

COLLEGE OF MASSAGE THERAPISTS OF BRITISH COLUMBIA

Board Policy on Publication

[Passed by the Board on April 11, 2013, Updated & Amended June 8, 2015]

PURPOSE

1. It is the duty of the College to serve and protect the public, and to exercise its powers and discharge its responsibilities under all enactments in the public interest.

Health Professions Act (the “HPA”), s. 16(1)

2. The public interest is served where there is transparency in the College’s inquiry and disciplinary decisions.
3. This policy sets out how the College carries out public notification required by sections 39.3 and permitted by 53(1)(b) of the HPA.
4. Section 39.3(7) of the HPA permits a public notice under section 39.3 of that Act to be made by posting a notice on the College’s website.
5. Section 53(1)(b) permits the Board, in the public interest, to authorize disclosure of information obtained while carrying out a duty or a power under the HPA.
6. All section references in this policy refer to the HPA unless otherwise stated.

HOW NOTICES MUST BE POSTED

6. The College’s website will include web pages entitled “Professional Conduct” (or equivalent) or as applicable to the particular type of publication, and will, subject to the archiving and retiring of notices under this policy, include public notices (or links to such notices) in a form and with content complying with section 39.3 of the HPA and with any directions made under that provision, concerning the following actions:

A. *Actions pending resolution*

- a. Action by the Inquiry Committee under section 33(2), accompanied by the following language or equivalent:

The Inquiry Committee is empowered and required to investigate certain kinds of matters and, in appropriate circumstances, to impose immediate limits or conditions on, or to suspend or cancel, the registration of a registrant

under section 33(2). Measures taken under section 33(2) pertain to matters which are and remain *unproven* unless admitted by a registrant or determined by the Discipline Committee. Actions under section 33(2) are subject to appeal to the court.

- b. Extraordinary action by the Inquiry Committee under section 35(1), or by the Discipline Committee under section 38(8), accompanied by the following language or equivalent:

Limits, conditions and suspensions ordered by the Inquiry Committee under section 35, or by the Discipline Committee under section 38(8), are made to protect the public during an investigation, pending a hearing, or during a hearing. Measures taken under sections 35 or 38(8) pertain to matters which are and remain *unproven* unless admitted by a registrant or determined by the Discipline Committee. Actions under sections 35 and 38(8) are subject to appeal to the court.

B. *Consensual Resolutions*

- c. Agreements, undertakings and or consents made, given or granted under

- section 32.2(4)(b) (*report of person*),
- section 32.3(3)(b) (*report of hospitalization*), or
- section 36(1) (*undertaking or consent*) in relation to serious matters.

C. *Disciplinary Orders*

- d. Orders made under

- section 37.1 (*consent orders*),
- sections 39(2), (5), (8) or (9) (*disciplinary actions, costs, terms relating to suspension or cancellation*),
- sections 39.1 (*orders based on findings of other regulatory bodies*), and
- sections 44(1) or (2) (*remedies relating to corporate permits, if applicable*).

WHEN NOTICES ARE POSTED

7. With a view to public notices being efficiently formulated and posted in batches at periodic intervals, the Registrar will make reasonable efforts to post a public notice on the College's website within 60 days of the direction of the Inquiry Committee or the Discipline Committee to provide public notice of a matter under section 39.3.

NOTICE OF CITATIONS

8. The Professional Conduct pages will include summaries of citations issued at the direction of the Inquiry Committee under section 37(1), unless a citation has been cancelled under section 37(4) or otherwise resolved, and the summaries will be accompanied by the following language or equivalent:

Citations issued by the Inquiry Committee under section 37 involve allegations which are and remain *unproven* unless admitted by a registrant or determined by the Discipline Committee.

9. Where citations or citation summaries are published, the Registrar may publish hearing dates relating to any given citation and its summary, but if hearing dates are being published, they will be accompanied by the following language or equivalent:

The College endeavours to keep any hearing dates listed on its website up-to-date, but persons interested in attending any hearing should confirm each hearing date, and that the hearing is open to the public, before attending. The Discipline Committee is empowered to hold all or any part of a hearing in private at the request of a complainant, or as may be appropriate in a given case.

NOTICE OF RESIGNATIONS OR CHANGE IN REGISTRATION STATUS DURING INVESTIGATION OR DISCIPLINE

10. The Professional Conduct pages will include notices of resignation or change in registration status made by former or inactive registrants who were being investigated by the Inquiry Committee or were to be cited or have had a citation issued for a disciplinary hearing under Part 3 of the HPA. The notice will be accompanied by the following language or equivalent:

Resignation or change in registration status is not an admission of allegations made in a complaint or in a citation. Allegations remain *unproven* unless admitted by a registrant or determined by the Discipline Committee.

NOTICE OF CRIMINAL CONVICTION AND SENTENCING

11. The Professional Conduct pages will include notices of registrants' and former registrant's criminal conviction and sentencing information where registrants' and former registrant's are engaged in Part 3 of the HPA. The notice will be accompanied by the following language or equivalent:

Conviction of a crime(s) and an order of a sentence by a court is not an admission of allegations made in a complaint or in a citation. Allegations remain *unproven* unless admitted by a registrant or determined by the Discipline Committee.

SUMMARY OF REGISTRATION HEARING DECISION WHERE APPLICATION IS DENIED

12. The Professional Conduct pages or Registration Hearings pages will include summaries of the decision and reasons of the Registration Committee where after a hearing the Committee refuses to grant admission.

NOTICE OF UNAUTHORIZED PRACTICE

13. The Professional Conduct pages or Unauthorized Practice Pages will include notices of persons committing unauthorized practice.

ARCHIVING OF NOTICES

14. Public notices may be moved to a webpage entitled "Archive" or equivalent, accessible from the Professional Conduct page, after having been posted on the Professional Conduct pages for at least six (6) months.

RETIRING OF NOTICES

15. Subject to other provisions of this policy, public notices on the "Archive" page may be removed after 10 years, subject to the Board directing by means of resolution or any further policy that particular notices or kinds of notices be otherwise removed or preserved.
16. Without limiting the aforementioned discretion of the Board, a public notice which relates to conduct for which the registration of a registrant has been cancelled under section 21(3)(d) will remain on the "Archive" page indefinitely.

HOW NOTICES ARE ORGANIZED

17. Public notices on the College's website will be organized by type of action and by date of resolution.

18. Where a public notice includes the name of the registrant or health profession corporation respecting whom or which action was taken, links or references to that notice will contain the registrant's or corporation's name to facilitate electronic searches of the website or web pages for particular names.

[END OF POLICY]