BYLAWS

OF THE COLLEGE OF MASSAGE THERAPISTS
OF BRITISH COLUMBIA

(Office Consolidation)

Approved by the Lt. Governor in Council under Order in Council No.1032/95
Effective August 18, 1995 with amendments to November 1, 2013
OFFICE CONSOLIDATION

This office consolidated version of the Bylaws of the College of Massage Therapists of BC has been prepared as an administrative convenience. For the purposes of interpreting or applying the law, readers are advised to refer to the original versions on file with the Registrar at the following address. These Bylaws are also posted, and updated from time to time, on the CMTBC website at the address noted below. If you have any comments to offer concerning these Bylaws, please submit them, in writing, to:

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## Table of Contents

### Definitions and Interpretation

**PART A: BOARD OF THE COLLEGE**

- Composition .................................................................................................................. 9
- Notice of election ......................................................................................................... 9
- Nomination procedure .............................................................................................. 10
- Election procedure .................................................................................................... 10
- Terms of Office ......................................................................................................... 11
- Removal of Elected Board Members ..................................................................... 11
- Vacancies .................................................................................................................. 11
- Payments ................................................................................................................... 11
- Chair .......................................................................................................................... 12
- Vice-Chair and acting chair ..................................................................................... 12
- Board meetings ....................................................................................................... 12
- Exclusion from Board meetings ............................................................................. 13
- Quorum at Board meetings ..................................................................................... 14
- Procedure at Board meetings ................................................................................ 14
- Extraordinary meetings of the Board ................................................................. 14
- Powers of the Board ............................................................................................... 14
- Board conduct and conflicts of interest ............................................................... 15

**PART B: COLLEGE COMMITTEES**

- Committee membership ......................................................................................... 15
- Powers and duties of committees ........................................................................... 15
- Committee procedures ........................................................................................... 15
- Sub-committees or panels ...................................................................................... 16
- Accreditation committee ....................................................................................... 16
- Registration Committee ......................................................................................... 17
- Inquiry Committee .................................................................................................. 17
- Discipline Committee ............................................................................................. 18
PART C: COLLEGE ADMINISTRATION ................................................................................. 19
  Seal ............................................................................................................................. 19
  Registrar ....................................................................................................................... 19
  Deputy Registrars ........................................................................................................ 19
  Repealed ....................................................................................................................... 19
  Fiscal year .................................................................................................................... 19
  Financial authority ....................................................................................................... 20
  Borrowing powers ........................................................................................................ 20
  Administrative fees ...................................................................................................... 20
  Auditor .......................................................................................................................... 20
  Legal counsel ............................................................................................................... 20
  General meetings ......................................................................................................... 21
  Electronic conferencing ............................................................................................... 21
  Notice of general meetings .......................................................................................... 22
  Resolutions proposed by registrants ........................................................................... 22
  Proceedings at general meetings .................................................................................. 22
  Notice to public representatives ................................................................................. 23

PART D: REGISTRATION .................................................................................................. 23
  Registers of Massage Therapists ................................................................................ 23
  Application to become an Active Registrant .............................................................. 24
  Investigation of an application for registration ......................................................... 25
  Time-Limited Conditional Registration (Added by O/C 829/01 effective September 14, 2001).... 25
  Rights of an Active Registrant ..................................................................................... 26
  Inactive Registrant ....................................................................................................... 26
  Honorary Registrant .................................................................................................... 27
  Certificate of Registration ......................................................................................... 27
  Renewal of Registration .............................................................................................. 27
BYLAWS OF THE COLLEGE OF MASSAGE THERAPISTS OF BC

Approved under O/C 1032/95 with amendments to November 1, 2013
Page 5

Fees ................................................................................................................................. 27
Notification and membership cards ............................................................................ 28
Failure to pay annual fee / Extension of payments / Reinstatement ......................... 28
Inactive Registrant becoming Active ......................................................................... 28
Registration Examinations ......................................................................................... 29
Disqualifications ....................................................................................................... 29
Registration Examination fees .................................................................................. 29
Cancellation fee ......................................................................................................... 30
Transition re: Repealed Accreditations ..................................................................... 30
Accreditation of educational programs ..................................................................... 30
Continuing Education ............................................................................................... 30
Liability Insurance .................................................................................................... 30
PART E: INVESTIGATION AND DISCIPLINE ............................................................. 31
Definitions .................................................................................................................. 31
Mediation .................................................................................................................... 31
Inquiry ......................................................................................................................... 32
Diversion agreement .................................................................................................. 32
Procedures of the Discipline Panel .......................................................................... 33
Discipline .................................................................................................................... 33
Reinstatement ............................................................................................................. 34
Costs ............................................................................................................................ 34
Disclosure .................................................................................................................... 34
PART F: PROFESSIONAL STANDARDS ................................................................. 35
Code of Ethical Conduct and Standards of Practice .................................................. 35
Guidelines ................................................................................................................... 35
PART F.1: ADVERTISING AND OTHER MARKETING ACTIVITIES (O/C 786 effective July 10, 1997) .... 36
Definitions .................................................................................................................. 36
General Rule ............................................................................................................... 36
Quality of a marketing activity ................................................................................... 37
Speaking on behalf of the College ............................................................................. 37
BYLAWS OF THE COLLEGE OF MASSAGE THERAPISTS OF BC

Approved under O/C 1032/95 with amendments to November 1, 2013

Page 6

Endorsing a product or service ................................................................. 37
Statement of fees ...................................................................................... 37
Use of titles in advertising ........................................................................ 37
Restriction on specialist titles ................................................................. 38
Permitted practice descriptions ............................................................... 38
Advertising of services that fall outside the scope of practice ............... 38
Advertising if dual-registered ................................................................... 39
Advertising with others .......................................................................... 39
Retention of advertisements .................................................................... 39
Duty to verify ............................................................................................ 39

PART G: PROFESSIONAL CORPORATIONS ............................................ 40
Application for a permit ........................................................................... 40
Corporate name ....................................................................................... 40
Permits ..................................................................................................... 40
Change of corporate name ...................................................................... 40
Disclosure of status ................................................................................. 41
Renewal of permits ................................................................................ 41
Cancelled permits .................................................................................. 41
Change of information set out in applications ........................................ 41

PART H: MISCELLANEOUS ..................................................................... 41
Review of Accounts .................................................................................. 41
Schedule "A" ............................................................................................. 43
Schedule "B" ............................................................................................. 44
Schedule “B.1” ......................................................................................... 45
Schedule “C” ............................................................................................ 46
Schedule “D” ............................................................................................ 49
Schedule “E” ............................................................................................ 55
Definitions and Interpretation

1(1) Repealed. (*Repealed by M/O 151/2013 effective June 27, 2013*)

(2) In these bylaws: (*Amended by M/O 151/2013 effective June 27, 2013*)

"Accredited Educational Program" means an educational program operating in the province of British Columbia that has been accredited under these Bylaws and is listed in Schedule "B";

"Accreditation Standards" means the standards approved by the Board that set out the curriculum and other requirements for an educational program operating in British Columbia to become accredited under these Bylaws;

"Act" means the *Health Professions Act*; (*Amended by M/O 151/2013 effective June 27, 2013*)

"Active Registrant" means a person who is registered on the Register of Massage Therapists (Active) in accordance with these Bylaws;

"Board" means the board for the College; (*Amended by M/O 151/2013 effective June 27, 2013*)

"Board Member" means an Elected Board Member or a Public Representative; (*Added by M/O 151/2013 effective June 27, 2013*)

"Chair" means the chair of the Board elected under section 10; (*Amended by M/O 151/2013 effective June 27, 2013*)

"Clinical Competence Assessment" means the assessment and evaluation of the knowledge, skills and abilities of an applicant for registration under section 47 that is conducted by or on behalf of the College if the applicant’s Credential Assessment indicates she requires moderate to extensive BC-specific upgrading before attempting any Registration Examinations, for the purpose of identifying the aspects of practice in which the applicant must successfully complete additional study, training or clinical practice; (*Added by M/O 151/2013 effective June 27, 2013*)

"College" means the College of Massage Therapists of British Columbia; (*Amended by M/O 151/2013 effective June 27, 2013*)

"Conditional Registrant" means a person who is registered on the Register of Massage Therapists (Conditional) in accordance with these Bylaws; (*Added by O/C 829/01 effective September 14, 2001*)

"Credential Assessment" means the assessment that the Registration Committee may perform in respect of an applicant for registration under section 47 who has not graduated from an Accredited Educational Program, to determine if the applicant is a graduate of an educational
BYLAWS OF THE COLLEGE OF MASSAGE THERAPISTS OF BC

Approved under O/C 1032/95 with amendments to November 1, 2013

Page 8

program that is substantially equivalent to an Accredited Educational Program; (Added by M/O 151/2013 effective June 27, 2013)

"Deputy Registrar" means a deputy registrar for the College; (Added by M/O 151/2013 effective June 27, 2013)

"Elected Board Member" means a Registrant elected to the Board under section 17 (3) (a) of the Act or appointed to the Board under section 8; (Amended by M/O 151/2013 effective June 27, 2013)

"Good Standing", in respect of a Registrant, means

(a) the Registrant’s registration as a member of the College is not suspended under the Act, and

(b) no limits or conditions are imposed on the Registrant’s practice under section 20, 32.2, 32.3, 33, 35, 36, 37.1, 38 or 39.1 of the Act;

(Added by M/O 151/2013 effective June 27, 2013)

"Health Care Record" includes a clinical record, medical file, information relating to the medical, psychiatric, or psychological history of a patient, documents, drawings, photographs, letters, papers, and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces Records; (Added by O/C 65/01 effective January 25, 2001)

"Honorary Registrant" means a person who is registered on the Register of Massage Therapists (Honorary) in accordance with these Bylaws;

"Inactive Registrant" means a person who is registered on the Register of Massage Therapists (Inactive) in accordance with these Bylaws;

"Licensed Practitioner" means a health care practitioner who is registered or licensed to practice in BC pursuant to the Act or another health care profession statute, and includes but is not limited to another Registrant, a medical practitioner, a naturopathic doctor, a chiropractor, a physical therapist or an acupuncturist; (Added by O/C 65/01 effective January 25, 2001)

"Locum" means a Registrant who temporarily replaces another Registrant; (Added by O/C 65/01 effective January 25, 2001)

"massage therapy" has the meaning prescribed under section 1 of the Regulation;

"Public Representative" means a member of the Board appointed by the Minister as a public representative in accordance with section 16(3)(b) of the Act;
"Register" means the Register of Massage Therapists and any other register kept by the Registrar in accordance with section 20 of the Act and these Bylaws;

"Registrant" means any person registered with the College in accordance with the Act and these Bylaws and, where the context requires, includes an Active Registrant, a Conditional Registrant, an Inactive Registrant or an Honorary Registrant; (Amended by O/C 829/01 effective September 14, 2001)

"Registrar" means the registrar for the College; (Amended by M/O 151/2013 effective June 27, 2013)

"Registration Examination" means the examination that applicants to the College are required to write under these Bylaws to become a Registrant, and includes a theoretical examination, given orally or in writing, a practical examination, or any combination of these, and a re-examination;

"Regulation" means the Massage Therapists Regulation, B.C. Reg. 280/2008; (Amended by M/O 151/2013 effective June 27, 2013)

"Special Resolution" means a resolution which requires a ¾ vote of those persons in attendance and eligible to vote at a meeting; (Added by M/O 151/2013 effective June 27, 2013)

"Student Intern" means a student enrolled in an Accredited Educational Program for massage therapy; (Added by O/C 65/01 effective January 25, 2001)

"Vice-Chair" means the vice-chair of the Board elected under section 11. (Amended by M/O 151/2013 effective June 27, 2013)

(3) Repealed. (Repealed by M/O 151/2013 effective June 27, 2013)

(4) Repealed. (Repealed by M/O 151/2013 effective June 27, 2013)

PART A: BOARD OF THE COLLEGE

Composition

2(1) The Board shall be composed of six Elected Board Members and no less than three Public Representatives.

(2) Repealed. (Repealed by M/O 151/2013 effective June 27, 2013)

Notice of election
3 (1) The Registrar must notify every Active Registrant in Good Standing of an election under section 17 (3) (a) of the Act by delivering notice at least 120 days prior to the expiry of the term of office of an Elected Board Member.

(2) The notice under subsection (1) must contain information about the nomination procedure and the election procedure.

*(Amended by M/O 151/2013 effective June 27, 2013)*

**Nomination procedure**

4 (1) Any Active Registrant in Good Standing may nominate for office a maximum of one Active Registrant in Good Standing for each vacant or impending vacant position by delivering such nomination to the Registrar, together with a letter of consent from the person nominated, at least 90 days prior to the expiry of the term of office referred to in section 3.

(2) A nominee under subsection (1) must declare in writing that she will observe the provisions of the Act, the regulations and these Bylaws and the procedures related to the election and the conduct of the election.

*(Amended by M/O 151/2013 effective June 27, 2013)*

**Election procedure**

5 (1) The Registrar must prepare and deliver an election ballot to each Active Registrant in Good Standing at least 60 days prior to the expiry of the term of office referred to in section 3.

(2) Each Active Registrant in Good Standing is entitled to one ballot and may vote in favour of one nominee for each vacant or impending vacant position that is to be elected on such ballot.

(3) The Registrar must not count a ballot unless it is received by the Registrar at least 30 days prior to the expiry of the term of office referred to in section 3 and is contained in an envelope on which the Registrant’s name and signature appears.

(4) For each vacant or impending vacant position, the person receiving the most votes on the return of the ballots is elected.

(5) In the case of a tie vote, the Registrar must select the successful nominee by random draw.

(6) The Registrar must supervise and administer all elections under section 17 (3) (a) of the Act and may establish additional election procedures, consistent with these bylaws, for that purpose.

(7) The Registrar may determine any dispute or irregularity with respect to any nomination, ballot or election.

(8) If the number of nominees under section 4 is less than or equal to the number of vacant or impending vacant positions at the close of nominations, the nominees are elected by acclamation.

*(Amended by M/O 151/2013 effective June 27, 2013)*
Terms of Office

6(1) The term of office for an Elected Board Members commences on the day he or she is elected and ends two years later. *(Amended by O/C 835/97 effective July 24, 1997)*

(1.1) Notwithstanding subsection (1), if an annual general meeting has not taken place within sixty days, before or after, of the time his or her term of office ends, that member's term of office shall extend beyond two years and continue to the next annual general meeting, but in no event shall the term extend beyond three years from the day he or she is elected. *(O/C 835/97 effective July 24, 1997)*

(2) A member of the Board who has held office for two consecutive terms is not eligible for re-election to the Board for a period of one year from the end of his last term of office.

(3) An Elected Board Member may resign at any time by delivering a notice in writing to the Registrar and that resignation takes effect immediately upon receipt of the notice by the Registrar.

(4) A member of Board who resigns or whose appointment term has ended
   (a) may continue to serve until a successor is appointed, and
   (b) even if a successor is appointed, may continue to serve as a member of a committee, sub-committee or panel to complete work commenced before that resignation or end of term.

(5) The immediate Past President may continue for a period of one year from the end of his/her term as President to attend Board meetings as a non-voting advisor to the Board. *(Amended by O/C 539/98 effective April 23, 1998)*

Removal of Elected Board Members

7(1) Elected Board Members can be removed from office by a resolution of the Board or by a special resolution at a meeting of Active Registrants.

(2) A resolution to remove an Elected Board Member shall not be deemed to have been passed by the Board or the Active Registrants unless at least a 75% majority of the Board members or the Active Registrants present and voting, including proxies, have voted in favour of the resolution, provided that the notice of said meeting specified the intention to propose such a resolution.

Vacancies

8. Any vacancy of an Elected Board Member that may arise between elections may be filled by an affirmative vote of at least two-thirds of the remaining Board members appointing a Active Registrant in good standing for the remainder of the absent member's term.

Payments

9 (l) The Board may fix and pay out of the funds of the College the salary, remuneration, honorarium or fee to be paid to each officer, employee or servant of the College, or to any member of Board or a committee who renders services to the College, and may reimburse a person for expenses incurred in respect of the affairs of the College.

(2) *[Not approved under O/C 1032/95]*
(3) All payments on behalf of the College above $200 shall be made by cheque, and the cheques shall be signed by a Board member so designated by the Board, and by the Registrar.

**Chair**

10 (1) The Chair must be elected by a majority vote of the Board for a two year term.
(2) The Chair
(a) presides as the chair at all meetings of the College or Board at which she is in attendance,
(b) signs all certificates, diplomas and other instruments executed on behalf of the College as required,
(c) signs the minutes of each meeting when approved by the Board, and
(d) acts generally in accordance with the requirements of her office for the proper carrying out of the powers and duties of the Board.

*(Amended by M/O 151/2013 effective June 27, 2013)*

**Vice-Chair and acting chair**

11 (1) The Vice-Chair must be elected by a majority vote of the Board for a two year term.
(2) The Vice-Chair must perform the duties of the Chair in the absence of or as requested by the Chair.
(3) In the absence of both the Chair and the Vice-Chair, an acting chair for a meeting must be elected by a majority vote of
(a) the Board Members attending, in the case of a Board meeting, and
(b) the Active Registrants in Good Standing in attendance, in the case of a general meeting.

*(Amended by M/O 151/2013 effective June 27, 2013)*

**Board meetings**

12 (1) The Board must meet at least four times in each fiscal year.
(2) The Registrar must call a Board meeting at the request of either the Chair or any three Board Members and must provide reasonable notice of Board meetings to Board Members, Registrants and the public.
(3) The accidental omission to deliver notice of a Board meeting to, or the non-receipt of a notice by, any person entitled to receive notice under subsection (2) does not invalidate proceedings at the meeting.
(4) The Registrar must provide the following to members of the public on request:
   (a) the place, date and time of an upcoming Board meeting,
   (b) a copy of the agenda for that meeting, and
   (c) a copy of the minutes of any previous Board meeting.
(5) The Registrar must ensure that minutes are taken at each Board meeting and retained on file and, subject to subsection (6), must publish them on the College website.
(6) The Registrar may edit minutes posted on the College website under subsection (5) to remove information about any matter referred to in section 13 (2), if the reasons for removing that information are noted in the edited minutes.
Exclusion from Board meetings

13 (1) Subject to subsection (2), Board meetings must be open to Registrants and the public.

(2) The Board may exclude any person from any part of a Board meeting if it is satisfied that one or more of the following matters will be discussed:

(a) financial or personal or other matters of such a nature that the interest of any person affected or the public interest in avoiding public disclosure of those matters outweighs the public interest in Board meetings being open to the public;

(b) information concerning an application by any individual for registration under section 20 of the Act, the disclosure of which would be an unreasonable invasion of the applicant’s personal privacy;

(c) information concerning a complaint against, or investigation of, any individual under Part 3 of the Act, the disclosure of which would be an unreasonable invasion of the individual’s personal privacy;

(d) information the disclosure of which may prejudice the interests of any person involved in
   (i) a proceeding under the Act, including a disciplinary proceeding under Part 3 of the Act or a review under Part 4.2 of the Act, or
   (ii) any other criminal, civil or administrative proceeding;

(e) personnel matters;

(f) property acquisitions or disposals;

(g) the contents of Registration Examinations;

(h) communications with the Office of the Ombudsperson;

(i) instructions given to or opinions received from legal counsel under section 39, or any other matter that is subject to solicitor-client privilege;

(j) information that the College would be required or authorized to refuse to disclose to an applicant making a request for records under Part 2 of the Freedom of Information and Protection of Privacy Act;

(k) information that the college is otherwise required by law to keep confidential.

(3) If the Board excludes any person from a part of a Board meeting, it must have its reasons for doing so noted in the minutes of the meeting.

(Amended by M/O 151/2013 effective June 27, 2013)
Quorum at Board meetings

14 (1) A majority of the Board constitutes a quorum at Board meetings.
(2) If a quorum is not present after the expiration of 30 minutes from the time fixed for a Board meeting, the Chair or Vice-Chair may adjourn the meeting and fix the time and place of the rescheduled meeting.

(Amended by M/O 151/2013 effective June 27, 2013)

Procedure at Board meetings

15 (1) If some or all Board Members are unable to attend a Board meeting in person, those Board Members who cannot attend in person may participate and the Board may meet and conduct business in writing, using videoconference, teleconference, internet conference connections, using any other electronic means, or using any combination of these.
(2) Voting by Board Members must be by show of hands, or by such other means the Board may deem appropriate, except where a secret ballot is requested by a majority of the Board Members in attendance.
(3) Where a secret ballot is requested and a Board Member is attending that meeting by teleconference or other electronic means described in subsection (1), that Board Member may designate another Board Member present at the meeting to vote on her behalf.
(4) In the case of an equality of votes the chair of the meeting does not have a casting or second vote in addition to the vote to which she is entitled as a Board Member, and the proposed resolution does not pass.
(5) Except as otherwise provided in the Act, the regulations, or these bylaws, the most recent edition of Robert's Rules of Order governs the procedures at Board meetings.

(Amended by M/O 151/2013 effective June 27, 2013)

Extraordinary meetings of the Board

16 (1) A written resolution signed in counterpart by every Board Member is valid and binding and of the same effect as if such resolution had been duly passed at a Board meeting.
(2) Despite section 12 (2), the Registrar or the Chair may call a Board meeting without providing notice to Registrants or the public if necessary to conduct urgent business.

Powers of the Board

17. In addition to the powers, duties or functions assigned to it under sections 18 and 19 of the Act or elsewhere in these Bylaws, the Board may (Amended by O/C 684/01 effective July 23, 2001)
   (a) upon the recommendation of the Accreditation Committee
       (i) approve the Accreditation Standards, or
       (ii) accredit an educational program or remove its accreditation;
   (b) issue or withdraw permits issued under Part G of these bylaws.
Board conduct and conflicts of interest

18 Board Members must adhere to the Board conduct and conflict of interest policies that the Board may approve to govern their behaviour and relationships with the College, Registrants, staff and members of the public.

(Amended by M/O 151/2013 effective June 27, 2013)

PART B: COLLEGE COMMITTEES

Committee membership

19(1) For any committee established under the Act, these Bylaws or by the Board, the Board
(a) shall appoint the members of the committee and designate the chair or vice-chair, and
(b) may remove a member of any committee.

(2) If a committee member is removed by the Board in accordance with clause (1)(b), the reasons for that
action shall be set out in the minutes of the Board meeting where that decision was made.

(3) If a member of a committee, subcommittee or panel fails without cause to attend three consecutive
meetings of that committee, subcommittee or panel, that member is deemed to no longer be a member of
that committee, subcommittee or panel.

(4) No Registrant shall be appointed to or remain on a committee, subcommittee or panel,
(a) if a panel of the Discipline Committee determines that the Registrant acted in an incompetent,
unethical, incapacitated or unprofessional manner, or
(b) until the expiry of a period of suspension or the completion of any other term or condition
imposed by a panel.

Powers and duties of committees

20(1) If the powers and duties of a committee are not specified under the Act or these Bylaws, the Board
may assign powers and duties to the committee.

(2) Except for those specified under the Act or these Bylaws, the Board may amend the powers and duties
of a committee from time to time, as it deems necessary.

Committee procedures

21(1) The provisions of this and the next section apply to all committees, sub-committees or panels.
(2) A majority of the members of a committee constitutes a quorum for a committee meeting.
(3) The meetings of a committee shall be open to Registrants and the public.
(4) Notwithstanding subsection (3), the committee may exclude any person from any meeting, or part of a
meeting, if it is satisfied that the conditions set out in subsection 13(2) apply.
(5) If a committee excludes any person from a meeting, the reasons for doing shall be noted in the
minutes of that meeting.
(6) A committee may conduct its meetings by mail, electronic means, facsimile, or conference telephone.
(7) Once a year, each committee shall submit a written report of its activities to the Board.

Sub-committees or panels

22(1) A committee or its chair may from time to time
   (a) establish a sub-committee or a panel,
   (b) appoint the persons who will be members of that sub-committee or panel,
   (c) appoint the chair of the sub-committee or panel, and
   (d) in the case of a panel, prescribe the length of time the panel will exist.
(2) Any Registrant can be a member of a panel, but the length of time that the panel will exist shall be
prescribed at the time it is established.
(3) A sub-committee or panel may exercise any power, duty or function of the committee assigned to it by
the committee or the chair.

Accreditation committee

23(1) The Accreditation Committee shall consist of at least three persons appointed by the Board,
   including one Public Representative, one Elected Board Member and one Active Registrant.
(2) No person who is employed by, holds an interest in or provides a product or service under contract to
an Accredited Educational Program or an educational program that has applied to be accredited may be a
member of the Accreditation Committee.
(3) Notwithstanding subsection (2), a person who would otherwise be prevented from being a member of
the Accreditation Committee by virtue of that subsection may sit on a panel of that committee as a
participant or special advisor.
(4) The Accreditation Committee shall
   (a) administer the educational accreditation process of the College;
   (b) prepare and revise Accreditation Standards for approval by the Board;
   (c) establish for approval by the Board any fees necessary to cover the costs of
      (i) investigating an application by an educational program that wants to become
      accredited, or
      (ii) inspecting a program that has already been accredited;
   (d) receive applications from educational programs seeking accreditation and undertake the
necessary investigations of such programs;
   (e) prepare a report with recommendations to the Board concerning an application for or an
evaluation of an existing accreditation of an education institution and do so by applying the
Accreditation Standards;
   (f) inspect and monitor the quality of educational, instructional and facility standards of
Accredited Educational Programs;
   (g) inspect and, if necessary, recommend the probation, suspension or removal of the
accreditation of an educational program that fails to meet the Accreditation Standards.
(5) After the Board has approved the application of an educational program or revoked the accreditation granted to an existing educational program, the Board shall seek an amendment to Schedule "B" accordingly.

**Registration Committee**

24(1) The Registration Committee shall consist of at least three persons appointed by the Board, including one Public Representative, one Elected Board Member and one Active Registrant.

(2) In addition to the powers, duties or functions assigned to it under section 20 of the Act, the Registration Committee shall (Amended by O/C 684/01 effective July 23, 2001)

(a) prepare the Registration Examinations to be taken by applicants;
(b) determine the time and place for the holding of Registration Examinations;
(c) designate the Chief Examiner, the Examiners and substitutes (collectively the "Panel of Examiners") and enter into contracts with members of the Panel of Examiners on behalf of the College;
(d) determine the procedures for the conduct of the Registration Examinations;
(e) review the results of the Registration Examination or re-examination for each applicant;
(f) make a determination concerning an applicant's qualification for registration, including an application by an Inactive Registrant who wishes to become an Active Registrant;
(g) ascertain if a graduate from a program that is not an Accredited Educational Program holds a degree or diploma that is substantially equivalent to one issued by an Accredited Educational Program;
(h) concurrent to granting registration under section 20 of the Act, submit for Board ratification a list of successful examination candidates;(Amended by O/C 684/01 effective July 23, 2001)
(i) strike a panel to hear appeals or take a complaint regarding the Registration Examination and report on same to the Board (Amended by O/C 86/97 effective January 24, 1997);
(j) develop policy statements on the College's registration program for approval by the Board.

(3) No member of the Panel of Examiners other than the Chief Examiner may be a member of the Registration Committee.

**Inquiry Committee**

25. The Inquiry Committee shall consist of at least three persons appointed by the Board, including one Public Representative, one Elected Board Member and one Active Registrant.
Discipline Committee

26(1) The Discipline Committee shall consisting of at least three persons appointed by the Board, including one Public Representative, one Elected Board Member and one Active Registrant.

(2) No person may sit on the Discipline Committee who is also a member of the Inquiry Committee.

(3) No member of the Discipline Committee may participate in the hearing of a matter in which she was involved as a member of the Inquiry Committee.

(4) In addition to the powers, duties or functions assigned to it under the Act or Regulation, the Discipline Committee may establish a panel to conduct a disciplinary hearing.

Quality Assurance Committee

27(1) The Quality Assurance Committee, also known as the Quality Management Committee, shall consist of at least three persons appointed by the Board, including one Board member and two Active Registrants.

(2) In addition to the powers, duties or functions assigned to it under the Act, the Quality Assurance Committee shall:

(a) develop continuing educational standards for Registrants;
(b) monitor the on-going competency of Active Registrants;
(c) monitor the re-entry to the profession of Active Registrants who were previously inactive;
(d) review and develop for approval by the Board standards of professional practice, clinical practice guidelines and advisory statements.

Patient Relations Committee

28(1) The Patient Relations Committee shall consist of at least three persons appointed by the Board, including one Public Representative and two Active Registrants.

(2) In addition to the powers, duties or functions assigned to it under the Act or Regulation, the Patient Relations Committee shall

(a) administer the patient relations program of the College, and
(b) develop measures to prevent Professional Misconduct of a sexual nature, including
   (i) educational programs or requirements for Active Registrants on this topic,
   (ii) guidelines for appropriate conduct of Active Registrants with their patients,
   (iii) public information material regarding the responsibilities of Active Registrants and the College's complaint and disciplinary process.

Other Committees

29. The Board may from time to time establish other committees to deal with specific issues that it deems necessary.
PART C: COLLEGE ADMINISTRATION

Seal

30 (1) The Board must approve a seal for the College.
(2) The seal of the College must be affixed to certificates of registration and such other documents as the Board may direct by resolution and under the hands of such persons as the Board may designate.

(Amended by M/O 151/2013 effective June 27, 2013)

Registrar

31 (1) In addition to the Registrar’s powers and duties under the Act, the Registrar is the chief executive officer of the College and holds final responsibility for all administrative and operational matters for the College.
(2) The Registrar may designate an officer, employee or agent of the College to exercise any power or perform any duty of the Registrar assigned by the Registrar, and that person has the same authority as the Registrar when acting on behalf of the Registrar.

(Amended by M/O 151/2013 effective June 27, 2013)

Deputy Registrars

32 A Deputy Registrar
   (a) reports directly to the Registrar,
   (b) must perform the duties of the Registrar in her absence,
   (c) must perform such duties as may be specified by the Registrar, and
   (d) holds the same authority as the Registrar when exercising the duties of the Registrar under the Act, including the duties of an inspector.

(Amended by M/O 151/2013 effective June 27, 2013)

Repealed

33 Repealed.

(Repealed by M/O 151/2013 effective June 27, 2013)

Fiscal year

34 The fiscal year of the College commences on December 1 and ends on November 30 of the following year.

(Amended by M/O 151/2013 effective June 27, 2013)
Financial authority

35 (1) The Board may raise or secure the payment or repayment of money on behalf of and in the name of the College, in the manner it decides, in order to carry out the purposes of the College.
(2) The Board may invest funds of the College, in the name of the College, in any investments consistent with section 15.1 and 15.2 the Trustee Act and may change those investments.
(3) The Registrar may approve payments or commitments for the purchase of goods and services up to $10,000.
(4) The Board, or a Board Member designated for this purpose by the Board, must approve payments or commitments for the purchase of goods and services in the amount of $10,000 or more.

(Amended by M/O 151/2013 effective June 27, 2013)

Borrowing powers

36 The Active Registrants may, by Special Resolution at a general meeting, restrict the borrowing powers of the College, but a restriction so imposed expires at the next annual general meeting.

(Amended by M/O 151/2013 effective June 27, 2013)

Administrative fees

37 (1) In addition to any other fees required under these bylaws, an applicant or a Registrant must in any circumstance specified in Schedule “B.1” pay the corresponding specified fee.
(2) Despite subsection (1), the Registrar may waive, reduce or reimburse any fee that is paid or would otherwise be payable under subsection (1) if, in the opinion of the Registrar, undue hardship or other special circumstances exist in relation to the applicant or Registrant that warrant waiver, reduction or reimbursement.

(Amended by M/O 151/2013 effective June 27, 2013)

Auditor

38 (1) The Board must appoint a chartered accountant or a certified general accountant to be the auditor.
(2) The Registrar must submit the financial statement to the auditor within 45 days of the end of the fiscal year.
(3) A copy of the auditor's report must be included in the annual report submitted under section 18 (2) of the Act.

(Amended by M/O 151/2013 effective June 27, 2013)

Legal counsel

39 The Board, the Chair, the Registrar or, with the approval of the Chair or the Registrar, a committee, sub-committee or panel, may consult or retain legal counsel for the purpose of advising the College,
committee, sub-committee or panel on any matter, and assisting the Board, committee, sub-committee, panel, Registrar or any officer, employee or agent of the College in exercising any power or performing any duty under the Act.

(Amended by M/O 151/2013 effective June 27, 2013)

General meetings

40 (1) General meetings of the College must be held in British Columbia at a time and place determined by the Board.
(2) An annual general meeting must be held at least once in every calendar year and not more than 15 months after the holding of the last preceding annual general meeting.
(3) The following matters must be considered at an annual general meeting:
   (a) financial statements;
   (b) the report of the Board;
   (c) the report of the auditor.
(4) Every general meeting, other than an annual general meeting, is a special general meeting.
(5) The Board
   (a) may convene a special general meeting by resolution of the Board, and
   (b) must convene a special general meeting within 60 days after receipt by the Registrar of a request for such a meeting signed by at least 15 percent of all Registrants.

(Amended by M/O 151/2013 effective June 27, 2013)

Electronic conferencing

41 (1) The Board may conduct a general meeting by joining any number of locations in British Columbia by means of communication allowing all persons attending the meeting to communicate with each other.
(2) The Board must designate the locations to be joined to a general meeting.
(3) Despite subsection (2), if, 7 days before a general meeting, fewer than 15 Active Registrants in Good Standing have indicated to the Registrar an intention to attend the general meeting at a location announced under section 42 (2) (a), the Board may cancel that location.
(4) The Registrar may designate an Active Registrant in Good Standing to act as local chair at a location of a general meeting where the Chair or Vice-Chair is not present.
(5) A local chair designated under subsection (3) must record the names of those in attendance at the location.
(6) An electronic or other technical failure that prevents a person from participating in or voting at a general meeting conducted in accordance with this section does not invalidate anything done at the meeting, and the meeting may continue if the Active Registrants in Good Standing continuing in attendance pass a resolution to that effect.

(Amended by M/O 151/2013 effective June 27, 2013)
Notice of general meetings

42 (1) The Board must deliver notice of a general meeting to all Board Members and Registrants at least 45 days prior to the meeting.
(2) Notice of a general meeting must include
   (a) the location or locations, date and time of the meeting,
   (b) the general nature of the business to be considered at the meeting,
   (c) any resolutions proposed by the Board, and
   (d) any resolutions proposed by the Registrants under section 43 and delivered to the Registrar prior to the mailing of the notice.
(3) The accidental omission to deliver notice of a meeting to, or the non-receipt of a notice by, any person entitled to receive notice under subsection (1) does not invalidate proceedings at that meeting.
(4) General meetings must be open to the public.
(5) The Registrar must
   (a) provide reasonable notice of each general meeting to the public, and
   (b) provide to members of the public on request a copy of the notice given under subsection (1) in respect of a general meeting.

(Revised by M/O 151/2013 effective June 27, 2013)

Resolutions proposed by registrants

43 (1) Any 10 Active Registrants in Good Standing may deliver a written notice to the Registrar at least 30 days prior to the date of a general meeting requesting the introduction of a resolution.
(2) On receipt of a notice under subsection (1) and at least 14 days prior to the date of the general meeting, the Registrar must deliver a notice and a copy of the resolution to each Registrant.
(3) An Active Registrant in Good Standing may propose a resolution at a general meeting and any such resolution must be noted by the chair of the meeting and placed at the end of the agenda to be debated if time permits.
(4) Except as provided under section 36, all resolutions proposed by Registrants at a general meeting are for the consideration of the Board and are not binding on the Board.

(Revised by M/O 151/2013 effective June 27, 2013)

Proceedings at general meetings

44 (1) A quorum for a general meeting is 45 Active Registrants in Good Standing.
(2) No business, other than the adjournment or termination of the meeting, may be conducted at a general meeting at a time when a quorum is not in attendance.
(3) If at any time during a general meeting there ceases to be a quorum in attendance, business then in progress must be suspended until there is a quorum in attendance.
(4) In the case of an annual general meeting under section 40 (2) or a special general meeting under section 40 (5) (a),
   (a) if there is no quorum in attendance within 30 minutes from the time appointed for the start of the meeting, or
   (b) if there is no quorum in attendance within 30 minutes from any time during the meeting when there ceases to be quorum present,
the meeting must be adjourned to a date within 45 days, at a time and place to be determined by the Board, and those Active Registrants in Good Standing who attend that later meeting will be deemed to be a quorum for that meeting.
(5) In the case of a special general meeting under section 40 (5) (b),
   (a) if there is no quorum in attendance within 30 minutes from the time appointed for the start of the meeting, or
   (b) if there is no quorum in attendance within 30 minutes from any time during the meeting when there ceases to be a quorum in attendance,
   the meeting must be adjourned and cancelled and no further action may be taken in respect of the request under section 40 (5) (b).
(6) In the absence of both the Chair and the Vice-Chair, an acting chair for a general meeting must be elected by a majority vote of the Active Registrants in Good Standing who are in attendance.
(7) A general meeting may be adjourned from time to time and from place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
(8) When a general meeting is adjourned in accordance with subsection (4) or (5) or by motion under subsection (7), notice of the rescheduled meeting must be delivered as in the case of the original meeting.
(9) No motion proposed at a general meeting need be seconded and the chair of a general meeting may propose a motion.
(10) Every Active Registrant in Good Standing who is in attendance at a general meeting is entitled to one vote and the chair of the meeting, if the chair is an Active Registrant in Good Standing, is entitled to one vote.
(11) Voting at a general meeting may be conducted by ballot or by hand count.
(12) In the case of an equality of votes the chair of the general meeting does not have a casting or second vote in addition to the vote to which she is entitled under subsection (10), if any, and the proposed resolution does not pass.
(13) Except as these bylaws otherwise provide, the most recent edition of Robert’s Rules of Order governs the procedures at a general meeting.

  (Amended by M/O 151/2013 effective June 27, 2013)

Notice to public representatives

45 Every notice or mailing provided to the general membership of the College must also be provided to Public Representatives serving on the Board or a committee.

  (Amended by M/O 151/2013 effective June 27, 2013)

PART D: REGISTRATION

Registers of Massage Therapists

46. There shall be the following Registers:
   (a) the Register of Massage Therapists (Active);
   (b) the Register of Massage Therapists (Inactive);
BYLAWS OF THE COLLEGE OF MASSAGE THERAPISTS OF BC

Approved under O/C 1032/95 with amendments to November 1, 2013

Page 24

(c) the Register of Massage Therapists (Honorary).
(d) the Register of Massage Therapists (Conditional).

(Amended by O/C 829/01 effective September 14, 2001)

Application to become an Active Registrant

47(1) To apply to become an Active Registrant, an applicant shall deliver to the Registrar
(a) a signed application for registration,
(b) the application fee and any examination fee,
(c) notarized copy or other evidence satisfactory to the Registration Committee of her degree or
diploma from an Accredited Educational Program or an equivalent program,
(d) a solemn declaration in the form set out under Schedule "A" of these Bylaws,
(e) three letters of personal reference testifying that the applicant is a person of good character,
(f) any additional information that the Registrar may request.

(2) An applicant who wishes to become an Active Registrant shall prove to the satisfaction of the
Registration Committee that she
(a) is a graduate of an Accredited Educational Program and began her studies at that program
after the accreditation date, and
(b) has successfully completed the Registration Examination.

(3) If an applicant has not graduated from an Accredited Educational Program or has graduated from an
Accredited Educational Program but began her studies at that program before
the accreditation date, that
applicant shall prove to the satisfaction of the Registration Committee that she
(a) is a graduate of a non-accredited educational program that the Registration Committee has
determined is substantially equivalent to an Accredited Educational Program, and
(b) has successfully completed the Registration Examination.

(4) Notwithstanding the above, if after giving the applicant an opportunity to be heard the Registration
Committee determines that
(a) the applicant has been expelled from an educational program,
(b) the applicant's entitlement to practise massage therapy has been cancelled or suspended or
limited in this or any other jurisdiction at any time,
(c) at the time of the application an investigation, review or proceeding is taking place in this or
any other jurisdiction which could result in the suspension, cancellation, or limitation of the
applicant's authorization to practise,
(d) the applicant has contravened the Act, the Regulation or these Bylaws, or
(e) the applicant has been convicted in Canada or elsewhere of a material offence which would be
an act of Professional Misconduct, or
(f) the applicant is otherwise unsuitable to become a member of the College, the Registration
Committee may
(g) grant active registration to that applicant, or
(h) refuse to grant registration.

(Amended by O/C 86/97 effective January 24, 1997)
Investigation of an application for registration

47.1(1) For the purposes of assisting the Registration Committee in carrying out its powers under clause 20(2)(b) of the Act or these Bylaws and without derogating from those powers, the Registration Committee may appoint a Panel to investigate an applicant for membership in the College.

(2) Upon completion of its investigation, the Panel shall submit a report to the Registration Committee setting out its findings and recommendations concerning the applicant.

(3) After it has received the Panel's report, the Registration Committee may

(a) make such further inquiries as it determines may be necessary in the circumstances, and
(b) provide the applicant an opportunity to answer any concerns that have been raised as a result of the Panel's report or further inquiries which might result in the rejection of that application.

(4) The matters the Panel may investigate under this section include but are not limited to:

(a) a prior or current complaint against the applicant;
(b) whether the applicant has been expelled from an educational program;
(c) whether the applicant's entitlement to practise massage therapy has been cancelled or suspended or limited in this or any other jurisdiction at any time;
(d) whether, at the time of the application, an investigation, review or proceeding is taking place in this or any other jurisdiction which could result in the suspension, cancellation or limitation of the applicant's entitlement to practise;
(e) whether the applicant has contravened the Act, the Regulation or these Bylaws;
(f) whether the applicant has been convicted in Canada or elsewhere of a material offence which would be an act of Professional Misconduct;
(g) any other matter that is reasonably related to the applicant's suitability to become a member of the College. (Added by O/C 86/97 effective January 24, 1997)

Time-Limited Conditional Registration (Added by O/C 829/01 effective September 14, 2001)

47.2(1) In this section "Conditional Registrant" means a massage therapist from another Canadian jurisdiction who has been registered on the Register of Massage Therapists (Conditional) in accordance with the provisions of this section.

(2) The requirements of subsections 47(2) and (3) do not apply to an application filed under this section.

(3) To become a Conditional Registrant, an applicant shall

(a) comply with the requirements of subsection 47(1), and
(b) prove to the satisfaction of the Registration Committee that the applicant:

(i) holds a valid and subsisting certificate to practice in the province of origin issued by a regulatory body pursuant to a professional governance statute;
(ii) is a member in good standing with that regulatory body;
(iii) has clinical competencies that are substantially equivalent to the competencies that graduates from an accredited educational program in British Columbia obtained from the 550 hour practicum requirement,
(iv) has an adequate knowledge of jurisprudence issues in British Columbia.
(4) Where the Registration Committee identifies a substantial difference between an applicant's clinical experience and the experience required of a graduate from an accredited educational program, the Committee may require the applicant to obtain the equivalent competencies before being granted conditional registration.

(5) A Conditional Registrant must, within 18 months of being registered,
   (a) obtain the competencies required by the Registration Committee or demonstrate that those competencies were obtained after being registered in the province of origin, and
   (b) pass an examination on the required competencies.

(6) Notwithstanding any other provision of the Act or the Bylaws, and unless the Conditional Registrant is granted an extension by the Registration Committee, if a Conditional Registrant fails to meet the requirements of subsection (5) in the prescribed time the Conditional Registrant's registration is automatically terminated.

(7) Until such time as a Conditional Registrant passes the required competency-specific examination, the registrant must not perform any service, technique, or procedure that relates to those competencies.

(8) Upon successful completion of the required competency-specific examination, a Conditional Registrant is eligible to become an Active Registrant in accordance with these Bylaws.

**Rights of an Active Registrant**

48. Only an Active Registrant may
   (a) perform a reserved act as set out under the Regulations and prescribed by subsection 13(2) of the Act, and
   (b) use a name, title, description or abbreviation as set out under the Regulations and prescribed by section 13(4) of the Act.

**Inactive Registrant**

49(1) Only an Active Registrant who will not practice massage therapy for the foreseeable future may apply to become an Inactive Registrant.

(2) To apply to become an Inactive Registrant, an Active Registrant shall deliver to the Registrar
   (a) a signed application for inactive registration,
   (b) the application fee for inactive registration, and
   (c) any additional information that the Registrar may request.

(3) An Active Registrant who wishes to become an Inactive Registrant shall
   (a) agree that she will not practice massage therapy in British Columbia while an Inactive Registrant, and
   (b) prove to the satisfaction of the Registration Committee that she otherwise meets the requirements of an Active Registrant.
Honorary Registrant

50(1) Anyone may be appointed by the Board to become an Honorary Registrant.
(2) The terms and conditions for honorary registration shall be determined by the Registration Committee and set out in these Bylaws.

Certificate of Registration

51(1) Upon becoming a Registrant, the Registrar shall issue to that person a certificate of registration in a form approved by the Board.
(2) The certificate of registration may contain limitations that are permitted by the Act, the Regulation or these Bylaws.
(3) A certificate of registration, or any renewal of a certificate of registration, is valid until the following December 31.

Renewal of Registration

52(1) Clauses (2)(a) to (d) apply to Active Registrants and clauses (2)(a) to (c) apply to Inactive Registrants.
(2) The Registrar shall renew a registration if the Registrant
   (a) applies to the Registrar by December 31st and pays the fee for renewal of registration,
   (b) pays any other outstanding fee, debt or levy owed to the College,
   (c) attests that the Registrant is in compliance with the Act, the Regulation, and these Bylaws, and with any limits or conditions imposed under section 39(1)(c) of the Act, and
   (d) provides proof of current and valid liability insurance as required under these Bylaws.

Fees

53(1) The fees for application for registration shall be as follows:
   (a) for active registration: $100.00 (Effective August 27, 2011)
   (b) for inactive registration: $100.00 (Effective August 27, 2011)
(2) The fees for the annual renewal of registration shall be as follows:
   (a) for active registration: $400.00 (Amended by M/O 279/2013 effective November 1, 2013)
   (b) for inactive registration: $100.00 (Amended by M/O 279/2013 effective November 1, 2013)
   (c) for honorary registration: NIL.
(3) If, after June 30th of any year, an Inactive Registrant returns to active status and is authorized to be registered on the Register of Massage Therapists (Active), the fee for his active registration for the balance of that year shall be $200.00. (Effective August 27, 2011)
Notification and membership cards

54(1) No later than 30 days before an annual renewal of registration fee is due, the Registrar shall notify Registrants of the amount of the fee and the day on which the fee is due.
(2) On payment of the renewal of registration fee and any arrears, the Registrar shall issue to the Registrant making that payment
   (a) a membership card in a form approved by the Board, and
   (b) a validation sticker for their certificate of registration,
   to indicate that the Registrant is, subject to her compliance with the Act, the Regulation and the Bylaws, entitled to practise massage therapy in the Province as a Registrant of the College.

Failure to pay annual fee / Extension of payments / Reinstatement

55(1) If a Registrant fails to pay an annual renewal of registration fee on or before December 31, he is deemed to no longer be a Registrant unless the Board otherwise directs. (*Amended by O/C 829/01 effective September 14, 2001*)
(2) Notwithstanding subsection (1), the Registrar may extend the time a Registrant must pay the annual renewal of registration fee on such terms and conditions that the Registrar considers to be appropriate in the circumstances, but in which case the Registrant shall pay a late fee in amount equal to 20 percent of that Registrant's annual renewal of registration fee.
(3) The Registrar shall reinstate the registration of an Active Registrant who
   (a) ceased to be registered by reason only of a failure to renew his registration under subsection (1),
   (b) has applied for renewal of registration in the form required by the Board and has done so not later than one year following the expiry of his registration,
   (c) is not otherwise in contravention of the Act, the Regulation or these Bylaws, and
   (d) has paid the renewal of registration fee and reinstatement fee in an amount equal to 50 percent of that person's annual renewal of registration fee that would have been payable during that year.

Inactive Registrant becoming Active

56(1) An Inactive Registrant residing in British Columbia shall not practice massage therapy at any time within this jurisdiction but, should that Registrant wish to practice in British Columbia, she may apply to become an Active Registrant in accordance with this section.
(2) An Inactive Registrant who has not practised massage therapy in another jurisdiction for more than 500 hours per year during the three years immediately preceding the deadline for renewing his inactive registration shall successfully complete the Registration Examination before being registered on the Register of Massage Therapists (Active).
(3) An Inactive Registrant who has practised massage therapy in another jurisdiction for more than 500 hours per year during the three years immediately preceding the deadline for renewing her inactive registration may either
   (a) successfully complete the Registration Examination, or
   (b) provide the Registration Committee with sufficient information that would allow that
committee to ascertain whether that Registrant has maintained her knowledge, skills, ability, and good standing while practicing in that other jurisdiction.

Registration Examinations

57(1) All Registration Examinations required to be taken under these Bylaws shall be prepared by or under the direction of the Registration Committee.

(2) Each applicant sitting an Registration Examination shall be notified of the results of the Registration Examination or re-examination as soon as is practicable.

(3) If an applicant fails her first Registration Examination or a portion thereof, she has one opportunity to take a re-examination of the full Registration Examination or a portion thereof.

(4) If an applicant fails the re-examination, she may do one of the following:

(a) take a course on the subjects dealt with in those portions of the Registration Examination she failed on re-examination and, upon completion of those courses, apply to sit the full Registration Examination at the next available sitting, or

(b) petition the Board in writing to allow for a second re-examination on that portion of the Registration Examination that was attempted on the first re-examination and, in that petition, set out the reasons why the Board should grant that second re-examination.

Disqualifications

58(1) In this section "Examiner" means a Registrant or any other person designated by the Registration Committee to conduct or oversee a Registration Examination.

(2) If in the opinion of an Examiner, an applicant cheats or otherwise conducts himself improperly during the course of a Registration Examination, that applicant shall be disqualified from further participation in that or any other examination, except with the consent of the Registration Committee.

(3) If an applicant is disqualified under subsection (2), the Examiner or the chair of the Registration Committee shall give that applicant within 30 days of being disqualified the reasons for the decision in writing.

Registration Examination fees

59(1) The fees for Registration Examinations shall be as follows:

(a) for full Registration Examination: $700.00; (Effective January 1, 2013)

(b) for partial re-examinations of the written portion: $225.00; (Effective January 1, 2013)

(c) for partial re-examinations of the oral/practical portion: $475.00. (Effective January 1, 2013)

(2) Any person who fails the written portion of the Registration Examination and chooses to be re-examined on that portion is not entitled to a refund on the oral/practical portion, but shall not be charged the re-examination fee for the oral/practical portion on a subsequent re-examination of the full examination.

(Amended by O/C 86/97 effective January 24, 1997)
Cancellation fee

59.1 Any person who for any reason cannot attend a Registration Examination or any portion on the scheduled date and so informs the Registrar in writing:
   (a) 15 or more days before the scheduled date is entitled to a refund of the applicable registration examination fee, less a $25.00 administrative fee;
   (b) 14 or fewer days before the scheduled date is entitled to a refund of 80% of the applicable registration examination fee.

(Added by O/C 86/97 effective January 24, 1997)

Transition re: Repealed Accreditations

60. A student who, prior to the date these Bylaws came into effect, was enrolled in an educational program that had been accredited under the Physiotherapists Act may apply to become an Active Registrant and will not be required to meet the provisions of clauses 47(3)(a), providing they submit their application before July 1, 1997.

(Amended by O/C 86/97 effective January 24, 1997)

Accreditation of educational programs

61. Upon the recommendation of the Accreditation Committee, the Board may by resolution
   (a) accredit an educational program that meets the Accreditation Standards;
   (b) revoke an accreditation granted previously to an Accredited Educational Program if that program fails to maintain the Accreditation Standards, including any subsequent amendments to same.

Continuing Education

62. Active Registrants are not entitled to renew their registration unless they have filed with the Board, together with their application, proof of having met any continuing competency requirements established by the Quality Assurance Committee and approved by the Board.

Liability Insurance

63. All Active Registrants shall be insured against liability for professional negligence in an amount of at least $1 million per occurrence.
PART E: INVESTIGATION AND DISCIPLINE

Definitions

64(1) In this Part, "Respondent" means a Registrant who has received a citation for a disciplinary hearing issued pursuant to section 37 of the Act; (Amended by O/C 684/01 effective July 23, 2001)

(2) For the purpose of this Part and in accordance with section 26 of the Act, "Registrant" or "Respondent" includes a "former Registrant." (Amended by O/C 684/01 effective July 23, 2001)

Mediation

65(1) In this section, "Mediation Agreement" means a written agreement between the Inquiry Committee, the complainant and the Registrant for the purposes of mediating a complaint.

(2) In accordance with section 33(6)(b) of the Act, the Inquiry Committee may recommend that a complaint be mediated by a mediator chosen by the Inquiry Committee alone or jointly by the complainant and the Registrant. (Amended by O/C 684/01 effective July 23, 2001)

(3) Mediation shall
   (a) not be used without the consent of the complainant, the Registrant and the Inquiry Committee,
   (b) be conducted pursuant to the terms of a Mediation Agreement, and
   (c) be confidential.

(4) If admissions are made by a Registrant to the Inquiry Committee, an Investigator, the Registrar or any other official or staff person of the College in the course of negotiating a Mediation Agreement but an agreement is not reached, any such admissions may not be given in evidence at a subsequent hearing into the conduct of that Registrant.

(5) Subject to subsection (6), where an agreement has been reached through mediation, the complaint is deemed to have been resolved.

(6) If
   (a) after a reasonable period of time a Mediation Agreement has not been reached, or
   (b) a Registrant contravenes an agreement reached pursuant to a Mediation Agreement,
the Inquiry Committee may take further action under section 33(4) of the Act. (Amended by O/C 684/01 effective July 23, 2001)

(7) A breach by the Registrant of any term of the Mediation Agreement is deemed to be conduct unbecoming of a professional and may itself be the subject of an inquiry or hearing.

(8) Where the Registrant has agreed through mediation to a suspension, restriction or cancellation of practice,
   (a) the name of the Registrant and the result of the mediation shall be
      (i) recorded and placed in that Registrant's file by the Registrar, and
      (ii) made available to the public if so requested, and
   (b) a summary of that agreement shall be set out in the College's annual report.
Inquiry

66(1) Where the Inquiry Committee acts on its own motion under section 33 of the Act but before it requests a response from the Registrant, the Committee shall provide the complainant, if any, and the Registrant who is the subject of an investigation with the following: (Amended by O/C 684/01 effective July 23, 2001)

(a) a notice that an investigation has been commenced and the general nature of the information regarding the matter which it has in its possession, including any written complaint;
(b) information regarding the status of the investigation within six months of the commencement of the investigation, and every three months thereafter;
(c) a copy of its decision in writing as soon as practicable.

(2) The report of the Inquiry Committee to the Board regarding its findings in an investigation shall be appended to the minutes of the meeting in which it is presented.

Diversion agreement

67(1) In this section, "Diversion Agreement" means a written agreement between the Inquiry Committee and the Registrant for the purposes of resolving a complaint or dealing with any other concern regarding a Registrant's conduct without establishing a formal inquiry.

(2) For the purposes of section 36 of the Act, if the Inquiry Committee has determined that a Registrant's conduct warrants an inquiry, at any time prior to issuing a citation in accordance with section 37(1) of the Act, the chair of the committee may enter into a Diversion Agreement with the Registrant on the following conditions: (Amended by O/C 684/01 effective July 23, 2001)

(a) the Inquiry Committee is satisfied that the public can be protected by such an agreement;
(b) the Registrant admits the conduct and has shown insight into its causes and how to prevent such conduct from occurring again;
(c) the Inquiry Committee believes that
   (i) the conduct or its causes can be successfully remedied or treated, and
   (ii) the member is likely to successfully pursue remediation or treatment;
(d) entering into a Diversion Agreement is in the best interests of the public and the profession.

(3) A Diversion Agreement shall include the following terms:
(a) an admission by the Registrant with respect to his conduct;
(b) the determinations made by the Inquiry Committee with respect to the Diversion Agreement conditions set out in subsection (2);
(c) the undertakings of the Registrant in respect to the proposed remedial action, including any of the matters set out in subsection 36(1) of the Act; (Amended by O/C 684/01 effective July 23, 2001)
(d) the length of time that the undertakings shall be binding on that Registrant;
(e) the procedure that the Registrant must follow to be released from her undertakings;
(f) the consequences to the Registrant if he breaches those undertakings;
(g) the effect of the Registrant's undertakings and performance upon the inquiry into the Registrant's conduct;
(h) such other terms or conditions as the Inquiry Committee may consider necessary in the circumstances.

(4) If admissions are made by a Registrant to the Inquiry Committee, an Investigator, the Registrar or any other official or staff person of the College in the course of negotiating a Diversion Agreement but an agreement is not concluded, any such admissions may not be admitted in evidence at a subsequent hearing into the conduct of that Registrant.

(5) If

(a) after a reasonable period of time a Diversion Agreement has not been not reached, or
(b) a Registrant contravenes an agreement reached pursuant to a Diversion Agreement,
the Inquiry Committee may take further action under section 33(6) of the Act. (Amended by O/C 684/01 effective July 23, 2001)

(6) A breach by the Registrant of any term of the Diversion Agreement is deemed to be conduct unbecoming of a professional and may itself be the subject of an inquiry or hearing.

(7) Where the Registrant has agreed under a Diversion Agreement to a suspension, restriction or cancellation of practice,

(a) the name of the Registrant and the result of the Diversion Agreement shall be
   (i) recorded and placed in that Registrant's file by the Registrar, and
   (ii) made available to the public if so requested, and
(b) a summary of that agreement shall be set out in the College's annual report, and
(c) a copy of that summary shall be sent to the complainant within 30 days of the effective date.

(8) A complainant may, within 10 days of receiving a copy of the summary, request in writing that the Board direct the Inquiry Committee to reconsider the Diversion Agreement and shall include in that request the reasons why the complainant believes that the agreement is inappropriate or unfair and should therefore be amended.

**Procedures of the Discipline Panel**

68(1) For the purposes of this Part, a "Discipline Panel" is the panel established by the Discipline Committee pursuant to subsection 26(4).

(2) A quorum of a Discipline Panel shall be three members.

(3) The Registrar shall inform Registrants and the public concerning the time, date and location of a disciplinary hearing, and do so in a manner, form and time that he considers appropriate in the circumstances.

**Discipline**

69(1) The Registrar shall keep records of the results of all investigations of the Inquiry Committee and all decisions of the Discipline Panel.

(2) The Discipline Panel shall arrange for a hearing to be recorded.

(3) A transcript shall be made available to any party upon request, but at the expense of that party.

(4) Where disciplinary proceedings result in the limitation or suspension of a Respondent's practice, the Board shall publish a notice containing
(a) the name of the Respondent,
(b) a summary of the facts of the case,
(c) a summary of the reasons for the decision, and
(d) the nature of the limitations or suspension and the date it is in effect.

(5) Where disciplinary proceedings result in the limitation or suspension of a Respondent's practice, the Board may direct the Registrar to so notify the colleges or associations responsible for the regulation of the profession in other jurisdictions.

(6) Where a complaint has been brought against a Registrant who has been previously disciplined, the previous decisions of the Discipline Committee or any panel, or any undertaking or consent given pursuant to section 36(1) of the Act (Amended by O/C 684/01 effective July 23, 2001)
(a) shall be provided to the Inquiry Committee or the Discipline Panel following a determination having been made on the facts of the complaint and
(b) may be considered with respect to the penalty to be imposed by the Discipline Panel or agreed to by the Inquiry Committee.

(6) A Respondent while under suspension shall not
(a) represent herself as a Registrant or display a certificate of registration, or
(b) practise, or offer to practise, as a Registrant in any form.

Reinstatement

70(1) A Respondent whose registration has been cancelled for professional misconduct may apply to the Registration Committee for reinstatement of registration,
(a) after the period of time set out in the disciplinary decision, or
(b) if a period of time was not set out in the disciplinary decision, after the expiration of one year from the date of cancellation.

(2) When considering an application for reinstatement the Registration Committee shall consider whether
(a) the applicant poses a risk to patients or the public, and
(b) the goals of deterrence and rehabilitation, including any continuing education programs ordered by the panel, have been met.

71. [Vacant]

Costs

72. The tariff of costs applicable to sections 33 (7), 37.1 (1) and (5) and 39 (4) and (5) of the Act is set out in Schedule “F”.

(Added by M/O 151/2013 effective June 27, 2013)

Disclosure

73(1) Where an inquiry about the registration status of a person is received by the Board or the Registrar, the Registrar shall disclose to the person making the inquiry whether or not
(a) the person is a Registrant,
(b) the person has previously been a Registrant and whether or not the person's registration was cancelled as a result of discipline proceedings,
(c) the person is a Registrant whose registration is suspended,
(d) the practice of the Registrant is restricted in any way, (e) there are any conditions attached to the practice of the Registrant and the specifics of those conditions,
(f) the results of a mediation or a diversion agreement completed in the past three years, if any,
(g) whether or not the Registrant was found guilty of Professional Misconduct during the past three years.

(2) The Registrar may disclose other information about the Registrant that may be relevant to the inquiry and permissible to be disclosed under applicable law.

(3) Except with the consent of the person affected or as required by law, the Registrar shall not release
   (a) the names of complainants, patients or their families, or
   (b) information which might otherwise enable a person inquiring about the status of a Registrant to establish the identity of complainants, patients and their families.

74. [Vacant]

PART F: PROFESSIONAL STANDARDS

Code of Ethical Conduct and Standards of Practice

75. Every registrant shall comply with
    (a) the Code of Ethical Conduct set out in Schedule “C”, and
    (b) the Standards of Practice set out in Schedule “D”.

    (Amended by O/C 65/01 effective January 25, 2001)

76. (Repealed by O/C 65/01 effective January 25, 2001)

77. [Vacant]

Guidelines

78. The Board may issue or endorse guidelines to provide general guidance to Registrants concerning the application of the standards of professional practice, the code of ethics or any other matters set out under the Act, the Regulations or these Bylaws.
PART F.1: ADVERTISING AND OTHER MARKETING ACTIVITIES  
(O/C 786 effective July 10, 1997)

Definitions

78.1. In this Part:
“advertisement” means the use of space or time in any type of public medium including but not limited to the internet, or the use of a commercial publication such as a brochure or handbill, to communicate with the general public or a segment thereof, for the purpose of promoting professional services or enhancing the image of the advertiser;
“marketing activity” includes
(i) an advertisement,
(ii) any publication or communication in any medium with any patient, prospective patient or the public generally in the nature of an advertisement, promotional activity or material, a listing in a directory, a public appearance or any other means by which professional massage therapy services are promoted,
(iii) contact with a prospective patient initiated by a Registrant, and
(iv) use of the name of a Registrant's clinic or business;
“unprofessional” means a marketing activity that is contrary to the best interest of the public or tends to diminish the profession's ability to provide service of the highest quality.

General Rule

78.2(1) Any marketing activity undertaken or authorized by a Registrant in respect of his or her professional services shall not be
(a) false,
(b) inaccurate,
(c) reasonably capable of misleading the recipient or intended recipient,
(d) unverifiable.

(2) If a marketing activity:
(a) takes advantage of the weakened state, either physical or emotional, of the recipient or intended recipient, or is calculated or likely to do so;
(b) creates in the mind of the recipient or intended recipient an unjustified expectation about the results which the Registrant can achieve, or is calculated or likely to do so;
(c) implies that the Registrant can obtain results
(i) not achievable by other Registrants,
(ii) by improperly influencing a public body or official, or any corporation, agency or person having any interest in the welfare of the recipient, or
(iii) by any other improper means;
(d) compares the quality of services provided with those provided by another Registrant, the Discipline Committee may thereby find that marketing activity violates subsection (1).
Quality of a marketing activity

78.3(1) Any marketing activity undertaken or authorized by a Registrant in respect of his or her professional services
    (a) shall not tarnish the reputation, image or stature of the profession, and
    (b) shall be dignified and in good taste
(2) Without limiting the generality of subsection (1), a graphic or other image used by a Registrant in his advertisement as a massage therapist should not suggest that some service is being provided other than massage therapy.

Speaking on behalf of the College

78.4. A Registrant shall not state publicly or imply that he or she speaks on behalf of the College or Board unless the Registrant has been expressly authorized by the Board to state the official position of the College or Board.

Endorsing a product or service

78.5. A Registrant shall not endorse or lend him/herself as a Registrant to the advertisement of any property, investment or service for sale to the public unless such property, investment or service relates directly to the profession.

Statement of fees

78.6 A Registrant who, in any advertisement, includes a statement of fees for a specific service shall
    (a) ensure that the statement sufficiently describes the fees and services so as to enable the recipient or intended recipient to understand the nature and extent of the services to be provided and the cost to the patient;
    (b) not compare the fees he or she charges to those charged by another Registrant;
    (c) state the period of time that the fee applies.

Use of titles in advertising

78.7(1) In a marketing activity or advertisement to promote his or her massage therapy practice, a Registrant shall use only those occupational titles that have been granted to Registrants under the Regulation or otherwise have been approved by the Board.
(2) For the purposes of subsection (1), the Board may by resolution
    (a) establish a list of approved occupational titles which Registrants may use in addition to those titles reserved to Registrants under the Act, or
    (b) approve such other occupational title that a Registrant has requested the Board approve.
Restriction on specialist titles

78.8. Unless otherwise authorized by the Act, the Regulation, these Bylaws or the Board, a Registrant shall

(a) not use the title "specialist" or any similar designation, term or reference that suggests a recognized special status, accreditation or practice on any letterhead or business card or in any other marketing activity,
(b) take all reasonable steps to discourage use, in relation to the Registrant by another person, of the title "specialist" or any similar designation suggesting a recognized special status or accreditation in any marketing activity,
(c) in any advertisement, identify him/herself as being responsible for the practice advertised.

Permitted practice descriptions

78.9(1) In describing his or her practice as a massage therapist or as someone permitted to provide massage therapy, a Registrant may list

(a) the services that he or she is trained in and is capable of providing as a Registrant, 
(b) the techniques that he or she has been trained to provide as a Registrant, or 
(c) the typical types of injuries or health problems that he or she is trained to assess and treat as a Registrant, providing however that the services or techniques or the types of injuries or problems so listed fall within the scope of practice of a massage therapist as prescribed under the Regulation or as may otherwise be approved by the Board.

(2) In complying with subsection (1), a Registrant may state that the listed service or technique is a "preferred area of practice" but cannot otherwise use any other expression that might suggest or denote a speciality.

Advertising of services that fall outside the scope of practice

78.10. If a Registrant is also trained to provide a service or technique that falls outside the scope of practice of a massage therapist as prescribed by the Regulation,

(a) that Registrant may advertise that service or technique so long as
   (i) that non-massage therapy service is not linked to or associated with his or her status as a Registrant, and
   (ii) there is a clear separation of professional services that fall within and outside the scope of practice of massage therapists;
(b) that Registrant shall use separate letterhead, business cards, statements of account and similar documents for his or her non-massage therapy service;
(c) that Registrant shall not bill for massage therapy services while using an occupational title of the non-massage therapy profession.
Advertising if dual-registered

78.11(1) If a Registrant is also a licensed professional with another college, that dual-registered Registrant may use the other profession's occupational title in his or her advertising, but in so doing the Registrant must clearly distinguish between the services he or she provides as a member of the college so that the public would not be confused by the dual listing.

(2) A dual-registered Registrant
   (a) shall use separate letterhead, business cards, statements of account and similar documents for each college that he or she is a member of, and
   (b) shall not bill for massage therapy services while using the occupational title of the other profession.

Advertising with others

78.12. If a Registrant is advertising his or her services in conjunction with other persons, that Registrant shall ensure that there is a clear separation of their respective services so that the public would not be confused about which person provides which service.

Retention of advertisements

78.13. A Registrant shall
   (a) retain for one year after the date of publication or broadcast any advertisement, and
   (b) provide to the Board upon request
      (i) a copy of any publication,
      (ii) a recording of any broadcast over any electronic media, including radio, television and microwave transmission, and
      (ii) a written record of when and where the publication or broadcast was made.

Duty to verify

78.14. It is the duty of the Registrant to verify the statements made in his or her marketing activity when called upon to do so by the Discipline Committee, Inquiry Committee, or the Board.
PART G: PROFESSIONAL CORPORATIONS

Application for a permit

79. A company may apply to the Board for a permit to carry on the business of providing massage therapy services to the public by delivering to the Board
   (a) a completed permit application in a form approved by the Board,
   (b) a notarized copy of the certificate of incorporation of the company and any other certificates which reflect a change in name,
   (c) evidence that the controlling interest in the company is held by Active Registrants, and
   (d) a permit fee in the amount of $200.00.

Corporate name

80. A health profession corporation must not use a name which
   (a) is identical to that under which another health profession corporation holds a valid permit issued under this part,
   (b) so closely resembles the name of another health profession corporation which holds a valid permit issued under this part that it is likely to confuse or mislead the public.

Permits

81(1) The Board shall issue to a company which has complied with the Act and these bylaws a permit entitled the company to carry on the business of providing massage therapy services to the public.
   (2) A permit issued under subsection (1) is valid for one year.

Change of corporate name

82(1) A health profession corporation that intends to change its name shall apply to the Board, in a form approved by the Board, for a certificate that the College does not object to the intended name of the health profession corporation.
   (2) Section 80 applies to an application under this section.
   (3) The Board shall issue a new permit to a health profession corporation which
       (a) has received a certificate that the College does not object to the intended name change, and
       (b) has delivered to the Board a notarized copy of the certificate of the Registrar of Companies showing the change of name and the date it is effective.
   (4) Subject to section 85, a permit issued under this section is valid until the date on which the permit it replaces would have expired.
Disclosure of status

83. A health profession corporation which carries on the business of providing massage therapy services to the public must disclose on all letterhead and business cards, and in all other advertisements, that the massage therapy services are being provided by a health profession corporation.

Renewal of permits

84(1) A health profession corporation which intends to continue to provide massage therapy services to the public must, before its permit expires, apply to the Board for a renewal of the permit.
(2) A renewal application shall include
   (a) a completed permit renewal application in a form approved by the Board, and
   (b) a renewal fee in the amount of $50.00.
(3) The Board shall, subject to subsection 43(2) of the Act, issue to a health profession corporation which has (Amended by O/C 684/01 effective July 23, 2001)
   (a) applied to the Board for a renewal of its permit in accordance with subsection (1), and
   (b) complied with the Act and these bylaws,
a renewal permit entitling the health profession corporation to carry on the business of providing massage therapy services to the public.
(4) Subject to section 85, a renewal permit issued under this section is valid for one year.

85. [Not approved under O/C 1032/95]

Cancelled permits

86. If a company which has had its permit cancelled under section 44 of the Act wishes to obtain a new permit, it must apply to the Board in a form approved by the Board in which case sections 79 and 80 apply. (Amended by O/C 684/01 effective July 23, 2001)

Change of information set out in applications

87. The president of a company or his designate must promptly advise the Board in writing of any change to the information which was contained in the permit application or permit renewal application most recently delivered to the College.

PART H: MISCELLANEOUS

Review of Accounts

88(1) If any person who is obliged to pay a Registrant's account applies in writing for a review of that account
   (a) within three months after it is rendered, or
(b) within such further period as the Registrar considers reasonable in the circumstances, and encloses a copy of the account, the Registrar shall
(c) review that disputed account, and
(d) determine the proper amount the Registrant may charge if different than the amount in dispute.

(2) If the fee set forth in the account under review is not in accordance with the range of fees customarily charged by other Registrants at the time the services were rendered, the Registrar shall fix a fee which she considers to be reasonable, proper and customary.
(3) Before making a determination under subsection (2), the Registrar shall give the Registrant whose account is in dispute an opportunity to explain why a different fee should not be fixed by the Registrar.
(4) The Registrar shall deliver written notice to the patient and to the Registrant concerned advising of the fee the Registrar has fixed.
(5) If the Registrant fails to repay to the patient forthwith any amount which the patient has paid in excess of the fee fixed by the Registrar, the Registrant may be found to have engaged in Professional Misconduct.
Schedule "A"

Solemn Declaration

CANADA, PROVINCE OF BRITISH COLUMBIA, IN THE MATTER OF AN APPLICATION FOR REGISTRATION IN THE COLLEGE OF MASSAGE THERAPISTS OF BRITISH COLUMBIA

TO WIT:
I, ____________________ [name in full], of ______________________________ [address] in the city of ____________________, in the Province of British Columbia do solemnly declare that:

1. I have not been
   (a) convicted in Canada or elsewhere of any offence that, if committed by a person registered under the Act or Bylaws, would constitute unprofessional conduct or conduct unbecoming a person registered under the Act and Bylaws,
   (b) expelled from a program of study in massage therapy or otherwise forced to quit such a program.

2. My past conduct does not demonstrate a pattern of incompetency or untrustworthiness which would make my registration under the Act and Bylaws contrary to the public interest.

3. I am a person of good character.

4. My entitlement to practice massage therapy has not been limited or restricted, cancelled or suspended or had conditions attached thereto in any jurisdiction at any time.

5. At the present time, no investigation, review or proceeding is taking place in any jurisdiction which could result in the suspension or cancellation of my authorization to practise massage therapy in that jurisdiction.

6. I intend to take the Registration Examination as required by the College.

7. I, having read the Health Professions Act of British Columbia and the Massage Therapy Regulation and the Bylaws of the College of Massage Therapists in force pursuant thereto, do declare that I will uphold the honour and dignity of the profession and adhere to the Health Professions Act, the Regulation and the Bylaws of the College of Massage Therapists in force pursuant thereto.

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the city of ______________________________, in the Province of [British Columbia], this __________ day of ______________________________, _______ [year]

______________________________________________
Signature of Applicant

_____________________________________________
Signature of a Commissioner for taking Affidavits in [British Columbia]
Schedule "B"

 Accredited Educational Programs

The following educational programs have been accredited pursuant to these Bylaws:

(a) West Coast College of Massage Therapy, New Westminster, British Columbia, Canada

(b) Okanagan Valley College of Massage Therapy, Vernon, British Columbia, Canada

(c) West Coast College of Massage Therapy, Victoria, British Columbia, Canada
Schedule “B.1”

FEES

Administrative

Credential Assessment [s. 37 (1) and s. 47 (3) (a)]: $300
Clinical Competence Assessment [s. 37 (1) and s. 47 (3) (a)]: $1,600
Dishonoured cheques [s. 37 (1)]: $15
Schedule “C”

CODE OF ETHICAL CONDUCT

General Duty to Patients
1(1) A Registrant shall:
   (a) act in the best interest of a patient;
   (b) only provide a treatment if the Registrant has a reasonable expectation that it will be of benefit to a patient;
   (c) only provide massage therapy treatments that fall within the scope of practice of massage therapy, as defined in the Regulation.

(2) A Registrant shall not take advantage of a patient's vulnerabilities for the Registrant's sexual, emotional, social, political, or financial interest or benefit.

(3) A Registrant shall not contravene the Human Rights Act or the Human Rights Code, as amended from time to time.

(4) A Registrant shall not refuse to treat a patient unless
   (a) the patient's condition renders the treatment unsafe, unnecessary or not beneficial to the patient,
   (b) the patient asks the Registrant to perform an illegal or unethical act,
   (c) there is a conflict of interest between the Registrant and the patient which cannot be resolved in accordance with section 8 of this Code (“Conflict of Interest”),
   (d) there is incompatibility of character between the Registrant and the patient,
   (e) the patient loses confidence in the Registrant, or
   (f) the patient fails to satisfy a statement of account for services rendered within 15 days or after 3 treatments.

Sexual Conduct Prohibited
2. A Registrant shall not
   (a) engage in sexual conduct with a patient,
   (b) engage in sexual conduct with a former patient within one year of termination of massage therapy, or
   (c) make any inquiry into a patient's sexual history, unless such an inquiry is directly related to the assessment or treatment of the patient's condition.

General Duty to the Public
3. A Registrant shall
   (a) comply with all Federal, Provincial and Municipal laws and regulations pertaining to the business and practice of massage therapy, and
   (b) act in an honest, professional and courteous manner towards all persons.

General Duty to the Professions
4. A Registrant shall uphold and advance the honour, dignity and credibility of the profession and, without limiting the generality of the foregoing, shall:
(a) use his/her knowledge and skill to improve the health and well-being of others;
(b) respect the honour, dignity and credibility of other professionals;
(c) promote harmonious working relationships with other professionals;
(d) refrain from undue criticism of the qualifications or the therapies provided by other Registrants or Licensed Practitioners;
(e) avoid competition for patients or professional services by methods that adversely affect the honour, dignity or credibility of the profession;
(f) avoid comparing his/her competence or patient outcomes to those of other Registrants or Licensed Practitioners;
(g) refrain from entering into a contract with any person or organization that diminishes the honour, dignity or credibility of the profession;
(h) abide by the Human Rights Act and Human Rights Code, as amended from time to time, in any dealings with Licensed Practitioners and other Registrants, including selection of a Locum.

Practising if Impaired Prohibited
5. A Registrant shall not practice massage therapy when the Registrant's ability to practise is impaired by drugs, alcohol, a physical or mental ailment, emotional disturbance or addiction to any substance.

Reporting of Registrants
6. If a Registrant has reasonable grounds to believe that another Registrant has
   (a) committed an act of Professional Misconduct,
   (b) engaged in Sexual Conduct with a patient, or with a former patient, within one year of termination of massage therapy,
   (c) practiced the profession while the Registrant's ability to do so was impaired by drugs, alcohol, a physical or mental ailment, emotional disturbance or addiction to any substance,
   (d) engaged in any unsafe, unethical or illegal activity related to the practice of massage therapy, or
   (e) permitted his/her office or clinic to be used for an unlawful purpose,
that Registrant shall promptly file a written report with the Chair of the Inquiry Committee that contains the following information
   (f) the name of the Registrant filing the report,
   (g) the name of the Registrant who is the subject of the report,
   (h) details of the alleged professional misconduct, prohibited sexual conduct, incompetence, or incapacity, including the sources of information relied upon,
   (i) the identity of any patient involved, after the Registrant has obtained the patient's consent to disclosure of the patient's identity to the Chair of the Inquiry Committee.

Guarantees of a Cure Prohibited
7. A Registrant shall not claim that a treatment, or use of certain equipment, will provide a cure, nor shall a Registrant guarantee therapeutic value to a patient.
Conflict of Interest

A Registrant shall make every effort to avoid a conflict of interest while providing massage therapy or carrying out any other professional duty. Notwithstanding subsection (1), where a Registrant is in a conflict of interest with a patient, that Registrant shall

(a) immediately disclose the nature of that conflict to the patient,
(b) document this disclosure, and
(c) resolve the conflict of interest in consultation with the patient, whether by terminating the therapeutic relationship with the patient or otherwise.
Schedule “D”

STANDARDS OF PRACTICE

Training
1. A Registrant shall practice only those therapeutic methods which the Registrant has sufficient training to perform safely.

Referral from and Recommendation to Another Licensed Practitioner
2(1) If a Registrant determines
   (a) that his/her own expertise or massage therapy is not appropriate to treat that patient for the referred condition, or
   (b) that the patient's condition warrants further assessment, diagnosis or treatment by a Licensed Practitioner,
the Registrant shall, with the patient's consent, direct that patient back to the referring Licensed Practitioner.
(2) A Registrant shall, with the patient's consent, consult with the referring Licensed Practitioner before recommending any alternate and/or complimentary course of treatment.

Treatment Environment
3. A Registrant shall render massage therapy
   (a) in a safe environment, by doing the following:
      (i) maintaining clean and tidy treatment and reception areas;
      (ii) maintaining safe and clean hydrotherapy, exercise, and other equipment;
      (iii) maintaining strict infection control procedures in any hydrotherapy facility;
      (iv) providing clean linens or other similar materials;
      (v) maintaining adequate hand-washing procedures;
      (vi) providing unobstructed fire exits and readily available fire extinguishers, and by knowing and instructing all staff in fire safety for the facility;
   (b) in a comfortable environment, by doing the following:
      (i) providing adequate space for the safe movement of both patient and the Registrant, so as to minimize inadvertent physical contact between patient and the Registrant;
      (ii) maintaining appropriate room temperature.
NOTICES

4. A Registrant shall:
   (a) display in a visible location, a notice setting out the Registrant's policies and procedures concerning a patient's payment for services, and fees for missed appointments;
   (b) provide to a patient on request, a copy of the Code of Ethical Conduct and Standards of Practice;
   (c) display the Registrant's Certificate of Registration in his/her primary practice location.

PATIENT CONSENT TO TREATMENT

5(1) Before commencing a treatment, a Registrant shall:
   (a) obtain and record all necessary information for a safe and effective treatment, including a case history, a physical assessment and/or a diagnosis, and the reason for any Licensed Practitioner's referral;
   (b) describe to the patient the proposed treatment, and any risks of the treatment which the Registrant knows or ought to know may be of concern to the patient, given his or her history and presenting conditions;
   (c) answer to the best of the Registrant's ability any of the patient's questions concerning the proposed treatment;
   (d) obtain the patient's consent to provide the proposed treatment.

5(2) A Registrant shall discontinue the rendering of a treatment if, at any time, the patient withdraws his or her consent to that treatment, whether verbally, in writing or by other means of communication.

REMOVAL OF CLOTHING

6(1) A Registrant shall recognize differing cultural and personal attitudes towards disrobing.

6(2) A registrant shall discontinue the rendering of a treatment if, at any time, the patient withdraws his or her consent to that treatment, whether verbally, in writing or by other means of communication.

6(3) A Registrant shall respect the right of the patient to decline the removal of certain or any clothing.

6(4) If a patient is unable to remove or replace an item of clothing personally, the Registrant may assist the patient so long as the patient has consented to that assistance.

6(5) A Registrant must inform a patient in advance of the option of bringing and wearing a bathing suit during any hydrotherapy treatment.

6(6) In any public setting, where massage therapy is to be provided, a Registrant shall respect the patient's need for privacy, as the situation permits.
Ensuring Patient Privacy in a Closed Setting
7(1) Before commencing a treatment, and in particular before a patient removes any clothing, a Registrant shall:
   (a) ensure patient privacy and dignity by providing suitable apparel for assessment;
   (b) provide a non-transparent sheet or gown of sufficient length to cover the patient's body from neck to feet during treatment;
   (c) instruct the patient on how to cover him/herself at the commencement of treatment;
   (d) provide facilities to ensure physical privacy while a patient disrobes or changes, before and after assessment and treatment;
   (e) consider patient privacy with respect to window coverings and mirror location in a treatment room.
(2) During treatment, a Registrant shall arrange the draping so that only the part of a patient's body that is being treated is exposed and all other parts are appropriately draped.

Potentially Painful Treatments
8(1) A Registrant shall not inflict pain as an objective of treatment.
(2) A Registrant shall make every effort to minimize pain during treatment.
(3) In relation to potentially painful treatment and notwithstanding subsections (1) and (2), a Registrant shall
   (a) inform a patient of the possibility of pain,
   (b) obtain consent to treatment by written or oral means,
   (c) inform a patient that the treatment can cease or be modified at any time at the patient's request.
(4) A Registrant shall promptly cease or modify treatment in response to a patient's request.

Patient Confidentiality
9(1) A Registrant shall maintain confidentiality of patient information.
(2) Notwithstanding subsection (1), a Registrant may disclose relevant patient information verbally or by a copy of the Health Care Record when
   (a) the patient has directed the Registrant, verbally or in writing, to make that disclosure, or
   (b) required by law.
(3) A Registrant shall ensure that all office and support personnel who have access to a patient's Health Care Record permanently undertake to maintain the confidentiality of patient information.

Delegation and Supervision
10(1) A Registrant may delegate massage therapy treatment to a Student Intern, provided the Registrant
   (a) provides adequate supervision in accordance with the Clinical Practicum Standards as set out in the Curriculum Standard, as approved by the Board,
   (b) assumes full responsibility for the massage therapy treatment, and
   (c) complies with the Clinical Practicum Standards.
(2) A Registrant is responsible for adequate supervision and direction to all office and support personnel for all interactions with patients.
Health Care Record Keeping

11(1) A Registrant shall generate an indelible clinical record for each patient containing:
   (a) the patient's name, address and birthdate;
   (b) the name of any referring practitioner;
   (c) the date of each professional visit, and the name of the person who rendered the treatment;
   (d) health history obtained and updated, findings obtained, clinical impressions and relevant information of the patient's condition;
   (e) a treatment plan, including objectives, treatments provided, instructions given, periodic reassessment findings and treatment revisions;
   (f) all written reports received from or sent to other sources with respect to the patient.

(2) A Registrant shall ensure that the information in a Health Care Record is current, legible, accurate and complete.

(3) A Registrant shall not
   (a) falsify any part of a patient's Health Care Record, or
   (b) sign or issue a certificate, report or any document that contains false or misleading statements concerning a patient's Health Care Record.

(4) A Registrant shall maintain possession and control over a patient's Health Care Record, until that Record can be destroyed or transferred in accordance with section 13.

Patient Access to Health Care Record

12(1) For the purposes of this section, "access to" means a patient's opportunity to examine his/her Health Care Record and obtain photocopies.

(2) A Registrant who is in possession of a Health Care Record must allow a patient access to that patient's Health Care Record, unless the patient's physician is concerned that disclosure of the Health Care Record may result in significant harm to the safety, or mental or physical health of the patient, in which event, the Registrant shall provide written reason to the patient for refusal of access.

(4) Subject to subsection (2), a Registrant shall respond to a patient's request for access to his/her Health Care Record as soon as possible in a medical emergency, otherwise within 30 days of the request by producing the original Health Care Record for inspection.

(5) Where a Registrant provides access and a patient requests a copy of the Health Care Record, a copy shall be provided to the patient and the Registrant may charge the cost of photocopying that Health Care Record.

(6) A Registrant shall provide access to the Health Care Record of a child under 19 years of age to the persons having guardianship or custody of that child, except where
   (a) the child has requested that his/her guardian or the person who has legal custody of the child not be granted such access, and
   (b) the Registrant is satisfied the child is of the age and maturity to understand the nature, consequences and anticipated benefits and risks of the massage therapy that is the subject matter of the Health Care Record.

Preservation of Health Care Records

13(1) A Registrant shall ensure that Health Care Records remain in the Registrant's treatment facility or
place of business until it is necessary to destroy or transfer the records.
(2) A Registrant shall retain Health Care Records in a safe and secure place for at least seven years after the date of the last treatment entered in a patient's record, except where
   (a) the Record is of a child under 19 years of age, in which case the seven year period begins the day after that child's 19th birthday, or
   (b) the Record is of a person over the age of 19 who is mentally incompetent, in which case that Record should be retained for the life of that patient, or, at the end of seven years after the mentally incompetent patient is restored to mental competency.
(3) A Registrant may retain all Health Care Records for an indefinite period after the applicable minimum retention period in subsection (2) has elapsed.
(4) After the applicable retention period in subsection (2) has elapsed, and a Registrant elects to dispose of a Health Care Record, he/she may do so by
   (a) effectively destroying the physical Record by utilizing a shredder or by complete burning, or
   (b) erasing information recorded or stored by electronic methods, such as on tapes, disks or cassettes.
(5) A Registrant may, with the patient's consent, transfer a Health Care Record to another Registrant, the patient or a Licensed Practitioner.
(6) A Registrant shall make appropriate arrangements by the appointment of another Registrant as custodian to secure the Health Care Records, in the event that the Registrant dies or becomes unable to practise for any reason and is unable to dispose of the Health Care Records in accordance with subsection (5).

Locum
14. When a Registrant enlists the services of a Locum, the Health Care Records, both existing and newly-created during the Locum's tenure, remain the property of the Registrant.

Practising with Non-Registrants
15(1) Where a Registrant shares a treatment facility or place of business with a non-Registrant, the Registrant shall ensure that all patients are informed that the Registrant's practice and services are separate and distinct from that of the non-Registrant.
(2) A Registrant shall grant access to a Health Care Record only to another Licensed Practitioner or to a Student Intern, with patient consent.
(3) A Registrant shall not grant access to a Health Care Record to any other non-Registrant, except as required by Court Order.

Ownership and Control of Health Care Records in a Shared Facility
16(1) For the purposes of this section, a “Shared Facility” means a business premises occupied by a Registrant, and one or more other Registrants or Licensed Practitioners.
(2) A Registrant shall provide, by written agreement with each other Registrant or Licensed Practitioner within the Shared Facility, clarification regarding the ownership of all Health Care Records created by the Registrant.
(3) It is the responsibility of a Registrant in a shared facility to advise each patient on initial treatment of the identity of the owner of the Health Care Record as determined by the written agreement completed as
required by subsection (2).

(4) A Registrant shall maintain possession and control over the Health Care Records of the Registrant's patients, for so long as the Registrant occupies the Shared Facility.

Continuing Education

17. A Registrant shall comply with the provisions of the Continuing Education Guidelines, as approved by the Board.
Schedule “F”

TARIFF OF COSTS

[section 72]

1. The costs of the College for any investigation or inquiry under section 33 of the Act, and of a party to prepare for and conduct a hearing under section 38 of the Act, consists of
   a. costs assessed under the following tariff, and
   b. all reasonable and necessary disbursements incurred for the purposes of investigating a matter, preparing for a hearing, or conducting a hearing under section 38 of the Act.

2. The value of a unit under this tariff is $100.

3. Where this tariff provides for a minimum and maximum range of units for an item, the committee has discretion to allow a number within that range, and, in deciding on the appropriate number of units to assess, a committee
   a. must take into account the principle that one unit reflects matters upon which little time should ordinarily have been spent, and the maximum number of units reflects matters upon which a great deal of time should ordinarily have been spent, and
   b. may account for any difficult issues of fact or law, and the importance of any issues to a party or to the public.

4. Where the tariff provides a number of units per day, but the time spent during a day is not more than three hours, only half the number of units per day should be allowed for that day.

5. The tariff will be as follows:

   a. Investigation Tariff

<table>
<thead>
<tr>
<th>Item</th>
<th>Event</th>
<th>Units Allowable</th>
<th>Units Assessed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Investigations, correspondence, conferences, instructions or negotiations relating to an investigation for which provision is not made elsewhere in this tariff</td>
<td>1-25</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Processes for obtaining disclosure and inspection of documents not addressed elsewhere in this tariff</td>
<td>1-10</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Instructions to an inspector</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Instructions to legal counsel to apply to a court for search and</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>
BYLAWS OF THE COLLEGE OF MASSAGE THERAPISTS OF BC

Approved under O/C 1032/95 with amendments to November 1, 2013
Page 56

<table>
<thead>
<tr>
<th>Event</th>
<th>Units Allowable</th>
<th>Units Assessed</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Preparation for attendance before the Inquiry Committee (per day of attendance)</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>6. Attendance before the Inquiry Committee (per day)</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>7. All processes relating to undertakings and consents under section 36 of the Act</td>
<td>5</td>
<td></td>
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</tbody>
</table>

b. Pre-hearing and Hearing Tariff

<table>
<thead>
<tr>
<th>Item</th>
<th>Event</th>
<th>Units Allowable</th>
<th>Units Assessed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Investigations, correspondence, conferences, instructions or negotiations for which provision is not made elsewhere in this tariff</td>
<td>1-25</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Processes for obtaining disclosure and inspection of documents</td>
<td>1-10</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Process for providing disclosure and inspection of documents</td>
<td>1-10</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Process for obtaining and providing expert testimony</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Preparation attendance before the Discipline Committee (per day of attendance)</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Attendance before the Discipline Committee (per day of attendance)</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Attendance at a hearing where a party is ready to proceed but the hearing is adjourned</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Process for negotiations, settlement, discontinuance or dismissal by consent, if a matter is settled, discontinued, or dismissed by consent</td>
<td>5</td>
<td></td>
</tr>
</tbody>
</table>
6. The following disbursement items will be assessed at the following rates:

   a. Postage and Couriers: actual cost;
   b. Photocopies: $0.50 per page;
   c. Facsimile Transmissions: $0.50 per page;
   d. Professional services contracted for the purposes of investigation, or the provision of expert evidence: actual cost.