

# BILL

No. 71 of 1928.

An Act to amend The Medical Profession Act.

(Assented to \_\_\_\_\_, 1928.)

**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 Medical Profession Act Amendment Act, 1928.*"

**2.** *The Medical Profession Act*, being chapter 209 of the Revised Statutes of Alberta, 1922, is amended as to section 35 thereof by striking out the words "The council shall grant" where the same occur therein, and substituting therefor the following: "The council may grant."

**3.** Section 36 of the said Act is hereby struck out and the following substituted therefor:

"**36.** The council may at any time direct the registrar to erase from the register the name of any person who—

"(a) was improperly registered; or

"(b) has been convicted of an offence punishable under the *Criminal Code* of Canada upon proof of such conviction; or

"(c) is insane or mentally incapacitated and has been so found; or

"(d) makes written application to the registrar to have his name erased—

and such name shall be accordingly erased."

**4.** Section 40 of the said Act is amended:

(a) by striking out subsection (2) thereof, and substituting therefor the following:

"(2) The council may by resolution remit any annual fees due to the college by any member who—

"(a) is, or has been a resident out of the Province of Alberta during the period in respect of which such fees become payable; or

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

(b) by adding as subsection (3) thereof, the following:

"(3) The council may by resolution suspend, until such fees are paid, from the privileges of a registered practitioner any member who does not pay to the registrar the said fee within thirty days of the date of mailing of a registered letter from the registrar requiring payment thereof."

5. Section 43 of the said Act is amended by adding thereto the following: "and for the carrying out of the duties and obligations imposed upon it, or any of its committees, by the provisions of this Act."

6. Section 45 of the said Act is amended as to subsection (1) thereof—

(a) by adding as paragraph (d), immediately after paragraph (c) thereof, the following:

"(d) whose conduct in the opinion of the committee ought to be investigated;" and

(b) by adding at the end thereof the following:

"or the council may in its discretion suspend such person from the privileges of a registered practitioner for such time not exceeding three years as it thinks fit, and in addition to or in lieu of suspension as herein provided, the council may impose such other penalty or fine as in its judgment the offence warrants and order the registrar to have the finding carried out:

"Provided, however, that the fine thus imposed shall not be less than fifty dollars, nor more than five hundred dollars, with or without costs incurred by the committee or council in the prosecution of the investigation of the charge or complaint against such person:

"If the offender does not within thirty days after receiving a written notice from the registrar of the finding of the council comply with the judgment, the registrar shall suspend the offender from the privileges of a registered practitioner until judgment is complied with."

7. Section 46 of the said Act is amended—

(a) as to subsection (1) thereof, by striking out all the words after the word "practitioner" and substituting therefor the following:

"until the next meeting of the council, but not exceeding twelve months, and make such further recommendation as they deem advisable, and the council may accept, amend or reject the recommendation of the discipline committee and if it thinks fit may impose such other penalty, permissible under this Act, as the offence warrants."

(b) By striking out subsection (2) thereof.

8. Section 47 of the said Act is amended—

(a) by striking out the words "Any direction of the council under the provisions of section 45 and any adjudication of the committee under section 46 shall be subject to an," and substituting therefor the words: "Any member whose name has not been ordered to be erased from the register, but who has been suspended or otherwise dealt with by order of the council or discipline committee under the provisions of this Act may."

(b) By adding thereto the following proviso:

“Provided that there shall be no appeal from an order unanimously made by the members of the council then present and voting.”

**9.** Section 47a is added to the said Act immediately after section 47 thereof, as follows:

“**47a.** Unbecoming or improper conduct, professional or otherwise, within the meaning of this Act shall be a question of fact for the sole and final determination of the council or the discipline committee and any matter, conduct or such thing as in the judgment of the council or discipline committee is such as to be inimical to the best interests of the public or the profession shall be a conduct unbecoming a member of the medical profession.”

**10.** Section 47b is added to the said Act, as follows:

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

**11.** Section 52 of the said Act is amended by adding thereto the words “or with any other person who is not qualified and licensed to practise pursuant to this Act.”

**12.** Section 56 of the said Act is amended by striking out subsection (2) thereof, and substituting therefor the following:

“(2) Evidence may be adduced before the council or discipline committee either by affidavit or *viva voce*, or both, as the council or committee may determine, and every member of the council or committee is hereby authorized and empowered to administer an oath for the purpose of any investigation.”

**13.** Section 57 is added to the said Act, as follows:

“**57.—(1)** The attendance of witnesses before the council or committee, and the production of books, papers and other documents, may be enforced by a notice requiring the witness to attend, issued under the hand of the registrar of the council and the seal of the college, stating the time and place at which the witness is to attend, and the documents, if any, he is required to produce.

“(2) The registrar shall, without charge, issue and deliver to the member whose conduct is being investigated, such notice as he may require for the attendance of witnesses or production of documents, upon the written request of such member, his solicitor or agent.

“(3) Any witness, other than a member, whose conduct is being investigated, served with a notice to attend, or for the production of documents as aforesaid, shall be entitled to demand and to be paid the usual fees payable to witnesses in an action in the trial division of the Supreme Court.

“(4) Any witness failing to attend before the council or committee, in obedience to such notice, or to produce any books, papers or other documents, or in any way to comply with such notice, or refusing to be sworn, or to answer any question allowed by the council or committee, shall be liable to attachment upon application to a judge of the Supreme Court.

“(5) The council or committee shall not be bound by the rules of evidence obtaining in actions and proceedings in the courts of justice, but on the contrary may proceed to ascertain the facts in such manner as it shall deem proper.”

**14.** Section 58, relating to subpoenas, is hereby struck out.

**15.** Section 60a is added to the said Act as follows:

“**60a.** Notwithstanding anything in this Act contained, the council may, in its uncontrolled discretion—

“(a) refuse enrolment as a member of the college;

“(b) suspend any member of the college pending the investigation of whether such member has been guilty of conduct unbecoming a member of the medical profession.”

No. 71.

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SECOND SESSION  
SIXTH LEGISLATURE  
18 GEORGE V  
1928

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**B I L L**

An Act to amend The Medical  
Profession Act.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. HOADLEY.

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EDMONTON:  
W. D. McLEAN, ACTING KING'S PRINTER  
A.D. 1928