The Drugless Practitioners Act

being

Chapter 222 of The Revised Statutes of Saskatchewan, 1940
(effective February 1, 1941).

NOTE:
This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.
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**SCHEDULE**
CHAPTER 222
An Act Respecting Drugless Practitioners

SHORT TITLE

Short title
1 This Act may be cited as The Drugless Practitioners Act.
R.S.S. 1930, c.179, s.1; R.S.S. 1940, c.222, s.1.

INTERPRETATION

Interpretation
2 In this Act, unless the context otherwise requires, the expression:
“Association”
1. “Association” means The Drugless Practitioners Association;
“Council”
2. “Council” means the council of the association;
“Drugless practitioner”
3. “Drugless practitioner” means every person who practices 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, manual adjustment, or electrotherapy or by any similar method, and includes one who practises osteopathy or chiropractic;
“Registrar”
4. “Registrar” means the registrar of the association.
R.S.S. 1930, c.179, s.2; R.S.S. 1940, c.222, s.2.

DRUGLESS PRACTITIONERS ASSOCIATION

Incorporation
3 The Drugless Practitioners Association is continued as a body corporate and politic.
R.S.S. 1930, c.179, s.3; R.S.S. 1940, c.222, s.3.

Membership
4 The association shall consist of its present members and all persons who become members under the provisions of this Act.
R.S.S. 1930, c.179, s.4; R.S.S. 1940, c.222, s.4.

POWERS

Acquisition of property
5 The association may acquire and hold real and personal property for its corporate purposes and may alienate, exchange, lease, mortgage or otherwise charge or dispose of the same.
R.S.S. 1930, c.179, s.5; R.S.S. 1940, c.222, s.5.
Bylaws

6 The association may make bylaws not inconsistent with the provisions of this Act for:

(a) the government and discipline of its members;
(b) the management of its property;
(c) all other purposes necessary for the operation and management of its affairs.

R.S.S. 1930, c.179, s.6; R.S.S. 1940, c.222, s.6.

COUNCIL

Composition

7 There shall be a council of the association composed of seven members who shall be members of the association licensed under the provisions of this Act and resident in Saskatchewan at the time of their election. Three members shall be elected by those members of the association who are licensed to practise osteopathy, three by those members who are licensed to practise chiropractic, and one by all the licensed members.

R.S.S. 1930, c.179, s.7; R.S.S. 1940, c.222, s.7.

Resignations

8 A member of the council may resign his membership at any time by letter to the registrar.

R.S.S. 1930, c.179, s.8; R.S.S. 1940, c.222, s.8.

Council fills vacancies

9 Upon the death or resignation of a member of the council or upon a member of the council ceasing to be qualified for election thereto under the provisions of this Act, the council shall appoint a qualified person to fill the vacancy for the unexpired term; and the person so appointed shall be one of the same profession, osteopathy or chiropractic as the case may be, as the person in whose stead he is appointed.

R.S.S. 1930, c.179, s.9; R.S.S. 1940, c.222, s.9.

Election by ballot

10 The election of members of the council shall be by ballot and shall take place at the annual general meeting of the association or at such other time as shall be fixed by bylaw of the association.

R.S.S. 1930, c.179, s.10; R.S.S. 1940, c.222, s.10.

Voters’ qualifications

11 The persons qualified to vote at elections for members of the council shall be members of the association who are licensed under the provisions of this Act and resident in Saskatchewan at the time of the election.

R.S.S. 1930, c.179, s.11; R.S.S. 1940, c.222, s.11.
Spoiled ballots

Every voter shall vote for the number of persons to be elected and any ballot which contains the names of more or fewer persons than the number to be elected shall be void.

R.S.S. 1930, c.179, s.12; R.S.S. 1940, c.222, s.12.

Term of office

The member of the council to be elected by all the licensed members of the association shall be elected annually.

The two members of the council elected respectively by those licensed to practise osteopathy and those licensed to practise chiropractic and having respectively the highest number of votes at the first election, shall hold office for a term of three years.

The two members of the council so elected and having respectively the second highest number of votes at the first election, shall hold office for a term of two years.

The two members of the council so elected and having respectively the third highest number of votes at the first election, shall hold office for the term of one year.

After the first election, a member of the council shall be elected annually by those licensed to practise osteopathy and a member shall be elected annually by those licensed to practise chiropractic, and both members shall hold office for a term of three years.

R.S.S. 1930, c.179, s.13; R.S.S. 1940, c.222, s.13.

Same

Subject to the provisions of section 8, members of the council shall continue to hold office until their successors are elected.

R.S.S. 1930, c.179, s.14; R.S.S. 1940, c.222, s.14.

Re-election

Retiring members of the council shall, if otherwise qualified, be eligible for re-election.

R.S.S. 1930, c.179, s.15; R.S.S. 1940, c.222, s.15.

FUNCTIONS OF THE COUNCIL

Election of officers

The officers of the association shall be a president, a vice president and a registrar who shall also be secretary treasurer.

The officers shall be elected by the council from its members at its first meeting after the annual general meeting of the association and shall hold office for one year or until their successors are elected.

R.S.S. 1930, c.179, s.16; R.S.S. 1940, c.222, s.16.
Meetings

17(1) The council shall hold at least two meetings in each year, at such time and place as it shall by resolution determine.

(2) The council shall not transact business at any meeting at which less than the majority of the members of the council are present.

R.S.S. 1930, c.179, s.17; R.S.S. 1940, c.222, s.17.

Bylaws

18(1) The council may make bylaws, rules and regulations governing:

(a) the appointment, duties and removal of employees of the association and their remuneration;

(b) the time and place when and where the annual general meeting of the association shall be held;

(c) the removal of names from the general membership register of the association and the cancellation of licences to practise;

(d) all other matters reasonably necessary for carrying out the provisions of this Act, for the conduct of the affairs of the association and for the guidance, government and discipline of the members of the association, including rules of professional ethics.

(2) Such bylaws, rules and regulations, unless in the meantime confirmed by general meeting of the association called for that purpose, shall respectively have force only until the next annual general meeting of the association, and in default of confirmation at that meeting shall thereafter be void.

R.S.S. 1930, c.179, s.18; R.S.S. 1940, c.222, s.18.

MEETINGS OF ASSOCIATION

Procedure

19(1) General meetings of the association shall be held as hereinafter provided.

(2) The members of the association in general meeting assembled and the council shall have the entire direction and management of the affairs of the association, subject to the bylaws, rules and regulations.

(3) Only those members of the association who are licensed to practise under the provisions of this Act shall be entitled to vote at meetings of the association.

(4) At all meetings of the association the vote of the majority of the members present and entitled to vote shall be conclusive upon all matters brought before the meeting.

(5) The person presiding at any meeting of the association or of the council shall not vote except in case of an equality of votes when he shall have a casting vote.

R.S.S. 1930, c.179, s.19; R.S.S. 1940, c.222, s.19.

Time and business

20(1) The annual general meeting of the association and shall be held on the second Monday in May or on such other day as may be fixed by bylaw of the council.
(2) A special general meeting of the association may be held at any such time as
the council may by resolution determine and shall be held upon request in writing
made to the registrar by not less than six members of the association who are also
licensed to practise under the provisions of this Act, which request shall specify the
purpose for which the meeting is to be called. A special meeting so requested shall
be called to be held within one month from the receipt of the request therefor and
the notice of the meeting shall specify the purpose for which it is called.

(3) No business shall be transacted at a special general meeting except that specified
in the notice calling the meeting.

R.S.S. 1930, c.179, s.20; R.S.S. 1940, c.222, s.20.

EXAMINATIONS

Examinations

21(1) The University of Saskatchewan shall hold two regular examinations, and
such supplemental examinations as are deemed advisable, each year, in accordance
with regulations prescribed for the purpose by the Senate. The examinations shall
be conducted by examiners appointed by the university. The university shall confer
with the Drugless Practitioners' Council concerning suitable persons to examine in
the subjects required of candidates for licence as drugless practitioners.

(2) The fee for a regular examination shall be $50, and the fee for a supplemental
examination shall be $20, these fees to be paid in advance to the registrar of the
university.

(3) All examinations shall be held at the university.

R.S.S. 1930, c.179, s.21; R.S.S. 1940, c.222, s.21.

Conditions of examinations

22(1) Every applicant, in order to be admitted to the regular examination, shall
file with the registrar of the University of Saskatchewan satisfactory evidence of
identity, good moral character and preliminary education and a diploma or diplomas
of graduation from a chartered school, college or university recognized by the
University of Saskatchewan, the requirements of which were at the time of granting
such diploma or diplomas not less than those prescribed by this Act.

(2) Every applicant for a licence shall, in addition to the proof required by
subsection (1), furnish satisfactory evidence that he has attended a resident course
of study in a chartered school, college or university recognized by the University of
Saskatchewan, for three years of six months each or its equivalent.

(3) Every applicant for a licence shall also furnish satisfactory evidence that he
has completed a junior matriculation course or its equivalent.

R.S.S. 1930, c.179, s.22; R.S.S. 1940, c.222, s.22.

Applications

23(1) Application for admission to an examination shall be made or a blank form
to be supplied on application by the registrar of the university, and shall be filed
with the registrar at least two weeks before the time fixed for the examination.
(2) Each application shall be accompanied in the proper examination fee, together with the necessary material to satisfy the requirements of section 22.

R.S.S. 1930, c. 179, s. 23; R.S.S. 1940, c. 222, s. 23.

Subjects of examinations

24(1) Applicants for registration as drugless practitioners shall be examined upon the following subjects: Anatomy, physiology and histology, chemistry, sanitary science and hygiene, general diagnosis, pathology and bacteriology, principles and practice of osteopathy or chiropractic, or whatever system of healing the candidate intends to practice.

(2) The foregoing subjects may be changed from time to time by the senate of the university after consultation with the Drugless Practitioners' Council.

R.S.S. 1930, c. 179, s. 24; R.S.S. 1940, c. 222, s. 24.

Reports to association

25 The registrar of the university shall report the results of all examinations to the registrar of the association.

R.S.S. 1930, c. 179, s. 25; R.S.S. 1940, c. 222, s. 25.

REGISTRATION

Register of members

26 The registrar shall keep a general register of the members of the association in which he shall enter, in the order of registration, the name, business address and date of registration of each member and shall state whether such member is registered as practising osteopathy or chiropractic, or as the case may be.

R.S.S. 1930, c. 179, s. 26; R.S.S. 1940, c. 222, s. 26.

Who shall be registered

27 Subject to payment of the registration fee, the registrar shall admit upon the register every applicant who is:

(a) a person registered under The Osteopathy Act on the fifteenth day of December, 1917, whose fees were at that time fully paid; such persons shall not be restricted in the practise of their profession to a greater degree than they were restricted by The Osteopathy Act;

(b) a person who has been certified by the Registrar of the University of Saskatchewan as having satisfactorily passed the hereinafter mentioned examination for drugless practitioners, and who produces satisfactory evidence of his identity as being the person so certified, as well as evidence that he is twenty-one years of age, and is of good character.

R.S.S. 1930, c. 179, s. 27; R.S.S. 1940, c. 222, s. 27.

Certificate of registration

28 Every person so registered shall be entitled to receive from the registrar a certificate of membership in form A in the schedule to this Act.

R.S.S. 1930, c. 179, s. 28; R.S.S. 1940, c. 222, s. 28.
Appeal from registrar

29 Every applicant for membership in the association may appeal to the council from any ruling of the registrar with respect to the application, and the council shall hear the appeal and determine the matter in question. This section shall not apply to any matter within the jurisdiction of the examiners.

R.S.S. 1930, c.179, s.29; R.S.S. 1940, c.222, s.29.

LICENCES

Only registered persons entitled to licence

30 No person shall be entitled to receive a licence to practise unless his name appears in the general register of members mentioned in section 26.

R.S.S. 1930, c. 179, s.30; R.S.S. 1940, c.222, s.30.

Issue

31 Every member of the association shall, upon payment of the fee therefor fixed by the council, be entitled to receive from the registrar an annual licence (form B), to practise osteopathy or chiropractic, or as the case may be.

R.S.S. 1930, c.179., s.31; R.S.S. 1940, c.222, s.31.

Expiry

32 All licences shall expire the thirty-first day of December in each year.

R.S.S. 1930, c.179, s.32; R.S.S. 1940, c.222, s.32.

Annual register

33 The registrar shall keep an annual register of the members of the association who are licensed under the provisions of this Act, in which he shall enter, in the order in which the licences are issued, the name and business address of each licensee and the date of the issue of the licence and shall state whether such member is licensed to practise osteopathy or chiropractic, or as the case may be.

R.S.S. 1930, c.179, s.33; R.S.S. 1940, c.222, s.33.

Certificate and licence to be displayed

34 Every person so licensed shall display his certificate of membership and annual licence in a conspicuous place in the office or place where he practises and, if and when required, shall produce the certificate and licence to the council or its authorized representative.

R.S.S. 1930, c.179, s.34; R.S.S. 1940, c.222, s.34.

Register open to inspection

35 The annual register mentioned in section 33 shall be open to inspection at all reasonable times by any person.

R.S.S 1930. c.179, s.35; R.S.S. 1940, c.222, s.35.
DISCIPLINE

Cancellation or suspension of licence

36(1) The council may hear and determine any complaint made against a member of the association of violation by him of any of the provisions of this Act or of the bylaws, rules and regulations of the association.

(2) Upon receipt by the registrar of a complaint the council may fix a time and place for the hearing thereof and the registrar shall deliver or send by registered mail to the complainant and to the member, not less than ten days before the hearing, written notice of the time and place fixed therefor. The council shall hear the evidence adduced for and against the complaint and, if the same is proven, may suspend the licence of the member to practise for such fixed or indeterminate period as the council shall determine, or may cancel the licence.

(3) A member whose licence has been suspended or cancelled may upon application have the same reinstated or re-issued at such time and upon such terms and conditions as the council may determine.

(4) A member whose licence has been suspended or cancelled may nevertheless be prosecuted for violation of any of the provisions of this Act whether or not the licence has been suspended or cancelled on account of such violation.

R.S.S. 1930, c.179, s.36; R.S.S. 1940, c.222, s.36.

Cancellation of certificate of membership

37(1) The council may upon complaint cancel a certificate of membership for violation of the law, incompetency, inebriety, fraud, misrepresentation or malpractice.

(2) Before a certificate is cancelled, the council shall fix a time and place for a public hearing of the complaint. The registrar shall deliver or send by registered mail to the complainant and to the member, not less than ten days before the hearing, written notice of the time and place fixed therefor, and the council shall hear the evidence adduced for and against the complaint.

(3) A person whose membership certificate has been so cancelled may, after the expiration of ninety days from the date of cancellation, apply to the council to have the same reinstated or re-issued, accompanying the application with a fee of $25; and the council shall consider the application and determine the same.

(4) A person whose membership certificate has been so cancelled may nevertheless be prosecuted for violation of any of the provisions of this Act whether or not the certificate has been cancelled on account of such violation.

R.S.S. 1930. c.179, s.37(1), (2), (4) and (5); R.S.S. 1940, c.222, s.37.

Witnesses

38 For the purpose of procuring the attendance and evidence of witnesses before the council, the local registrar of the Court of King’s Bench in any judicial district shall, upon the application of the complainant, or the member complained against, or a member of the council, or the registrar of the association, and upon payment of the prescribed fees, issue a writ of subpoena ad testificandum or duces tecum or both; and the rules of evidence on such hearing and the proceedings and penalties in case of disobedience to such writ shall be the same as obtain in civil cases in the said court.

R.S.S. 1930, c.179, s.37(3) ; R.S.S. 1940, c.222, s.38.
Costs where complaint not proven

39 The council may in its discretion direct to be paid out of the funds of the association, to any member against whom a complaint under this section has not been proven, such sum for reimbursement of costs as the council deems expedient.

R.S.S. 1930, c.179, s.37(6); R.S.S. 1940, c.222, s.39.

Appeal to Court of King's Bench

40(1) A parson whose licence has been suspended or cancelled under the provisions of section 36 or whose membership certificate has been cancelled under the provisions of section 37, may appeal from the decision of the council to a judge of the Court of King's Bench at any time within six months after the date of the suspension or cancellation; and the judge may, upon hearing the appeal, make such order as to reinstatement or re-issuance of the licence or certificate, or confirming the suspension or cancellation thereof, or for further hearing by the council, and as to costs, as shall be just.

(2) The appeal shall be by motion, notice of which shall be served upon the registrar; and any person desiring to appeal shall at all reasonable times have access to and the right to make copies of all proceedings, reports, orders, and papers upon which the council has acted in suspending or cancelling the licence or certificate.

R.S.S. 1930, c.179, s.38; R.S.S. 1940, c.222, s.40.

FEES

Licences

41 The council shall prescribe the fee to be paid for an annual licence.

R.S.S. 1930, c.179, s.39; R.S.S. 1940, c.222, s.41.

Membership

42 The registration fee payable by each applicant for membership in the association shall be $25.

R.S.S. 1930, c.179, s.40; R.S.S. 1940, c.222, s.42.

PROHIBITIONS AND PENALTIES

Unlicensed persons

43 No person shall practise as a drugless practitioner for hire, gain, reward or remuneration or the hope or expectation thereof, unless he is the holder of a subsisting licence to practise issued under the provisions of this Act.

R.S.S. 1930, c.179, s.41; R.S.S. 1940, c.222, s.43.

Practice limited by licence

44 No person shall practise, advertise or hold himself out in any way as practising or qualified or entitled or licensed to practise any profession other than that designated in his annual licence, namely, osteopathy or chiropractic, or as the case may be.

R.S.S. 1930, c.179, s.42; R.S.S. 1940, c.222, s.44.
Prohibition against prescribing drugs, etc.

45 No drugless practitioner shall prescribe or administer drugs or medicinal preparations; or treat any venereal disease or any communicable disease as defined by The Public Health Act; or perform any surgical or obstetrical operation, unless he holds a special licence for the purpose.

R.S.S. 1930, c.179, s.43; R.S.S. 1940, c.222, s.45.

Use of certain designations prohibited

46 No drugless practitioner shall use to designate his profession or calling, words or letters usually used to designate members of the College of Physicians and Surgeons; provided that a drugless practitioner may use the word “Doctor” or the contractions thereof “Dr.” and “D.”, or the word “physician”, if used in conjunction with another word or other words or contraction or contractions thereof indicating that his profession is osteopathy or chiropractic, or as the case may be.

R.S.S. 1930, c.179, s.44; R.S.S. 1940, c.222, s.46.

Penalties

47 Every person violating any of the provisions of this Act shall be guilty of an offence and liable on summary conviction to a fine of not less than $25 nor more than $100 for each first offence, and not less than $50 nor more than $200 for each subsequent offence, and the costs of the prosecution in each case, or for each offence to imprisonment for not less than one month nor more than six months, or to both fine and imprisonment.

R.S.S. 1930, c.179, s.45; R.S.S. 1940, c.222, s.47.

Onus of proof

48 In a prosecution under this Act, it shall be incumbent upon the accused to prove that he is entitled to practise as a drugless practitioner, and the production of a subsisting licence to practise issued under the provisions of this Act shall be prima facie evidence that the person named therein is entitled to practise.

R.S.S. 1930, c.179, s.46; R.S.S. 1940, c.222, s.48.

GENERAL

Recovery of fees

49 Every member of the association holding a licence to practise issued under the provisions of this Act and subsisting at the time of giving or making professional treatment, aid, advice and visits or any of them, shall be entitled to demand and recover as a debt in any court reasonable charges for such treatment, aid, advice and visits or any of them.

R.S.S. 1930, c.179, s.47; R.S.S. 1940, c.222, s.49.

Medical Profession Act

50 The treatment of disease by osteopathy or chiropractic or other method of drugless healing is hereby declared not to be a practice of medicine or surgery within the meaning of The Medical Profession Act, and such treatment by a member of the association holding a subsisting licence to practise issued under the provisions of this Act shall not render such person liable to the penalties imposed upon unqualified or unlicensed practitioners by The Medical Profession Act.

R.S.S. 1930, c.179, s.48; R.S.S. 1940, c.222, s.50.
Funds

51 The funds of the association shall be deposited in a chartered bank to the credit of the association and all disbursements of the association shall be by cheque.

R.S.S. 1930, c. 179, s. 49; R.S.S. 1940, c. 222, s. 51.

Disposal of fees and fines

52 All fees and fines receivable or recoverable under the provisions of this Act shall become the property of the association.

R.S.S. 1930, c. 179, s. 50; R.S.S. 1940, c. 222, s. 52.

Returns

53 The registrar shall, whenever required by the Lieutenant Governor in Council, transmit to the Provincial Secretary a certified return under the seal of the association containing all such information relating to the association as the Provincial Secretary may require.

R.S.S. 1930, c. 179, s. 51; R.S.S. 1940, c. 222, s. 53.

SCHEDULE

FORM A

(Section 28)

THE DRUGLESS PRACTITIONERS ASSOCIATION

CERTIFICATE OF MEMBERSHIP

Be it known to all concerned that ................................................................. whose address is ................................................................., Saskatchewan, was on the ............... day of ........................................, 19......, registered as a member of The Drugless Practitioners Association of Saskatchewan as practising (osteopathy, chiropractic, or as the case may be).

Dated the ......................... day of ......................... 19......

......................................................

Registrar.

[SEAL]
FORM B

(Section 31)

THE DRUGLESS PRACTITIONERS ASSOCIATION

ANNUAL LICENCE

Be it known to all concerned that ......................................................... whose address is ............................................................., Saskatchewan, is on the day of the date of this licence a member of The Drugless Practitioners Association of Saskatchewan as practising (osteopathy, chiropractic, or as the case may be); has on the said date paid the annual fee prescribed by the regulations of the association; and is hereby licensed to practise (osteopathy, chiropractic, or as the case may be) in Saskatchewan, until the 31st day of December, 19.....

Dated the ......................... day of ..................................... 19.....

......................................................

Registrar.

[SEAL]