

1984 BILL 54

Second Session, 20th Legislature, 33 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 54

CHIROPRACTIC PROFESSION ACT

HON. MR. KING

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 54

1984

CHIROPRACTIC PROFESSION ACT

(Assented to _____, 1984)

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) “approved chiropractic professional association” means a chiropractic professional association designated as an approved chiropractic professional association under Part 3;
- (b) “approved faculty of chiropractic” means a faculty of chiropractic designated as an approved faculty of chiropractic under Part 3;
- (c) “by-laws” means by-laws of the Council made pursuant to section 76;
- (d) “chiropractic” means the branch of the healing arts concerned with the restoration and maintenance of human health by the chiropractic adjustment or manipulation of the spinal column and other articulations of the body and includes the use of x-ray and such other analytical instruments, therapies and diagnostic procedures as may be prescribed in the regulations;
- (e) “chiropractic adjustment” means a calculated procedure, force or thrust designed to affect the nervous system, primarily by movement of one structure in relation to another, within the spinal column and other articulations;
- (f) “College” means The College of Chiropractors of Alberta;
- (g) “Council” means the Council of the College;
- (h) “Discipline Committee” means the Discipline Committee established under this Act;
- (i) “former Act” means the *Chiropractic Profession Act*, chapter C-9 of the Revised Statutes of Alberta 1980;

(j) “Minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;

(k) “permit” means a permit issued to a professional corporation pursuant to section 20;

(l) “Practice Review Board” means the Practice Review Board established under Part 5;

(m) “professional corporation” means a corporation that is the holder of a subsisting permit;

(n) “registered member” means a person who is issued a certificate of registration under this Act and who holds an annual certificate entitling him to engage in the practice of chiropractic;

(o) “registered practitioner” means a person registered in a register described in section 12(1)(c) who is entitled to practise chiropractic subject to conditions or restrictions, but does not include a registered member or a professional corporation;

(p) “Registrar” means the Registrar appointed under section 11.

PART 1

PRACTICE OF CHIROPRACTIC

Exclusive scope **2(1)** Subject to the provisions of this or any other Act entitling a person to practise a science, therapy or system of practice, a person is guilty of an offence who, not being a registered member, a registered practitioner or a professional corporation, practises chiropractic.

(2) Nothing in this Act authorizes or allows a registered practitioner who is the holder of a certificate of registration to practise chiropractic contrary to the limitations, conditions or restrictions applicable to the certificate of registration or to the registered practitioner.

(3) Nothing in this Act applies to or affects the practice of any profession or occupation by any person practising the same under the authority of any other Act.

Exemption **3** After the Minister has consulted with the Council and on the Minister’s recommendation, the Lieutenant Governor in Council may exempt a person or class of persons from the application of section 2(1) subject to any terms and conditions imposed by the Lieutenant Governor in Council.

Use of title **4** No person, except a registered member, registered practitioner or a professional corporation, shall represent or hold out, expressly or by implication, that

(a) he or it is entitled to engage in the practice of chiropractic, or

(b) he or it is entitled to represent or hold himself or itself out as a registered member, registered practitioner or professional corporation, as the case may be,

and, without restricting the generality of the foregoing, no person except a registered member 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 College or that he is engaged in or entitled to engage in the practice of chiropractic.

Injunction **5** The Court of Queen’s Bench, on application by the Council by way of originating notice, may grant an injunction enjoining any person from doing any act that contravenes section 2(1), 4 or 77, notwithstanding any penalty that may be provided by this Act in respect of that contravention.

PART 2

COLLEGE OF CHIROPRACTORS

College **6**(1) The Alberta Chiropractic Association is continued as a corporation under the name “The College of Chiropractors of Alberta”.

(2) The College has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

(3) A registered member is a member of the College.

Council **7**(1) There is hereby established a governing body of the College called the Council.

(2) The Council shall manage and conduct the business and affairs of the College and exercise the rights, powers and privileges of the College in the name and on behalf of the College.

(3) The Council shall submit to the Minister an annual report on those matters of the business and affairs of the College that the Minister requires in a form satisfactory to him.

(4) The Minister shall, on receipt of the annual report of the College, lay it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

Composition of the Council **8**(1) The Council shall consist of

(a) at least 6 registered members each of whom shall be elected by and from among registered members in accordance with the by-laws, and

(b) 1 member of the public who shall be appointed by the Minister after consultation with the Council for a 1 year term of office.

(2) The members of the Council under subsection (1) shall elect from among themselves the officers of the College specified in the by-laws in the manner and for the term prescribed in the by-laws.

(3) A member of the Council appointed under subsection (1)(b) continues to hold office after the expiry of his term of office until he is reappointed or his successor is appointed.

(4) The Minister may, after consultation with the Council, revoke the appointment of a member of the Council appointed under subsection (1)(b).

(5) The Minister may, in the absence of any payment by the Council to the member for that purpose, pay to a member of the Council appointed under subsection (1)(b) travelling and living expenses incurred by that member for his attendance at any meeting of the Council while away from his usual place of residence and fees in an amount prescribed by the Minister.

(6) The powers, duties and operations of the Council are not affected by

(a) the fact that no one is appointed as a member of the Council under subsection (1)(b),

(b) the revocation, under subsection (4), of the appointment of a member of the Council, or

(c) the resignation from the Council of a member appointed under subsection (1)(b).

(7) The failure of a member appointed under subsection (1)(b) to attend a meeting of the Council does not affect or restrict the Council from exercising any powers or performing any duties at that meeting.

PART 3

REGISTRATION

Powers of the
Universities
Co-ordinating
Council

9(1) The Universities Co-ordinating Council may

(a) grant to and withdraw from any academic institution the designation "approved faculty of chiropractic";

(b) grant to and withdraw from a chiropractic professional association in a jurisdiction outside Alberta the designation "approved chiropractic professional association";

(c) evaluate the academic qualifications of applicants for registration as registered members who have not obtained the degree of Doctor of Chiropractic from an approved faculty of chiropractic;

(d) set or administer examinations that it considers necessary to establish that the academic qualifications of the applicant are substantially equivalent to a degree of Doctor of Chiropractic from an approved faculty of chiropractic.

(2) A grant or withdrawal of a designation under subsection (1)(a) does not come into force unless it is approved by the Lieutenant Governor in Council, and, after consultation with the Universities Co-ordinating Council, may be amended by the Lieutenant Governor in Council at the time it is approved.

Reciprocal
agreements

10 If, in the opinion of the Universities Co-ordinating Council, the qualifications required to practise chiropractic in a jurisdiction outside Alberta are substantially equivalent to the qualifications for registration as a registered member or registered practitioner under this Act, the College may enter into a reciprocal agreement with a body, council or board governing the practice of chiropractic in a jurisdiction outside Alberta whereby

(a) the qualifications to practise chiropractic in the jurisdiction outside Alberta may be recognized as sufficient qualifications for

registration as a registered member or registered practitioner under this Act, and

(b) the qualifications necessary for registration under this Act as a registered member or registered practitioner may be recognized in the jurisdiction outside Alberta as sufficient qualifications to practise chiropractic in that jurisdiction.

Registrar **11(1)** The Council shall appoint a Registrar for the purposes of this Act.

(2) In addition to the powers, duties and functions of the Registrar under this Act, the Registrar has any additional powers, duties and functions prescribed by the Council or in the by-laws.

Registers to be maintained **12(1)** The Registrar shall maintain, subject to the direction of the Council, the following registers:

- (a) a register of registered members;
- (b) a register of professional corporations;
- (c) a register for each class or category of registered practitioner established under the regulations.

(2) The Registrar shall during regular office hours permit any person to inspect the registers described in subsection (1).

Registration Committee **13(1)** There is hereby established a Registration Committee appointed by the Council in accordance with the by-laws.

(2) The Registration Committee may delegate its authority under this Act to the Registrar.

Register of Registered Members

Register of registered members **14(1)** The Council shall establish a register of registered members.

(2) The Registration Committee shall consider an application for the registration of an applicant as a registered member, and may

- (a) approve the registration,
- (b) refuse to approve the registration, or
- (c) defer the approval of registration until the applicant has obtained further experience of a kind and for a period set by the Registration Committee.

(3) If the approval of registration is deferred under subsection (2), the Registration Committee may authorize the applicant to be registered as a registered practitioner for the purpose of acquiring experience.

(4) An applicant authorized to be registered under subsection (3) shall practise chiropractic under the direct supervision of a registered member designated by the Registration Committee.

(5) The Registration Committee may revoke a registration authorized under subsection (3) at any time for any reason that it considers sufficient.

Review by
Council

15(1) The Registration Committee shall send a written notice of a decision made by it to the applicant.

(2) If the decision of the Registration Committee is to refuse or defer registration of the applicant, reasons for the decision shall be sent in writing to the applicant.

(3) An applicant whose application for registration is refused may within 30 days of receiving a notice of refusal request the Council to review the application by serving on the Registrar a written request for a review by the Council setting out the reasons why, in his opinion, his application for registration as a registered member should be approved.

(4) For the purposes of subsection (3), if the Registration Committee does not approve, refuse to approve or defer the registration of an applicant within 60 days of the date on which an applicant applied for registration, the application shall be deemed to have been refused.

(5) The Council shall, after receipt of a request for review under subsection (3), review the applicant's application for registration as a registered member.

(6) An applicant who requests a review pursuant to subsection (3)

(a) shall be notified in writing by the Council of the date, place and time when the Council will review the applicant's application, and

(b) is entitled to appear with counsel and make representations to the Council at the review of his application.

(7) A member of the Registration Committee who is also a member of the Council shall not vote on a decision of the Council.

(8) On reviewing an application under this section, the Council may make any decision the Registration Committee could have made.

Applications for
registration

16 An application for registration as a registered member shall not be approved by the Registration Committee unless the applicant

(a) produces documentation satisfactory to the Registration Committee that shows that

(i) he has obtained the degree of Doctor of Chiropractic from an approved faculty of chiropractic,

(ii) the Universities Co-ordinating Council is satisfied that his academic qualifications are substantially equivalent to the degree of Doctor of Chiropractic from an approved faculty of chiropractic, or

(iii) he is a member in good standing of an approved chiropractic professional association in a jurisdiction outside Alberta, and

(b) meets the character and other requirements set out in the regulations.

Registration of registered members

17(1) The Registrar shall enter in the register of registered members the name of a person

(a) whose application for registration as a registered member has been approved by the Registration Committee or the Council, as the case may be, and

(b) who has paid the fees prescribed in the by-laws.

(2) On entering the name of a person in the register of registered members, the Registrar shall issue a certificate of registration to him.

Annual certificate

18(1) A registered member shall pay the annual fee prescribed by the by-laws to the Registrar, or to any person authorized by the Registrar to accept payment of the fee.

(2) The Registrar shall issue an annual certificate in accordance with the by-laws to a registered member

(a) whose registration is not under suspension or cancelled,

(b) who meets any requirements or conditions prescribed by the regulations for the issuance of an annual certificate, and

(c) who has paid on or before June 30 the annual fee as prescribed in the by-laws.

(3) Subject to this Act, an annual certificate entitles a registered member to

(a) engage in the practice of chiropractic as a registered member during the year for which the annual certificate is issued, and

(b) represent or hold himself out as a registered member.

(4) An annual certificate expires on June 30 of the year for which it is issued.

Register of Professional Corporations

Register of corporations

19(1) The Council shall establish a register of professional corporations.

(2) No corporation shall be registered as a registered member.

Permit for corporation

20(1) The Registrar shall issue a permit to a corporation that

(a) files an application for a permit in the form prescribed in the by-laws;

(b) pays on or before June 30 the annual fee described in the by-laws;

(c) pays any other fee prescribed in the by-laws;

(d) satisfies the Registrar that it is a corporation limited by shares that is in good standing with the Registrar of Companies under the *Companies Act* or that is in good standing with the Registrar as defined in the *Business Corporations Act*;

(e) satisfies the Registrar that the corporation, by law or by virtue of its incorporating documents, has the capacity to carry on the business and exercise the powers set out in the by-laws;

(f) satisfies the Registrar that the name of the company is in accordance with the by-laws and contains the words "Professional Corporation";

(g) satisfies the Registrar that the legal and beneficial ownership of all the issued shares of the corporation is vested in one or more registered members and that all of the directors of the corporation are registered members;

(h) satisfies the Registrar that the persons who will carry on the practice of chiropractic on behalf of the corporation are registered members.

(2) A permit expires on June 30 of the year for which it is issued.

(3) A permit may be suspended or cancelled or its renewal withheld by the Registrar when any of the conditions specified in subsection (1) cease to be fulfilled.

(4) When the Registrar issues a permit to a corporation under this section, he shall enter the name of the corporation in the register of professional corporations.

Termination
of permit

21(1) If a corporation ceases to fulfil any condition specified in section 20(1) by reason only of

(a) the death of a registered member,

(b) the striking off or other removal from the register of the name of a registered member, or

(c) the suspension of a registered member by the College,

who is a shareholder of the corporation, the corporation has a period of 90 days from the date of death, striking off or other removal or the suspension, as the case may be, in which to fulfil the condition, failing which the permit is automatically terminated effective on the expiration of the 90-day period without the necessity of an order of the Council.

(2) In the event of the death of a registered member, the Council may in writing order that the 90-day period provided for in subsection (1) be extended for such further period as it considers reasonable.

Liability of
shareholders and
employees

22(1) Notwithstanding any provision to the contrary in the *Companies Act* or the *Business Corporations Act*, every person who is a shareholder of a corporation during the time that it is the holder of a permit or during the time that it acts in contravention of this Act or a predecessor of this Act is liable to the same extent and in the same manner as if the shareholders of the corporation were, during that time, carrying on the business of the corporation as a partnership or, where there is only 1 shareholder, as a practising registered member.

(2) The liability of any person in carrying on the practice of chiropractic is not affected by the fact that the practice of chiropractic is carried on by that person as an employee and on behalf of a professional corporation.

Voting agreement with non-members prohibited	23 No shareholder of a professional corporation shall enter into a voting trust agreement, proxy or any other type of agreement vesting in another person who is not a registered member the authority to exercise the voting rights attached to any or all of his shares.
Application of Act	<p>24(1) All the provisions of this Act, the regulations and the by-laws that are applicable to registered members apply with all necessary modifications to a professional corporation unless otherwise expressly provided in this Part.</p> <p>(2) The relationship of a registered member to a professional corporation, whether as shareholder, director, officer or employee, does not affect, modify or diminish the application to him of this Act, the regulations and the by-laws.</p>
Member-patient relationship	<p>25(1) Nothing contained in this Part affects, modifies or limits any law applicable to the confidential or ethical relationship between a registered member and a person receiving the professional services of a registered member.</p> <p>(2) The relationship between a professional corporation carrying on the practice of chiropractic and a person receiving the professional services of the corporation is subject to all applicable laws relating to the confidential and ethical relationship between a registered member and his patient.</p> <p>(3) All rights and obligations pertaining to communications made to or information received by a registered member apply to the shareholders, directors, officers and employees of a professional corporation.</p>
Use of title	26 No person shall engage in the practice of chiropractic within Alberta under any name or title containing the words “Professional Corporation” or the abbreviation “P.C.” unless that person is duly incorporated and the corporation holds a subsisting permit, and a person practising chiropractic in contravention of this section is guilty of an offence and liable to a fine not exceeding \$100 for every day on which that name or title is used.
Action for fees	27 A professional corporation may sue for fees for services performed on its behalf and in its name by a person in his capacity as a registered member at any time after the services are performed, if the services were performed during the time that the corporation was the holder of a subsisting permit.

PART 4
SUSPENSION AND CANCELLATION

Suspension and cancellation	<p>28(1) The certificate of registration of a registered practitioner, the certificate of registration or annual certificate of a registered member and the permit of a professional corporation are suspended when a decision to suspend the certificate of registration, annual certificate or permit is made in accordance with this Act.</p> <p>(2) The Registrar shall, after a decision to suspend a certificate of registration, an annual certificate or a permit has been made, enter a</p>
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memorandum of the suspension in the appropriate register, indicating the period of the suspension.

(3) The certificate of registration of a registered practitioner, the certificate of registration or annual certificate of a registered member and the permit of a professional corporation are cancelled when a decision to cancel the certificate of registration, annual certificate or permit is made in accordance with this Act.

(4) The Registrar shall, after a decision to cancel a certificate of registration, an annual certificate or a permit has been made, enter a memorandum of the cancellation in the appropriate register.

(5) If the Registrar is satisfied that a person registered under this Act has died, he shall enter a memorandum to that effect in the register.

(6) The Registrar shall not remove from the registers any memorandum made by him under subsection (2) or (4), except in accordance with the regulations.

(7) If the certificate of registration of a registered practitioner, the certificate of registration or annual certificate of a registered member or the permit of a professional corporation has been cancelled or suspended under this Act, the registered member, registered practitioner or professional corporation shall surrender to the Registrar the certificate of registration, annual certificate or permit, as the case may be.

Cancellation
by request

29(1) The Registrar shall not cancel the registration of a registered member, registered practitioner or professional corporation at his or its request unless the request for the cancellation has been approved by the Council.

(2) When a request for the cancellation of registration is approved by the Council, the Registrar shall cancel that registration.

Cancellation
by default

30(1) The Council may direct the Registrar to cancel the certificate of registration of a registered practitioner, the certificate of registration or annual certificate of a registered member or the permit of a professional corporation who or that is in default of payment of annual fees, penalties, costs or any other fees, dues or levies payable under this Act, the regulations or the by-laws, after the expiration of 30 days following the service on the registered member, registered practitioner or professional corporation of a written notice by the Council pursuant to subsection (2), unless the person on whom the notice is served complies with the notice.

(2) The notice under subsection (1) shall state that the Registrar may cancel the registration unless the fees, penalties, costs, dues or levies are paid as indicated in the notice.

Cancellation of
registration made
in error

31 The Council may direct the Registrar to cancel the registration of any person made in error in a register.

Reinstatement

32(1) The Council may direct the Registrar, subject to any conditions respecting the payment of arrears and any reinstatement fee that the Council may prescribe,

(a) to reinstate in the applicable register a registration that was cancelled, and

(b) to reissue

(i) in the case of a registered practitioner or registered member, a certificate of registration or an annual certificate, or both, as the case may be, and

(ii) in the case of a professional corporation, a permit

to its former holder.

(2) If the Registrar cancels a registration, he shall not re-enter that registration in the register or reissue a certificate of registration, annual certificate or permit until directed to do so by the Council or by order of a court of competent jurisdiction.

(3) A member of the Council who is a member of a committee of inquiry appointed pursuant to the regulations to consider any application under this Part for reinstatement of a certificate of registration, annual certificate or permit may participate in or vote at any proceedings of the Council under this section, and the College's solicitor may participate in those proceedings.

Notice to
Minister of
Hospitals and
Medical Care

33 The Registrar shall notify the Minister of Hospitals and Medical Care in writing forthwith on

(a) the cancellation or suspension of the certificate of registration of a registered practitioner, the certificate of registration or annual certificate of a registered member or the permit of a professional corporation, and

(b) the reinstatement or other termination of suspension of a cancelled or suspended certificate of registration, annual certificate or permit.

Cancellation of
falsely obtained
registration

34(1) If the Council is satisfied, after a hearing on the matter, that a person obtained registration in 1 of the registers established under this Act by means of a false or fraudulent representation or declaration, either oral or written, the Council shall order that the registration be cancelled, and the certificate of registration, annual certificate or permit, as the case may be, shall be surrendered in accordance with section 28(7).

(2) Part 6 applies with all necessary modifications to a hearing held by the Council under subsection (1).

PART 5

PRACTICE REVIEW BOARD

Practice
Review Board

35(1) There is hereby established the Practice Review Board consisting of not fewer than 5 persons as follows:

(a) at least 4 registered members who, in the opinion of the Council, have a combination of knowledge and experience suitable for fulfilling the responsibilities of the Board, and who are appointed by the Council, and

(b) 1 person appointed by the Minister from a list of no fewer than 3 members of the public nominated by the Council.

(2) If the Council fails, within 45 days after being requested to do so by the Minister, to make a nomination for the purposes of subsection (1)(b), the Minister may appoint a member of the public to the Practice Review Board without the Council's nomination.

(3) A member of the Practice Review Board appointed under subsection (1)(b) continues to hold office after the expiry of his term of office until he is reappointed or his successor is appointed.

(4) The Minister may, in the absence of any payment by the College to the member for that purpose, pay to the member of the Practice Review Board appointed under subsection (1)(b) travelling and living expenses incurred by that member for attendance at a hearing of the Board away from his usual place of residence and fees in an amount prescribed by the Minister.

(5) The Minister may, after consultation with the Council, revoke the appointment of the member of the Practice Review Board appointed under subsection (1)(b).

(6) The powers, duties and operations of the Practice Review Board under this Act, the regulations and by-laws are not affected by

(a) the fact that no member of the public is appointed as a member of the Board under subsection (1)(b),

(b) the revocation under subsection (5) of the appointment of a member of the public, or

(c) the resignation as a member of the Board of a member of the public.

(7) The failure of a member of the public appointed under subsection (1)(b) to attend a meeting of the Board shall not be construed as affecting or restricting the Board from exercising any powers or performing any duties under this Act, the regulations or the by-laws at that meeting.

Powers of
the Board

36(1) The Practice Review Board

(a) may, on its own initiative, and shall, at the request of the Council, inquire into and report to and advise the Council in respect of

(i) the assessment and development of educational standards and experience requirements that are conditions precedent to continuing registration under this Act,

(ii) the evaluation of desirable standards of competence of registered members and registered practitioners generally,

(iii) any other matter that the Board from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of chiropractic under this Act and the regulations, and

(iv) the practice of chiropractic generally,

and

(b) may conduct, in accordance with this Act and the regulations, a review of the practice of a registered member, registered practitioner or professional corporation.

(2) If a registered member, registered practitioner or professional corporation does not co-operate with the Practice Review Board in carrying out an inquiry or review, the Practice Review Board may make a complaint in writing to the Discipline Committee and the failure or refusal to co-operate may be held by the Discipline Committee to be professional misconduct.

Duties on
conclusion of
inquiry or review

37(1) After each inquiry or review under section 36, the Practice Review Board

(a) shall make a written report to the Council on the inquiry or review and, where appropriate, on its decision,

(b) may make recommendations to the Council regarding the matter inquired into or reviewed, with reasons for the recommendations,

(c) may make recommendations to a registered member, registered practitioner or professional corporation as to his or its conduct in the practice of chiropractic, and

(d) if it is of the opinion that the conduct of a registered member, registered practitioner or professional corporation constitutes or may constitute either unskilled practice of chiropractic or professional misconduct within the meaning of section 40,

(i) shall forthwith refer the matter relating to that conduct to the Registrar for an inquiry under Part 6, and in such a case the Registrar shall deal with the referral as if it were a complaint, and

(ii) may, if it makes a referral under subclause (i), recommend to the president of the College that the certificate of registration of the registered practitioner, the certificate of registration or annual certificate, or both, of the registered member or the permit of the professional corporation be temporarily suspended pending the outcome of proceedings under Part 6.

(2) On receiving a recommendation under subsection (1)(d)(ii), the president may, where there is a question of serious risk to the public, suspend the certificate of registration, annual certificate or permit, as the case may be.

(3) The registered member, registered practitioner or professional corporation may, by filing an originating notice with the Court of Queen's Bench and serving a copy on the chairman of the Practice Review Board, apply for an order of the Court staying the decision of the president.

PART 6
DISCIPLINE

Definitions

38 In this Part,

- (a) “chairman” means the chairman of the Discipline Committee and includes a vice-chairman;
- (b) “conduct” includes any act or omission;
- (c) “investigated person” means a registered member, registered practitioner or professional corporation with respect to whose conduct an investigation or hearing is held under this Part.

Discipline Committee

39(1) There is hereby established a committee called the Discipline Committee composed of not fewer than 3 persons as follows:

- (a) at least 2 registered members appointed by the Council in accordance with the by-laws, and
 - (b) 1 person who is appointed by the Minister from a list of no fewer than 3 members of the public nominated by the Council.
- (2) If the Council fails, within a reasonable period of time after being requested to do so by the Minister, to make the nominations for the purposes of subsection (1)(b), the Minister may appoint a member of the public to the Discipline Committee without the Council’s nomination.
- (3) A member of the Discipline Committee appointed under subsection (1)(b) continues to hold office after the expiry of his term of office until he is reappointed or his successor is appointed.
- (4) The Minister may, in the absence of any payment by the College to the member for that purpose, pay to the member of the Discipline Committee appointed under subsection (1)(b) travelling and living expenses incurred by that member for attendance at a hearing of the Committee away from his usual place of residence and fees in an amount prescribed by the Minister.
- (5) The Minister may, after consultation with the Council, revoke the appointment of the member of the Discipline Committee appointed under subsection (1)(b).
- (6) The powers, duties and operations of the Discipline Committee are not affected by
- (a) the fact that no member of the public is appointed as a member of the Committee under subsection (1)(b),
 - (b) the revocation under subsection (5) of the appointment of a member of the public, or
 - (c) the resignation as a member of the Committee of a member of the public.
- (7) The failure of a member of the public appointed under subsection (1)(b) to attend a meeting of the Committee shall not be construed as affecting or restricting the Committee from exercising any powers or performing any duties at that meeting.

Unskilled
practice or
professional
misconduct

40(1) Conduct of a registered member, registered practitioner or professional corporation that, in the opinion of the Discipline Committee,

- (a) is detrimental to the best interests of the public,
- (b) contravenes this Act or the regulations,
- (c) harms or tends to harm the standing of the profession of chiropractic generally, or
- (d) displays a lack of knowledge of or lack of skill or judgment in the practice of chiropractic,

whether or not that conduct is disgraceful or dishonourable, constitutes either unskilled practice of chiropractic or professional misconduct, whichever the Discipline Committee finds.

(2) If an investigated person contravenes this Act, the regulations or the by-laws, and the contravention is, in the opinion of the Discipline Committee, of a serious nature, the contravention may be found by the Discipline Committee to be professional misconduct whether or not it would be so found under subsection (1).

Complaints

41(1) A person may complain to the Registrar about the conduct of a registered member, registered practitioner or professional corporation, and the complaint shall be dealt with in accordance with this Part and the regulations.

(2) If, after the registration of a registered member or registered practitioner is removed, suspended or cancelled under this Act or any predecessor to this Act, or the permit of a professional corporation is suspended or cancelled,

- (a) a complaint is made about the former registered member, registered practitioner or professional corporation, and
- (b) the complaint relates to conduct occurring before the removal, suspension or cancellation occurred,

the complaint may, notwithstanding the removal, suspension or cancellation, be dealt with within 5 years following the date of removal, suspension or cancellation as if the removal, suspension or cancellation had not occurred.

Preliminary
investigation

42 The Registrar

- (a) shall, in a case where a complaint in writing is made to him under section 41, forthwith on receipt of the complaint, or
- (b) may, in a case where he believes the conduct of a registered member, registered practitioner or professional corporation constitutes or may constitute unskilled practice of chiropractic or professional misconduct,

commence or appoint a person from a list of persons previously approved by the Council to commence a preliminary investigation into the conduct of the registered member, registered practitioner or professional corporation.

Report of preliminary investigation

43(1) A person conducting a preliminary investigation may

(a) request any person to answer any questions and to produce to him any models, charts, documents, papers, notes, records, photographs, books, films and other materials and things relevant to the investigation, and

(b) copy and keep copies of any of the things that are produced to him under clause (a).

(2) A person conducting a preliminary investigation shall conduct the investigation in a manner considered by him to be most suitable in all the circumstances.

(3) A person conducting a preliminary investigation may investigate any other matter related to the professional conduct or skill in practice of the investigated person that arises in the course of the investigation.

(4) A person conducting a preliminary investigation shall, forthwith on concluding the preliminary investigation, report his findings to

(a) the Registrar, if the person conducting the preliminary investigation is a person other than the Registrar, or

(b) a member of the Discipline Committee, if the person conducting the preliminary investigation is the Registrar.

(5) If a registered member, registered practitioner or professional corporation does not co-operate with a person conducting a preliminary investigation, the person conducting the preliminary investigation may make a complaint in writing to the Discipline Committee and the failure or refusal to co-operate may be held by the Discipline Committee to be professional misconduct.

Referral to the Discipline Committee

44 The Registrar or the member of the Discipline Committee to whom a report is provided under section 43(4) shall forthwith

(a) direct that no further action be taken, if he is of the opinion that

(i) the complaint is frivolous or vexatious, or

(ii) there is insufficient evidence of unskilled practice of chiropractic or professional misconduct,

or

(b) refer the matter under investigation in writing to the Discipline Committee.

Notice

45 The Registrar or the member of the Discipline Committee shall serve on the investigated person and on the complainant, if any, a notice that no further action will be taken or that the matter has been referred to the Discipline Committee, as the case may be.

Appeal by complainant to Discipline Committee

46(1) A complainant who is served with a notice under section 45 that no further action will be taken may, by notice in writing to the Registrar mailed within 30 days of service of the notice under section 45 on the complainant, appeal that direction to the Discipline Committee.

(2) On an appeal under subsection (1), the Discipline Committee shall determine whether

(a) the complaint is frivolous or vexatious, or

(b) there is sufficient evidence of unskilled practice or professional misconduct, and the matter under investigation should be the subject of a hearing,

and shall notify the complainant in writing of its decision.

Suspension
pending decision

47(1) Notwithstanding anything in this Act, the chairman may recommend to the president of the College that the certificate of registration of the registered practitioner, the annual certificate of the registered member or the permit of the professional corporation be temporarily suspended pending the outcome of proceedings under this Part, and the president may, where there is a question of serious risk to the public, suspend the certificate of registration, annual certificate or permit, as the case may be.

(2) The investigated person may, by filing an originating notice with the Court of Queen's Bench and serving a copy on the chairman, apply for an order of the Court staying the decision of the president.

Rights of
investigated
person

48(1) The College and the investigated person may appear and be represented by counsel at a hearing before the Discipline Committee.

(2) The Discipline Committee may be represented by counsel at a hearing before the Committee.

(3) Proceedings before the Discipline Committee or the Council shall be held in camera.

Notice of hearing

49(1) On referral to it of a matter under section 44(b) or on determining under section 46(2)(b) that a hearing should be held, the Discipline Committee shall hold a hearing.

(2) The hearing referred to in subsection (1) shall be scheduled for a date not more than 90 days after the date on which the matter is referred to the Discipline Committee or the determination is made, or within such other period as may be prescribed by the Council for the matter.

(3) The Registrar shall cause to be served on the investigated person at least 15 days before the hearing date a notice of hearing stating the date, time and place that the Discipline Committee will hold a hearing and giving particulars of the complaint or matter in respect of which the hearing will be held.

Further
investigation

50 The Discipline Committee may investigate and hear any other matter related to the professional conduct or skill in practice of the investigated person that arises in the course of an investigation or hearing, but in that event the Discipline Committee shall give that person at least 15 days' notice before the hearing of the matter of its intention to do so.

Evidence before
Committee

51(1) The Discipline Committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.

(2) For the purposes of an investigation, hearing or review under this Act, the Registrar, a person appointed by him under section 42 and any member of the Council, the Discipline Committee or the Practice Review Board are conferred with the power of a commissioner for oaths under the *Commissioners for Oaths Act*.

Witness

52(1) The investigated person and any other person who, in the opinion of the Discipline Committee, has knowledge of the complaint or matter being investigated is a compellable witness in any proceeding under this Part.

(2) A witness may be examined under oath on all matters relevant to the investigation or hearing before the Discipline Committee and shall not be excused from answering any question on the ground that the answer might tend to

- (a) incriminate him,
- (b) subject him to punishment under this Act, or
- (c) establish his liability
 - (i) to a civil proceeding at the instance of the Crown or of any other person, or
 - (ii) to prosecution under any Act,

but if the answer so given tends to incriminate him, subject him to punishment or establish his liability, it shall not be used or received against him in any civil proceedings or in any proceedings under any other Act.

(3) For the purpose of obtaining the testimony of a witness who is out of Alberta, a judge of the Court of Queen's Bench on an application made ex parte by the College may direct the issuing of a commission for the obtaining of the evidence of the witness, and the commission shall be issued and the evidence taken pursuant to the Rules of Court.

Attendance of witnesses and production of documents

53(1) The attendance of witnesses before the Discipline Committee and the production of models, charts, documents, papers, notes, records, photographs, books, films and other materials and things may be enforced by a notice issued by the Registrar requiring the witness to attend and stating the date, time and place at which the witness is to attend and the models, charts, documents, papers, notes, records, photographs, books, films and other materials and things, if any, he is required to produce.

(2) On the written request of the investigated person or of his counsel or agent, the Registrar shall without charge issue and deliver to that person or his counsel or agent any notices that he requires for the attendance of witnesses or notices for production under subsection (1).

(3) A witness, other than the investigated person, who has been served with a notice to attend or a notice for production under subsection (1) or (2) is entitled to be paid the same fees in the same manner as are payable to a witness in an action in the Court of Queen's Bench.

Failure to attend or give evidence

54(1) Proceedings for civil contempt of court may be brought against a witness

(a) who fails

(i) to attend before the Discipline Committee in compliance with a notice to attend, or

(ii) to produce any models, charts, documents, papers, notes, records, photographs, books, films and other materials or things in compliance with a notice to produce them,

or

(b) who refuses to be sworn or to answer any question he is directed to answer by the Discipline Committee.

(2) If the witness referred to in subsection (1) is the investigated person, his failure or refusal may be held to be professional misconduct.

Hearing in
absence of
investigated
person

55 The Discipline Committee, on proof of service on the investigated person of the notice of hearing, may

(a) proceed with the hearing in the absence of the investigated person or his or its agent, and

(b) act, decide or report on the matter being heard in the same way as though the investigated person were in attendance.

Findings of
Committee

56(1) The Discipline Committee may find that the conduct of an investigated person constitutes neither unskilled practice of chiropractic nor professional misconduct.

(2) The Discipline Committee may find that the conduct of an investigated person constitutes unskilled practice of chiropractic or professional misconduct or both and shall deal with the investigated person in accordance with this Part.

Orders of
Discipline
Committee

57(1) If the Discipline Committee finds that the conduct of an investigated person constitutes unskilled practice of chiropractic or professional misconduct or both, the Committee may make any 1 or more of the following orders:

(a) reprimand the investigated person;

(b) suspend the certificate of registration of a registered practitioner or the certificate of registration, annual certificate or both of a registered member either generally or from any field of the practice of chiropractic for a stated period;

(c) suspend the certificate of registration of a registered practitioner or the certificate of registration, annual certificate or both of a registered member either generally or from any field of practice until

(i) he has completed a specified course of studies or obtained supervised practical experience, or

(ii) the Committee is satisfied as to the competence of the investigated person generally or in a specified field of practice;

(d) accept in place of a suspension the investigated person's undertaking to limit his practice;

- (e) impose conditions on the investigated person's ability to engage in the practice of chiropractic generally or in any field of the practice, including the conditions that he
 - (i) practise under supervision,
 - (ii) not engage in sole practice,
 - (iii) permit periodic inspections by a person authorized by the Committee, or
 - (iv) report to the Committee or the Council on specific matters;
 - (f) direct the investigated person to pass a particular course of study or satisfy the Committee or the Council as to his practical competence generally or in a field of practice;
 - (g) direct the investigated person to satisfy the Committee that a disability or addiction can be or has been overcome, and suspend the person's certificate of registration or annual certificate until the Committee is so satisfied;
 - (h) require the investigated person to take counselling that in the opinion of the Committee is appropriate;
 - (i) direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the Committee, were not rendered or were improperly rendered or in respect of which the fee was unjustified for any reason;
 - (j) cancel the certificate of registration of a registered practitioner or the certificate of registration or annual certificate or both of a registered member;
 - (k) cancel or suspend, subject to any terms the Committee considers appropriate, the permit where the investigated person is a professional corporation.
- (2) The Discipline Committee may make any ancillary order that is appropriate or required in connection with any order mentioned in subsection (1) or may make any other order that it considers appropriate in the circumstances including that
- (a) a further or new investigation be held into any matter,
 - (b) the Discipline Committee be convened to hear a complaint without a preliminary investigation,
 - (c) a matter be referred to the Practice Review Board, or
 - (d) a complaint or conduct be referred to any other entity having jurisdiction to review complaints.
- (3) Where the Discipline Committee is satisfied that an investigated person has contravened an order under subsection (1) it may, without the necessity of a further hearing, cancel or suspend his or its certificate of registration, annual certificate or permit, as the case may be, subject to any terms it considers appropriate.

Payment of costs and fine

58(1) The Discipline Committee may, in addition to or instead of dealing with the conduct of an investigated person in accordance with section 57, order that the investigated person pay

(a) all or part of the costs of the hearing or appeal determined in accordance with the regulations,

(b) a fine not exceeding \$10 000 for each finding of unskilled practice or professional misconduct and \$50 000 in the aggregate for all such findings arising out of the hearing, to the College, or

(c) both the costs under clause (a) and the fine under clause (b)

within the time set by the order.

(2) If the person ordered to pay a fine, costs or both under subsection (1) fails to pay the fine or costs within the time ordered, the Council may suspend the certificate of registration, annual certificate or permit of that person until he or it has paid the fine or costs.

(3) The Discipline Committee, if it finds that a complaint is frivolous or vexatious, may order the complainant to pay the costs of the preliminary investigation and the hearing before the Discipline Committee determined in accordance with the regulations.

(4) A fine or costs ordered to be paid to the College under this section is a debt due to the College and may be recovered by the College by civil action for debt.

Written decision

59 The Discipline Committee shall, within a reasonable time after the conclusion of a hearing before it, make a written decision on the matter, in which it shall

(a) describe each finding made by it,

(b) state the reasons for each finding made by it, and

(c) state any order made under this Part.

Service of decision and record of hearing

60(1) The Discipline Committee shall forward to the Registrar

(a) the decision, and

(b) the record of the hearing, consisting of all evidence presented before it, including

(i) all exhibits,

(ii) all documents, and

(iii) a transcript of all testimony given before it, whether recorded electronically, mechanically or in handwritten form.

(2) The Registrar shall, on receiving the decision of the Discipline Committee and the record of the hearing referred to in subsection (1), serve

(a) a copy of the decision on the investigated person and the Council, and

(b) a notice of the decision on the complainant, if any.

- Examination of record** **61** The investigated person may examine the record or any part of the record of the proceedings before the Discipline Committee and hear any recording or examine any mechanical or handwritten form of record of any testimony given before the Committee.
- Rehearing** **62** The Discipline Committee may
- (a) if there is new evidence available which was not available or for good reason was not presented at the hearing under section 49, and
 - (b) with the consent of the investigated person,
- rehear any matter already heard by it under section 49 and, for that purpose, has all the same power and authority and is subject to the same duties as it had and was subject to in connection with the first hearing.
- Stay pending appeal** **63**(1) The decision of the Discipline Committee remains in effect pending an appeal to the Council unless the Council on application stays the decision pending the appeal.
- (2) The decision of the Council remains in effect pending an appeal to the Court of Appeal unless the Court on application stays the decision pending the appeal.
- Appeal to Council** **64**(1) An investigated person or the College may appeal to the Council a finding or an order of the Discipline Committee.
- (2) An appeal under subsection (1) shall be commenced by a written notice of appeal, which shall
- (a) describe the finding or order appealed, and
 - (b) state the reasons for the appeal.
- (3) A notice of appeal under this section shall be served on the Registrar within 30 days after the date on which the decision of the Discipline Committee is served on the investigated person, if he is appealing the decision, or on the Council, if the College is appealing the decision.
- (4) The Registrar shall, on receiving a notice of appeal under subsection (3), give to each member of the Council a copy of the notice of appeal and make the record of the hearing available to each member of the Council.
- Notice and hearing of appeal** **65**(1) The Registrar shall, on receiving a notice of appeal under section 64, cause to be served on the investigated person a notice of hearing of an appeal stating the date, time and place when the Council will hear the matters appealed.
- (2) The Council shall
- (a) if the registration or permit of the investigated person has been suspended under section 37 or 47 pending the outcome of proceedings under this Part, hear the appeal within 30 days after the date of service of the notice of appeal, and
 - (b) if the registration or permit of the investigated person has not been so suspended, hear the appeal within 90 days after the date of service of the notice of appeal.

(3) The Council may, on the written request of the investigated person or the College, extend the periods referred to in subsection (2) for 1 or more additional periods but,

(a) in a case to which subsection (2)(a) applies, no such extension may be granted without the consent of that person, and

(b) in a case to which subsection (2)(b) applies, no such extension may be for a period of more than 90 days.

Council's powers
on appeal

66(1) The College and the investigated person may appear and be represented by counsel at the hearing of an appeal before the Council.

(2) A member of the Discipline Committee who is also a member of the Council may participate in an appeal before the Council but shall not vote in a decision of the Council on the appeal.

(3) The appeal to the Council shall be founded on a copy of the record of the proceedings before the Discipline Committee and the decision and order of the Committee.

(4) Sections 51 to 55 apply to proceedings before the Council.

(5) The Council on an appeal may

(a) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the Council,

(b) on granting special leave for that purpose, receive further evidence, and

(c) draw inferences of fact and make a determination or finding that, in its opinion, ought to have been made by the Discipline Committee.

(6) The Council shall, within 90 days from the date of the conclusion of all proceedings before it, do all or any of the following:

(a) make any finding that in its opinion ought to have been made by the Discipline Committee,

(b) quash, vary or confirm the finding or order of the Committee or substitute or make a finding or order of its own, or

(c) refer the matter back to the Committee for further consideration in accordance with any direction that the Council may make.

(7) The Council may make any award as to costs in proceedings, whether before it or the Discipline Committee, that it considers appropriate.

Appeal to Court

67(1) An investigated person or the College may appeal to the Court of Appeal any finding or order made by the Council under section 66.

(2) An appeal under this section shall be commenced

(a) by filing a notice of appeal with the Registrar of the Court at Edmonton or Calgary, and

(b) by serving a copy of the notice of appeal

(i) on the Council, where the investigated person is the appellant, or

(ii) on the investigated person, where the College is the appellant,

both within 30 days from the date on which the decision of the Council is served on the appellant.

Appeal on the record

68(1) The appeal to the Court of Appeal shall be founded on a copy of the record of the Discipline Committee and its decision and a copy of the finding and order of the Council and any further evidence received by the Council, all of which shall be certified by the Registrar.

(2) The procedure in an appeal shall be the same, with the necessary changes, as that provided in the Rules of Court for appeals from a judgment of a judge of the Court of Queen's Bench to the Court of Appeal.

Power of Court on appeal

69(1) The Court of Appeal on hearing the appeal may

(a) make any finding that in its opinion ought to have been made,

(b) quash, confirm or vary the order or decision of the Council or any part of it,

(c) refer the matter back to the Discipline Committee for further consideration in accordance with any direction of the Court, or

(d) direct that a new trial of any mixed questions of law and fact relating to a finding or order or both a finding and an order of the Council under section 66 be held before the Court of Queen's Bench.

(2) The Court of Appeal may make any award as to the costs of an appeal to it that it considers appropriate.

Misrepresentation of status

70 The conduct of a registered member or registered practitioner who is or was registered under this Act or of a professional corporation that is or was the holder of a permit under this Act, as the case may be, and who represents or holds out that he is registered or that it is the holder of a permit and is in good standing while his registration or its permit is suspended or cancelled constitutes professional misconduct.

PART 7

GENERAL

Service of documents

71 When this Act, the regulations or the by-laws require that a document or notice be given to or served on any person, the document or notice is sufficiently given or served if it is served personally on that person or sent to him by double registered mail at his address last shown on the register or records of the College or, if personal service or service by mail is not reasonably possible, then by publishing the document at least twice, and not more than a week apart, in a local newspaper circulating at or near the address last shown for that person on the College's register or records.

Certificate of Registrar

72(1) A certificate purporting to be signed by the Registrar and stating that a named person was or was not, on a specified day or during a specified period,

(a) a registered member, registered practitioner or professional corporation, or

(b) an officer of the College, a member of the Council or a member of a committee established by this Act, the regulations or the by-laws,

shall be admitted in evidence as prima facie proof of the facts stated in it without proof of the Registrar's appointment or signature.

(2) 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 1 occasion an act prohibited by this Act.

Protection from liability

73(1) No action lies against

(a) any person conducting a preliminary investigation, a member of the Council or of a committee or board established by this Act, the Registrar, the College or any person acting on the instructions of any of them, or

(b) any member, officer or employee of the College,

for anything done by him in good faith and in purporting to act under this Act, the regulations or a by-law that relates to or is incidental to a professional matter or a matter of public interest that is or may be the subject of a regulation under section 75.

(2) No action for defamation may be founded on a communication that consists of or pertains to the conduct of a registered member, registered practitioner or professional corporation if the communication is published to or by

(a) the College,

(b) a member of the Council, the Registration Committee, the Discipline Committee or the Practice Review Board,

(c) a person conducting a preliminary investigation,

(d) an officer or employee of the College, or

(e) a person acting on the instructions of a person or entity referred to in clauses (a) to (d),

in good faith in the course of investigating the conduct or in the course of any proceeding under this Act relating to the conduct.

Municipality prohibited from requiring licence

74 No municipality has the power to require

(a) a registered member or registered practitioner to obtain a licence from the municipality to practise chiropractic or to carry on practice as a registered member or registered practitioner, or

(b) a professional corporation to obtain a licence from the municipality to practise chiropractic.

PART 8

REGULATIONS AND BY-LAWS

Regulations

75(1) The Council may make regulations

(a) establishing and providing for the publishing of a code of ethics respecting the practice of chiropractic, the maintenance of the dignity and honour of the profession of chiropractic and the protection of the public interest;

(b) establishing conditions, including character requirements, with respect to the registration and conditional registration of registered members, registered practitioners and professional corporations;

(c) providing for the evaluation of experience and training requirements for applicants for registration as registered members and registered practitioners and for the examination of those applicants with respect to those requirements;

(d) prescribing standards for the practice of chiropractic;

(e) prescribing analytical instruments, therapies and diagnostic procedures which may be utilized in the practice of chiropractic;

(f) prescribing restrictions, conditions or limitations on the practice of chiropractic by registered members, registered practitioners and professional corporations;

(g) respecting the procedures for hearings, inquiries, reviews and preliminary investigations by the Registrar or a person appointed by him, the Discipline Committee, the Practice Review Board and the Council in matters relating to the conduct or practice of registered members, registered practitioners and professional corporations whether or not a complaint has been made;

(h) respecting the costs payable on the conclusion of an investigation or hearing by the Discipline Committee or Council;

(i) respecting reviews of the practice of a registered member, registered practitioner or professional corporation by the Practice Review Board or a person authorized by that Board;

(j) respecting registration procedures, the review of complaints and the practice of chiropractic generally, including employment practices of registered members and professional corporations;

(k) respecting the establishment and operation by the Council or a committee designated by the Council of a compulsory continuing education program for registered members;

(l) governing the publication of a notice of the suspension or cancellation of a certificate of registration, annual certificate or permit in a form and manner prescribed by the Council;

(m) governing the nature or content of advertising, if any, which may be permitted;

(n) respecting committees of inquiry for reinstatement under Part 4, and governing a person whose registration or permit has been removed, suspended or cancelled under this Act;

(o) prescribing how many members constitute a quorum of the Council;

(p) governing, subject to this Act, the operation and proceedings and quorum of the Discipline Committee and the Practice Review Board, the designation of chairmen and vice-chairmen, the appointment of acting members and the procedures for filling vacancies on the Committee, the Board or the Council and the appointment of ex officio members of the Committee, the Board or the Council and prescribing their terms of office, powers, duties and functions;

(q) prescribing conditions to be met before an annual certificate is issued;

(r) establishing classes or categories of registered practitioners for the purposes of section 12(1)(c) and prescribing additional rights and duties of registered practitioners;

(s) respecting the establishment, content and maintenance of registers under section 12(1)(c);

(t) respecting the removal from the registers of any memorandum or entry made in them under this Act, the regulations or the by-laws.

(2) A regulation under subsection (1) does not come into force unless it is approved by

(a) a majority of registered members

(i) present and voting at a general meeting, or

(ii) voting in a mail vote conducted in accordance with the by-laws,

and

(b) the Lieutenant Governor in Council.

By-laws

76(1) The Council may make by-laws

(a) for the government of the College and the management and conduct of its affairs;

(b) determining the location of the head office of the College;

(c) respecting the calling of and conduct of meetings of the College and the Council;

(d) respecting the nomination, election, number and term of office of Council members and officers of the College, the filling of vacancies on the Council and any committee or board established by the Council, the appointment of any individuals as ex officio members of the Council and of any committee or board established by the Council, and prescribing their powers, duties and

- functions, except the power to amend, repeal or suspend any by-law of the Council;
- (e) providing for the appointment of alternate members of the Council and procedures for the election of registered members and the nomination of members of the public for appointment by the Minister;
 - (f) providing for the division of the Province of Alberta into chiropractic electoral districts and prescribing the number of Council members to be elected from each district;
 - (g) providing for the term of office of the Registrar and his additional duties, powers and functions, and the appointment of an individual as an Acting Registrar who has all of the powers and performs all of the duties of the Registrar under this Act, the regulations and the by-laws when the Registrar is absent or unable to act or when there is a vacancy in the office of Registrar;
 - (h) prescribing the number of registered members that constitutes a quorum at meetings of the College;
 - (i) providing for the delegation of any powers or duties of the Council under this Act, the regulations or the by-laws with or without conditions to a committee established by the Council;
 - (j) prescribing fees and expenses payable to members of the Council, and of committees and boards established under this Act, the regulations or the by-laws for attending to the business of the College;
 - (k) respecting the establishment of and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit programs that the Council considers appropriate;
 - (l) respecting the fees, dues and levies payable by registered members, registered practitioners and professional corporations to the College, or to a recipient designated by the College by by-law;
 - (m) governing the publication of the names of applicants for registration as registered members, registered practitioners and professional corporations approved by the Registrar;
 - (n) requiring registered members, registered practitioners and professional corporations to maintain a business address in Alberta and to inform the Registrar in writing of that address and of any change in that address forthwith after the change occurs;
 - (o) authorizing the Council to prescribe the form of a certificate of registration, a permit, an annual certificate and any other form or document that may be required for the purposes of this Act, the regulations or the by-laws;
 - (p) prescribing the manner of proof as to matters required to be proved by applicants for permits;
 - (q) providing for the reinstatement or reissuance of any permit suspended or cancelled pursuant to an order of the Council under this Act, the regulations or the by-laws and prescribing the terms

and conditions on which reinstatement or reissuance of a permit may be granted;

(r) providing for the filing of periodic returns by professional corporations and the content of those returns;

(s) providing for the annual renewal of permits and prescribing the terms and conditions on which renewals may be granted;

(t) prescribing the objects of a professional corporation practising chiropractic under this Act;

(u) respecting the holding of votes by mail on any matter relating to the College;

(v) governing the establishment, operation and proceedings of boards and committees, the appointment and revocation of members of boards and committees, the appointment of acting members and procedures for filling vacancies on boards and committees and for delegating any power or duty of the Council under this Act, the regulations or the by-laws to a board or committee established by the Council or under this Act, except the power to amend, repeal or suspend any by-law of the Council;

(w) governing the names under which professional corporations may practise chiropractic.

(2) A by-law under subsection (1) does not come into force unless it is approved by a majority of members

(a) present and voting at a general meeting, or

(b) voting at a vote conducted by mail in accordance with the by-laws.

(3) The *Regulations Act* does not apply to by-laws of the College.

PART 9

PROHIBITIONS AND PENALTIES

Practice
prohibition

77(1) A person whose certificate of registration, annual certificate or permit is cancelled or suspended under this Act or any predecessor to this Act shall not, without the consent of the Council, practise chiropractic or directly or indirectly associate himself in the practice of chiropractic with a person permitted under this Act to engage in the practice of chiropractic.

(2) No person permitted under this Act to engage in the practice of chiropractic shall, except with the consent of the Council, associate in the practice of chiropractic directly or indirectly with, employ, or be employed by a person whose registration is cancelled or suspended.

(3) If Council permits a registered member, registered practitioner or professional corporation to associate with, employ, or be employed by a person whose registration has been cancelled or suspended under this Act, the association or employment shall be in the capacity and subject to the terms and conditions prescribed by the Council.

(4) It is an offence for a person to procure or attempt to procure registration under this Act by making a false or fraudulent representation or declaration, either oral or written, and any person knowingly aiding or assisting therein is also guilty of an offence.

Penalties

78(1) Every person and every officer, employee or agent of a corporation who contravenes this Act is guilty of an offence and liable

(a) for a first offence, to a fine of not more than \$2000,

(b) for a 2nd offence, to a fine of not more than \$4000, and

(c) for a 3rd and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment.

(2) A prosecution under this section may be commenced within 2 years after the commission of the alleged offence, but not afterwards.

Onus of proof

79 In a prosecution under this Act, the burden of proving that a person is a registered member, registered practitioner or professional corporation is on the accused.

PART 10

TRANSITIONAL AND CONSEQUENTIAL

Registration continued

80 *An individual who is a member of the Alberta Chiropractic Association under the former Act is deemed to be a registered member under this Act.*

Council continued

81 *The members of the Council elected under the former Act are deemed to be members of the Council under this Act, elected for the same period and holding the same offices.*

Application for registration continued

82 *An application for registration made under the former Act but not concluded before the coming into force of this Act shall be dealt with under the former Act as though this Act had not come into force.*

Discipline proceedings continued

83(1) *Any complaint made or discipline proceedings that were commenced but not concluded before the coming into force of this Act shall be concluded under the former Act as though this Act had not come into force.*

(2) *Any complaint made after the coming into force of this Act when the complaint relates to conduct occurring all or partly before the coming into force of this Act shall be dealt with under this Act.*

Amends RSA 1980 cA-24

84 *The Alberta Health Care Insurance Act is amended*

(a) *in section 1(e) by repealing subclause (i) and substituting the following:*

(i) *with reference to services provided in Alberta, a registered member, registered practitioner or professional corporation under the Chiropractic Profession Act, and*

(b) *in section 8(4)(d) by striking out “the council of the Alberta Chiropractic Association” and substituting “the Council of The College of Chiropractors of Alberta”, and*

(c) in section 13(8)(d) by striking out “the council of the Alberta Chiropractic Association” and substituting “the Council of The College of Chiropractors of Alberta or a discipline committee under the *Chiropractic Profession Act*”.

Amends
SA 1981 cB-15

85 *The Business Corporations Act* is amended in section 7(2) by striking out “or” at the end of clause (d), by adding “or” at the end of clause (e) and by adding the following after clause (e):

(f) The College of Chiropractors of Alberta.

Amends
RSA 1980 cC-20

86 *The Companies Act* is amended in section 16(2) and (3) by striking out “or *Optometry Profession Act*” wherever it occurs and substituting “, *Optometry Profession Act* or *Chiropractic Profession Act*”.

Amends
SA 1983 cL-10.1

87 *The Legislative Assembly Act* is amended in section 59 by striking out “*Chiropractic Appraisal Board*”.

Amends
RSA 1980 cL-15

88 *The Limitation of Actions Act* is amended in section 55 by repealing clause (c) and substituting the following:

(c) a registered member, registered practitioner or professional corporation under the *Chiropractic Profession Act*,

Amends
RSA 1980 cM-21

89 *The Motor Vehicle Accident Claims Act* is amended in section 31(2)(j) by striking out “chiropractors” and substituting “registered members, registered practitioners and professional corporations under the *Chiropractic Profession Act*”.

Amends
RSA 1980 cR-3

90 *The Radiological Technicians Act* is amended in section 11 by repealing clause (c) and substituting the following:

(c) a registered member, registered practitioner or professional corporation under the *Chiropractic Profession Act*,

Repeals
RSA 1980 cC-9

91 *The Chiropractic Profession Act, chapter C-9 of the Revised Statutes of Alberta 1980, is repealed.*

Coming into
force

92 *This Act comes into force on Proclamation.*