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CONSOLIDATED NEWFOUNDLAND AND
LABRADOR REGULATION 1101/96

Chiropractors Regulations
under the
Chiropractors Act
(O.C. 96-941)

Amended by:

13/03

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LABRADOR REGULATION 1101/96

Chiropractors Regulations
under the
Chiropractors Act
(O.C. 96-941)

Under the authority of section 15 of the *Chiropractors Act*
and the *Subordinate Legislation Revision and
Consolidation Act*, the Lieutenant-Governor in Council
makes the following regulations.

CHAPTER C-14.01

AN ACT RESPECTING CHIROPRACTORS

(Assented to May 28, 2009)

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Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

Short title

1. This Act may be cited as the *Chiropractors Act, 2009*.

Definitions

2. In this Act

- (a) "board" means the Newfoundland and Labrador Chiropractic Board continued under section 4;
- (b) "chiropractic" means a professional service usually performed by a chiropractor directed towards the diagnosis, examination and treatment, principally by hand, and without use of drugs or surgery, of the spinal column, pelvis, extremities and associated tissues;
- (c) "chiropractor" means a person who practises chiropractic and who is licensed under this Act;
- (d) "licence" means a licence to practise chiropractic issued under this Act;
- (e) "minister" means the minister appointed under the *Executive Council Act* to administer this Act;
- (f) "register" means the register of chiropractors referred to in section 11; and
- (g) "registrar" means the registrar of chiropractors appointed under subsection 4(10).

Non-application of Act

3. This Act does not apply to or affect

- (a) a medical practitioner registered under the *Medical Act, 2005*;
- (b) a physiotherapist registered under the *Physiotherapy Act, 2006*; or
- (c) a registered nurse or a person authorized by another Act or regulation to carry out services which would be considered as chiropractic under this Act.

Board

4. (1) The Newfoundland and Labrador Chiropractic Board is continued as a corporation without share capital for the purposes of Part XXI of the *Corporations Act*.

- (2) The board shall consist of
 - (a) 6 members elected from and by chiropractors in accordance with the by-laws; and
 - (b) 3 members appointed under section 5 who are not chiropractors.

(3) The board shall elect from among the elected members a chairperson and a secretary-treasurer.

(4) The chairperson, or an elected member designated by him or her, shall chair the meetings of the board.

(5) A member may be elected for a term set by the by-laws which shall not exceed 3 years and is eligible to be re-elected, but shall not serve as a member for more than 9 consecutive years.

(6) An elected member may resign his or her office by written notice to the board.

(7) Where an elected member resigns, dies or becomes incapable of performing his or her duties, the remaining members shall appoint a replacement to serve until the expiry of the term of that elected member.

(8) Where the term of office of a member of the board expires and a successor has not been elected or appointed, the member may continue to hold office until a successor is elected or appointed but time served by that member under this subsection shall not be counted for the purpose of subsection (5).

(9) Elected members shall serve without payment for their services, but their travel and other expenses associated with their duties as members may be paid by the board, in accordance with the by-laws.

(10) The board shall appoint a person as registrar who shall, by virtue of the office, be a non-voting member of the board.

(11) The board may pay the registrar for performing his or her duties under this Act, in accordance with the by-laws.

Appointment by minister

5. (1) The minister shall appoint as members of the board 3 persons who are not chiropractors who are suitable to represent the public interest.

(2) A person appointed under subsection (1) holds office for a term of 3 years and is eligible to be re-appointed.

(3) Where a person appointed under subsection (1) holds office for a period of 9 consecutive years the person is not eligible for appointment as a member of the board until the expiration of 12 months from the end of the year in which he or she was last a member.

(4) Where the term of an appointed member expires, he or she continues to be a member until re-appointed or replaced.

(5) The board shall pay the expenses of a person appointed under this section in accordance with guidelines established by the Lieutenant-Governor in Council.

(6) A person appointed under subsection (1) may resign his or her appointment by written notice to the minister and shall provide a copy to the chairperson of the board.

(7) A person appointed under subsection (1) may be removed from office by the minister before the expiration of his or her term of office and no compensation shall be paid to him or her other than an amount owing under subsection (5).

Meetings

6. (1) A quorum of the board is 5 members, one of whom is an appointed member.

(2) Except where prohibited in the by-laws, a member may, where all the members consent, participate in a meeting of the board by means of the telephone or other telecommunication device that permits all persons participating in the meeting to communicate with each other.

(3) Where a quorum under subsection (1) exists, a majority of that number is sufficient to make a decision, and in the event of a tie the chairperson of the meeting shall cast the deciding vote.

(4) In the absence of the chairperson, the members of the board in attendance at a meeting may appoint another member to chair that meeting.

(5) The board shall hold an annual general meeting, to which all chiropractors shall be invited, to elect the members of the board.

(6) At the annual general meeting the board shall appoint an auditor to audit the accounts of the board and report on the financial statement prepared by the board.

(7) The board may in its by-laws provide for voting at a meeting of the board or in an election of members by mail or electronic means.

Fees

7. (1) In prescribing the fees payable under this Act, the board shall, so far as it is practicable, ensure that the amount of fees is sufficient to enable it to discharge its duties under this Act.

(2) All money received by the board shall be applied by it to its duties under this Act.

By-laws

8. (1) The board may make by-laws not inconsistent with this Act respecting

- (a) the holding and procedure of its meetings;
- (b) the appointment of committees and the duties and responsibilities of those committees;
- (c) the election of members of the board under subsection 4(2) and setting the terms of office;
- (d) the payment of travel and other expenses of elected members of the board;
- (e) the employment and remuneration of staff and consultants;
- (f) a code of ethics which shall include
 - (i) a definition of "professional misconduct" and "conduct unbecoming" for the purposes of sections 20 to 37,
 - (ii) provisions respecting conflict of interest, and
 - (iii) rules respecting methods of advertising;
- (g) the remuneration and payment of travel expenses of members of adjudication tribunals;
- (h) the participation of members at a meeting of the board by telephone or other telecommunications device under section 6; and
- (i) voting by members by mail or electronic means.

(2) A by-law may be made, amended or repealed at a meeting of the board provided that 30 days notice, in writing, of the making, amendment or repeal of the by-law and of the meeting are given to members of the board.

(3) The board shall have its by-laws available for inspection by the public on reasonable notice and at reasonable hours.

Annual report

9. (1) The board shall prepare and submit to the minister not later than 6 months after the end of its financial year

- (a) a report on the activities of the board in the previous year; and
- (b) the board's audited financial statements for the previous financial year.

(2) The minister shall table a copy of the annual report and the audited financial statement in the House of Assembly within 15 days of receiving it if the house is sitting and if the house is not sitting within 15 days after it next begins to sit.

(3) Where the board fails to comply with subsection (1), the board is guilty of an offence and is liable upon summary conviction to a fine of \$1,000.

Registration and licence

10. (1) The board shall register as a chiropractor and issue a licence to practise chiropractic to a person who

- (a) pays the prescribed fee;
- (b) holds a degree or diploma in chiropractic from the Canadian Memorial Chiropractic College, a university or college within Canada recognized by the Council on Chiropractic Education (Canada) or another program that the board considers to be their equivalent;
- (c) has passed Canadian Chiropractic Examining Board examinations; and
- (d) meets those other requirements which may be prescribed by the regulations.

(2) Where, immediately before applying for a licence under this Act, a person was, under the laws of another province or territory of Canada, licensed and in good standing to practise chiropractic in that province or territory, the board shall register that person as a chiropractor and issue a licence to him or her provided that he or she

- (a) pays the required fee; and
- (b) meets those other requirements that may be prescribed by regulation.

(3) As a condition of receiving a licence, a person shall provide proof that he or she has obtained professional liability insurance coverage in a form and amount satisfactory to the board.

Register

11. (1) The registrar of the board shall keep a register and enter the names of all persons licensed under this Act.

(2) The register shall be open to inspection by a member of the public during normal business hours at the office of the board.

Definitions

12. In sections 13 to 19

- (a) "non-voting share" means an issued share of a professional chiropractic corporation that is not a voting share; and

- (b) "voting share" means an issued share of a professional chiropractic corporation with the right to vote at a meeting of shareholders attached to it.

Professional corporation

13. (1) One or more chiropractors may incorporate a corporation to provide chiropractic services.

(2) The corporation shall be incorporated under the *Corporations Act*.

(3) The name of the corporation shall meet the requirements of subsection 17(1) of the *Corporations Act*.

(4) A corporation shall not provide chiropractic services unless it is registered and licensed under this Act.

Corporate register

14. (1) The registrar shall maintain a register of professional chiropractic corporations in which shall be entered the names of corporations permitted under this Act to provide chiropractic services.

(2) The board shall direct the registrar to register a professional chiropractic corporation that establishes that

- (a) all the voting shares of the corporation are beneficially owned by and registered in the name of one or more chiropractors and there is no restriction on the right of each chiropractor to exercise his or her vote as he or she wishes to;
- (b) the non-voting shares are owned by a natural person;
- (c) all the directors of the corporation are chiropractors, and there is no agreement restricting the powers of the directors to manage the business and affairs of the corporation in relation to the practice of chiropractic;
- (d) all of the persons who will be practising chiropractic as employees of or on behalf of the corporation are chiropractors;
- (e) the articles of the corporation restrict it to providing chiropractic services and related matters;
- (f) the corporation is in good standing under the *Corporations Act*; and
- (g) the corporation has complied with other requirements for registration in the regulations made under section 38.

(3) The corporate register shall be made public in accordance with section 11 and a copy of the register shall be available for inspection under that section.

(4) The board may enter into a reciprocal agreement with a chiropractic board, association or other body having responsibility for the registration and licensing of professional chiropractic corporations in another jurisdiction for the registration of corporations from that jurisdiction in the register of the board.

(5) Notwithstanding subsection (2), the voting shares of a professional chiropractic corporation may be held by

- (a) an executor or administrator of the estate of a deceased chiropractor to discharge the duties of that position; or
- (b) a trustee in bankruptcy to discharge his or her duties as trustee in respect of the corporation or a chiropractor,

for no longer than 180 days, or a longer period where the registrar permits.

Annual licence

15. (1) A professional chiropractic corporation may apply for a licence to provide chiropractic services in the province and the board shall issue the corporate licence provided that

- (a) the professional chiropractic corporation is registered under this Act;
- (b) the application is accompanied by a licence fee which may be established by the board; and
- (c) the professional chiropractic corporation continues to meet the requirements for registration set out in section 14 and other requirements for being licensed which may be set out in this Act and the regulations made under section 38.

(2) A corporation licensed under this section is entitled to recover from a person, in a court of the province having jurisdiction to order payment from that person, reasonable charges for the provision of professional services by the corporation.

(3) A licence issued under this section expires on January 15 following the day upon which it is issued.

Revocation of licence

16. A licence issued under section 15 may be revoked by the board where

- (a) the professional chiropractic corporation ceases to meet a requirement for registration or licensing under this Act;
- (b) the professional chiropractic corporation contravenes this Act or the regulations;
or

- (c) a chiropractor is disciplined under sections 20 to 37 in respect of chiropractic services performed by him or her as an employee of or on behalf of the professional chiropractic corporation.

Effect of incorporation

17. (1) A chiropractor who provides chiropractic services to or through a professional chiropractic corporation is, notwithstanding his or her relationship to the professional chiropractic corporation or the relationship between the patient and the professional chiropractic corporation, subject to

- (a) the application of this Act as if he or she were providing services as an individual chiropractor; and
- (b) the same duties and responsibilities in connection with his or her dealings with patients of the professional chiropractic corporation as if he or she were providing services directly to those patients.

(2) The relationship between a professional chiropractic corporation and a patient receiving services from or through the corporation is subject to the laws relating to the confidential and ethical relationship between a chiropractor and his or her patient.

(3) All rights and obligations pertaining to communications made to, or information received by, chiropractors apply to the shareholders, directors, officers and employees of a professional chiropractic corporation.

Liability of chiropractor

18. (1) Notwithstanding a provision to the contrary in the *Corporations Act*, a chiropractor who provides chiropractic services through or on behalf of a professional chiropractic corporation is liable to a person in relation to the provision of those services to the same extent and in the same manner as if the chiropractor provided those services as an individual and that liability is not affected because of the chiropractor's relationship to the professional chiropractic corporation as a shareholder, director, officer, employee or in another capacity.

(2) A chiropractor is jointly and individually liable with a professional chiropractic corporation for all claims made against the corporation in connection with the provision of chiropractic services by the chiropractor.

(3) In this section "chiropractor" includes a person formerly licensed under this or another Act to provide chiropractic services.

Misconduct of a professional chiropractic corporation

19. (1) A chiropractor is liable to be disciplined under sections 20 to 37 for the actions or conduct of a professional chiropractic corporation while the chiropractor was a shareholder, director, officer or employee of the corporation.

(2) A chiropractor shall not be liable to discipline under subsection (1) where he or she proves that he or she did not know and could not reasonably have known about the relevant actions or conduct of the professional chiropractic corporation.

(3) A power of inspection, investigation or inquiry that may be exercised in respect of a chiropractor under section 24 may be exercised in respect of a professional chiropractic corporation or its records in connection with an inquiry under subsection (1).

(4) A professional chiropractic corporation is jointly and individually liable with the chiropractor for all fines and costs the chiropractor is ordered to pay in connection with an inquiry under subsection (1).

(5) In this section, "chiropractor" includes a person formerly licensed under this or another Act to practice chiropractic.

Definitions

20. In this section and sections 21 to 38,

- (a) "allegation" means a written document alleging that a person has engaged in conduct deserving of sanction;
- (b) "complainant" means a person making an allegation described in section 22;
- (c) "conduct deserving of sanction" includes
 - (i) professional misconduct,
 - (ii) professional incompetence,
 - (iii) conduct unbecoming a chiropractor,
 - (iv) incapacity or unfitness to practise as a chiropractor, and
 - (v) acting in breach of this Act, the regulations or the code of ethics made under section 8;
- (d) "costs incurred by the board" includes
 - (i) out of pocket expenses incurred by or on behalf of the board,
 - (ii) amounts paid by the board to adjudication tribunal members as remuneration and for expenses, and

- (iii) the actual cost of legal counsel for the board and the adjudication tribunal;
- (e) "disciplinary panel" means the panel of persons appointed under section 21 from which the members of an adjudication tribunal are chosen; and
- (f) "respondent" means a chiropractor or former chiropractor against whom an allegation is made.

Complaints and disciplinary panel

21. (1) The board shall appoint at least 3 of their members, at least one of whom is a member appointed under section 5, to constitute a complaints authorization committee.

(2) The registrar is not eligible to be a member of the complaints authorization committee.

(3) The board shall appoint the chairperson and vice-chairperson of the complaints authorization committee from the persons appointed under subsection (1).

(4) The board shall appoint at least 5 chiropractors who are not members of the board, one of whom shall be appointed to serve as chairperson, and the minister shall appoint at least 2 persons who are not chiropractors to represent the public interest, who shall together constitute a disciplinary panel.

(5) Of the members first appointed to the disciplinary panel, one half shall be appointed for a term of 2 years and the remainder for a term of 3 years and all subsequent appointments of members to the disciplinary panel shall be for a term of 3 years.

(6) Notwithstanding the expiry of his or her term, a member of the disciplinary panel continues to be a member until he or she is re-appointed or his or her replacement is appointed.

(7) Persons appointed to the disciplinary panel may be reappointed.

(8) Members of the disciplinary panel shall serve on the panel without payment for their services, but may be remunerated for service as a member of an adjudication tribunal and paid their travel and other expenses associated with the work of that tribunal by the board, in accordance with and at the rates set by the by-laws.

(9) The complaints authorization committee and an adjudication tribunal appointed under section 25 and a person appointed by either of them may summon witnesses and require those witnesses to give evidence, orally or in writing, upon oath or affirmation, and produce the documents and things that either of them considers necessary to the full investigation and hearing of an allegation or complaint and have the powers, privileges and immunities that are conferred on a commissioner appointed under the *Public Inquiries Act, 2006*.

Allegation

22. (1) An allegation shall be in writing and signed by the complainant or his or her solicitor, and filed with the registrar.

(2) The registrar may on his or her own motion make an allegation and file it, and the allegation has the same effect as an allegation referred to in subsection (1).

(3) Where the registrar has been informed that a chiropractor has been convicted of an offence under the provisions of the *Criminal Code* or a similar penal statute of another country or has been suspended by a governing body of chiropractors in another province or territory of Canada or another territory or country for reason of professional misconduct, conduct unbecoming a chiropractor, or professional incompetence, the information shall be dealt with by the registrar as an allegation.

(4) For the purpose of subsection (3), a certified copy of the record of a conviction or findings made or the action taken by an external regulatory body constitutes proof, in the absence of evidence to the contrary, of the conviction or findings made or the action taken by that body, without proof of the signature of the convicting justice or person purporting to have signed on behalf of that body.

Effect of filing allegation

23. (1) Where it appears to the registrar after notifying the respondent of the allegation that the allegation may be resolved satisfactorily and where the complainant and the respondent consent, the registrar may attempt to resolve the matter.

(2) Where the allegation is not satisfactorily resolved by the registrar under subsection (1), he or she shall refer the allegation and all other allegations to the complaints authorization committee.

(3) The registrar shall inform a complainant and a respondent of the referral of the allegation to the complaints authorization committee.

Complaints authorization committee

24. (1) After an allegation has been submitted to the complaints authorization committee, the committee may exercise one or more of the following powers:

- (a) refer the allegation back to the registrar for an investigation or alternative dispute resolution in accordance with the regulations;
- (b) conduct an investigation itself or appoint a person to conduct an investigation on its behalf;
- (c) conduct a review of the respondent's practice or the conduct of a corporation to which sections 12 to 19 apply of which the respondent is a voting shareholder; and

(d) require the respondent to appear before it.

(2) Where the complaints authorization committee is of the opinion there are no reasonable grounds to believe the respondent has engaged in conduct deserving of sanction, the committee shall dismiss the allegation and give notice in writing of the dismissal to the complainant and the respondent.

(3) Where the complaints authorization committee is of the opinion that there are reasonable grounds to believe that a respondent has engaged in conduct deserving of sanction, the allegation is considered to constitute a complaint, and the committee may

(a) counsel or caution the respondent;

(b) instruct the registrar to file the complaint against the respondent and refer it to the disciplinary panel; and

(c) suspend or restrict the respondent's right to practice.

(4) A person conducting an investigation under subsection (1) may

(a) require a respondent to

(i) undergo an examination he or she considers necessary and as arranged by the registrar, and

(ii) permit the registrar or a member of the complaints authorization committee or a person appointed by the complaints authorization committee to inspect and copy the records of the respondent and other documents relating to the subject matter of the investigation; and

(b) require another person to permit the registrar or a member of the complaints authorization committee or another person appointed by the complaints authorization committee to inspect and copy records and other documents relating to the subject matter of the investigation held by that person,

and the respondent or other person shall comply.

(5) Where the registrar, a member of the complaints authorization committee or a person appointed by the authorization committee requests that a respondent or another person provide information under subsection (4), that information shall be provided within 7 days of receipt of the request or a different period as specified in the request.

(6) An action for damages does not lie against a chiropractor or another person to whom a request is made solely because he or she provides information requested of him or her under subsection (4).

(7) A complainant whose allegation is dismissed by the complaints authorization committee under subsection (2) may, within 30 days after receiving notice of the

dismissal, appeal the dismissal to the Trial Division by filing a notice of appeal with the Registrar of the Supreme Court.

Adjudication tribunal

25. (1) For the purpose of dealing with complaints referred to the disciplinary panel, the chairperson of the disciplinary panel shall appoint from it an adjudication tribunal consisting of 3 persons, of whom 2 shall be chiropractors and one shall be a representative of the public interest.

(2) The chairperson of the disciplinary panel shall appoint one of the chiropractors on an adjudication tribunal to be the chairperson.

Hearing

26. (1) Where a complaint has been referred under paragraph 24(3)(b), an adjudication tribunal shall hear the complaint.

(2) The parties to a hearing are the board and the respondent and a party may be represented by his or her counsel at a hearing.

(3) A hearing shall be conducted in public but an adjudication tribunal may exclude the public from a hearing, or from part of it, where it considers the desirability of protecting a party to the complaint or a witness against the consequences of possible disclosure of personal matters outweigh the desirability of holding the hearing in public.

Copies of books, etc. as evidence

27. A copy or extract of a book, record, document or thing certified by

(a) a member of the complaints authorization committee; or

(b) a person authorized under subsection 24(4) to conduct an inspection,

who made the copy or extract under subsection 24(4) is admissible in evidence in an action, proceeding or prosecution, in the absence of evidence to the contrary, as evidence of the original book, record, document or thing and its contents.

Guilty plea by respondent

28. (1) Where a respondent pleads guilty to one or more of the charges set out in a complaint, the adjudication tribunal shall, without calling evidence or hearing witnesses, unless the tribunal believes it is appropriate to do so, hear submissions from the parties.

(2) Where a respondent pleads guilty, and following submissions under subsection (1), the adjudication tribunal may

(a) reprimand the respondent;

- (b) order that the respondent be suspended for a fixed period that it considers appropriate, until conditions which it may impose are fulfilled, or until further order of the adjudication tribunal;
- (c) allow or direct the respondent to surrender his or her licence to the board upon those conditions that may be considered appropriate and strike the respondent's name from the register;
- (d) impose a fine not to exceed \$10,000 to be paid to the board;
- (e) order that the respondent pay the costs or a part of the costs incurred by the board in the investigation and hearing of the complaint;
- (f) order that the registrar publish a summary of the decision including the information set out in subsection 30(4) and other information that the tribunal may specify; and
- (g) order that the respondent comply with one or more of the following:
 - (i) make restitution to the complainant or other person affected by the conduct of the respondent,
 - (ii) obtain medical treatment,
 - (iii) obtain counselling,
 - (iv) obtain substance abuse counselling or treatment, until the respondent can demonstrate to the board or other body or person designated by the adjudication tribunal that a condition related to substance abuse rendering the respondent incapable or unfit to practise has been overcome,
 - (v) engage in continuing education programs,
 - (vi) complete a course of studies satisfactory to the board or another body or person designated by the adjudication tribunal,
 - (vii) report on his or her compliance with an order made under this section and authorize others involved with his or her treatment or supervision to report on it,
 - (viii) restrict his or her professional practice or continue his or her practice under specified conditions,
 - (ix) permit periodic inspection of records relating to his or her practice, or
 - (x) impose other requirements that are just and reasonable in the circumstances.

(3) The costs incurred by the board to ensure the compliance of a respondent with an order or direction of an adjudication tribunal under this section shall be borne by the respondent.

Powers of adjudication tribunal

29. (1) Upon the hearing of a complaint, an adjudication tribunal shall decide whether or not a respondent is guilty of conduct deserving of sanction.

(2) Where an adjudication tribunal decides that a respondent is not guilty, it shall dismiss the complaint and may, where it believes that the submission of the complaint to the tribunal for a hearing was unreasonable,

(a) order that those costs that the tribunal considers appropriate be paid by the board to the respondent; and

(b) make another order that it considers appropriate.

(3) Where an adjudication tribunal decides that a respondent is guilty, it may

(a) reprimand the respondent;

(b) order that the respondent be suspended for a fixed period that it considers appropriate, until conditions which it may impose are fulfilled, or until further order of the adjudication tribunal;

(c) allow or direct the respondent to surrender his or her licence to the board upon those conditions that may be considered appropriate and strike the respondent's name from the register;

(d) impose a fine not to exceed \$10,000 to be paid to the board;

(e) order that the respondent pay the costs or a part of the costs incurred by the board in the investigation and hearing of the complaint;

(f) order that the registrar publish a summary of the decision including the information set out in subsection 30(4) and other information that the tribunal may specify; and

(g) order that the respondent comply with one or more of the following:

(i) make restitution to the complainant or other person affected by the conduct of the respondent,

(ii) obtain medical treatment,

(iii) obtain counselling,

- (iv) obtain substance abuse counselling or treatment, until the respondent can demonstrate to the board or other body or person designated by the adjudication tribunal that a condition related to substance abuse rendering the respondent incapable or unfit to practise has been overcome,
- (v) engage in continuing education programs,
- (vi) complete a course of studies to the satisfaction of the board or other body or person designated by the adjudication tribunal,
- (vii) report on his or her compliance with an order made under this section and authorize others involved with his or her treatment or supervision to report on it,
- (viii) restrict his or her professional practice or continue his or her practice under specified conditions,
- (ix) permit periodic inspection of records relating to his or her practice, or
- (x) impose other requirements that are just and reasonable in the circumstances.

(4) The costs incurred by the board to ensure the compliance of a respondent with an order or direction of an adjudication tribunal under this section shall be borne by the respondent.

Filing and publication of decisions

30. (1) An adjudication tribunal shall file a decision or order made under subsection 28(2) or 29(2) or (3) with the registrar and provide a copy to the complainant and the respondent and the respondent's employer.

(2) The registrar shall maintain a copy of a decision or order filed under subsection (1) for a minimum of 5 years after the day the decision is filed and shall upon receiving a request to view the disciplinary records in relation to a chiropractor permit a person to view those records.

(3) The registrar shall publish a summary of a decision or order of an adjudication tribunal in a newspaper of general circulation in or nearest to the community in which the respondent practises within 14 days of the expiry of the appeal period provided in section 36, unless a court otherwise orders, where the decision or order

- (a) suspends the respondent;
- (b) allows or directs the respondent to surrender his or her licence;
- (c) restricts the respondent's practice;
- (d) specifies conditions for the continuing practice of the respondent; or

- (e) requires that a summary of the decision or order be published.
- (4) The summary of the decision published under subsection (3) shall include
 - (a) the name of the respondent and the address where he or she practises;
 - (b) the date, location and a brief description of the conduct of the respondent that was found to be deserving of sanction;
 - (c) the name of the complainant, unless the complainant has requested that his or her name be withheld;
 - (d) the contents of the order in relation to the actions referenced in paragraphs (3)(a) to (d); and
 - (e) other information specified for publication in the decision or order.

(5) Where a decision published under this section is varied or set aside, the registrar shall within 14 days of the filing of the subsequent decision or order publish a summary of the decision or order and subsections (2) and (3) apply, with the necessary changes.

(6) The registrar may give notice of the decision and information respecting the decision to the other persons the board may direct and shall, in a certificate of good standing issued in relation to the respondent, include a summary of the decision.

De-registration and suspension

31. (1) Where a chiropractor is allowed or directed to surrender his or her licence, his or her rights and privileges to practice chiropractic cease.

(2) Where a chiropractor is suspended, his or her rights and privileges to practice chiropractic cease for the period of suspension.

(3) Where conditions or restrictions have been imposed upon a respondent's ability to carry on his or her practice, his or her rights and privileges to practice chiropractic shall be limited to the extent specified by the conditions or restrictions.

Failure to comply

32. (1) On application by the board to the disciplinary panel, an adjudication tribunal may make an order suspending the rights and privileges of a respondent where it determines that the respondent has failed to comply with a decision or an order under subsection 28(2) or 29(3).

(2) The parties to the application are the board and the respondent.

(3) An order of an adjudication tribunal under this section may suspend the rights and privileges of the respondent for a fixed period that the adjudication tribunal may

consider appropriate, or until conditions which it may impose are fulfilled, or until further order of the adjudication tribunal.

Re-hearing

33. (1) Where a decision or order of an adjudication tribunal

- (a) suspends a respondent;
- (b) allows or directs a respondent to surrender his or her licence;
- (c) restricts a respondent's practice; or
- (d) specifies conditions for the continuing practice of a respondent,

and where the respondent alleges that new evidence has become available or a material change in circumstances has occurred since the making of the decision or order, the respondent may apply to the complaints authorization committee for a supplementary hearing to discharge or vary the decision or order based on the new evidence or material change in circumstances.

(2) An application under subsection (1) shall be made not more than 90 days after the new evidence becomes available or the material change in circumstances has occurred.

(3) Where an application is made to the complaints authorization committee under subsection (1), and the committee is of the opinion that new evidence has become available or that a material change in circumstances has occurred, as alleged by a respondent, the matter shall be referred to an adjudication tribunal as if it were a matter referred under paragraph 24(3)(b) and sections 26 to 31 apply, with the necessary changes, to the referred matter.

(4) The parties to a supplementary hearing under this section are the respondent and the board.

(5) For the purpose of this section, in addition to an order that an adjudication tribunal may make under section 29, a tribunal may

- (a) vary the original decision or order made under section 29; or
- (b) discharge the original decision or order, with or without conditions.

Costs of board

34. (1) Where a person who was ordered to pay the costs of the board under paragraph 28(2)(e) or 29(3)(e) fails to pay in the time required, the board may suspend the licence of that person until the costs are paid.

(2) Costs ordered by the board under paragraph 28(2)(e) or 29(3)(e) are a debt due the board and may be recovered by a civil action.

Collection of fine

35. (1) Where an order is made under section 28 or 29 imposing a fine or ordering costs on a respondent, the board may issue a certificate stating the amount of the fine or costs due and remaining unpaid and the name of the person by whom it is payable, and file the certificate with the Registrar of the Supreme Court.

(2) Where a certificate is filed with the Registrar of the Supreme Court under subsection (1), it has the same effect and all proceedings may be taken on the certificate as if it were a judgment of the Trial Division for the recovery of the amount stated in the certificate against the person named in the certificate.

(3) A person named in a certificate filed under this section may, within 30 days after the certificate is filed, apply to a judge of the Trial Division for a review, on a question of law or jurisdiction, of the certificate.

(4) On application under subsection (3), the judge may make any amendment to the certificate that is necessary to make the certificate accord with the judge's decision.

(5) There is no appeal from a decision of a judge made under this section.

(6) A certificate filed under this section may also be filed in the judgment enforcement registry on the expiration of the 30 day period referred to in subsection (3) in accordance with Part III of the *Judgment Enforcement Act* and be enforced in accordance with that Act.

Appeal to Trial Division

36. (1) The board or a respondent may, within 30 days after receiving notice of a decision or order of an adjudication tribunal under this Act, appeal the decision or order to the Trial Division by filing a notice of appeal with the Registrar of the Supreme Court.

(2) An appeal under this section does not stay the decision or order being appealed unless the Trial Division orders otherwise.

Action prohibited

37. An action for damages shall not lie against the board, disciplinary panel, an adjudication tribunal or the individual members of those bodies, a person appointed to conduct an investigation under subsection 24(4), the registrar, or an officer or employee of the board for

(a) an act or failure to act, or a proceeding initiated or carried out in good faith under this Act, or carrying out their duties or obligations as an officer, employee or member under this Act; or

(b) for a decision or order made or enforced in good faith under this Act.

Regulations

38. (1) The board may, with the approval of the minister, make regulations

- (a) respecting the licensing of a person to practise as a chiropractor, including issuing different classes of licences, and for the renewal of licences;
- (b) prescribing continuing competency and education requirements related to licensing;
- (c) respecting the requirements of a chiropractor to carry professional liability insurance;
- (d) respecting the registration and annual licensing of professional chiropractic corporations;
- (e) respecting the use, maintenance of and access to x-ray facilities and the type of x-ray procedure or service which may be requested or prescribed by a chiropractor;
- (f) respecting alternative dispute resolution for the purposes of sections 20 to 37 and the procedure for that resolution; and
- (g) prescribing time limits for events in the disciplinary process in sections 20 to 37, including time limits for:
 - (i) the filing of an allegation,
 - (ii) the resolution of an allegation by the registrar,
 - (iii) the conduct of an investigation under section 24,
 - (iv) consideration of an allegation by the complaints authorization committee following completion of an investigation,
 - (v) responding to a complainant and respondent at each stage of the process,
 - (vi) the conduct of a practice investigation under subsection 24(1),
 - (vii) the appointment of an adjudication panel under section 25, and
 - (viii) the conduct of a hearing and the filing of a decision or order by an adjudication panel following completion of the hearing.

(2) Notwithstanding subsection (1), the minister may make regulations to prescribe time limits for events in the disciplinary process under sections 20 to 37 where the board does not do so in a time period the minister considers reasonable.

Prohibition

39. (1) A chiropractor shall not prescribe a laboratory test or maintain, use or have access to hospital or other laboratory services.

(2) A chiropractor may provide x-ray services to his or her patients by prescription, to be carried out at a

(a) chiropractic clinic; or

(b) hospital or other health care facility.

(3) X-ray services under subsection (2) shall be carried out as prescribed by regulation.

(4) An action or other proceeding shall not be taken against

(a) a hospital or other health care facility;

(b) a medical practitioner registered under the *Medical Act, 2005* and practising in a hospital or other health care facility; or

(c) an employee of a hospital or other health care facility

for x-ray services properly carried out at the request of a chiropractor.

(5) For the purpose of this section "hospital" means a hospital operated by a regional health authority under the *Regional Health Authorities Act*.

Limitation

40. A person registered under this Act shall not

(a) use, direct or prescribe the use of an anaesthetic; or

(b) give treatments for dislocations or fractures.

Secondary therapies

41. A person registered under this Act may employ as an aid to treatment and as secondary adjunctive therapies, electrotherapy, thermotherapy and counselling in relation to exercise, nutritional supplements and diet.

Prohibition generally

42. (1) A person shall not, for fee or reward, manipulate the joints of the human spinal column, including its immediate articulations, for therapeutic purposes unless

- (a) the person is registered and licensed as a chiropractor under this Act;
- (b) the person does so as a part of a course of chiropractic education approved by the board; or
- (c) the person does so in connection with an examination arranged by the board.

(2) A person shall not permit his or her agent or employee to do an act in contravention of subsection (1).

(3) For the purposes of subsection (1), a person manipulates the joints referred to in that subsection for fee or reward if he or she receives a fee or a reward for that manipulation or for a service performed or advice given in connection with that manipulation.

Entitlement

43. A person, corporation, partnership or other association of persons except a chiropractor shall not

- (a) hold himself, herself or itself out as being entitled to practise chiropractic; or
- (b) use a name, title or designation or act in a manner that expressly or otherwise might lead to the belief that the person, corporation, partnership or association of persons is registered and licensed to do chiropractic under this Act.

Restriction on professional title

44. A chiropractor shall not, in conjunction with his or her name, or to designate his or her profession or calling, display or make use of the prefix or title "Doctor" or the abbreviation "Dr.", unless at the same time he or she displays or makes use of the words "of Chiropractic" or the word "Chiropractor", immediately preceding or following his or her name.

Collection of fees

45. A chiropractor may demand, receive and sue for in a court reasonable fees for professional services rendered and the cost of materials or appliances supplied.

Offence

46. A person who contravenes this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding \$10,000 and to imprisonment for a term not exceeding one year in default of payment or to both a fine and imprisonment.

Evidence

47. A certificate from the registrar stating that a licence is valid or that the name of a chiropractor or professional chiropractic corporation is recorded in the register is receivable in evidence as, in the absence of evidence to the contrary, proof of the contents of it and of the signature and character of the person signing.

Transitional

48. (1) The members of the board appointed under the Act repealed by this Act continue as members of the board for the purpose of this Act until an election is held under this Act.

(2) An election for members of the board shall be held within 6 months of the day this Act comes into force.

(3) The minister shall appoint the members of the board within 30 days of the election referred to in subsection (2).

(4) At the election referred to in subsection (2), 4 persons shall be elected for a term of 3 years and 2 persons shall be elected for a term of 2 years.

RSNL1990 cC-14 Rep.

49. The *Chiropractors Act* is repealed.

Commencement

50. This Act comes into force on October 1, 2009.

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