
- (d) providing the circumstances under which proceedings under this Division may be discontinued,
- (e) subject to this Division, prescribing the procedure for preliminary investigations and for proceedings of an investigating committee, and
- (f) governing proceedings before the Council in matters pertaining to discipline.

25. (1) Subject to the by-laws, the Chairman of the Council

- (a) may appoint an investigating committee on his own motion, if he has reasonable grounds to do so, or on the basis of a complaint made to the Council regarding a licensee's conduct, and
- (b) shall appoint an investigating committee when he is directed to do so by the Council.

(2) The document signed by the Chairman of the Council appointing an investigating committee shall specify the name of the licensee whose conduct is to be investigated and shall indicate the general nature of the matters pertaining to the licensee's conduct that are to be investigated.

26. (1) An investigating committee shall consist of three persons.

(2) Two of the members of an investigating committee shall be

- (a) mental deficiency nurses, where the person whose conduct is being investigated is licensed as a mental deficiency nurse, or
- (b) nursing aides, where the person whose conduct is being investigated is licensed as a nursing aide, or
- (c) nursing orderlies, where the person whose conduct is being investigated is licensed as a nursing orderly.

24. Disciplinary rules.

25. Appointment of investigating committee.

26. Composition of investigating committee.

- (3) The third member of an investigating committee
 - (a) shall be a member of the Council or a licensee, but in either case shall not be a licensee of the same class as the other two members, and
 - (b) shall be the chairman of the investigating committee.

27. Notwithstanding any other provisions of this Act, the Council in its discretion may suspend the licence of a licensee pending the investigation of a matter concerning the licensee's conduct and pending the making of its order under section 35.

28. The Council and the licensee whose conduct is being investigated may be represented by counsel before an investigating committee or before the Council.

Proceedings Before an Investigating Committee

29. (1) An investigating committee shall investigate the facts relevant to the matter of the conduct of the licensee concerned.

(2) An investigating committee may also investigate any other matter concerning the conduct of the licensee that arises in the course of the investigation, but in that event, the committee shall declare its intention to investigate and report on the new matter and shall permit the licensee sufficient opportunity to prepare an answer to the new matter.

30. (1) Testimony may be adduced before an investigating committee in such manner as the committee considers proper and the committee is not bound by the rules of law concerning evidence applicable to judicial proceedings.

(2) Any member of the investigating committee may administer an oath to any witness who is to give evidence before it.

31. (1) The licensee whose conduct is being investigated is a compellable witness in any proceedings under this Division.

(2) A witness may be examined on oath on all matters relevant to the investigation and shall not be excused from answering any question on the ground that the answer

- (a) might tend to criminate the witness, or
- (b) might subject the witness to punishment under this Division, or

27. Interim suspension.

28. Representation by counsel.

29. Investigation by committee.

30. Testimony.

31. Compellability of witnesses.

(c) might tend to establish the witness' liability

(i) to a civil proceeding at the instance of the Crown or of any person, or

(ii) to prosecution under any statute,

but the answer so given, if it is such as tends to criminate the witness, shall not be used or received against the witness in any civil proceedings or in any proceedings under any other Act of the Province.

32. (1) The attendance of witnesses before an investigating committee and the production of documents may be enforced by a notice issued by the Registrar requiring the witness to attend, and stating the time and place at which the witness is to attend and the documents, if any, the witness is required to produce.

(2) Upon the written request of the licensee whose conduct is being investigated or of the licensee's counsel or agent, the Registrar shall without charge issue and deliver to the licensee such notices as the licensee may require for the attendance of witnesses or the production of documents.

(3) A witness, other than the licensee whose conduct is being investigated, who has been served with a notice to attend or a notice for the production of documents under this section is entitled to be paid the same fees as are payable to witnesses in an action in the Supreme Court.

33. (1) A witness

(a) who fails

(i) to attend before an investigating committee in obedience to a notice to attend, or

(ii) to produce any documents in obedience to a notice to produce them, or

(iii) in any way to comply with either notice,
or

(b) who refuses to be sworn or to answer any question directed to be answered by the chairman of an investigating committee,

is liable to attachment upon application to a judge of the Supreme Court and may be proceeded against as for a civil contempt of that Court.

(2) Where the witness under subsection (1) is the licensee whose conduct is being investigated, the licensee's failure or refusal may be held to be unbecoming conduct.

(3) The committee, upon proof of service of the notice of the investigation upon the licensee whose conduct is being investigated, may

32. Attendance of witnesses and fees.

33. Witness' refusal to answer.

- (a) proceed with the investigation in the absence of the licensee, and
- (b) act and report upon the matter being investigated in the same way as though the licensee were in attendance.

34. The investigating committee shall, at or within a reasonable time after the conclusion of all proceedings before it, find the licensee guilty or not guilty of unbecoming conduct and make its report to the Council thereon.

Proceedings Before the Council

35. (1) Where a licensee is found guilty by the investigating committee of unbecoming conduct, the Council shall, on the basis of the report of the investigating committee,

- (a) order that the licensee's licence be cancelled, or
- (b) order that the licence be suspended for a stated period of time, or
- (c) order that the licensee be reprimanded.

(2) In addition to any order of suspension or a reprimand, the Council may

- (a) order the licensee to pay to the Council for each offence of which the licensee is found guilty, a fine of not more than \$200, within the time fixed by the order, and
- (b) order that the licensee's licence be suspended in default of paying any fine ordered to be paid until such time as the fine is paid.

(3) A licensee shall not be ordered to pay any costs in respect of proceedings before an investigating committee or before the Council.

Appeal to the Supreme Court

36. (1) Where a licensee has been found guilty of unbecoming conduct and an order under section 35 has been made, the licensee may appeal to the Supreme Court of Alberta from the finding of guilt or the order of punishment or both.

(2) The appeal shall be made by way of originating notice of motion which shall be filed and served on the Registrar within 30 days from the date on which the order of punishment is made by the Council.

(3) The Chairman or Vice-chairman of the Council may extend the time for filing or service under subsection (2).

34. Investigating committee report to Council.

35. Punishment of licensee.

36. Appeal to the Supreme Court.

(4) The licensee may, after commencing the appeal and upon notice to the Registrar, apply to any judge of the Supreme Court for an order staying the imposition of any punishment imposed by the Council.

37. The appeal shall be in the form of a new hearing with respect to matters initially referred to the investigating committee pursuant to section 25.

38. (1) The judge upon hearing the appeal

- (a) shall find the licensee guilty or not guilty of unbecoming conduct, and
- (b) where he finds the licensee guilty of unbecoming conduct, may make any order of punishment that the Council is empowered to make under section 35.

(2) The judge shall make no award as to costs of the appeal.

Reinstatement

39. Where a licence is cancelled under this Division the licence shall not be reinstated except by order of the Council but no order shall be made under this section within one year of the date on which the licence was cancelled.

Division 3

General

40. Where a licensee has been convicted of an indictable offence, the Council may, without notice or an investigation under this Part,

- (a) suspend the licensee's licence pending the determination of any appeal from the conviction or of any proceedings to have the conviction quashed, or
- (b) upon the conclusion of an appeal from the conviction or any other proceeding to quash the conviction and whether or not a suspension has been ordered under clause (a),
 - (i) suspend the licence for a stated period of time,
or
 - (ii) order that the licence be cancelled.

41. Where a licence has been cancelled or suspended under this Part, the Registrar shall, if authorized by the Council, publish or cause to be published notice thereof in such form and in such manner and through such media of disseminating news as the Council may direct.

37. Judge shall conduct a new hearing.

38. Powers of the Court on appeal.

39. Reinstatement of licence.

40. Consequences of criminal conviction.

41. Notice of licence cancellation or suspension.

PART 4

GENERAL

42. (1) Every person is guilty of an offence who, for remuneration or gain or in the expectation or hope of remuneration or gain, renders services as

- (a) a registered nurse, or
- (b) a nurse, or
- (c) a psychiatric nurse, or
- (d) a mental deficiency nurse, or
- (e) a nursing aide, or
- (f) a nursing orderly,

and is not licensed as a registered nurse, nurse, psychiatric nurse, mental deficiency nurse, nursing aide or nursing orderly, as the case may be.

(2) This section and section 44 do not apply to a person in respect of services rendered by that person in the course of an educational or training program.

43. Every person is guilty of an offence who, not being the holder of a licence, holds himself out as or represents himself to be the holder of a licence.

44. Everyone who, being

- (a) the owner of an approved hospital under *The Alberta Hospitals Act*, or
- (b) the owner of a nursing home required to be licensed under *The Nursing Homes Act*, or
- (c) a city, town, village, municipal district or county, or
- (d) the Board of Administrators of a new town, or
- (e) a board of a health unit under *The Health Unit Act*, or
- (f) the board of trustees of a school district or school division, or
- (g) a duly qualified medical practitioner,

knowingly employs or knowingly permits the continuation of employment of a person not licensed under this Act to render services ordinarily performed by a registered nurse, nurse, psychiatric nurse, mental deficiency nurse, nursing aide or nursing orderly, is guilty of an offence.

45. Every person who is guilty of an offence under this Act is liable on summary conviction

42. Prohibition against performing of nursing services for gain by unlicensed person.

43. False representation of being licensed.

44. Penalties for employing unlicensed person.

45. Penalty.

- (a) on a first offence, to a fine not exceeding \$200 or, in the case of a corporation, to a fine not exceeding \$500, or
- (b) on a second offence, to a fine not exceeding \$500 or, in the case of a corporation, to a fine not exceeding \$2,000, or
- (c) on a third or subsequent offence, to a term of imprisonment not exceeding three months or, in the case of a corporation, to a fine not exceeding \$5,000.

46. Where a licence is under suspension, the person to whom it was issued shall be deemed not to be the holder of a licence for the purposes of sections 42 and 44.

47. In a prosecution under this Part, it is sufficient proof of an offence if it is proved that the accused committed a single act prohibited by this Part.

48. A certificate purporting to be signed by the Registrar or Acting Registrar and stating that a named person was or was not, on a specified day or during a specified period,

- (a) the holder of a licence or the holder of a licence under suspension, according to the register, or
- (b) a member or an officer of the Council, according to the records of the Council,

shall be admitted in evidence as *prima facie* proof of the facts stated therein without proof of signature or appointment of the person signing it.

49. The Supreme Court of Alberta, on application by the Council by way of originating notice, may grant an injunction enjoining any person who has been convicted of an offence against section 42, 43 or 44 from continuing to do any act prohibited by section 42, 43 or 44, as the case may be, notwithstanding that a fine has been imposed.

50. No action lies against any member, officer or employee of the Council, any person conducting a preliminary investigation under Part 3, or any member of an investigating committee appointed under Part 3 for anything done by him in good faith and in purporting to act under this Act or the by-laws.

51. No person may maintain an action to recover fees, salary or other remuneration for services rendered as a registered nurse, nurse, psychiatric nurse, mental deficiency nurse, nursing aide or nursing orderly unless the person rendering the service was licensed at the time the services were rendered.

46. Presumption when licence suspended.

47. Proof of offence.

48. Certificate as proof.

49. Injunction to prevent further offence.

50. Protection from liability.

51. No recovery of fees unless services rendered while licensed.

PART 5

TRANSITIONAL AND CONSEQUENTIAL

52. *The Registered Nurses Act* is amended as to section 9, subsection (1) by adding after clause (e), the following clause:

- (e1) the temporary registration of holders of degrees or diplomas on nursing conferred outside Alberta, and

53. *The Psychiatric Nursing Training Act* is amended

- (a) by striking out section 5,
- (b) as to section 6, by striking out clause (f).

54. *The Nursing Aides Act* is amended

- (a) as to section 5, by striking out clause (d),
- (b) as to section 6, clause (a), by striking out the words “form of licence and”,
- (c) as to section 8, subsection (2), clause (a) by striking out the word “licensed”,
- (d) as to section 8, subsection (2) by striking out clauses (b) and (c),
- (e) as to section 10, by striking out clause (a),
- (f) as to section 10, clause (c), by striking out the word “licensed”.

55. This Act comes into force on a date or dates to be fixed by Proclamation.

52. This section amends chapter 283 of the Revised Statutes. Section 9, subsection (1), clause (e) presently reads:

9. (1) The Association in general meeting may pass by-laws not inconsistent with the provisions of this Act or of any Act or regulation, respecting

.....
(e) the admission and registration of members and their government and discipline including suspension and expulsion, and

53. This section amends chapter 76 of the Statutes of Alberta, 1966. Section 5 and section 6, clause (f) presently read:

5. (1) Where, after an inquiry, the committee is satisfied there is good and adequate cause for so doing, it may order the cancellation of a certificate in psychiatric nursing or certificate in mental deficiency nursing, and the certificate shall be cancelled forthwith.

(2) A person whose certificate is ordered cancelled may appeal on originating notice to the Supreme Court within thirty days of the service on him of notice of the order or within such further time as a judge of the Supreme Court may order.

(3) A person appealing against an order of the committee shall serve notice of the appeal upon the chairman of the committee within the time limited for appeal.

(4) The judge, upon hearing the appeal, may make an order either confirming or reversing the order of the committee appealed against.

6. The Lieutenant Governor in Council may make regulations in respect of

.....
(f) the procedure on investigations and the cancellation of certificates,

54. This section amends chapter 224 of the Revised Statutes. Section 5, clause (d), section 8, subsection (2), clause (b) and (c) and section 10, clause (a) presently read:

5. Subject to the provisions of this Act and the regulations and to the approval of the Minister, the Council

.....
(d) may suspend or cancel licences in accordance with the regulations.

(2) The Registrar-Consultant shall

.....
(b) keep a register of duly enrolled licensed nursing aides,

(c) perform all duties required under this Act with respect to the registration of licences, the enrolment of licensed nursing aides, the collection of fees and other like matters, and

.....
10. The Minister, with the approval of the Lieutenant Governor in Council, may make such regulations and orders not inconsistent with this Act as are considered necessary to carry out the provisions of this Act according to their true intent, or to meet any cases that arise and for which no provision is made in this Act, and without restricting the generality of the foregoing, may make regulations

(a) respecting the procedure to be followed by the Council in the investigation of complaints and the suspension or cancellation of licences under clause (d) of section 5,

.....

The system of licensing under The Nursing Aides Act will be discontinued, along with its discipline provisions.