

BILL

No. 1 of 1921.

An Act to regulate the Practice of Optometry and to incorporate The Alberta Optometric Association.

(Assented to 1921.)

WHEREAS a petition has been presented, praying for the incorporation of The Alberta Optometric Association, as hereinafter set forth, and it is expedient to grant the prayer of the said petition;

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 means the examination of the human eye by the employment of subjective or objective mechanical means to ascertain the presence of defects or abnormal conditions which, or the effect of which, may be corrected, relieved or remedied by the use of lenses or prisms; to determine the accommodative or refractive conditions, the range of powers of vision or muscular equilibrium; to correct, relieve or remedy any such defect or abnormal condition or its effect by the adaptation or adjustment of lenses or prisms; and the supplying thereof.
3. In this Act, unless the context otherwise requires,—
 - (a) The word "association" means The Alberta Optometric Association;
 - (b) The words "board" or "board of examiners" means the board of examiners appointed by the Senate of the University of Alberta under the provisions of this Act;
 - (c) The word "council" means the council of management of the association;
 - (d) The expression "certificate of qualification" means the certificate of qualification issued to a candidate who passes the examination set by the board of examiners;
 - (e) The expression "certificate of registration" means a certificate or license to practise optometry in the Province of Alberta for a stated period, of unexpired date, issued by The Alberta Optometric Association;

- (f) The expression "certificate of exemption" means a certificate of exemption from examination issued to practise optometry, by the board of examiners.

4. Thomas Satchwell, Thomas George Dark, Harold Grant Willis, Julius Erlanger, James Edwin Shaw McClung, of the Province of Alberta, optometrists, and such other persons as may hereafter become registered members of said association under the provisions of this Act, are hereby constituted a body corporate under the name and style of "The Alberta Optometric Association" and shall have perpetual succession and a common seal, with powers to acquire, hold, mortgage, lease, sell or otherwise charge or dispose of real estate and personal property for the purposes of the said association; to borrow money for its purposes and to secure the repayment thereof by mortgage on its real and personal property; and to sue and be sued.

(2) The association may invest such portion of its funds as is not required for its immediate purposes in any securities specified in section 3 of *The Trustee Ordinance*, being chapter 119 of the Ordinances of the North-West Territories.

(3) The membership of the association shall consist of all persons holding a certificate of registration and the members of the board of examiners appointed under this Act.

5. The association may pass by-laws not inconsistent with any Act or law in force in the Province of Alberta for—

- (a) The government and discipline of its members;
- (b) The management of its property;
- (c) The maintenance of the association by levying contributions or otherwise, provided however that no such levy or levies shall in any year exceed the total sum of \$20.00 on each member;
- (d) All such other purposes as may be deemed necessary or convenient for the working or management of the association.

(2) All by-laws shall be prepared by the council hereinafter named, and, before becoming effective, be ratified by the association at an annual general meeting or a general meeting called for the purpose.

6. There shall be a council of management of the association consisting of not less than five, nor more than eight, members, to be elected and to hold office as hereinafter provided.

(2) The council shall from time to time select from its members a president, secretary-treasurer, registrar and such other officers as the association may in general meeting authorize.

(3) The said council shall be elected by a majority vote at the annual meeting of the association and shall hold office for the term of one year and until their successors shall have been elected; provided that in the first council elected the four members receiving the highest number of votes or to be elected first shall hold office for the term of two years.

(4) In the event of an equality vote, the chairman of the meeting shall have the casting vote.

(5) The first annual meeting shall be called within six months after the passing of this Act, by a member of the association, named by the Senate of the University of Alberta, who shall act as chairman of the meeting.

(6) The president, or in his absence, the vice-president, or in the absence of both, the senior member of the council shall act as chairman of all meetings of the council and the association.

(7) Meetings of the council may be held by order of the president or at the request of three members thereof, and notice of any such meeting shall be given all members thereof by mailing such notice to the registered address of each said member at least ten days previous to the time of such meeting.

(8) The officers of the council shall be the officers of the association.

(9) In the event of the resignation, death or dismissal of any officer or member of the council, the remaining members of the council shall have power to fill for the unexpired portion of his time any vacancy so caused.

(10) Five members of the council shall constitute a quorum and all matters shall be decided by a majority of the votes of the members of the council present at the meeting.

(11) The functions of the council shall be—

- (a) To maintain the discipline of the members of the association;
- (b) To prepare the by-laws of the association;
- (c) To prepare an annual report of the operations of the association for submission at the annual meeting of the association.

7. There shall be a board of examiners, consisting of five members, known and styled as "The Board of Examiners in Optometry for Alberta," appointed by the Senate of the University of Alberta.

(2) The members of the board shall hold office during the pleasure of the Senate of the University of Alberta.

(3) The duties of the board shall be—

- (a) To pass on the application of all persons applying for a certificate of exemption under section 8 of this Act;
- (b) To set the examinations or tests for, and conduct the examination of, all candidates applying to qualify to practise optometry in the Province of Alberta.

(4) The board shall appoint from its members a president and secretary and shall meet at the call of the registrar of the University of Alberta.

(5) Three members of the board shall constitute a quorum.

8. Any person, being resident in the Province of Alberta, who, within six months after the passing of this Act, submits to the board an application, duly verified, by statutory declaration, setting forth that he or she has been continuously engaged in the practice of optometry, at an established place of business within the Province of Alberta, for at least one year next preceding the first day of January, 1921, and is of good moral character, shall be entitled to, and be granted a certificate of exemption by the board, provided, however, that any person qualified for exemption under this section may, after the expiration of the said period, and upon payment of a registration fee of \$20.00, be issued a certificate of exemption by the board, upon furnishing to the board satisfactory evidence thereof, and of his or her qualifications to practise optometry.

9. Every person who, not being entitled to apply for a certificate of exemption under the preceding section, desires to become a member of the association, files with the board an application, duly verified by statutory declaration, showing that such applicant—

- (a) Is of the full age of twenty-one years and of good moral character, and has
- (b) Served an apprenticeship of at least three months in the Province of Alberta with a member of the association, shall be entitled upon payment of the fee therefor, to submit himself for examination by the board to qualify.

(2) Every such applicant who qualifies on an examination set by the board shall be granted a certificate of qualification.

10. The holder of a certificate of exemption or certificate of qualification, shall, upon presentation thereof, accompanied by his photograph in duplicate and payment of the prescribed fee to the registrar of the association, be granted a certificate of registration.

(2) All certificates issued by the registrar of the association shall be numbered consecutively and recorded in a register kept by the registrar of the association for that purpose and shall have affixed thereto a photograph of the person registered.

11. The following fees shall be paid to the secretary-treasurer of the association:

- (a) By every applicant, upon registration, the sum of \$10.00;
- (b) By every applicant for examination, the sum of \$15.00;
- (c) For every certificate issued by the board, the sum of \$2.00;
- (d) By every member of the association on the 15th day of January, an annual membership fee of \$15.00.

(2) The certificate of registration of any member who is in default in payment of his annual fee for a period of thirty days may be revoked, provided that such certificate may be re-issued at any time within one year after revocation upon payment of the said annual fee and a further sum of \$5.00.

12. The board of examiners and the members thereof shall be entitled to such remuneration and such allowance for expenses as to the council shall seem fit.

13. The council may, in their discretion, suspend or dismiss from the association any member thereof whom they find guilty of improper conduct, contravention of the by-laws of the association or incompetency, but the council shall not take action until a complaint, verified by statutory declaration, has been filed with the registrar of the association and a copy thereof forwarded to the accused member; nor shall such member be suspended or dismissed without first being summoned to appear before the council in order to be heard in his own defence; nor shall the council suspend or dismiss such member without having heard the evidence under oath, which oath the chairman of the council, or person acting in his absence is empowered to administer, in support of the complaint and on behalf of the accused member, in case such member wishes to be heard.

(2) All evidence offered by the complainant and the accused member shall be taken down in shorthand by a competent stenographer.

(3) Any member suspended or dismissed from the association may, within fourteen days after the date of the order or resolution of suspension or dismissal is made, or

within such further time as a judge of the superior court of the Province of Alberta may order, appeal to a judge of such court against such order or resolution by giving one week's notice in writing to the council.

(4) A copy of the evidence taken at the hearing before the council shall, on the request of the appellant, be filed with the clerk of such court for the judicial district in which the appellant resides, and the said judge may on such appeal make such order or direction and as to costs, as the justice of the case may require.

14. No person, unless duly registered under the provisions of this Act and in good standing shall, after the expiration of six months from the passing of this Act, practise optometry within the Province of Alberta, nor carry on business under any title, name or description implying that he is registered under this Act.

(2) The use of test lenses or trial frames shall be deemed *prima facie* evidence of the practice of optometry.

(3) Any person who, not being registered under this Act, practises optometry within the province of Alberta, or who carries on business under any title, name or description as aforesaid, shall on summary conviction be liable to a fine not exceeding \$200.00 and costs, or to imprisonment for a term not exceeding three months or both.

15. Nothing in this Act shall be construed as applying to the members of the College of Physicians and Surgeons of the Province of Alberta.

16. In order to provide for the registration of persons now practising optometry in the Province of Alberta, prior to the appointment of the board of examiners and officers of the association, the following provisions shall have effect:

1. There shall be a provisional council of management, composed of the persons named in section 2 of this Act.

2. Such provisional council of management shall, until the first annual meeting of the association and the first election of the council of management of the association under this Act, but no longer, have the following powers and perform the following duties:

(a) Receive and pass on the applications for registration of such persons as are entitled to be registered under the provisions of this Act without being required to submit to any examination;

(b) Receive and hold the fees paid by such persons as so apply to be registered, and account for the same to the secretary-treasurer of the association when appointed;

- (c) Open and keep a correct register of such persons as are registered and deliver same to the registrar of the association when appointed.
- 3. The said provisional council of management shall be entitled to such remuneration for their services and such allowances for expenses as to the council shall seem fit.

No. 1.

FOURTH SESSION
FOURTH LEGISLATURE
11 GEORGE V
1921

BILL

An Act to regulate the Practice of
Optometry and to incorporate The
Alberta Optometric Association.

Received and read the

First time.

Second time.

Third time.

MR. TURGEON.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER.
A.D. 1921