

# BILL

No. 43 of 1911.

An Act to regulate the Practice of Optometry.

(Assented to 1911.)

WHEREAS the profession of Optometry is extensively practised in the Province of Alberta, and it is expedient for the protection of the public that a certain standard of qualification should be required of each practitioner of said profession and that certain privileges and protection should be afforded to said practitioners;

Now therefore His 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 Optometry Act.*"

2. The practice of optometry is hereby defined to be the employment of any means, other than drugs, medicine or surgery, for the measurement of the powers of vision, and the adaptation of lenses for the aid thereof.

3. There is hereby created a board to be known and styled "the board of examiners in optometry" for the Province of Alberta, to be appointed by the Lieutenant Governor in Council of the province, within thirty days after the passage of this Act, and to consist of five reputable and practising optometrists who are residents of this province and who have practised optometry for not less than three years. The term of each member of said board shall be five years, or until his successor has been appointed; and vacancies shall be filled for the unexpired term only; but, in the original appointment of the members of the board, two shall be appointed for the term of three years, two for the term of four years, and one for the term of five years, from the date of appointment. The appointment of a person to the first board of examiners and his acceptance thereof shall be sufficient evidence of his ability to practise optometry, and a certificate of registration shall be issued to him without further qualifying. The Lieutenant Governor in Council may remove any member of said board for neglect of duty, incompetency or dishonourable conduct.

4. Said board of examiners shall, subject to the approval of the Lieutenant Governor in Council, make such rules and regulations, not inconsistent with the law, as may be necessary for the proper performance of its duties.

5. Said board shall organize by selecting one of its members as chairman, and one as secretary-treasurer, and shall meet at least twice in each year, once in February and once in July, and at such other times as it may deem necessary, and at such places as it may determine. Three members of the board shall constitute a quorum.

6. Every person desiring to commence or continue the practice of optometry after . . . . . shall file with the secretary of the board of examiners, upon blanks to be by him

supplied, an application, duly verified, stating therein that such applicant is more than twenty-one years of age, of good moral character, has completed the equivalent of two years in a high school, has graduated from some school of optometry, maintaining a standard satisfactory to the board, or has practised optometry for not less than one year under the supervision of a registered optometrist, and shall present himself before the board and shall submit to an examination as to his qualifications for the practice of optometry. Every candidate successfully passing such examination shall be registered by said board as possessing the qualifications required by this Act, and shall receive from said board of examiners a certificate thereof. But any person who shall submit to the said examiners satisfactory proof as to his character, competency and qualifications, and that he has been continuously engaged in the practice of optometry in this province for more than one year next prior to the passage of this Act, may receive a certificate of exemption from such examination, which certificate shall be registered and shall entitle him to practice optometry under this Act. Every person entitled to a certificate of exemption as herein provided, must make application therefor and present the evidence to entitle him thereto on or before . . . . . or he shall be deemed to have waived his right to such certificate. Before any certificate is issued, it shall be numbered and recorded in a book kept in the secretary's office, and its number shall be noted upon the certificate. A photograph of the person registered shall be filed with the record and a duplicate thereof affixed to the certificate. The presentation of the said certificate of exemption to the board of examiners, by the person to whom it was issued, shall entitle him to take the examinations without further qualification, and, upon his passing such examination, he shall be granted the regular certificate of registration as herein provided for, upon payment of examination fee of \$15.

7. The use of title "optometrist" shall be restricted in the Province of Alberta to those who have been granted the certificate of registration, as provided in section 6.

8. Every person to whom a certificate of registration or of exemption shall be issued shall immediately cause the same to be recorded in the clerk's office in the municipality of his residence, and also in the clerk's office of every other municipality wherein he shall then practise or thereafter commence to practise optometry. The fee to be paid the municipal clerk shall be \$1.00. Every person practising optometry must display his certificate of registration or exemption in a conspicuous place in the office or place wherein he practises optometry and whenever required shall exhibit such certificate to said board of examiners or its authorized representatives, and whenever practising optometry away from said place he shall deliver to each customer or person fitted with glasses a bill of purchase, which shall contain his signature, his post office address and the number of his certificate of registration or exemption, together with a specification of the lenses and frames or mountings supplied, and the prices charged therefor.

9. The fee for examination prescribed by section 6 shall be \$15 payable in advance to the secretary-treasurer of the board. For certificate of registration the fee shall be \$10. (except as specially provided in section 6), and for certificate of exemption \$5. Each optometrist practising under any

certificate shall after the year . . . pay annually to the secretary of the said board of examiners the sum of \$4.00 as a fee for the renewal of his certificate and in case of default of such payment by any person his certificate may be revoked by the board of examiners upon thirty days' notice being given. Should such certificate be revoked for reasons herein given the same may be re-issued by the board of examiners upon payment of said fee, together with the sum of \$5.00 as a penalty.

**10.** The actual expenses of said board shall be paid out of the funds received as herein mentioned, provided that in no event shall such expenses be a charge against the public treasury. After all necessary expenses of the said board have been paid by the secretary-treasurer thereof, out of the moneys received from said fees and penalties, including \$5 for each day's actual attendance to each member of said board and three cents a mile for mileage (if there be funds for that purpose), the balance of the moneys received by said board shall be placed in a chartered bank and shall constitute a fund for the use of the board of examiners in optometry.

**11.** No person practising optometry shall be permitted to use the prefix "doctor" unless he shall be a licensed graduate of a recognized school of medicine, nor shall he advertise or represent himself in such manner as to lead the public to believe him to be other than an "optometrist" or "exempt" as defined in this Act.

**12.** Any certificate issued by said board of examiners may be revoked by said board for violation of the law, incompetency, inebriety, fraud or misrepresentation; provided that before any certificate shall be revoked the holder thereof shall have notice in writing of the charge or charges against him, and, at a day specified in said notice, and at least ten days after the service thereof by registered letter to his recorded address, be given a public hearing and have ample opportunity to produce testimony in his behalf. Any person whose certificate has been revoked may, after ninety days, apply to have the same re-granted, and if certificate is re-granted by the board of examiners he shall pay a penalty of \$5 forthwith. Any person practising optometry after his certificate has been revoked shall be deemed to have practised optometry without registration.

**13.** No person not a holder of a certificate of registration or exemption duly issued and recorded as herein provided, shall practise optometry within this province after . . . . .  
No person shall falsely personate a registered optometrist of a like or different name, nor buy, sell, or fraudulently obtain a certificate of registration or exemption issued to another. Practising or offering to practise or the public representation of being qualified to practise optometry as herein provided shall be sufficient evidence of the violation of this Act, and every person who violates the provisions of this section shall for each offence, upon conviction before a magistrate or justice of the peace, be fined not less than \$25 nor more than \$100, or imprisonment not more than three months or both.

**14.** Nothing in this Act shall be construed to apply to physicians or surgeons authorized to practise under the laws of the Province of Alberta, nor to persons who sell glasses as on prescription from an oculist, or duly registered optometrists, nor

to persons who sell complete ready-to-wear glasses as merchandise from a permanent place of business. The use of test lenses or trial frames shall be deemed *prima facie* evidence of having practised optometry.

**15.** This Act shall come into force on

No. 43

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THIRD SESSION

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SECOND LEGISLATURE

2 GEORGE V

1911

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**BILL**

An Act to regulate the Practice of  
Optometry.

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Received and read the

First time .....

Second time .....

Third time .....

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L. M. ROBERTS

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