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c 72 Chiropody Act

Ontario

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CHAPTER 72

Chiropody Act

1. In this Act,Interpre-
tation

- (a) "Board" means the Board of Regents appointed under this Act;
- (b) "chiropodist" means a person, other than a legally qualified medical practitioner, who practises or advertises or holds himself out in any way as practising the treatment of any ailment, disease, defect or disability of the human foot;
- (c) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 70, s. 1.

2.—(1) The Board of Regents is continued and shall be composed of not fewer than three and not more than seven persons appointed by the Lieutenant Governor in Council. 1980, c. 63, s. 1.

(2) Every member of the Board shall hold office for a period of two years, but is eligible for reappointment on the expiration of his term of office.

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member shall be filled by the appointment of a person to hold office for the remainder of the term of such member.

(4) The Lieutenant Governor in Council shall designate from time to time one of the members to be chairman, one to be vice-chairman and one to be secretary-treasurer of the Board. R.S.O. 1970, c. 70, s. 2 (2-4).

3. The Board, with the approval of the Lieutenant Governor in Council, may make regulations,

- (a) for the admission of chiropodists to practise in Ontario and for the registration of all persons so admitted and for the issuing of certificates of registration;
- (b) prescribing the training and qualifications of persons so to be admitted and the proofs to be furnished as to education and good character;

- (c) providing for approval of schools, colleges or universities, and prescribing educational standards, methods and hours of training and instruction facilities, and other requirements for approved schools, colleges or universities;
- (d) providing for the appointment of examiners and the examination and re-examination of applicants for registration as chiropodists, prescribing the subjects for examination, the minimum standards to be obtained on examination or re-examination, and the fees to be paid on examination and re-examination;
- (e) for maintaining a register of persons so admitted to practise, and providing for the annual renewal of registration and prescribing the fees to be paid therefor;
- (f) providing for the holding of meetings of the Board, the business to be transacted thereat, the quorum and the powers and duties of the Board and of the chairman, vice-chairman and secretary-treasurer of the Board;
- (g) providing for the payment of a per diem allowance and an allowance for travelling and living expenses to members of the Board while engaged on business of the Board, and payment of compensation to the secretary-treasurer of the Board in lieu of a per diem allowance;
- (h) providing for the employment of such persons or services as may be required and for the payment of salaries, fees and expenses and generally for payment out of funds at the disposal of the Board;
- (i) prescribing the books and records to be kept by the Board;
- (j) providing for the auditing of the books and accounts of the Board;
- (k) prescribing the discipline and control of registered chiropodists and regulating the manner of carrying on their business;
- (l) designating and regulating the manner in which a registered chiropodist may describe his qualification or occupation and prohibiting the use of any title, affix or prefix that in the opinion of the Board is calculated to mislead the public as to the qualification of any such person and for allowing the use of any affix or prefix not forbidden by subsection 67 (2) of the *Health Disciplines*

Act that in the opinion of the Board will correctly describe the qualification or occupation of such person;

- (m) providing for the investigation of any complaint that a registered chiropodist has been guilty of misconduct or displayed such ignorance or incompetence as to render it desirable in the public interest that his registration should be cancelled or suspended;
- (n) providing for the cancellation or suspension of the registration of any person found by the Board to be guilty of misconduct or of any contravention of this Act or the regulations, or to have been ignorant or incompetent;
- (o) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 70, s. 3.

4. Where the Minister of Health requests in writing that the Board make, amend or revoke a regulation under section 3 and the Board has failed to do so within sixty days after the request, the Lieutenant Governor in Council may make the regulation, amendment or revocation specified in the request. 1980, c. 63, s. 2.

5. Nothing in this Act or the regulations authorizes a chiropodist,

- (a) to administer a drug internally or to prescribe a drug for use internally;
- (b) to administer an anaesthetic other than a substance applied externally to the skin; or
- (c) to practise medicine, surgery or midwifery,

but nothing in this Act or the regulations prevents the treatment by a registered chiropodist of morbid conditions of the nails and skin and the resulting minor morbid conditions of the subcutaneous tissues of the human foot. R.S.O. 1970, c. 70, s. 4.

6. Every person who, not being registered as a chiropodist under this Act or who having been so registered and whose registration has been cancelled or is under suspension, practises or holds himself out as practising as a chiropodist within the meaning of this Act, or who advertises or uses or affixes any prefix to his name signifying that he is qualified to practise as a chiropodist within the meaning of this Act is guilty of an offence

and on conviction is liable to a fine of not more than \$100 and upon conviction for a subsequent offence within a period of two years after such first conviction shall be imprisoned for a term of not more than three months. R.S.O. 1970, c. 70, s. 5.

Proof of registration

7.—(1) In all cases where proof of registration under this Act is required to be made, the production of a printed or other copy of the register, certified under the hand of the secretary-treasurer of the Board, is sufficient proof of all persons who are registered chiropodists in lieu of the production of the original register, and any certificate upon the printed or other copy of the register purporting to be signed by a person in his capacity of secretary-treasurer of the Board under this Act is *prima facie* proof that the person is the secretary-treasurer.

Evidence of non-registration

(2) The absence of the name of a person from the copy is *prima facie* proof that the person is not registered under this Act.

Omission of name from copy

(3) In the case of a person whose name does not appear in the copy, a certified copy under the hand of the secretary-treasurer of the entry of the name of the person on the register is *prima facie* proof that the person is registered under this Act. R.S.O. 1970, c. 70, s. 6.

Where Act does not apply

8. Nothing in this Act applies to or affects,

- (a) the practice of any profession or calling under any general or special Act of the Legislature;
- (b) any nurse acting in the absence of, or under the prescription or direction of, a legally qualified medical practitioner;
- (c) the furnishing of first aid or temporary assistance in cases of emergency;
- (d) persons treating human ailments by prayer or spiritual means as an enjoyment or exercise of religious freedom. R.S.O. 1970, c. 70, s. 7.

Compliance with other statutes not affected
R.S.O. 1980, cc. 409, 524

9. Nothing in this Act or the regulations shall be taken or deemed to relieve any person from compliance with the *Public Health Act*, the *Vital Statistics Act* or any legal duty to provide for the treatment of a person by a legally qualified medical practitioner. R.S.O. 1970, c. 70, s. 8.