

# PODIATRISTS ACT

## CHAPTER 366

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#### **Definitions**

- 1 (1) In this Act:

“**association**” means the British Columbia Association of Podiatrists continued under section 10;

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**“board”** means the Board of Examiners in Podiatry continued under section 2;

**“certificate”** includes interim certificate;

**“diagnosis”** means the process of ascertaining a disease or ailment by its general symptoms;

**“electrical treatment”** means the administration of electricity to the foot or leg by means of electrodes, rays and the like, other than Xray unless used for diagnostic purposes;

**“hospital”** means a hospital as defined in section 1 of the *Hospital Act*;

**“inspector”** means an inspector appointed under section 21;

**“manipulative treatment”** means the use of the hand or machinery in the operation or working on the foot or its articulations;

**“mechanical treatment”** means the application of a mechanical appliance to the foot or in the shoe to treat a disease, deformity or ailment;

**“medical treatment”** means the application to, or prescription for, the foot of medicines, pads, adhesives, felt, plasters or a medicinal agency;

**“permit”** means a permit issued under section 13 and includes a renewal of the permit;

**“podiatric corporation”** means a corporation in respect of which a permit has been issued;

**“podiatrist”** means a person authorized to practise podiatry under this Act;

**“surgical treatment”** means

(a) minor surgery on the foot by the use of cutting instruments for treatment of a disease, ailment or condition such as corns, calluses, warts, cysts, hammer toes, ingrown, infected or deformed toe nails or infected or ulcerative lesions and other minor surgery on the foot the board may by unanimous resolution approve, and

(b) other surgery on the foot when performed in a hospital as the medical staff of that hospital permits.

- (2) For the purposes of this Act, the practice of podiatry is the diagnosis and medical, surgical, mechanical, manipulative and electrical treatment of the human foot, including the nonsurgical treatment of the muscles and tendons of the leg governing the functions of the foot, or any combination of those practices or treatments, but does not include treatment of the foot that may affect the course or treatment of a systemic disease unless that treatment is carried out at the direction or under the supervision of a medical practitioner.

**Board of examiners**

- 2 (1) The Board of Examiners in Podiatry is continued and is composed of
- (a) 4 persons appointed by the executive council of the association, and
  - (b) 2 persons appointed by the minister.
- (2) Each board member holds office for a term of 5 years from the date of the appointment, unless the member dies, resigns or is removed from office during his or her term.
- (3) Board members are eligible for reappointment.
- (4) If a vacancy occurs because of the death, resignation or removal from office of a board member, the Lieutenant Governor in Council must fill the vacancy by appointing a person to membership.
- (5) The Lieutenant Governor in Council may remove a board member at any time for neglect of duty, incompetence or misconduct.
- (6) Three board members constitute a quorum.

**Duties and objects of the association**

- 3 (1) It is the duty of the association at all times
- (a) to serve and protect the public, and
  - (b) to exercise its powers and discharge its responsibilities under all enactments in the public interest.
- (2) The association has the following objects:
- (a) to superintend the practice of podiatry;
  - (b) to govern registered podiatrists according to this Act and the rules;
  - (c) to establish, monitor and enforce standards of education and qualifications for registration of registered podiatrists;
  - (d) to establish, monitor and enforce standards of practice to enhance the quality of practice and reduce incompetent, impaired or unethical practice amongst registered podiatrists;
  - (e) to establish and maintain a continuing competency program to promote high practice standards amongst registered podiatrists;
  - (f) to establish a patient relations program to seek to prevent professional misconduct of a sexual nature;
  - (g) to establish, monitor and enforce standards of professional ethics amongst registered podiatrists;
  - (h) to require registered podiatrists to provide an individual with access to the individual's health care records in appropriate circumstances;
  - (i) to inform individuals of their rights under this Act, the rules and the *Freedom of Information and Protection of Privacy Act*;
  - (j) to administer the affairs of the association and perform other duties through the exercise of the powers conferred by this Act or the rules.

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**Board may make rules**

- 4 (1) The board may make rules as follows:
- (a) establishing the course of training and education for persons engaging in the practice of podiatry, and the qualifications for admission to registration as podiatrists;
  - (b) for accepting the licences, certificates or other evidence of qualification of persons applying for registration who have been carrying on practice as podiatrists or are qualified to do so in any province of Canada;
  - (c) establishing the procedure of the board at its meetings and on the hearing of a complaint that a person holding a certificate under this Act has been guilty of any contravention of the law or of incompetence, inebriety, fraud, misrepresentation or unprofessional conduct;
  - (d) establishing the duties of the chair, the secretary and staff of the board;
  - (e) generally for carrying out the provisions of this Act with respect to the examination, registration and licensing of practitioners;
  - (f) concerning the government, discipline and honour of those engaged in the practice of podiatry.
- (2) The rules and amendments made by the board do not come into force until approved by the Lieutenant Governor in Council.

**Annual report**

- 5 Not later than 120 days after the end of the fiscal year of the association, the board must submit to the minister an annual report about the association, including information that the Lieutenant Governor in Council may prescribe.

**Admission to practise**

- 6 (1) A person who wants to practise podiatry must file with the secretary of the board an application, verified by affidavit, to be supplied by the board, stating that the applicant is more than 19 years of age, of good moral character and possesses the qualifications as to general education, training and experience required by the rules made by the board.
- (2) The person must present himself or herself before the board and submit to an examination as to his or her qualifications for the practice of podiatry.
- (3) If a person passes the examination, the board must
- (a) register the person as a podiatrist possessing the qualifications required by this Act, and
  - (b) issue to the person a certificate of registration in the form the board determines.
- (4) The certificate must be displayed by the person in a conspicuous place in his or her place of practice.

- (5) If an applicant for registration fails to authorize a criminal record check under the *Criminal Records Review Act* or an adjudicator under that Act has determined that an applicant presents a risk of physical or sexual abuse to children and that determination has not been overturned by an appeal panel under that Act, the board must take the failure or the determination into account when deciding whether to register the applicant or whether to set limits or conditions on the practice of podiatry by the applicant.
- (6) If the board is not satisfied that an applicant has sufficient clinical experience, it may issue an interim certificate valid for not more than one year, to an applicant who otherwise meets the requirements of subsections (1) to (3), to authorize the person to practise podiatry in a podiatry clinic or as an employee of a registered podiatrist approved by the board.
- (7) Despite section 27, if the board in its discretion considers that an interim certificate should be revoked in the interest of the public or the profession of podiatry, it may revoke the interim certificate at any time.
- (8) Before a certificate is issued it must be numbered and recorded in a register kept in the secretary's office, and the number noted on the certificate.

#### **Appeal from decision of board to Supreme Court**

- 7 (1) A person whose name has been ordered erased from the register, or who feels aggrieved or is affected by an order or decision of the board, may appeal from the order or decision to the Supreme Court at any time within one month from the date of the order or decision, or the publication or express notice of it.
- (2) The appeal may be analogous to an appeal to the Supreme Court under the *Offence Act*.
- (3) On hearing the appeal, the court may vary, confirm or reverse all or part of the order or decision appealed.
- (4) Costs of the appeal are in the discretion of the court.

#### **Restrictions on use of titles**

- 8 The use of the titles "chiropodist" or "podiatrist" is restricted to persons authorized to practise podiatry under this Act.

#### **Titles**

- 9 (1) A podiatrist registered under this Act who holds the academic qualification of Doctor of Podiatric Medicine, granted by a school or college of podiatric medicine for a course of studies accepted by the board as qualification for registration under this Act, may display or make use of the title "doctor" or the abbreviation "Dr.", but only as "Doctor of Podiatric Medicine", "Dr. of Podiatric Medicine", "Podiatric Doctor" or "Podiatric Dr."

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- (2) Despite subsection (1), a podiatrist must not use the title "doctor" or the abbreviation "Dr." in such a manner as to suggest an occupation relating to the treatment of human ailments, other than as permitted under this Act.
- (3) On application from a podiatrist registered on or before January 1, 1984 to practise in British Columbia, the board may grant to that podiatrist the right to use the title "doctor" or the abbreviation "Dr." as set out in subsection (1), if the board is satisfied that the academic qualification of the podiatrist is the equivalent of the academic program leading to the degree of Doctor of Podiatric Medicine from a school or college of podiatric medicine approved by the board.

**The British Columbia Association of Podiatrists**

- 10 (1) The persons registered under this Act continue to be a corporation with a common seal, under the name of "The British Columbia Association of Podiatrists".
- (2) The head office of the association is to be at Vancouver, British Columbia.

**Powers of association**

- 11 (1) The association may do any of the following:
  - (a) acquire and dispose of property;
  - (b) determine the conditions and requirements for membership in the association;
  - (c) set, determine and collect all fees and assessments;
  - (d) determine and enforce fines and penalties for default by members;
  - (e) suspend members from exercising privileges under this Act;
  - (f) generally exercise all corporate rights.
- (2) The association may exercise any power, duty or right, and has equivalent capacity and status either in the name "The British Columbia Association of Chiropodists" or the name "The British Columbia Association of Podiatrists".
- (3) The association may pass bylaws regarding any of the following:
  - (a) the election of the executive council of the association and defining the committee of the executive council and its powers;
  - (b) the maintenance of the association and management of its property;
  - (c) the calling and conduct of meetings, voting and general business, banking, borrowing and credits;
  - (d) the powers and procedure of the executive council, the duties of its members and the procedure for carrying on the business of the association and of the executive council;
  - (e) fees payable on application for membership, for examination, on registration and for licences to practise, and for annual fees, assessments and renewals of registration and licences and for their collection;

- (f) fines and penalties, including the suspension and revocation of licences and registration and the procedure for enforcing them, and compliance with the requirements of this Act and bylaws and rules enacted under it;
  - (g) all other purposes reasonably necessary for the management of the association and the due exercise of its corporate powers.
- (4) A bylaw of the association may be disallowed by the Lieutenant Governor in Council.

#### **Right to provide podiatric services through a corporation**

- 12 Subject to this Act and the rules, a podiatric corporation may carry on the business of providing podiatric services to the public through one or more persons each of whom is
- (a) a podiatrist, or
  - (b) an employee of the podiatric corporation under the direct supervision of a podiatrist.

#### **Corporate registration**

- 13 (1) The board must issue a podiatric corporation permit to a corporation that is incorporated under the *Company Act* and is in good standing under that Act if it is satisfied that
- (a) the name of the corporation includes the words “podiatric corporation”,
  - (b) all of the voting shares are legally and beneficially owned by podiatrists,
  - (c) all of the nonvoting shares are legally and beneficially owned by
    - (i) podiatrists,
    - (ii) the spouse of a podiatrist who is a shareholder,
    - (iii) a person who, although not married to a podiatrist who is a shareholder, lives with the podiatrist and has lived with that podiatrist as husband or wife for a period of not less than 2 years,
    - (iv) a child, as defined in the *Family Relations Act*, of a podiatrist who is a shareholder, or
    - (v) any other relative of a podiatrist who is a shareholder if the relative resides with the podiatrist,
  - (d) all of the directors of the corporation are podiatrists, and
  - (e) all of the persons who will be practising podiatry on behalf of the corporation are podiatrists or are under the direct supervision of a podiatrist.
- (2) The board may refuse to issue a permit under subsection (1) if
- (a) the podiatric corporation has previously had its permit revoked, or
  - (b) a shareholder of the podiatric corporation was a shareholder of a podiatric corporation that previously had its permit revoked.

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**Prohibition against carrying on business**

- 14 (1) A corporation that has the words "podiatric corporation" as part of its name must not carry on any business unless it holds a valid permit.
- (2) A podiatric corporation that holds a permit must not carry on any activities, other than the provision of podiatric services or services that are directly associated with the provision of podiatric services that would, for purposes of the *Income Tax Act* (Canada), give rise to income from business.
- (3) No act of a podiatric corporation, including a transfer of property to or by the corporation, is invalid only because the corporation contravenes subsection (1) or (2).

**Voting agreements prohibited**

- 15 A shareholder of a podiatric corporation must not enter into a voting trust agreement, proxy or any other type of agreement that vests in another person who is not a podiatrist the authority to exercise the voting rights attached to any or all of the shares.

**Responsibility of podiatrists**

- 16 (1) The liability for professional negligence of a podiatrist carrying on the practice of podiatry is not affected by the fact that the podiatrist is carrying on that practice as an employee on behalf of a podiatric corporation.
- (2) The relationship of a podiatrist to a podiatric corporation, whether as a shareholder, director, officer or employee of the podiatric corporation, does not affect, modify or diminish the application to the podiatrist of the provisions of this Act and the rules made under it.
- (3) Nothing in this Act affects, modifies or limits any law applicable to the fiduciary, confidential or ethical relationships between a podiatrist and a person receiving the professional services of a podiatrist.
- (4) The relationship between a podiatric corporation carrying on business as permitted under this Act and a person receiving podiatric services provided by the corporation is subject to all applicable law relating to the fiduciary, confidential and ethical relationships that exist between a podiatrist and the podiatrist's client.

**Revocation of permits**

- 17 (1) After a hearing, the board may revoke the permit issued to a podiatric corporation if
- (a) in the course of providing podiatric services the corporation does anything that, if done by a podiatrist, would be conduct unbecoming a podiatrist,
- (b) the corporation contravenes section 14, or
- (c) the corporation ceases to comply with a condition of qualification referred to in section 13 or a condition under section 18 (1) (c) or (2).



- (2) Instead of revoking a permit under subsection (1), the board may
  - (a) reprimand one or more of the shareholders of a podiatric corporation, or
  - (b) impose a fine on the podiatric corporation in an amount not exceeding \$10 000.
- (3) If a permit is revoked under this section, the board must inform the Registrar of Companies who must amend the name of the corporation whose permit has been revoked
  - (a) by deleting the words “podiatric corporation” from it, and
  - (b) by making any other amendments that the Registrar of Companies considers necessary or advisable.
- (4) All shareholders, directors, officers and employees of a podiatric corporation
  - (a) may be compelled to give evidence at a proceeding under this Act other than as a defendant in a proceeding under sections 31 to 37, or
  - (b) may be required to produce all files and records that are in their possession or power and that are relevant to matters raised in the proceeding.

## Rules

- 18**
- (1) The board may make rules that it considers necessary or advisable for the purposes of sections 12 to 17 and, without limiting that, may make rules
    - (a) respecting the issue and renewal of permits, including
      - (i) the establishment of a procedure to obtain a permit and a renewal of a permit, and
      - (ii) setting fees for obtaining a permit or a renewal of a permit,
    - (b) respecting procedures for revocation of permits, including the adaptation, in a manner that the board considers necessary or advisable, of rules respecting proceedings before it,
    - (c) setting conditions that may be attached to permits that are issued or renewed under this Act,
    - (d) respecting names and the approval of names, including the types of names by which a podiatric corporation may be known, and
    - (e) respecting the disposition of shares of a shareholder of a podiatric corporation who
      - (i) ceases to be a podiatrist, or
      - (ii) remains a podiatrist but is not qualified to practise podiatry.
  - (2) As a condition of issuing or renewing a permit, the board may set an amount of insurance that the holder of the permit must carry or must provide to each of its employees for the purpose of providing indemnity against professional liability claims.
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- (3) The rules under subsection (1) or the amount set under subsection (2) may be different for different permit holders, at the discretion of the board.
- (4) Section 4 (2) applies to rules and amendments made under this section.

**Rules apply to corporations**

- 19 The rules made under section 4 apply to podiatric corporations, and the association and board may exercise the powers given by this Act and the rules to enforce those rules.

**Expenses of board**

- 20 The expenses of the board must be paid out of money received for fees, assessments, fines and penalties.

**Inspectors**

- 21 The board may appoint inspectors for the association.

**Powers and duties of inspectors**

- 22 (1) During regular business hours, an inspector may investigate, inquire into, inspect, observe or examine one or more of the following without a court order:
- (a) the premises, the equipment and the materials used by a registered podiatrist to practise podiatry;
  - (b) the records of the registered podiatrist relating to the registered podiatrist's practice of podiatry and may copy those records;
  - (c) the practice of podiatry performed by or under the supervision of the registered podiatrist.
- (2) The board may direct an inspector to act under subsection (1).
- (3) If an inspector acts under this section as a consequence of a direction given under subsection (2), the inspector must report the results of these actions in writing to the board.

**Search and seizure under court order**

- 23 (1) A person authorized by the board may apply to the Supreme Court for an order that authorizes a person named in the order
- (a) to enter the premises or land of the person named in the order at any reasonable time and conduct an inspection, examination or analysis,
  - (b) to require the production of any record, property, assets or things and to inspect, examine or analyze them, and
  - (c) on giving a receipt, to seize and remove any record, property, assets or things inspected, examined or analyzed under paragraph (a) or (b) for further inspection, examination or analysis.

- (2) Unless the court otherwise directs, an application under subsection (1) may be made without notice to anyone and heard in private.
- (3) On application under subsection (1), the court may make an order under this section if satisfied on oath that there are reasonable grounds for believing that evidence may be found
  - (a) that a person who is not a registered podiatrist has contravened this Act or the rules, or
  - (b) that a person who is a registered podiatrist,
    - (i) has contravened this Act or the rules,
    - (ii) has failed to comply with a limit or condition imposed under this Act or the rules,
    - (iii) has acted in a manner that constitutes professional misconduct,
    - (iv) is not competent to practise podiatry, or
    - (v) is suffering from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs the person's ability to practise podiatry.
- (4) In an order under this section, the court
  - (a) must identify the premises or land to be entered and must generally describe any thing to be searched for and examined, audited or seized,
  - (b) may include any limitations or conditions the court considers proper including the time of entry, the disposition of things seized and the access by any person to the things seized, and
  - (c) may direct that section 24 does not apply to a thing specified in the order
    - (i) provided all limitations and conditions included under paragraph (b) are met, and
    - (ii) unless, within 21 days of the seizure of the thing, a person who owned or controlled the thing at the time of the seizure requests by registered mail addressed to the board that section 24 apply to the thing seized.
- (5) A person who, while conducting or attempting to conduct an entry or search under this section, finds anything not described in the order that the person believes on reasonable grounds will provide evidence in respect of a contravention of this Act or the rules may seize and remove that thing.

**Detention of things seized**

- 24** (1) For the purposes of subsection (2), the person who seizes anything under section 23 must report the seizure as soon as practicable to a judge of the Supreme Court, who must be the judge who issued the order under which the seizure was made unless this is not practicable.

- (2) On receiving a report under subsection (1), the judge must
  - (a) order the thing that was seized returned to its owner or other person entitled to it unless satisfied that an order under paragraph (b) should be made, or
  - (b) order the thing detained if satisfied that the detention is required for the purposes of this Act.
- (3) An inspector may make or cause to be made one or more copies of any record detained under subsection (2).
- (4) A document purporting to be certified by a representative of the board to be a true copy made under the authority of subsection (3) is evidence of the nature and content of the original document.
- (5) Subject to an order under section 23 (4) (b), the person from whom any thing is seized under this section, or the owner of the thing if different, is entitled to inspect the thing at any reasonable time and, in the case of a record, to obtain one copy of the record at the expense of the board.
- (6) No record must be detained under this section for a period longer than 3 months from the time of its seizure unless, before the end of the period, either
  - (a) the person from whom it was seized agrees to its continued detention, or
  - (b) the Supreme Court, on application and after being satisfied that its continued detention is justified, orders its continued detention for a specified period of time.

**Prohibition against obstructing inspection or search**

- 25
- (1) A person must not obstruct an inspector in the lawful performance of duties or the lawful exercise of powers under this Act or the rules.
  - (2) A person must not obstruct a person acting under section 23 or 24 or under an order under those sections.

**Extraordinary action to protect public**

- 26
- (1) If the board considers the action necessary to protect the public during the investigation of a registered podiatrist or pending a hearing of the board, it may
    - (a) set limits or conditions on the practice of podiatry by the registered podiatrist, or
    - (b) suspend the registration of the registered podiatrist.
  - (2) If the board acts under subsection (1), it must notify the registered podiatrist in writing of its decision, of the reasons for the decision and of the registered podiatrist's right to appeal that decision to the Supreme Court.
  - (3) A decision under subsection (1) is not effective until the earlier of
    - (a) the time the registered podiatrist receives the notice under subsection (2);
    - and

- (b) 3 days after the notice is mailed to the registered podiatrist at the last address for the registered podiatrist recorded in the register of the association.
- (4) If the board determines that action taken under subsection (1) is no longer necessary to protect the public, it must cancel the limits, conditions or suspension and must notify the registered podiatrist in writing of this as soon as possible.
- (5) A registered podiatrist against whom action has been taken under subsection (1) may appeal the decision to the Supreme Court.

#### **Revocation of certificates**

- 27
- (1) A certificate issued by the board may be revoked by the board, in accordance with this section, for contravention of the law, incompetence, inebriety, fraud or misrepresentation or unprofessional conduct.
  - (2) Before a certificate is revoked,
    - (a) the holder must be given notice in writing of the charge or charges against him or her, and
    - (b) at a day specified in the notice and at least 10 days after its mailing by registered letter to his or her recorded address, must be given a public hearing and have ample opportunity to produce testimony in his or her behalf.
  - (3) Unprofessional conduct under this Act includes any of the following:
    - (a) conduct likely to deceive or to defraud the public;
    - (b) obtaining a fee or compensation by fraud, deceit or misrepresentation;
    - (c) directly or indirectly employing or associating with a suspended or unregistered podiatrist in the practice of podiatry;
    - (d) the use of advertising by any means of the practice of podiatry in which untruthful or misleading statements are made;
    - (e) procuring, inducing, aiding or abetting a person not registered under this Act to engage in the practice of podiatry;
    - (f) dividing fees or agreeing to a split or division of fees received for podiatry services with a person for bringing or referring a patient or assisting in the care or treatment of a patient;
    - (g) the wilful betrayal of a professional secret.
  - (4) If a registered podiatrist fails to authorize a criminal record check under the *Criminal Records Review Act* or an adjudicator under that Act has determined that a holder of a certificate of registration presents a risk of physical or sexual abuse to children and that determination has not been overturned by an appeal panel under that Act, the board must take the failure or the determination into account, investigate the matter and decide whether to set limits or conditions on the practice of the registered podiatrist or whether to suspend or cancel the registration of the registered podiatrist.

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- (5) The board may take evidence under oath, and the board members have full power to administer oaths to witnesses at the hearings under this section.
- (6) The board may by an application, made without notice to anyone, to the Supreme Court obtain an order for the attendance and examination before the board of any person and the production of any documents or books, the production of which could be compelled at the trial of an action.
- (7) A person whose attendance is required under subsection (6) is entitled to the same conduct money and payment of expenses and loss of time as on attendance at a trial.
- (8) A person whose certificate has been revoked by the board may, after 60 days, apply to have it reissued, and the board may in its discretion reissue to the person a certificate on payment of a fee of \$10.
- (9) A person practising podiatry after the person's certificate has been revoked is deemed to have practised podiatry without registration.
- (10) A person whose certificate of registration has been revoked by the board must promptly surrender it to the board.
- (11) A person who contravenes subsection (10) commits an offence.

**Prohibition of unregistered person from practising**

- 28**
- (1) Unless a person holds a certificate of registration issued and recorded under this Act, the person must not practise podiatry in British Columbia.
  - (2) A person must not
    - (a) impersonate a registered podiatrist of a similar or different name, or
    - (b) buy, sell or fraudulently obtain a certificate of registration or exemption issued to another person.
  - (3) A person who is not a registered podiatrist must not
    - (a) orally, by advertisement in a newspaper or in any written or printed circular, on a business card, letterhead or sign, or otherwise, assume or use the title of chiropodist, D.S.C., M.Cp., podiatrist, foot specialist, foot correctionist, pedopractor or any other title, name or description implying or calculated to lead to the belief that the person is qualified to practise podiatry, or
    - (b) represent himself or herself in any other manner as being a podiatrist or entitled to practise podiatry.
  - (4) Proof of the practising or offering to practise or the representation of being qualified to practise podiatry in a manner prohibited by this section is sufficient evidence of a contravention of this section.
  - (5) It is unlawful for a podiatrist to practise podiatry in British Columbia under a name other than his or her own name, or for a corporation, whether incorporated in British Columbia or elsewhere, to practise podiatry in British Columbia or to

hold itself out by any means or device, by itself or through its officers, employees, servants or agents, as entitled to practise podiatry in the Province

- (6) Subsection (5) does not prohibit podiatrists registered under this Act from associating themselves together in partnership under their own names.

#### **Persons exempt from Act**

- 29 (1) This Act must not be construed to apply to
- (a) physicians or surgeons authorized to practise under the laws of British Columbia, or
  - (b) the recommending, advertising or sale by retail dealers, jobbers or manufacturers of ready to wear foot appliances or preparations commonly sold in shoe stores or drug stores.
- (2) A dealer referred to in subsection (1) (b) or a representative of a dealer must not diagnose, treat or prescribe for a foot ailment, disease or deformity unless the dealer or representative is registered under this Act.

#### **Use of anesthetic**

- 30 A podiatrist must not use an anesthetic other than a local anesthetic.

#### **Offence of obtaining registration on false representation**

- 31 (1) A person who wilfully procures or attempts to procure the person's registration under this Act by making a false or fraudulent representation or declaration, either verbally or in writing, commits an offence.
- (2) A person who knowingly aids or assists a person in committing an offence under subsection (1) commits an offence.

#### **Offence of practising unlawfully**

- 32 (1) If a person not registered under this Act practises or professes to practise podiatry in British Columbia, the person commits an offence.
- (2) If a person not registered under this Act contracts with a person registered under this Act to practise podiatry for or instead of the registered person, each party to the contract commits an offence.
- (3) In a prosecution under this section the prosecution need not prove a contract as referred to in subsection (2), if it is shown that a person not registered under this Act has practised podiatry in the office or on or about the premises of a person registered under this Act because, if that practice is proven, the contract is deemed to have been proven.

Section 33

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**Falsely pretending to be podiatrist**

- 33 (1) A person who falsely and wilfully pretends to be a practitioner of podiatry in British Columbia commits an offence.
- (2) A person who falsely and wilfully assumes a title, addition or description in respect of the profession of podiatry other than the person actually possesses and is legally entitled to commits an offence.

**Offence of using false titles**

- 34 A person not registered under this Act who wilfully and falsely makes a statement or takes or uses a name, title, addition or description implying or calculated to lead a person to infer that the person is registered under this Act, or that the person is qualified to practise podiatry in British Columbia, commits an offence.

**Application of fines**

- 35 Penalties recoverable under this Act must, on being paid to the convicting court, be paid over to the board.

**Fines**

- 36 (1) A person who commits an offence under section 31 (1) or (2), 32 (1) or (2), 33 (1) or (2), or 34 is liable on conviction to a fine of not less than \$25 and not more than \$500.
- (2) A member convicted for a second offence under section 32 (1) or (2) is liable to a fine of not less than \$100 and not more than \$500.
- (3) A person guilty of an offence against this Act or the rules, or who contravenes or commits a breach of this Act or the rules, not otherwise provided for in this Act, is liable on conviction to a fine of not less than \$25 and not more than \$500.

**Prosecutor**

- 37 (1) Any person may be a prosecutor or complainant under this Act.
- (2) The board may allot a portion of the fines recovered toward payment of the expenses, legal or otherwise, of the prosecution.



## PODIATRISTS — HISTORICAL TABLE

### Legislative History

#### PODIATRISTS ACT

RSBC 1996, chapter 366

Section	History
1 .....	RS1979-330-1 (1), (2); 1989-29-17; 1993-50-55.
2 .....	RS1979-330-2; 1993-50-56.
3 .....	RS1979-330-2.1; 1993-50-57.
4 .....	RS1979-330-3; 1983-10-21.
5 .....	RS1979-330-3.1; 1993-50-58.
6 .....	RS1979-330-4 (1) to (5); 1983-10-21; 1995-37-51.
7 .....	RS1979-330-4 (6); 1989-40-175.
8 .....	RS1979-330-5.
9 .....	RS1979-330-5.1; 1984-19-15.
10 .....	RS1979-330-6.
11 .....	RS1979-330-7; 1983-10-21.
12 .....	RS1979-330-7.1; 1989-29-18.
13 .....	RS1979-330-7.2; 1989-29-18.
14 .....	RS1979-330-7.3; 1989-29-18.
15 .....	RS1979-330-7.4; 1989-29-18.
16 .....	RS1979-330-7.5; 1989-29-18.
17 .....	RS1979-330-7.6; 1989-29-18.
18 .....	RS1979-330-7.7; 1989-29-18.
19 .....	RS1979-330-7.8; 1989-29-18.
20 .....	RS1979-330-8.
21 .....	RS1979-330-8.1; 1993-50-58.
22 .....	RS1979-330-8.2; 1993-50-58.
23 .....	RS1979-330-8.3; 1993-50-58.
24 .....	RS1979-330-8.4; 1993-50-58.
25 .....	RS1979-330-8.5; 1993-50-58.
26 .....	RS1979-330-8.6; 1993-50-58.
27 .....	RS1979-330-9; 1995-37-52.
28 .....	RS1979-330-10.
29 .....	RS1979-330-11.
30 .....	RS1979-330-1 (3).
31 .....	RS1979-330-12.
32 .....	RS1979-330-13.
33 .....	RS1979-330-14.
34 .....	RS1979-330-15.
35 .....	RS1979-330-16.
36 .....	RS1979-330-12 to 15, 17; 1983-10-21.
37 .....	RS1979-330-18.

## PODIATRISTS — HISTORICAL TABLE

### EXPLANATORY NOTE

**Amendments Not in Force:** If there are any legislative changes to the Act that are not in force as of December 31, 1996, these are identified in *italics* at the beginning of the historical table. The "Section" column identifies the affected provisions of the Act. The "Citation" column identifies the amending legislation by its citation in the 1996 Statute Revision Supplement.

**Legislative History:** The second part of the table provides a legislative history of each section of the Act between the 1979 Statute Revision and the 1996 Statute Revision. The "Section" column identifies all sections of the Act in force on December 31, 1996. The "History" column for each section begins with the citation of the section immediately before the 1996 Statute Revision. This is followed by a list of citations for the legislation that enacted or amended the section between the 1979 Statute Revision and the 1996 Statute Revision (if a section was repealed and replaced during that period, these last citations begin at the most recent replacement).

Legislative citations have the format of "year-chapter-section".

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