



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

CHIROPRACTIC ACT

PLEASE NOTE

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This document is ***not*** the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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CHIROPRACTIC ACT

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CHIROPRACTIC ACT

CHAPTER C-7.1

INTERPRETATION AND APPLICATION

1. Definitions

In this Act

- (a) **“Association”** means the Prince Edward Island Chiropractic Association continued by this Act;
- (b) **“Board”** means the Board of Directors constituted under the former Act;
- (c) **“bylaws”** means the bylaws made under section 22;
- (d) **“chiropractor”** means a person registered under this Act and holding a licence to practise chiropractic;
- (e) **“Council”** means the Council of the Prince Edward Island Chiropractic Association established under subsection 5(1);
- (f) **“former Act”** means the *Chiropractic Act* R.S.P.E.I. 1988, Cap. C-7;
- (g) **“licence”** means a licence to practise chiropractic issued under section 9 and includes a conditional licence issued under section 10;
- (h) **“member”** means, unless the context indicates otherwise, a member of the Association;
- (i) **“Minister”** means the Minister designated by the Lieutenant Governor in Council to administer this Act;
- (j) **“practice of chiropractic”** means the provision of any professional service usually performed by a chiropractor, and includes the prevention, diagnosis, and treatment of biomechanical disorders of the neuromusculoskeletal system by methods that include the use of
 - (i) imaging, laboratory and clinical diagnostic procedures,
 - (ii) joint manipulation or other manual therapies, and
 - (iii) exercise and patient education;
- (k) **“prescribed”** means prescribed by bylaw;
- (l) **“Register”** means the Register referred to in subsection 7(2);
- (m) **“Registrar”** means the Registrar appointed under subsection 7(1). 2003,c.32,s.1.

2. Application

- (1) Nothing in this Act applies to or affects
 - (a) the practice of any profession or occupation by any person practising it under the authority of an Act of the Legislature;

- (b) the practice of osteopathy; or
- (c) the provision of first aid or temporary assistance in the case of an emergency, if that first aid or temporary assistance is given without hire, gain or hope of reward.

Prescription of drugs, practice of medicine not authorized

- (2) Nothing in this Act authorizes any person to
 - (a) prescribe or administer drugs for internal or external use by any person;
 - (b) direct or prescribe the use of anaesthetic for any purpose whatsoever; or
 - (c) practise medicine, surgery or midwifery or to use any method other than chiropractic in providing services to clients. 2003,c.32,s.2.

THE ASSOCIATION

3. Continuation

- (1) The Prince Edward Island Chiropractic Association is continued as a body corporate and shall be composed of every person
 - (a) who, immediately before the date this Act comes into force, is a member of the Association; or
 - (b) who holds a licence under this Act,unless the person subsequently ceases to hold a licence.

Deemed to hold licence

- (2) For greater certainty, on the date this section comes into force, a person referred to in clause (1)(a) is deemed to be registered, and to hold a licence, until December 31, 2003, unless the person's license is sooner cancelled.

Powers

- (3) The Association has the power of purchasing or otherwise acquiring, holding or alienating property both real and personal, and performing all such acts and things a body corporate generally can do and perform under the *Companies Act* R.S.P.E.I. 1988, Cap. C-14. 2003,c.32,s.3.

4. Objects of Association

The objects of the Association are

- (a) to protect the public from untrained and unqualified persons acting as chiropractors;
- (b) to foster public awareness of the profession;
- (c) to encourage members to interact professionally in the interests of themselves, their clients and the chiropractic profession;
- (d) to represent the members with respect to other provincial or national agencies;
- (e) to promote continuing education and encourage high standards of service; and
- (f) to pursue such other goals as the Association considers may advance the profession and further the interests of its members. 2003,c.32,s.4.

THE COUNCIL

5. Council

- (1) There is established a council to be known as the Council of the Prince Edward Island Chiropractic Association.

Composition

- (2) The Council shall be composed of three members nominated by the Association and appointed by the Minister, of whom
- (a) two shall be members of the Association; and
 - (b) one shall be a layperson representing the interests of the general public.

Term of office

- (3) A Council member shall be appointed for a two-year term.

Re-appointment

- (4) A Council member may be *re*-appointed.

Executive officers

- (5) The Council shall elect one of its members referred to in clause (2)(a) as its chairperson and may appoint, from among its members, such other executive officers as it considers appropriate.

Termination of membership

- (6) A Council member shall cease to hold office on
- (a) becoming physically or mentally incapacitated;
 - (b) being convicted of an indictable offence;
 - (c) resigning;
 - (d) ceasing to reside in the province;
 - (e) in the case of a chiropractor, ceasing to hold a licence;
 - (f) the Council determining, where the member has missed three consecutive meetings of the Council, that the Council member does not have, in its opinion, a reasonable excuse for his or her absence; or
 - (g) the unanimous determination of the other Council members that the member has committed an act which undermines the ability of the member to act credibly as a Council member.

Completion of term

- (7) Where a Council member ceases to hold office before completing his or her term, the Minister may appoint a new Council member, nominated by the Association, who shall hold office for the unexpired portion of the original term. 2003,c.32,s.5.

6. Objects of Council

- (1) The objects of the Council are to regulate the practice of chiropractors in the province, to promote standards and to safeguard the welfare of the public with regard to the services of chiropractors.

Functions of Council

- (2) The functions of the Council are to
- (a) establish initial and continuing educational, proficiency and other qualifications or requirements for licences;
 - (b) examine applicants and determine their entitlement to licences;
 - (c) approve applications for licences;
 - (d) establish, or adopt from another regulating body in another jurisdiction, professional ethical guidelines and standards of practice respecting the practice of chiropractic; and
 - (e) monitor adherence to established guidelines and standards, investigate complaints, and exercise disciplinary action or professional remediation, by revocation, restriction or suspension of a licence, by reprimand, retraining requirements, fine or other means. *2003, c.32, s.6.*

7. Registrar

- (1) The Council shall appoint a Registrar from among the members of the Council.

Register

- (2) The Registrar shall keep a Register in which shall be entered the names of all persons who are licensed to practise under this Act, and such other information as the Council may direct.

Removal of name from Register

- (3) The Registrar shall remove from the Register the names of any person whose licence is cancelled or whose license expires without renewal. *2003, c.32, s.7.*

8. Annual report

The Council shall make an annual report to the Minister and to the Association concerning its general operation and the performance of its duties, and shall provide such information to the Minister as the Minister may request. *2003, c.32, s.8.*

REGISTRATION AND LICENCE

9. Application for licence

- (1) A person who wishes to be registered as a member and licensed to practise chiropractic shall
- (a) apply to the Council, in a form approved by the Council;
 - (b) provide such proof of the matters referred to in subsection (2) as the Council may require; and
 - (c) pay the prescribed fee.

Required qualifications

- (2) The Council shall approve an application made in accordance with subsection (1) where the Council is satisfied that the applicant
- (a) has either
 - (i) obtained a degree in chiropractic from an institution approved by the Council on Chiropractic Education (Canada), or

- (ii) at another institution, successfully completed a course of study that the Council considers to be equivalent to that referred to in subclause (i);
- (b) is professionally competent as demonstrated by such examination as may be established and administered, adopted or accepted by the Council;
- (c) has knowledge of the professional ethical guidelines and standards of practice established or adopted by the Council under clause 6(2)(d);
- (d) has professional knowledge and skills that are current, as indicated by such requirements as may be prescribed respecting
 - (i) the recentness of the applicant's professional education,
 - (ii) the examination of the applicant,
 - (iii) the active practice of the applicant, or
 - (iv) the taking of a refresher program by the applicant;
- (e) has good standing under an existing licence or comparable authorization, if any; and
- (f) provides proof of liability insurance coverage in an amount that the Council considers consistent with nationally accepted standards for chiropractors. 2003,c.32,s.9.

10. Registration and licence

- (1) The Registrar shall register and issue a licence to an applicant whose application is approved by the Council under subsection 9(2).

Conditional licence

- (2) Where an applicant fails to satisfy the Council that he or she has the qualifications required under subsection 9(2), the Council may, if it considers it appropriate to do so and if the applicant has paid the prescribed fee, direct the Registrar
 - (a) to issue to the applicant a conditional licence, subject to such terms and conditions as the Council considers appropriate; and
 - (b) to register the applicant and record the conditions respecting the member in the Register. 2003,c.32,s.10.

11. Expiry of licence

Unless a shorter term has been imposed by the Council or the license has been cancelled, a licence expires on December 31 next following the day on which the licence comes into effect. 2003,c.32,s.11.

12. Renewal

- (1) A member may apply, on or before the date of expiry of his or her licence, to the Council for the renewal of the licence.

Requirements

- (2) The Council shall, on application pursuant to subsection (1) or (4), approve the renewal of a licence if
 - (a) the applicant provides evidence of having met the requirements for professional currency as may be prescribed;
 - (b) there is no evidence the applicant is in violation of this Act or the bylaws; and
 - (c) the applicant pays the prescribed licensing fee.

Expiry of membership

- (3) A chiropractor who fails to renew a licence on or before the date of its expiry, or to make special arrangements for an extension for deferred renewal that is acceptable to the Council, ceases to be registered as a member.

Late renewal

- (4) A person whose registration has ceased under subsection (3) may apply to the Council for the renewal of his or her licence under subsection (2).

Renewal of licence and registration

- (5) Where the Council approves an application to renew a person's licence, the Registrar shall
- (a) issue a licence to the applicant; and
 - (b) if the applicant is a person referred to in subsection (4), register the applicant.

Application under section 9

- (6) A person who was previously registered shall, after the expiry of a licence or an extension for deferred renewal, if any, under subsection (3), apply for a new licence in accordance with section 9. 2003,c.32,s.12.

DISCIPLINE

13. "affected person" defined

- (1) In this section and section 14, "**affected person**" means a chiropractor who is the subject of an investigation under subsection (2).

Investigation

- (2) Subject to subsection (3), where the Council
- (a) has reason to believe that a chiropractor is
 - (i) in violation of this Act or the bylaws,
 - (ii) unfit to practise, and
 - (iii) guilty of conduct contrary to the public interest by reason of negligence, professional misconduct, mental or professional incompetence or other comparable failing which may harm a client; or
 - (b) has received a complaint,
 - (i) concerning a matter referred to in clause (a), and
 - (ii) which, in its opinion, is not frivolous or vexatious,

the Council shall appoint an investigator who shall investigate the matter and shall submit a report to the Council.

Hearing

- (3) The Council shall not appoint an investigator until it gives written notice of its intention to the affected person and such notice shall include
- (a) a statement of the Council's concern or a copy of the complaint received, if any; and
 - (b) a statement of the affected person's right to a hearing of the matter and the right to be represented by counsel.

Idem

- (4) An investigator appointed under subsection (2) shall be a chiropractor authorized to practise under the laws of another Canadian jurisdiction.

Discipline

- (5) Where the investigator finds that there may be enough evidence to support a finding that the affected person is in violation of this Act or the bylaws, is unfit to practise or is guilty of conduct referred to in clause (2)(c), the Council shall hold a hearing on the matter.

Right to be heard and to counsel

- (6) The affected person has the right to be heard and the right to counsel respecting a hearing under this section.

Discipline

- (7) Where, after a hearing, the Council determines that the chiropractor is in violation of this Act or the bylaws, is unfit to practise or is guilty of conduct referred to in clause (2)(c), the Council, in accordance with the bylaws, may
- (a) suspend or cancel the chiropractor's licence;
 - (b) impose conditions on the chiropractor's licence;
 - (c) publicly or privately reprimand the chiropractor;
 - (d) make public the facts of the case;
 - (e) require the chiropractor to take an educational or rehabilitative treatment program;
 - (f) require the chiropractor to pay the costs of the investigation and discipline; or
 - (g) impose any combination of the preceding measures or other such means as it may consider appropriate. 2003, c.32, s.13.

14. Appeal

- (1) Where, under subsection 13(7), the Council suspends or cancels a licence, or imposes a condition on a licence, the affected person may appeal the suspension or cancellation of, or imposition of a condition on, the licence to the Supreme Court by filing a notice of appeal with the court and serving a notice on the Council within 30 days of receiving notification of the decision of the Council.

Effective date

- (2) A suspension or cancellation of, or imposition of a condition on, a licence shall take effect from the later of
- (a) 30 days from the date on which the Council made its decision known to the affected person; or
 - (b) the date on which the appeal is dismissed or abandoned if an appeal was filed under subsection (1).

Reinstatement

- (3) The Council may, on application, reinstate a cancelled licence or remove a suspension or condition if the applicant meets the requirements of section 9.

Notice

- (4) Where, after a hearing, the Council has determined that the chiropractor has not violated this Act or the bylaws and the complainant is dissatisfied with the Council's decision, the complainant may appeal the decision to the Supreme Court by filing a notice of appeal with

the court and serving a notice on the chiropractor and the Council within 30 days of receiving notification of the decision of the Council. 2003,c.32,s.14; 2008,c.20,s.72(12).

GENERAL

15. Prohibitions

No person, other than a chiropractor, shall

- (a) call himself or herself a chiropractor or use such other similar designation as may be prescribed by the bylaws, or use any title, abbreviation or description implying or designed to lead the into believing that the person has a licence to practise chiropractic or is offering chiropractic services;
- (b) practise or attempt to practise chiropractic; or
- (c) offer any health care services in a manner implying or designed to lead the public into believing that the person holds a licence to practise chiropractic or is offering chiropractic services. 2003,c.32,s.15.

16. *Medical Act not applicable*

Nothing in the *Medical Act* R.S.P.E.I. 1988, Cap. M-5 prohibits any person registered under this Act from practising chiropractic. 2003,c.32,s.16.

17. Offence

A person who violates section 15 is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000 for a first offence, and \$10,000 for a subsequent offence. 2003,c.32,s.17.

18. Prosecution

A prosecution for an offence under this Act must be brought within two years of the alleged commission of the offence. 2003,c.32,s.18.

19. Liability of Council

No action lies against the Council, its members or officers for anything done in good faith with respect to its functions under this Act or the bylaws. 2003,c.32,s.19.

20. Chiropractor's liability

The relationship of a chiropractor to a professional corporation, whether as a shareholder, director, officer or employee, does not affect, modify or diminish the liability of the chiropractor as a practitioner, nor the application to the chiropractor of the provisions of this Act, the bylaws and any other law applicable to the relationship between practitioner and client. 2003,c.32,s.20.

21. Limitation of action

No action against a member of the Association for negligence or malpractice in the practice of his or her profession shall be commenced except within two years from the day of the discovery of the cause of action. 2003,c.32,s.21.

22. Bylaws

- (1) The Council may make bylaws not inconsistent with this Act to govern the affairs of the Association, including bylaws respecting
- (a) the election or appointment, qualifications, duties, terms of office, remuneration, and removal, of officers and employees of the Association;
 - (b) the nomination of the members of the Council;
 - (c) the calling and conduct of meetings of the Association, including voting rights and procedures and the fixing of quorums;
 - (d) the relationships or agreements of the Association with external agencies;
 - (e) the regulation of the members of the Association, including
 - (i) the establishment of any classes of members thereof, and
 - (ii) the terms and conditions under which members are entitled to practise,
 - (iii) the qualifications, examinations, proficiency and other requirements for registration and licences,
 - (iv) the continuing education requirements for members, and
 - (v) the establishment or adoption of professional ethical guidelines and standards of practice respecting the practice of chiropractic;
 - (f) the maintenance of the Association, including
 - (i) providing for the fees payable by an applicant for a licence or for the renewal of a licence, and
 - (ii) the levying and collection of any other fees from the members;
 - (g) the monitoring of adherence by members to established guidelines and standards;
 - (h) the investigation of complaints and concerns respecting members;
 - (i) the discipline process and hearings;
 - (j) the duties and functions of the Registrar;
 - (k) the making and amendment of bylaws;
 - (l) the seal of the Association;
 - (m) the spending of funds of the Association;
 - (n) the liability insurance that members may be required to hold;
 - (o) the establishment and certification of classes of specialists in respect of acupuncture or other specialized chiropractic services; and
 - (p) such other matters as may be considered relevant or necessary for the administration of the Association.

Validity of bylaws

- (2) No bylaw or amendment or revocation of a bylaw comes into effect until it has been approved by a majority of the members who
- (a) are present and voting at a general meeting of the Association; or
 - (b) vote in a mail vote conducted in accordance with the bylaws.

Inspection of bylaws

- (3) The bylaws shall be kept at the office of the Association and any member is entitled to inspect them at any reasonable time without charge. *2003, c.32, s.22.*

23. Fees for services

No person other than a chiropractor and no proprietorship, partnership or corporation is entitled to receive or to bring an action in any court of competent jurisdiction for the recovery of any fee, reward or remuneration for the provision of chiropractic services unless the chiropractor, licensee, proprietorship, partnership or corporation was entitled to engage in the practice of chiropractic at the time the services were provided. *2003, c.32, s.23.*

24. Transitional

On the coming into force of this Act, the members of the Board appointed under the former Act are deemed to be members of the Council under this Act for a period of 18 months from the coming into force of this Act. *2003, c.32, s.24.*

25. Repeal

The *Chiropractic Act* R.S.P.E.I. 1988, Cap C-7 is repealed. *2003, c.32, s.25.*