

1970

c 137 Drugless Practitioners Act

Ontario

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CHAPTER 137

The Drugless Practitioners Act

1. In this Act,Interpre-
tation

- (a) "Board" means the Board of Regents appointed under this Act;
- (b) "drugless practitioner" means a person 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 body by manipulation, adjustment, manual or electro-therapy or by any similar method;
- (c) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 114, s. 1.

2.—(1) The Board of Regents established under *The Drugless Practitioners Act, 1925* is continued, and shall be composed of five persons appointed by the Lieutenant Governor in Council. Board of
Regents
1925, c. 49

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

(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. 1960, c. 114, s. 2. Officers

3.—(1) The Lieutenant Governor in Council may appoint a board of directors for one or more classifications of drugless practitioners to be composed of not fewer than three and not more than five members and to be known as "The Board of Directors of (inserting the classification or classifications)". Boards of
directors

(2) The members of a board of directors shall hold office for a period of two years, but any member is eligible for reappointment at the expiration of his term of office. Term of
office

(3) Every vacancy on a board of directors 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. Vacancies

Officers

(4) The Lieutenant Governor in Council may designate one of the members to be chairman, one to be vice-chairman and one to be secretary-treasurer of a board of directors. R.S.O. 1960, c. 114, s. 3.

Regulations

4. The Lieutenant Governor in Council may make regulations classifying persons admitted to practise under this Act and for prescribing the systems of treatment that may be followed by drugless practitioners of different classes. R.S.O. 1960, c. 114, s. 4.

Board of Regents replaced

5.—(1) When a board of directors has been appointed, the Board of Regents shall cease to act with respect to the classification or classifications of drugless practitioners for which the board of directors is appointed, and the provisions of this Act with respect to the Board of Regents apply *mutatis mutandis* to the board of directors so appointed.

Powers of boards of directors

(2) A board of directors may exercise with respect to the classification or classifications of drugless practitioners for which it is appointed all the powers that the Board of Regents would have, if the board of directors had not been appointed. R.S.O. 1960, c. 114, s. 5.

Regulations

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

- (a) for the examination and admission of drugless practitioners to practise in Ontario and for the registration of persons so admitted and prescribing the fees to be paid on examination and registration;
- (b) prescribing the qualifications of persons so to be admitted and the proofs to be furnished as to education, good character and experience;
- (c) for maintaining a register of persons admitted to practise and providing for the annual renewal of registration and prescribing the fee therefor;
- (d) prescribing the discipline and control of registered drugless practitioners, including the prohibition or control of advertising by or on behalf of such persons;
- (e) for classifying persons admitted to practise under this Act and for prescribing the systems of treatment that may be followed by drugless practitioners of different classes;
- (f) for designating the manner in which a person registered under this Act may describe his qualification or occupation and prohibiting the use of a 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

The Medical Act that in the opinion of the Board will correctly describe the qualification or occupation of such person; R.S.O. 1970,
c. 268

- (g) for the investigation of any complaint that a registered drugless practitioner 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;
- (h) for the cancellation or suspension of the registration of any person found by the Board to be guilty of misconduct or to have been ignorant of incompetence;
- (i) providing for the employment by the Board of such persons and services as may be required and for the payment of such persons and for such services;
- (j) 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;
- (k) providing for the investment of the surplus revenue of the Board;
- (l) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 114, s. 6; 1961-62, c. 36, s. 1.

7. Nothing in this Act or the regulations authorizes a person, not being so expressly authorized under a general or special Act of the Legislature, to prescribe or administer drugs for use internally or externally or to use or direct or prescribe the use of anaesthetics for any purpose whatsoever or to practise surgery or midwifery. Act does not
authorize
practice of
medicine
R.S.O. 1960, c. 114, s. 7.

8. Every person while registered as a drugless practitioner under this Act or while his registration has been cancelled or is under suspension, who practises or holds himself out as practising as a drugless practitioner within the meaning of this Act, or advertises or uses or affixes any prefix to his name signifying that he is qualified to practise as a drugless practitioner within the meaning of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 and on summary conviction for a subsequent offence within a period of two years after the first conviction shall be imprisoned for a term of not more than three months. R.S.O. 1960, c. 114, s. 8, amended. Penalty
for un-
authorized
practice

9.—(1) In all cases where proof of registration under this Act is required, the production of a printed or other copy of the register, certified under the hand of the secretary-treasurer of the Proof of
registration

Board, is sufficient evidence of all persons who are registered practitioners in lieu of the production of the original register, and any certificate upon such printed or other copy of the register purporting to be signed by a person in his capacity as secretary-treasurer of the Board under this Act is *prima facie* evidence that such person is the secretary-treasurer without any proof of his signature or of his being in fact the secretary-treasurer.

Evidence
of non-
registration

(2) The absence of the name of a person from such copy is *prima facie* evidence that such 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 such copy, a certified copy under the hand of the secretary-treasurer of the entry of the name of such person on the register is evidence that such person is registered under this Act. R.S.O. 1960, c. 114, s. 9.

Saving

10. Nothing in this Act applies to or affects,

- (a) the practice of any profession or calling by any person practising it 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. 1960, c. 114, s. 10.

Compliance
with other
statutes not
affected
R.S.O. 1970,
cc. 377, 483

11. Nothing in this Act or the regulations shall be taken or deemed to relieve any person from complying with *The Public Health Act* or *The Vital Statistics Act* or from any legal duty to provide for the treatment of any person by a legally qualified medical practitioner. R.S.O. 1960, c. 114, s. 11.
