

This is an **unofficial version**.

This version is current as of **November 23, 2012**

Note: Earlier consolidated versions are not available online.

C.C.S.M. c. C100

The Chiropractic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

PART I INTERPRETATION

Definitions

1 In this Act,

"**association**" means The Manitoba Chiropractors Association; (« Association »)

"**board**" means the Board of The Manitoba Chiropractors Association; (« conseil d'administration »)

"**chiropractor**" means a person whose name is on the register of the association; (« chiropraticien »)

"**court**" means the Court of Queen's Bench for Manitoba; (« tribunal »)

"**lay person**" means a person other than a person registered under this Act; (« profane »)

"**licence**" means a certificate issued by the registrar to a person indicating that the person is entitled to practise as a chiropractor in the province during the period stipulated in the certificate; (« permis »)

"**licence fee**" means the fee prescribed by the board for the issuance of a licence; (« droit de permis »)

"**member**" unless the context otherwise indicates, means a person whose name is entered in the register; (« membre »)

"**minister**" means the minister appointed by the Lieutenant Governor in Council to administer this Act; (« ministre »)

"**practice of chiropractic**" means

(a) any professional service usually performed by a chiropractor, including the examination and treatment, principally by hand and without use of drugs or surgery, of the spinal column, pelvis and extremities and associated soft tissues; and

(b) such other services as may be approved by the regulations; (« exercer la chiropraxie »)

"**register**" means the register established under this Act; (« registre »)

"**registered**" means registered under this Act; (« inscrit »)

"**registrar**" means the registrar of the association appointed under this Act; (« registraire »)

"**registration**" means registration under this Act. (« inscription »)

S.M. 2005, c. 39, s. 2.

Exceptions

2(1) Nothing in this Act prohibits

(a) the practice of any profession or occupation by any person practising it under the authority of a general or special Act of the Legislature; or

(b) any person furnishing first aid or temporary assistance in a case of urgent need if that aid is given without hire, gain or hope of reward; or

(c) any person treating human ailments by prayer or spiritual means as an enjoyment or exercise of religious freedom.

Inconsistent provisions

2(2) Where a provision of this Act is inconsistent with or repugnant to any provision of *The Corporations Act*, the provision of this Act prevails.

**PART II
GENERAL POWERS****Corporate status**

3 The Manitoba Chiropractors Association is continued as a body corporate consisting of those persons who are members of the association on the coming into force of this Act and of those persons who may be admitted as members of the association.

Powers of association

4 Subject to the provisions of this Act and *The Corporations Act*, the association has the capacity, powers, rights and privileges of a natural person and, without restricting the generality of the foregoing, may

- (a) subscribe, apply, or guarantee payment of, money for the advancement of chiropractic education or research, or for objects considered by the board beneficial to, or in the interests of the public or the chiropractic profession; or
- (b) establish and award scholarships and prizes; or
- (c) purchase, acquire, take, hold, possess and enjoy any land, tenements, or hereditaments and personal property, and sell, mortgage, lease or dispose of them; or
- (d) collect and accept moneys in trust to be used to further the purposes and objects of the association; or
- (e) invest any money belonging to it, or held by it in trust, in stocks, bonds or debentures eligible for investment by insurance companies under the *Insurance Companies Act* (Canada); or
- (f) establish and maintain chiropractic libraries.

S.M. 1996, c. 64, s. 3.

Affairs conducted by board

5 The affairs of the association shall be conducted by a board and the board members shall be selected in accordance with the provisions of Part IV.

**PART III
MEMBERSHIP****Registration of members**

6 The board shall cause to be kept by the registrar, or other officer appointed for the purpose, a register in which shall be entered the name of every person registered in accordance with this Act.

Membership

7 Every person registered in the register in accordance with this Act and whose name has not been erased or removed from the register, is a member of the association.

Eligibility for registration

8 Every person who qualifies for registration in accordance with a regulation made pursuant to section 26 may, upon payment of the prescribed fee and producing to the registrar satisfactory evidence of his qualifications, be registered as a member.

Registration if emergency

8.1(1) Despite anything in this Act or the regulations, the board may waive any requirements for registration under this Act and the regulations to allow a person who is authorized to practise chiropractic in another jurisdiction in Canada or the United States to practise chiropractic in the province during an emergency, if the minister gives the board written notice that

- (a) a public health emergency exists in all or part of the province; and
- (b) he or she has determined, after consulting with public health officials and any other persons that the minister considers advisable, that the services of a chiropractor from outside the province are required to assist in dealing with the emergency.

Emergency need not be declared

8.1(2) The board may exercise its authority under subsection (1) even if no emergency has been declared under an enactment of Manitoba or Canada.

Licence

8.1(3) If necessary to carry out the intent of this section, the board may authorize the registrar to issue a licence to a person allowed to practise under subsection (1), on such terms and conditions as the board may determine.

S.M. 2005, c. 39, s. 3.

Registrar may refuse registration

9 Where the registrar is satisfied that a person who applies for registration does not possess the required qualifications, he shall refuse to register that person.

Certificate of registrar as evidence

10 A certificate signed by the registrar or a board member certifying that anything is or is not recorded in the register is admissible in evidence as prima facie proof of the matters therein certified without proof of the signature or appointment of the registrar or board member.

Inspection of register

11 The register shall be open to inspection by any person at the office of the registrar at all reasonable times during regular business hours free of charge; but any inspection may be refused if there is reasonable cause to believe that the person seeking inspection does so for commercial purposes.

Effect of registration

12(1) Any person whose name is entered in the register is entitled to engage in the practice of chiropractic in the province and, subject to such restrictions as may be imposed pursuant to the provisions of this Act, is entitled to hold himself out as a licensed chiropractor.

Use of X-ray

12(2) A chiropractor who is duly registered and licensed under this Act may, in connection with his practice, use x-ray for diagnostic purposes only if he is authorized by the board to do so.

Effect of conviction for offence

13(1) Subject to subsection (2), any person who has been convicted of an indictable offence under the *Criminal Code* by any court of competent jurisdiction may be refused registration under this Act, and the board may erase from the register the name of any member of the association who has been so convicted.

Exception

13(2) The registration of a person shall not be refused, and the name of a person shall not be erased, on account of a conviction for an offence that, in the opinion of the board, either from the nature of the offence or from the circumstances under which it was committed, should not disqualify a person from being or becoming a member of the association.

Incorrect entries on register

14 Any entry in the register proved to the satisfaction of the board to have been erroneously or incorrectly made may be amended or erased from the register by an order in writing of the board.

Fraudulent entries on register

15(1) Where any person procures his registration, or causes it to be procured, by means of any false or fraudulent representation or declaration, either orally or in writing, the registrar, upon the receipt of sufficient evidence of the falsity or fraudulent character of the representation or declaration, shall report the matter to the board and, upon a resolution of the board, the registrar shall erase the name of that person from the register and shall thereupon in writing notify the person whose name has been so erased.

Effect of removal of name from register

15(2) Where a person is notified by the registrar that his name has been erased from the register under subsection (1), that person shall forthwith cease to be a member.

Unauthorized practice

16 No person shall engage in the practice of chiropractic in the province unless he holds a current licence to practise, and then only to such extent as is defined in or authorized by the licence.

Effect of omission to register

17 Any person entitled to be registered under this Act, who neglects or fails to register, is not entitled to any of the rights or privileges conferred by registration under this Act for so long as the neglect or failure continues; and he is liable to all the penalties imposed by this Act or by any other Act of the Legislature for the practice of chiropractic by unregistered persons.

Issue of licence

18(1) Every member may be issued with a licence to practise on payment of such licence fee and otherwise complying with such licensing requirements as may be prescribed by the board from time to time.

Period of validity of licence

18(2) Unless sooner cancelled or invalidated, every licence issued under subsection (1) is valid only for the period indicated therein, but may be renewed upon paying the prescribed fee and providing the registrar with satisfactory evidence that the applicant otherwise meets all licensing requirements.

Default in payment of fees

18(3) Where a person is in default in the payment of his licence fee or has failed to meet any other requirements established by this Act or the regulations at the commencement of any fiscal year of the association, the registrar shall by registered or certified mail addressed to the last known address of the person, notify the person of his default, and if after 10 days from the date of notification, the default continues, the licence of that person lapses and his right to practise chiropractic ceases; and the registrar shall by registered or certified mail addressed as aforesaid, so notify the person.

Reinstatement of member

18(4) The board may by resolution reinstate a member whose licence has lapsed under this section upon such terms, conditions and penalties, if any, as it may prescribe.

Conditional registration

19 Where the board, pursuant to the provisions of this Act, has limited the right of a member to practise or hold himself out as a licensed chiropractor by imposition of conditions, the name of the person shall be entered in the register together with particulars of all conditions imposed on that person.

Removal of names from register

20(1) The board shall cause the name of a member to be removed from the register

- (a) at the request or with the written consent of the member whose name is to be removed; or
- (b) where the name has been incorrectly entered; or
- (c) where notification is received of a member's death; or
- (d) where a member has been suspended; or
- (e) where the registration of a member has been revoked.

Restoration of names to register

20(2) Subject to subsection (1) the board on such grounds as it deems sufficient may cause the name of a person removed from the register to be restored thereto either without fee or upon payment to the association of

- (a) such sum not exceeding the fees or other sums in arrears or owing by the person to the association; and
- (b) such additional sum as may be prescribed by the regulations of the association.

Restoration of names to register on terms

20(3) Where the name of a person who has been suspended or whose registration has been revoked is to be restored to the register under subsection (2), the board may direct that the name be restored subject to such terms and conditions as the board may prescribe.

Members may sue for fees

21 A member of the association holding a current licence is entitled to practise chiropractic in the province and to demand and recover in any court of law in the province with full costs of suit, reasonable charges for professional aid, advice or services rendered.

PART IV THE BOARD OF THE ASSOCIATION

Composition of board

- 22(1) The board of the association shall be composed of
- (a) five persons elected from among the members of the association in accordance with the by-laws of the association governing elections; and
 - (b) two lay members, one of whom shall be appointed by the Lieutenant Governor in Council, and one of whom shall be appointed by the elected members of the board.

Existing members to continue

22(2) The board members and officers of the association shall be deemed on the coming into force of this Act to be the board members and officers of the association and shall continue in office until their successors are elected or appointed as the case may be, in accordance with the provisions of this Act.

Quorum

22(3) Four members of the board constitute a quorum for the transaction of business.

Time and place of elections

23(1) An election of board members whose terms are due to expire or have expired shall be held annually and a board member may be re-elected notwithstanding that his term of office may have expired.

Term of lay board members

23(2) The term of office of each board member who is a lay person shall be two years but the member may be re-appointed upon the expiration of his term.

Filling of vacancies

23(3) Where a vacancy occurs on the board in one of the elected positions, the board shall appoint a board member from among the members of the association to fill the vacancy until the next annual election when a new board member shall be elected to fill the unexpired portion of the term of his predecessor and, in the case of a vacancy in the position of a lay member appointed by the Lieutenant Governor in Council, the board shall request the minister to have a lay person appointed to fill the vacancy for the unexpired portion of the term and in the case of a lay person appointed by the board, the board shall appoint another lay person to fill that unexpired term.

Board member ceasing to be member

23(4) An elected board member who ceases to be a member of the association ceases to be a board member.

Officers of the association

24 The board shall elect annually from among the elected board members, a president and a vice-president of the association, and from among the members, a registrar, and such other officers as the board may from time to time think fit who, with the exception of the president and vice-president, shall hold office during the pleasure of the board, and may employ such employees of the association at such remuneration as the board may from time to time determine.

Board to govern and administer association

25(1) The board shall govern, determine, control and administer the affairs of the association and may exercise in the name of, and on behalf of, the association, and as the act and deed of the association, any or all of the powers, authorities and privileges by this Act or any other Act conferred on the association.

By-laws

25(2) The board may make by-laws not inconsistent with this Act for the exercise and carrying out of the powers, rights and duties conferred or imposed upon the board or the association by this

Act or any other Act of the Legislature, and without limiting the generality of the foregoing, may make by-laws respecting

- (a) the management of the association, including maintaining the register and such other records as are deemed necessary, providing for the execution of documents of the association, for banking and finance and other fiscal matters;
- (b) the conduct of affairs of the association, board and committees, including the duties of members thereof and the calling, holding and conduct of meetings, elections, whether in person or by mail-in ballot, and proceedings of the association, board and committees;
- (c) the remuneration of the officers and members of the board and committees other than persons appointed by the minister;
- (d) the appointment, composition, powers and duties of such additional or special committees as may be required;
- (e) a code of ethics for the practise of chiropractic;
- (f) the classification of and the annual fees to be paid by members and applicants upon registration and other fees deemed by the board to be appropriate from time to time;
- (g) any matter regarding the issuing, suspension and revocation of licences;
- (h) membership of the association in a national association with similar functions, the payment of an annual assessment and provision for representatives at meetings.

Validity of by-laws

25(3) Any by-law or resolution signed by all members of the board is as valid and effective as if passed at a meeting of the board duly called, constituted and held for that purpose.

Regulations

26 Subject to approval by the Lieutenant Governor in Council, the board may make regulations to

- (a) regulate the admission, registration, renewal of registration, suspension, expulsion and reinstatement of members and prescribe the conditions precedent to membership and entry of names in the register;
- (b) develop, establish and maintain standards for the practice of chiropractic;
- (c) develop, establish and maintain standards for chiropractic education consistent with the changing needs of society, both in respect of initial registration and renewal of licence to practise chiropractic;
- (d) define by education, experience or otherwise, general or specialized areas of chiropractic practice, including the use of x-ray;
- (e) prescribe standards of voluntary continuing education for all members;
- (f) define professional misconduct, conduct unbecoming a member and professional incompetence, unfitness or incapacity;
- (g) authorize services that may, or prohibit services that may not, be performed by chiropractors.

Committees appointed by board

27 The board shall appoint annually from among the members of the association such committees as may be required under this Act or as may be necessary or desirable and shall prescribe their duties.

Exemption from liability

28 Notwithstanding any want of form in any proceeding or matter, no action lies against

- (a) the board or any committee of the association or the board; or
- (b) any board member, any committee member or officer; or
- (c) the registrar or any assistant registrar;

for anything done by the board, a committee or any member or officer of the board or a committee, or the registrar or any assistant registrar bona fide, which results in loss or injury to any person unless the loss or injury resulted from the negligence of

- (d) the board or a committee; or
- (e) any board member, or committee member or officer; or
- (f) the registrar or any assistant registrar;

as the case may be.

PART V STANDARDS COMMITTEE

Establishment of standards committee

29(1) The board shall appoint a standards committee which shall be responsible for the supervision of the practice of chiropractic by members of the association and the committee or any member or authorized agent thereof may, during reasonable hours and after reasonable notice, inspect the premises, books, records and other documents of and any equipment of any member that relate to his practice of chiropractic at his place of practice or elsewhere.

Employment of experts

29(2) The standards committee, or one or more of its designated members, may with the authorization of the board retain the services of experts for the purpose of any review under subsection (1).

Refresher training

29(3) Upon the advice of the standards committee, the board may, after a hearing duly constituted for the purpose and conducted in the manner set out in the by-laws of the association, require that a member of the association serve a period of refresher training.

Action by standards committee

29(4) The standards committee in accordance with the information it receives may

- (a) direct that a matter be referred, in whole or in part, to the investigation chairman; or
- (b) direct that a matter be referred, in whole or in part, to the inquiry committee; or
- (c) take such action as it considers appropriate in the circumstances.

Reporting of members

30(1) Every member who has reason to suspect that a chiropractor is suffering from a mental or physical disorder or illness to such an extent that his fitness to practise may be affected thereby and who continues to practise when counselled not to practise, shall disclose to the registrar the name of the chiropractor, together with particulars of the suspected disorder or illness.

Liability

30(2) No person disclosing information under subsection (1) is subject to any liability therefor.

PART VI LICENSING COMMITTEE

Establishing of licensing committee

31(1) The board shall appoint a licensing committee from the members of the association who are not members of the board and one of the members shall be named to be the chairman of the committee.

Duties of licensing committee

31(2) The licensing committee shall examine the qualifications of those persons applying for membership in the association and may require an applicant to take and pass such additional examinations as the board may approve and, if such person meets all of the qualifications as set out by the regulations shall approve such persons for registration upon payment of the prescribed fees or if such person does not meet all such qualifications, direct the registrar to refuse to issue a licence or to issue a licence subject to such terms, conditions and limitations as the committee specifies.

Appeal

31(3) Where a person is refused a licence under subsection (2), that person may within 30 days from the date of the refusal appeal to the board; and the board after considering the appeal may

- (a) allow the appeal and direct the registrar to issue the licence; or
- (b) dismiss the appeal; or
- (c) direct the registrar to issue the licence subject to such terms, conditions and limitations as the board may order.

PART VII

COMPLAINTS COMMITTEE

Complaints committee

32 The board shall appoint a complaints committee consisting of a chairman who is an elected member of the board, 1 member of the association who is not a member of the board or of the inquiry committee, and a lay person who shall be appointed by the board.

Receipt and resolution of complaints

33(1) The complaints committee shall receive and review complaints brought against any member and where the committee considers it appropriate, it shall attempt to informally resolve the matter.

Reference to investigation chairman

33(2) Where a complainant or the member does not accept the resolution of the complaints committee, or where the committee so determines, the matter shall be referred to the investigation chairman.

PART VIII INVESTIGATION CHAIRMAN

Investigation chairman

34 The board shall appoint from among the board members an investigation chairman.

Reference to investigation chairman

35 Where the complaints committee or the registrar is advised that a member

- (a) either before or after he has become a member has been convicted of an indictable offence; or
- (b) is alleged to be guilty of professional misconduct, conduct unbecoming a member, professional incompetence or criminal conduct whether in a professional capacity or otherwise; or
- (c) is alleged to have demonstrated incompetence, incapacity or unfitness to practise chiropractic or to be suffering from an ailment which might if he continues to practise, constitute a danger to the public;

the committee or the registrar shall refer the matter to the investigation chairman for his review and recommendation.

Preliminary investigation

36(1) Upon a referral pursuant to section 35, the investigation chairman shall conduct or cause to be conducted a preliminary investigation under his direction and upon the completion thereof he shall review the results.

Employment of experts

36(2) The investigation chairman, with the authorization of the board, may retain the services of experts for the purpose of his review of any matter.

Production of books and documents

37 Notwithstanding the provisions of any other Act, where, pursuant to section 36, a preliminary investigation is conducted, the investigation chairman may, upon determining that reasonable and probable grounds exist to believe that a violation of this Act or the regulations has occurred, require the member concerned and any other member to produce such records, books, papers, and other documents or things in the member's possession or control that are relevant to the investigation and may require the attendance at the investigation of the member concerned and any other member.

Application to court for production of documents

38 The investigation chairman for and in the name of the association may summarily apply ex parte to a judge of the court for an order directing the member concerned or any other member or person to produce to the person conducting a preliminary investigation, any records, books, papers and other documents or things in his possession or under his control, where the member or other person has failed to produce them when required, or where the judge is of the opinion that the issue of such an order is just and appropriate in the circumstances.

Investigation of other relevant matters

39 Any person making a preliminary investigation into a matter concerning the conduct or capability or fitness of a member to practise chiropractic, may investigate any other matter relevant to the conduct or capability or fitness of the member to practise chiropractic that arises in the course of the investigation.

Action by investigation chairman

40 Upon completing his review the investigation chairman shall report the findings of his review, in writing, together with his recommendations, to the board which shall thereupon

(a) direct that no further action be taken; or

(b) direct that the matter be dealt with by an inquiry pursuant to section 43;

and upon making a direction the board shall notify the complainant and the member who was the subject of the investigation, in writing, sent by registered or certified mail or served personally, of the direction made.

Suspension of licence

41 Notwithstanding any other provision of this Act, the investigation chairman may, at any time, where he has reasonable and probable grounds to believe that it is necessary to prevent a violation of this Act or the regulations or that the member's right to continue in the practice of chiropractic is contrary to the public interest, direct the registrar to suspend the licence of a member pending or following the completion of the preliminary investigation, which suspension shall expire after seven days unless prior to the expiration of that period, the suspension has been confirmed by the board pursuant to subsection 45(1).

PART IX INQUIRY COMMITTEE

Inquiry committee

42(1) The board may appoint one or more inquiry committees each consisting of

(a) one lay person; and

(b) four members of the association, at least two of whom shall have at least five years experience as licensed chiropractors, chosen by a process of random selection as set out in the by-laws of the association;

of whom three shall constitute a quorum.

Chairman and vice-chairman

42(2) The board shall appoint from among the members of the inquiry committee a chairman and a vice-chairman.

Member of inquiry committee not to investigate matter

42(3) A person who is a member of the inquiry committee shall not participate in or carry out an investigation of any matter that will be referred to the inquiry committee for consideration.

Fixing date of inquiry

43(1) Where the investigation chairman directs that an inquiry be held into the conduct of a member, or where the inquiry committee decides to hold an inquiry into the conduct of a member, the inquiry committee shall, within 30 days from the date of direction or decision, fix a date, time and place for the holding of the inquiry which shall commence no later than 60 days from the date of the direction or decision.

Service of notice

43(2) Upon fixing the date, time and place of the holding of an inquiry under subsection (1), the inquiry committee shall serve written notice thereof either personally upon the member who is the subject of the inquiry or send a copy of the notice either by registered or certified mail, postage prepaid, to the member and to the complainant at least 20 days prior to the date so fixed at the post office address of the member as shown in the register of the association and at the address of the complainant as shown on the records of the association.

Date of service

43(3) A notice sent by mail in accordance with subsection (2) shall be deemed to have been served on the date on which it was mailed.

Proof of service

43(4) Proof of service of the notice may be by affidavit or statutory declaration.

Inquiry in absentia

43(5) Where the person whose conduct is the subject of inquiry does not attend, the inquiry committee upon proof of service of the notice in accordance with this section, may proceed with the inquiry in his absence, and, without further notice to him, take such action as it is authorized to take under this Act.

Testimony under oath

43(6) The testimony of witnesses at the inquiry shall be taken under oath, and there shall be a full right to examine and cross-examine all witnesses and to call evidence in defence and reply.

Administration of oaths

43(7) Any oath required to be administered pursuant to subsection (6) may be administered by any member of the committee holding the inquiry.

Subpoenas

43(8) The inquiry committee holding the inquiry, or any party to the inquiry, may on praecipe obtain from the court and serve subpoenas for the attendance of witnesses and production of books, documents, records, files, correspondence and things at the inquiry.

Confidentiality of information

43(9) Except for the purposes of a prosecution under this Act, or in any court proceedings, or for the purpose of the administration and enforcement of this Act and the regulations, no person acting in an official or other capacity under this Act or the regulations shall

- (a) knowingly communicate or allow to be communicated any information obtained by him in the course of administering this Act or the regulations; or
- (b) knowingly allow any other person to inspect or to have access to any book, document, record, file, correspondence or other record obtained by him in the course of administering this Act or the regulations.

Allowance for witnesses

43(10) Witnesses are entitled to the same allowances as witnesses attending upon a trial of an action in the court.

Method of giving evidence

43(11) Evidence may be adduced before the committee holding the inquiry either by affidavit or viva voce or both, as the committee may determine; but the name of a member shall not be removed from the register on affidavit evidence alone.

Inquiries to be held in Winnipeg

43(12) All inquiries of the inquiry committee shall be held in The City of Winnipeg, unless otherwise directed by the board.

Inquiries in camera

43(13) All inquiries of the inquiry committee shall be held in camera unless the member whose conduct is the subject of the inquiry requests a public inquiry and the committee is satisfied that none of the parties to the inquiry would be prejudiced by a public inquiry, but where the committee determines that there may be prejudice to a party it shall give written reasons therefor.

Inquiry may be adjourned

43(14) An inquiry may be adjourned from time to time in the discretion of the inquiry committee.

Evidence recorded

43(15) All evidence adduced at an inquiry shall be recorded and available for transcription for the period during which an appeal may be instituted under this Act.

Copies of conviction

44 For the purpose of the inquiry, a certified copy from the convicting court of the conviction of a person of any crime or offence, under the *Criminal Code*, or under any other Act is conclusive

evidence that the person has committed the crime or offence stated therein, unless it is shown that the conviction was quashed or set aside.

S.M. 2008, c. 42, s. 7.

Suspension of licence pending inquiry

45(1) Notwithstanding any other provision of this Act, where an inquiry into the conduct of a member is to be conducted by the inquiry committee, the board may suspend the licence of that member pending the disposition of the inquiry upon determining that there exist reasonable and probable grounds to believe that it is necessary to prevent a violation of this Act or the regulations or that the member's right to continue in the practice of chiropractic is contrary to the public interest and thereupon the member is suspended from practice until the suspension is lifted, superseded, or annulled by the board.

Notice of suspension of licence

45(2) The registrar shall cause a notice of the suspension to be served upon the member as soon as practicable after the suspension.

Method of giving notice of suspension

45(3) A notice served under this section may be sent to the member by registered or certified mail, postage prepaid, addressed to the member at his address appearing in the records of the association, and shall be deemed to have been served on the date on which it was mailed.

Proof of service

45(4) Proof of service of the notice shall be made by affidavit or statutory declaration.

Effect of suspension of licence

46 Where the licence of a member of the association is suspended that member shall not practise chiropractic for as long as the suspension continues.

Discipline of members

47(1) Where a member is found by the inquiry committee to have been guilty of professional misconduct, conduct unbecoming a member, professional incompetence or to have demonstrated incapacity or unfitness to practise chiropractic, or to be suffering from an ailment that might if the member continues to practise chiropractic constitute a danger to the public, the board may by resolution

- (a) revoke the licence of the member and cause the name of that member to be erased from the register;
- (b) suspend the licence of the member for a period not exceeding two years;
- (c) reprimand the member;
- (d) permit the member to practise upon such terms and conditions as it may deem appropriate;
- (e) impose a fine payable to the association,

or any combination thereof; and the decision shall be embodied in a formal order of the board and shall be served upon the member affected and the complainant, if any, by registered or certified mail, postage prepaid, or by personal service and a copy shall be filed with the registrar.

Expenses of inquiries

47(2) A member who is found guilty of professional misconduct, conduct unbecoming a member, professional incompetence or to be incapable of practising, or unfit to practise, may be ordered by the board to pay all, or any part of the costs and expenses incurred by the board and any committees thereof in the investigation into, proceedings upon, and hearing of any subject matter of inquiry, or any complaint or charge in respect of which he has been found guilty.

Copy of order may be filed in court

47(3) A copy of any order of the board made under subsection (1) or (2), certified by the registrar under the seal of the association, may be filed in the court and shall thereupon become a judgment of the court.

Compensation to members

47(4) The board may pay by way of compensation out of the funds of the association such moneys as the board may determine to any member against whom any complaint has been made,

which when fully determined is found to have been frivolous or vexatious or to have been made without proper cause.

Employment of agents

48(1) The inquiry committee holding an inquiry may, for the purpose of the execution of its duties under this Act, employ, with the approval of the board and at the expense of the association, such legal and other personnel as the committee may consider necessary or proper.

Representation by counsel

48(2) The person whose conduct is the subject of inquiry has the right at his expense to be represented by counsel and to adduce evidence, examine and cross-examine witnesses at the inquiry.

Restoration of members

49 The board, upon such grounds and upon such terms, if any, as to it seem proper, may direct the registrar to restore to the register any name or entry erased therefrom, either without fee or upon payment of such fee as the board may determine; and the registrar shall restore the name accordingly; but no name or entry shall be restored to the register except by order of the board or of the court.

PART X APPEALS

Appeal from order of board

50(1) Any person who considers himself aggrieved by an order or decision of the board relating to

- (a) a refusal or alteration of registration; or
- (b) a suspension of licence to practise; or
- (c) a direction pursuant to clause 40(a); or
- (d) a requirement pursuant to subsection 29(3); or
- (e) an inquiry; or
- (f) restoration of membership; or
- (g) issue or re-issue of a licence to a member;

may appeal from the order or decision to a judge of the court at any time within two months from the date of the order or decision.

Order of judge

50(2) The judge may, upon hearing of the appeal, make such order or decision relating thereto and as to costs, as the court considers just.

Method of commencing appeals

50(3) An appeal shall be made by originating notice of motion returnable before a judge of the court and shall be founded upon the record of proceedings and reports relating thereto and the order or decision of the board in the matter, certified by the registrar.

Registrar shall furnish copy

50(4) The registrar shall, upon the request of a person desiring to appeal, furnish to that person at the expense of the person, a certified copy of all proceedings, reports, orders and papers upon which the board acted in making the order or decision in respect of which the appeal is taken.

Failure to file transcript of evidence

50(5) If a transcript of evidence at the hearing is obtainable and the appellant has not filed two copies thereof with the court within 30 days of the date of the filing of the notice of appeal, the appeal shall be deemed to be abandoned unless the court has extended the time for filing of the transcript.

PART XI MISCELLANEOUS

Validity of certain chiropractic certificates

51 A certificate issued by any chiropractor on or after the coming into force of this Act is not valid unless the chiropractor signing it is a registered member of the association.

Limitation of action against members

52 No member of the association is liable in any action for negligence or malpractice by reason of professional services requested or rendered, unless the action is commenced within two years from the date when, in the matter complained of, those professional services terminated.

Limitation on use of non-member name

53(1) No member of the association shall carry on the practice of chiropractic under a name other than his own in whole or in part unless he has first obtained the written consent of the board, which consent shall not be unreasonably withheld provided that the name proposed is consistent with the decorum of the profession.

Limitation on use of chiropractic title

53(2) No person shall use the designation "chiropractor" or "doctor of chiropractic" or any words indicative of such designation or in any manner seek to convey the impression that he is practising as a chiropractor under this Act unless he is registered under this Act.

Limitation on use of title "Doctor"

53(3) No registered chiropractor shall, in conjunction with his name, and to designate his profession or calling, display or make use of the prefix or title "Doctor" or the abbreviation "Dr." unless at the same time he displays or makes use of the word "Chiropractic" or the word "Chiropractor" immediately preceding or following his name.

Limitation on practice

53(4) Nothing in this Act or the regulations authorizes any person to prescribe or administer drugs for internal or external use or to use, direct or prescribe the use of anaesthetic for any purpose whatsoever.

Confidentiality of information

53.1(1) Subject to section 53.2, every person employed, appointed or retained for the purpose of administering this Act, and every member of the board or a committee of the board, shall preserve secrecy about all information that comes to his or her knowledge in the course of his or her duties, and shall not communicate any information to any other person, except

- (a) to the extent the information is available to the public, or is required to be disclosed, under this Act;
- (b) in connection with the administration of this Act, including, but not limited to, the registration of members, complaints about members, allegations of members' incapacity, unfitness, incompetence or acts of professional misconduct, or the governing of the profession;
- (c) to a body that governs the practice of a health profession pursuant to an Act of the Legislature, to the extent the information is required for that body to carry out its mandate under the Act;
- (d) to a body that governs the practice of chiropractic in a jurisdiction other than Manitoba; or
- (e) as may be required for the administration of *The Health Services Insurance Act*.

Offence

53.1(2) A person who contravenes subsection (1) is guilty of an offence and is liable, on summary conviction, to a fine of not more than \$50,000.

S.M. 1998, c. 32, s. 2; S.M. 2005, c. 39, s. 4.

Registrar to collect information

53.2(1) In addition to any other information maintained in administering this Act, the registrar must collect and record each member's

- (a) date of birth;
- (b) sex; and
- (c) education or training, as required for registration and renewal of registration.

Member to provide information

53.2(2) A member must provide the registrar with the information required under subsection (1), in the form and at the time set by the registrar.

Minister may require information

53.2(3) The minister may request in writing that the registrar provide information on members — including personal information — contained in the register or collected under subsection (1), to establish and maintain an electronic registry of health service providers to be used for the following purposes:

- (a) to validate the identity of a provider seeking access to a patient's personal health information maintained in electronic form;
- (b) to administer programs respecting payment for professional services under *The Health Services Insurance Act*;
- (c) to generate information — in non-identifying form — for statistical purposes.

Registrar to provide information to minister

53.2(4) The registrar must provide the minister with the information — including personal information — requested under subsection (3), in the form and at the time set by the minister after consulting with the registrar.

Minister may disclose information

53.2(5) Despite any other provision of this Act or any provision of another Act or a regulation, the minister may

- (a) disclose — in non-identifying form — information provided under subsection (4) to any entity authorized to receive it under subsection (6); and
- (b) impose conditions respecting the use, retention and further disclosure of the information.

An entity must comply with any conditions imposed by the minister.

Authorized entities

53.2(6) The following entities are authorized to receive information — in non-identifying form — under subsection (5):

- (a) a regional health authority established or continued under *The Regional Health Authorities Act*;
- (b) Regional Health Authorities of Manitoba, Inc.;
- (c) CancerCare Manitoba;
- (d) The Manitoba Centre for Health Policy;
- (e) a government or organization with which the Government of Manitoba has entered into an agreement to share information for the purposes stated in subsection (3).

S.M. 2005, c. 39, s. 5.

PART XII**OFFENCES AND PENALTIES****Penalty for fraudulent representation on application for registration**

54 Any person who wilfully procures, or attempts to procure, his registration under this Act by making any false or fraudulent representation or declaration, either orally or in writing, is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$200. and not more than \$1,000.

Penalty for practising without registration

55 Any person not registered under this Act who practises, professes to practise or in any way alleges or implies an ability or willingness to practise chiropractic in the province, is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$200. and not more than \$2,000.

Penalty for unauthorized assumption of title

56 Any person who wilfully or falsely pretends to be a chiropractor or chiropractic practitioner, or assumes any chiropractic title, addition or description other than he actually possesses or is legally entitled to, is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$100. and not more than \$1000.

Offence by a member

57 Any person whose name is entered in the register as holding a conditional licence and who fails to comply with the conditions imposed upon him as recorded in the register, is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$200. and not more than \$1,000.

Penalty for falsification of register

58 Any employee or member of the association holding office in the association who makes or causes to be made, any wilful falsification in any matter relating to the register, is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$200. and not more than \$1,000. and is disqualified from again holding that office of the association.

Imprisonment

59 Where a person who is convicted of an offence against any provision of this Act does not pay the fine imposed within the prescribed time for payment he is liable to imprisonment for a term not exceeding one year.

Proof of offence

60 In any prosecution under this Act, it is sufficient proof of an offence under this Act if it is proved that the accused has done or committed a single act of unlicensed practice, or has committed on one occasion any of the acts prohibited by this Act.

Who may prosecute complaint

61 Any person may be prosecutor or complainant under this Act, and the province shall pay to the prosecutor such portion of the fines recovered as may be expedient towards the payment of the costs of the prosecution.

Limitation on prosecution

62 No prosecution under this Act shall be commenced after the expiration of two years from the date of the alleged offence.

Stay of proceedings

63 When the association is the prosecutor of an offence under this Act, it may, upon an order signed by the registrar and under the seal of the association apply for a stay of proceedings in any such prosecution, in which case the court seized with the matter shall grant the stay.