

BYLAWS OF THE COLLEGE OF MASSAGE THERAPISTS OF BC

Approved under O/C 1032/95 with amendments to October 23, 2018

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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 October 23, 2018

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1 (1) Repealed. (*Repealed by M/O 151/2013 effective June 27, 2013*)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

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

“**Active Registrant**” means a Registrant who is registered in the class established in section 46 (a); (*Amended by M/O 306/2013 effective December 10, 2013*)

“**Appointed Board Member**” means a person appointed to the Board under section 17 (3) (b) of the Act; (*Added by M/O 306/2013 effective December 10, 2013*)

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

“**Board Election**” means an election under section 17 (3) (a) of the Act; (*Added by M/O 306/2013 effective December 10, 2013*)

“**Board Member**” means an Elected Board Member or an Appointed Board Member; (*Amended by M/O 306/2013 effective December 10, 2013*)

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

“**Code of Ethics**” means the Code of Ethics established by the Board under section 19(1)(l) of the Act; (*Added by amendment filed February 16, 2016 effective April 16, 2016*)

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

“**Credential and Prior Learning Assessment**” means a process of credential assessment and written and practical examinations that is conducted by or on behalf of the College to assess and evaluate whether a person’s knowledge, skills and abilities are substantially equivalent to those obtained through graduation from a Recognized Education Program; (*Amended by M/O 306/2013 effective December 10, 2013*)

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

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“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)*

“Examiner” means a Registrant or other person designated by the Registration Committee to conduct or oversee a Registration Examination; *(Added by M/O 306/2013 effective December 10, 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)

“Inactive Registrant” means a Registrant who is registered in the class established in section 46 (b); *(Amended by M/O 306/2013 effective December 10, 2013)*

“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;

“Personal Information” means “personal information” as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*; *(Added by M/O 306/2013 effective December 10, 2013)*

“Public Representative” means a person who

(a) is not a Registrant or former Registrant, and

(b) has no close family or business relationship with a Registrant or former Registrant,

and includes an Appointed Board Member; *(Amended by M/O 306/2013 effective December 10, 2013)*

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“Recognized Canadian Jurisdiction” means

- (a) Newfoundland and Labrador,
- (b) Ontario, or
- (c) New Brunswick;

(Added by M/O 306/2013 effective December 10, 2013; amended by amendment filed May 24, 2016 effective July 24, 2016)

“Recognized Education Program” means a massage therapy education program that is operating in the province of British Columbia, recognized by the Board for the purpose of registration and specified in Schedule “A”; *(Amended by M/O 306/2013 effective December 10, 2013)*

“Registrant” means a person who is granted registration as a member of the College; *(Amended by M/O 306/2013 effective December 10, 2013)*

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

“Registration Examination” means an examination or portion thereof required under section 47 (1) (b), 47 (2) (c), 49 (b) (i), 54 (d) (i) or 55 (2) (d) (i); *(Amended by M/O 205/2014 effective June 20, 2014)*

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

“Respondent” means a Registrant or former Registrant named in a citation under section 37 of the Act; *(Added by M/O 306/2013 effective December 10, 2013)*

“Special Resolution” means a resolution which requires a $\frac{3}{4}$ 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 a Recognized Education Program; *(Amended by M/O 306/2013 effective December 10, 2013)*

“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)*

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PART A: BOARD OF THE COLLEGE

Board composition

2 The Board consists of 6 Elected Board Members and the Appointed Board Members.

(Amended by M/O 306/2013 effective December 10, 2013)

Notice of election

3 (1) The Registrar must notify every Active Registrant in Good Standing of a Board Election by delivering notice at least 120 days prior to the expiry of the term of office of an Elected Board Member. *(Amended by M/O 306/2013 effective December 10, 2013)*

(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.

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(6) The Registrar must supervise and administer all Board Elections and may establish additional election procedures, consistent with these bylaws, for that purpose. *(Amended by M/O 306/2013 effective December 10, 2013)*

(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 Member

(a) commences on April 1 in the calendar year in which she is elected, and

(b) expires on April 1 in the second calendar year following the calendar year in which she was elected.

(2) An Elected Board Member who has held office for 2 consecutive terms is not again eligible for election to the Board until a period of at least one year has elapsed since the expiry of, or resignation from, her most recent term of office as an Elected Board Member.

(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) If the immediate past Chair or immediate past president of the Board, as the case may be, is no longer a Board Member, she may continue to attend Board meetings as a non-voting advisor to the Board for a period of one year after the expiry of, or resignation from, her most recent term as Chair or president.

(Amended by M/O 306/2013 effective December 10, 2013)

Terms of office – transitional

6.1 (1) Despite section 6 (1), the term of office for an Elected Board Member who was elected in 2012 or 2013 expires on the expiry date specified in the certificate issued under section 17.1 (1) of the Act in respect of the Elected Board Member for that election in 2012 or 2013.

(2) Despite section 6 (1),

(a) the term of office for an Elected Board Member who is elected in 2014 commences on the date in 2014 that the annual general meeting for that calendar year is held in accordance with section 40, and

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(b) the term of office for an Elected Board Member who is elected in 2015 commences on the date in 2015 that the annual general meeting for that calendar year is held in accordance with section 40.

(Amended by M/O 306/2013 effective December 10, 2013)

Removal of Elected Board Members

7 (1) An Elected Board Member ceases to hold office if she ceases to be an Active Registrant in Good Standing.

(2) An Elected Board Member may be removed from office by a Special Resolution of the Board, if the notice of the Board meeting at which the Special Resolution is to be considered contains notice to that effect.

(Amended by M/O 306/2013 effective December 10, 2013)

Vacancies

8 (1) In the case of any vacancy of an Elected Board Member position,

(a) if the position is not already due to be filled at the next scheduled Board Election, an election for the position must be held at that scheduled Board Election to fill the position for the remainder of the term of office of the person who was last elected to the position, and

(b) the Board may by Special Resolution appoint an Active Registrant in Good Standing to fill the position until the next Board Election is held and the person elected to the position takes office.

(2) Despite subsection (1), if any vacancy of an Elected Board Member position occurs fewer than 120 days prior to the next scheduled Board Election and the position is not already due to be filled at the next scheduled Board election, the Board may by Special Resolution appoint an Active Registrant in Good Standing to fill the position until the following scheduled Board Election is held and the person elected to the position takes office.

(Amended by M/O 306/2013 effective December 10, 2013)

Board Member remuneration

9 (1) A Board Member is entitled to be paid an honorarium in accordance with the policy established by the Board.

(2) A Board Member is entitled to be reimbursed by the College for reasonable expenses necessarily incurred in connection with the activities of the Board, in accordance with the policy established by the Board.

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(3) Appointed Board Members and Elected Board Members must be remunerated equally under the policies referred to in this section.

(Amended by M/O 306/2013 effective December 10, 2013)

Chair

10 (1) The Chair must be elected by a majority vote of the Board for a 2 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; Amended by M/O 306/2013 effective December 10, 2013)

Vice-Chair and acting chair

11 (1) The Vice-Chair must be elected by a majority vote of the Board for a 2 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; Amended by M/O 306/2013 effective December 10, 2013)

Board meetings

12 (1) The Board must meet at least 4 times in each fiscal year.

(2) The Registrar must call a Board meeting at the request of either the Chair or any 3 Board Members and must provide reasonable notice of Board meetings to Board Members, Registrants and the public.

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(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, as edited in accordance with subsection (6).

(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.

(Amended by M/O 151/2013 effective June 27, 2013; Amended by M/O 306/2013 effective December 10, 2013)

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;

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- (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 there is no quorum in attendance within 30 minutes from the time fixed for the start of a Board meeting, the Chair or Vice-Chair may adjourn the meeting and fix the place, date and time of the rescheduled meeting. *(Amended by M/O 306/2013 effective December 10, 2013)*

(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.

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(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.

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

Executive Committee

17 (1) If an Executive Committee is appointed under section 17.2 of the Act,

(a) the Board must designate the chair, and may designate a vice-chair, of the Executive Committee, and

(b) the Executive Committee may exercise all the powers, and perform all the duties, of the Board under the Act except

(i) the power of the Board to make, amend or repeal bylaws under sections 19 and 49 of the Act,

(ii) the power of the Board to appoint the Registrar or a Deputy Registrar under section 21 of the Act, and

(iii) any power or duty of the Board that must be exercised by Special Resolution under these bylaws.

(2) All members of the Executive Committee constitutes a quorum at a meeting of the Executive Committee.

(3) The provisions of sections 12 (2) to (6), 13, 14 (2), 15 and 16 apply to the Executive Committee as if it were the Board.

(Amended by M/O 306/2013 effective December 10, 2013)

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)

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PART B: COLLEGE COMMITTEES

Interpretation

18.1 In this Part, “committee” excludes the Executive Committee.

(Added by M/O 306/2013 effective December 10, 2013)

Committee membership

19 (1) For each committee established in these bylaws, the Board

(a) must designate the chair, and may designate a vice-chair, of the committee from among the committee members, and

(b) may remove any committee member except an *ex officio* member.

(2) If a committee member is removed under subsection (1) (b), the reasons for that decision must be set out in the minutes of the Board meeting at which the decision was made.

(3) If a committee member is absent without reasonable cause from 3 consecutive meetings of the committee, the chair of that committee must report those absences to the Board.

(4) A Registrant must not be appointed, or continue to serve, as a committee member

(a) if the Discipline Committee makes a determination under section 39 (1) of the Act in respect of the Registrant, or

(b) during any period in which the Registrant is not in Good Standing.

(5) A person may not be a member of the Inquiry Committee and the Discipline Committee at the same time.

(6) Despite subsection (5), the Chair and the Registrar are *ex officio* non-voting members of each committee established in these bylaws.

(Amended by M/O 306/2013 effective December 10, 2013)

Committee member remuneration

20 (1) A committee member, except the Registrar, is entitled to be paid an honorarium by the College in accordance with the policy established by the Board.

(2) A committee member is entitled to be reimbursed by the College for reasonable expenses necessarily incurred in connection with the activities of the committee, in accordance with the policy established by the Board.

(3) All committee members, except the Registrar, must be remunerated or reimbursed equally under the policies referred to in this section.

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(4) Despite subsection (3), the amount of an honorarium referred to in subsection (1) may be different for each committee.

(Amended by M/O 306/2013 effective December 10, 2013)

Panels and subcommittees

21 (1) The Registration Committee, Inquiry Committee, Discipline Committee and Quality Assurance Committee may each meet in panels of 3 persons.

(2) The chair of a committee referred to in subsection (1)

- (a) must appoint the members of a panel from among the committee's members,
- (b) may remove a panel member, and
- (c) must designate the chair of a panel from among the panel members.

(3) A panel of a committee referred to in subsection (1)

- (a) must include at least one Public Representative, and
- (b) may exercise any power, or perform any duty, of the committee.

(4) The chair of the Registration Committee, Quality Assurance Committee or Patient Relations Committee may establish a subcommittee of the committee.

(5) The chair of a committee referred to in subsection (4)

- (a) must appoint the members of a subcommittee from among the committee's members,
- (b) may remove a subcommittee member, and
- (c) must designate the chair of a subcommittee from among the subcommittee members.

(6) A subcommittee of a committee referred to in subsection (4)

- (a) must include at least one Public Representative, and
- (b) may exercise any power, or perform any duty, of the committee assigned to it by the chair of that committee.

(Amended by M/O 306/2013 effective December 10, 2013)

Committee, panel and subcommittee meetings

22 (1) A majority of a committee or subcommittee constitutes a quorum at a meeting of the committee or subcommittee.

(2) All members of a panel constitutes a quorum at a meeting of the panel.

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(3) The provisions of section 12 (2) to (6), 13, 14 (2) and 15 (1), (4) and (5) apply to a committee, panel or subcommittee as if it were the Board.

(Amended by M/O 306/2013 effective December 10, 2013)

Committee reports

23 Each committee must submit to the Board an annual written report of the committee's activities.

(Amended by M/O 306/2013 effective December 10, 2013)

Registration Committee

24 (1) The Registration Committee is established consisting of at least 3 persons appointed by the Board, including one Public Representative, one Elected Board Member and one Active Registrant.

(2) At least one-third of the total membership of the Registration Committee must consist of Public Representatives.

(3) No Examiner may be a member of the Registration Committee.

(4) In addition to its powers and duties as set out in the Act, the Registration Committee must

(a) develop and recommend standards or guidelines for recognition by the Board of massage therapy education programs, and

(b) review and make recommendations to the Board regarding

(i) the review of the curricula or clinical training components, or both, of programs specified in Schedule "A", and

(ii) the amendment of Schedule "A".

(Amended by M/O 306/2013 effective December 10, 2013)

Inquiry Committee

25 (1) The Inquiry Committee is established consisting of at least 3 persons appointed by the Board, including one Public Representative, one Elected Board Member and one Active Registrant.

(2) At least one-third of the total membership of the Inquiry Committee must consist of Public Representatives.

(Amended by M/O 306/2013 effective December 10, 2013)

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Discipline Committee

26 (1) The Discipline Committee is established consisting of at least 3 persons appointed by the Board, including one Public Representative, one Elected Board Member and one Active Registrant.

(2) At least one-third of the total membership of the Discipline Committee must consist of Public Representatives.

(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.

(Amended by M/O 306/2013 effective December 10, 2013)

Quality Assurance Committee

27 (1) The Quality Assurance Committee is established consisting of at least 3 persons appointed by the Board, including one Appointed Board Member and 2 Active Registrants. *(Amended by M/O 079/2014 effective April 1, 2014)*

(2) At least one-third of the total membership of the Quality Assurance Committee must consist of Public Representatives.

(3) In addition to its powers and duties as set out in the Act, the Quality Assurance Committee must

(a) develop, set and administer quality assurance measures or requirements for Active Registrants in accordance with Part D.1, including without limitation the form and content of a practice assessment request under section 63.1,

(b) develop continuing educational standards for Active Registrants,

(c) monitor the on-going competency of Active Registrants,

(d) monitor the re-entry to practice of Active Registrants who were previously inactive, and

(e) review and develop for approval by the Board standards of professional practice, clinical practice guidelines and advisory statements.

(Amended by M/O 306/2013 effective December 10, 2013)

Patient Relations Committee

28 (1) The Patient Relations Committee is established consisting of at least 3 persons appointed by the Board, including one Public Representative and 2 Active Registrants.

(2) At least one-third of the total membership of the Patient Relations Committee must consist of Public Representatives.

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(3) The Patient Relations Committee must

- (a) establish and maintain procedures by which the College deals with complaints of professional misconduct of a sexual nature,
- (b) monitor and periodically evaluate the operation of procedures established under paragraph (a),
- (c) develop and co-ordinate, for the College, educational programs on professional misconduct of a sexual nature, for Registrants and the public as required,
- (d) establish a patient relations program to prevent professional misconduct of a sexual nature,
- (e) develop guidelines for the conduct of Registrants with their patients, and
- (f) provide information to the Board for the public regarding the College's complaint and disciplinary process.

(4) In this section, “**professional misconduct of a sexual nature**” means

- (a) sexual intercourse or other forms of physical sexual relations between the Registrant and the patient,
- (b) touching, of a sexual nature, of the patient by the Registrant, or
- (c) behaviour or remarks of a sexual nature by the Registrant towards the patient,

but does not include touching, behaviour and remarks by the Registrant towards the patient that are of a clinical nature appropriate to the service being provided.

(Amended by M/O 306/2013 effective December 10, 2013)

Governance Committee

28.1 (1) The Governance Committee is established consisting of 3 persons appointed by the Board, including the Chair and the Vice-Chair.

(2) The Governance Committee must consist of at least 1 Public Representative and 1 Elected Board Member.

(3) Pursuant to section 19(1)(u) of the Act, the Governance Committee may exercise the following powers and duties of the Board:

- (a) The powers of the Board in relation to the College's employment relationship with the Registrar, including such matters as negotiating and establishing terms and conditions of employment and job descriptions, and conducting salary and performance reviews and evaluations;

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(b) Notwithstanding subparagraph (a), above, any proposed appointment, removal, or substantial change to the terms and conditions of employment of the Registrar made pursuant to section 19(1)(g) of the Act shall be a decision of the Board, unless the Board by resolution specifically authorizes the Governance Committee to take such action on its behalf;

(c) The powers of the Board provided for in section 19(1)(u)(i) of the Act in relation to appointment and removal of members of committees, except that appointments to and removal from the Governance Committee shall be made by the Board, in accordance with subsections (1) and (2) of this Bylaw;

(4) In addition to the foregoing, the Governance Committee shall advise the Board regarding Board governance and strategic planning issues.

(Added by amendment filed March 6, 2018 effective May 5, 2018)

Repealed

29 Repealed.

(Amended by M/O 306/2013 effective December 10, 2013)

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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.

(3) The registrar is authorized to establish, by bylaw, forms for the purposes of the bylaws, and to require the use of such forms by registrants. *(Amended effective November 30, 2013)*

(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 (1) The fiscal year of the College commences on January 1 of a year and ends on December 31 of the same year.

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(2) Despite subsection (1), the period commencing on December 1, 2016 and ending on November 30, 2017 will constitute a fiscal year for the College and the one-month period commencing on December 1, 2017 and ending on December 31, 2017 will constitute an additional one-month fiscal year.

(Amended by M/O 151/2013 effective June 27, 2013; amended by amendment filed December 7, 2016 effective February 5, 2017)

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 the fees required elsewhere in these bylaws and specified in Schedule "B", an applicant or a Registrant must in any other circumstance specified in Schedule "B" pay the corresponding specified administrative fee. *(Amended by M/O 306/2013 effective December 10, 2013)*

(2) Despite any other provision of these bylaws, the Registrar may waive, reduce or reimburse any fee that is paid or would otherwise be payable under these bylaws 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 306/2013 effective December 10, 2013)*

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

Special fees

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37.1 (1) By special resolution, the Board may approve the levy on all registrants of a special fee if the board determines that the College has insufficient funds

(a) to enable it to properly discharge its inquiry or disciplinary functions, or

(b) to enable it to make a commitment for, or to pay any amount required for, an extraordinary expenditure that

(i) was not included in the annual budget for the fiscal year, and

(ii) could not have been reasonably contemplated when the annual budget was prepared.

(2) The board must not

(a) levy more than one special fee in each fiscal year, and

(b) levy a special fee that will raise a total aggregate amount that is greater than the amount required to satisfy the requirements of subsection (1).

(3) For the purposes of this section, the board may

(a) levy a special fee on all or any class of registrants in an amount that does not exceed \$100 per registrant, and

(b) levy a different fee for different classes of registrants.

(4) Registrants must pay any special fees on or before the date established by the College.

(Added by amendment filed June 16, 2014 effective August 15, 2014)

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 no more than 45 days after the end of the fiscal year. *(Amended by M/O 306/2013 effective December 10, 2013)*

(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.

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(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 no more than 15 months after the holding of the last preceding annual general meeting. *(Amended by M/O 306/2013 effective December 10, 2013)*

(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

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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.

(Amended 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 in 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.

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

Proceedings at general meetings

44 (1) A quorum for a general meeting is 25 Active Registrants in Good Standing. *(Amended by M/O 206/2014 effective June 20, 2014)*

(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 fixed 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 that is no more than 75 days after the date of adjournment, at a time and place to be fixed by the Board, and those Active Registrants in Good Standing who attend the rescheduled meeting will be deemed to be a quorum for that meeting. *(Amended by M/O 306/2013 effective December 10, 2013; Amended by M/O 206/2014 effective June 20, 2014)*

(5) In the case of a special general meeting under section 40 (5) (b),

(a) if there is no quorum in attendance within 30 from the time fixed 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). *(Amended by M/O 306/2013 effective December 10, 2013)*

(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.

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(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)

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PART D: REGISTRATION

Classes of Registrants

46 The following classes of Registrants are established:

- (a) active registration;
- (b) inactive registration.

(Amended by M/O 306/2013 effective December 10, 2013)

Active registration

47 (1) For the purposes of section 20 (2) of the Act, the conditions and requirements for active registration are

- (a) graduation from a Recognized Education Program, or one of the following:
 - (i) completion of a Credential and Prior Learning Assessment resulting in an evaluation, satisfactory to the Registration Committee, that the applicant's knowledge, skills and abilities are substantially equivalent to those obtained through graduation from a Recognized Education Program;
 - (ii) successful completion, to the satisfaction of the Registration Committee, of the additional study, training or clinical experience identified through completion of a Credential and Prior Learning Assessment as necessary to ensure the applicant's knowledge, skills and abilities are substantially equivalent to those obtained through graduation from a Recognized Education Program;
- (b) successful completion, no more than one year prior to and no later than 2 years after the date of application under this section, of all portions of the registration examinations required by the Registration Committee,
- (c) evidence satisfactory to the Registration Committee that the applicant is a person of good character and otherwise fit to practice massage therapy,
- (d) receipt by the Registrar of
 - (i) a completed and signed application for registration in Form 1,
 - (ii) the application fee and registration fee specified in Schedule "B",
 - (iii) all applicable Registration Examination fees specified in Schedule "B",
 - (iv) a notarized copy, or other evidence satisfactory to the Registration Committee, of the applicant's
 - (A) degree or diploma, and evidence satisfactory to the Registration Committee that the applicant is the person named therein,

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(B) Credential and Prior Learning Assessment evaluation indicating substantial equivalency as described in subsection (1) (a) (i), or

(C) successful completion of additional study, training or clinical experience as described in subsection (1) (a) (ii),

(v) a solemn declaration in Form 2,

(vi) 3 letters of personal reference, from persons the Registration Committee may specify, and in a form satisfactory to the Registration Committee, attesting that the applicant is a person of good character and otherwise fit to practice massage therapy, to the best of their knowledge,

(vii) a signed consent form authorizing the governing body administering the applicant's current or former authorization to practice a health profession in another jurisdiction, if any, to disclose to the Registration Committee

(A) any current or previous restrictions, terms or limitations on the applicant's authorization to practice massage therapy in that other jurisdiction,

(B) any unresolved complaints respecting the applicant in that other jurisdiction, and

(C) the disciplinary history of the applicant in that other jurisdiction,

(viii) a signed criminal record check authorization under the *Criminal Records Review Act*,

(ix) a certified passport-size photograph of the applicant taken no more than one year prior to the date of the application for registration,

(x) a notarized copy, or other evidence satisfactory to the Registration Committee, of the applicant's right to work in Canada, and

(xi) proof of professional liability insurance as required under section 61.

(2) Despite subsection (1), an applicant may be granted registration under this section if the applicant

(a) is authorized, by the governing body that regulates the practice of massage therapy in a Recognized Canadian Jurisdiction, to practice massage therapy in the Recognized Canadian Jurisdiction as the equivalent of an Active Registrant,

(b) provides a notarized copy, or other evidence satisfactory to the Registration Committee, of the applicant's status as described in paragraph (a), and evidence satisfactory to the Registration Committee that the applicant is the person named therein,

(c) successfully completes the jurisprudence examination required by the Registration Committee, and

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(d) meets the conditions and requirements established in subsection (1) (c) and (d) (i) to (iii) and (v) to (xi).

(3) Despite subsection (1), the Registration Committee has discretion, in satisfying itself under section 20 of the Act that an applicant meets the conditions or requirements for registration as a member of the College under this section, to consider whether the applicant's knowledge, skills and abilities are substantially equivalent to the standard of academic or technical achievement and the competencies or other qualifications established in subsection (1) (a), and to grant registration under this section on that basis if the applicant also meets the conditions and requirements established in subsection (1) (b) to (d).

(Amended by M/O 306/2013 effective December 10, 2013)

Inactive registration

48 (1) For the purposes of section 20 (2) of the Act, the conditions and requirements for inactive registration are

- (a) current registration as an Active Registrant, and
- (b) receipt by the Registrar of
 - (i) a completed and signed application for inactive registration in Form 3,
 - (ii) the application fee and applicable registration fee specified in Schedule "B",
(Amended by M/O 205/2014 effective June 20, 2014)
 - (iii) any other fee, fine, levy, or debt owed to the College under the Act,
 - (iv) a solemn declaration that the Registrant will not provide massage therapy services in British Columbia while registered as an Inactive Registrant, and
 - (v) proof of professional liability insurance as required under section 61.

(2) An Inactive Registrant must not provide massage therapy services in British Columbia.

(Amended by M/O 306/2013 effective December 10, 2013)

Inactive Registrant returning to active registration

49 For the purposes of section 20 (2) of the Act, the conditions and requirements for an Inactive Registrant to return to active registration are, despite section 47 (1) or (3),

- (a) receipt by the Registrar of
 - (i) a completed and signed application for return to active registration in Form 4,
 - (ii) the application fee and applicable registration fee specified in Schedule "B",
 - (iii) all applicable Registration Examination fees specified in Schedule "B", if paragraph (b) (i) applies,

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- (iv) any other fee, fine, levy, or debt owed to the College under the Act,
 - (v) a solemn declaration that the Inactive Registrant has not practiced massage therapy in British Columbia while registered as an Inactive Registrant, and is not in contravention of the Act, the Regulation or these bylaws,
 - (vi) a signed criminal record check authorization under the *Criminal Records Review Act*,
 - (vii) complete disclosure of any complaints, investigations or discipline to which the Inactive Registrant is or was subject in another jurisdiction, if the Inactive Registrant has practiced massage therapy or another health profession in the other jurisdiction while registered as an Inactive Registrant,
 - (viii) proof of the Inactive Registrant having complied with any requirements respecting quality assurance, as applicable to Inactive Registrants, that are established in these bylaws or by the Quality Assurance Committee, and
 - (ix) proof of professional liability insurance as required under section 61, and
- (b) if the Inactive Registrant's active registration has been cancelled for a period of 3 consecutive years or more prior to the date of application under this section, the Inactive Registrant
- (i) successfully completes the registration examinations required by the Registration Committee, or
 - (ii) satisfies the Registration Committee that the Inactive Registrant's knowledge, skills and abilities are substantially equivalent to the standard of academic or technical achievement and the competencies or other qualifications established in section 47 (1) (a) and (b).

(Amended by M/O 306/2013 effective December 10, 2013)

Registration renewal

50 (1) For the purposes of section 20 (2) of the Act, the conditions and requirements for renewal of registration are, despite section 47 or 48, receipt by the Registrar of

- (a) a completed and signed application for renewal of registration in Form 5,
- (b) the applicable registration renewal fee specified in Schedule "B",
- (c) any other fee, fine, levy, or debt owed to the College under the Act,
- (d) a solemn declaration that the Registrant is not in contravention of the Act, the Regulation or these bylaws, or any limits or conditions imposed under 20, 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the Act,

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(e) proof of the Registrant having complied with any requirements respecting quality assurance that are established in these bylaws or by the Quality Assurance Committee, as applicable to the class of Registrants in which the Registrant is registered, and

(f) proof of professional liability insurance as required under section 61.

(2) On or before November 30 in each year, the Registrar must give notice to Registrants of the amount of the registration renewal fees, and the notice must describe the consequences of failure to meet the conditions and requirements established in subsection (1).

(3) On or before December 15 in each year, each Registrant must meet the conditions and requirements established in subsection (1). *(Amended by M/O 238/2014 effective July 15, 2014)*

(Amended by M/O 306/2013 effective December 10, 2013)

Late renewal and failure to renew

51 (1) If a Registrant fails to meet, on or before December 15 in a year, the conditions and requirements established in section 50 (1), the Registrant must pay the late renewal fee specified in Schedule "B". *(Amended by M/O 238/2014 effective July 15, 2014)*

(2) If a Registrant described in subsection (1) fails to do both of the following on or before January 31 in the following year, the Registrant's registration is cancelled:

(a) meet the conditions and requirements established in section 50 (1);

(b) pay the late renewal fee required under subsection (1).

(Amended by M/O 306/2013 effective December 10, 2013)

Reinstatement of registration within 2 months after failure to renew

52 For the purposes of section 20 (2) of the Act, the conditions and requirements for reinstatement of the registration of a former Registrant whose previous registration was cancelled under section 51 (2) are, despite section 47 (1) or (3), 48 or 54,

(a) the former Registrant was in Good Standing on cancellation of the previous registration,

(b) the former Registrant is not in contravention of the Act, the Regulation or these bylaws, and

(c) receipt by the Registrar of

(i) a completed and signed application for reinstatement of registration in Form 6 on or before March 31 in the year of cancellation under section 51 (2),

(ii) the application fee and applicable registration reinstatement fee specified in Schedule "B", *(Amended by M/O 205/2014 effective June 20, 2014)*

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- (iii) any other fee, fine, levy, or debt owed to the College under the Act,
- (iv) a solemn declaration in Form 2,
- (v) proof of the former Registrant having complied with any requirements respecting quality assurance that are established in these bylaws or by the Quality Assurance Committee,
 - (A) as applicable to the class of Registrants in which the former Registrant was previously registered, and
 - (B) as though the former Registrant were applying under section 50 for renewal of the previous registration, and
- (vi) proof of professional liability insurance as required under section 61.

(Amended by M/O 306/2013 effective December 10, 2013)

Waiver of late renewal or reinstatement fees

53 Despite sections 51 to 52, the Registrar may waive, reduce or reimburse any fee that is paid or would otherwise be payable under one or more of those sections if, in the opinion of the Registrar, undue hardship or other special circumstances exist in relation to the Registrant or former Registrant that warrant waiver, reduction or reimbursement.

(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed November 28, 2016 effective January 27, 2017)

Refund of registration or renewal fees

53.1 (1) A Registrant who has paid the registration or renewal fee for a year but who satisfies the Registrar that she has totally abstained from practice as a registered massage therapist in British Columbia during that year through disability, other than a suspension, is entitled to a refund of the difference between the active registration or renewal fee and the inactive registration or renewal fee.

(2) A Registrant is not entitled to a refund of all or any portion of the registration or renewal fee for a year except in the circumstances set out in subsection (1).

(3) Despite subsection (2), the Registrar may refund all or any portion of the registration or renewal fee for a year if, in the opinion of the Registrar, undue hardship or other special circumstances exist in relation to the Registrant or Former Registrant that warrant a refund.

(Added by amendment filed November 28, 2016 effective January 27, 2017)

Reinstatement of registration if section 52 or 55 does not apply

54 For the purposes of section 20 (2) of the Act, the conditions and requirements for reinstatement of the registration of a former Registrant are, despite section 47 (1) or (3) or 48,

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- (a) the former Registrant is not in contravention of the Act, the Regulation or these bylaws,
- (b) evidence satisfactory to the Registration Committee that the former Registrant is a person of good character and otherwise fit to practice massage therapy,
- (c) receipt by the Registrar of
 - (i) a completed and signed application for reinstatement of active registration in Form 7,
 - (ii) the application fee and applicable registration reinstatement fee specified in Schedule “B”, (*Amended by M/O 205/2014 effective June 20, 2014*)
 - (iii) all applicable Registration Examination fees specified in Schedule “B”, if paragraph (d)(i) applies, (*Added by M/O 205/2014 effective June 20, 2014*)
 - (iv) any other fee, fine, levy, or debt owed to the College under the Act,
 - (v) a solemn declaration in Form 2,
 - (vi) 3 letters of personal reference, from persons the Registration Committee may specify, and in a form satisfactory to the Registration Committee, attesting that the former Registrant is a person of good character and otherwise fit to practice massage therapy, to the best of their knowledge,
 - (vii) a signed consent form authorizing the governing body administering the former Registrant’s current or former authorization to practice a health profession in another jurisdiction, if any, to disclose to the Registration Committee
 - (A) any current or previous restrictions, terms or limitations on the former Registrant’s authorization to practice massage therapy in that other jurisdiction,
 - (B) any unresolved complaints respecting the former Registrant in that other jurisdiction, and
 - (C) the disciplinary history of the former Registrant in that other jurisdiction,
 - (viii) a signed criminal record check authorization under the *Criminal Records Review Act*,
 - (ix) proof of the former Registrant having complied with any requirements respecting quality assurance that are established in these bylaws or by the Quality Assurance Committee,
 - (A) as applicable to the class of Registrants in which the former Registrant was previously registered, and
 - (B) as though the former Registrant were applying under section 50 for renewal of the previous registration, and

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(x) proof of professional insurance as required under section 61, and

(Amended by M/O 205/2014 effective June 20, 2014)

(d) if the former Registrant's previous registration has been cancelled for a period of 3 consecutive years or more prior to the date of application under this section, the former Registrant

(i) successfully completes the registration examinations required by the Registration Committee, or

(ii) satisfies the Registration Committee that the former Registrant's knowledge, skills and abilities are substantially equivalent to the standard of academic or technical achievement and the competencies or other qualifications established in section 47 (1) (a) and (b).

(Amended by M/O 079/2014 effective April 1, 2014)

(Amended by M/O 306/2013 effective December 10, 2013)

Reinstatement of registration following disciplinary action

55 (1) In this section, "**Disciplined Person**" means a former Registrant whose previous registration was cancelled

(a) under section 32.2, 32.3, 33, 36, 37.1, 38, 39 or 39.1 of the Act, or

(b) under section 51 (2), or on the agreement or request of the former Registrant, at a time when it was suspended under section 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the Act.

(2) For the purposes of section 20 (2) of the Act, the conditions and requirements for reinstatement of the registration of a Disciplined Person are, despite section 47, 48, 52 or 54 and subject to any applicable order or agreement under the Act,

(a) the Disciplined Person is not in contravention of the Act, the Regulation or these bylaws,

(b) evidence satisfactory to the Registration Committee that the Disciplined Person is a person of good character and otherwise fit to practice massage therapy,

(c) receipt by the Registrar of

(i) a completed and signed application for reinstatement of active registration in Form 7,

(ii) the application fee and applicable registration reinstatement fee specified in Schedule "B", *(Amended by M/O 205/2014 effective June 20, 2014)*

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- (iii) all applicable Registration Examination fees specified in Schedule “B”, if paragraph (d) (i) applies, (*Added by M/O 205/2014 effective June 20, 2014*)
 - (iv) any other fee, fine, levy, or debt owed to the College under the Act,
 - (v) a solemn declaration in Form 2,
 - (vi) 3 letters of personal reference, from persons the Registration Committee may specify, and in a form satisfactory to the Registration Committee, attesting that the Disciplined Person is a person of good character and otherwise fit to practice massage therapy, to the best of their knowledge,
 - (vii) a signed consent form authorizing the governing body administering the Disciplined Person’s current or former authorization to practice a health profession in another jurisdiction, if any, to disclose to the Registration Committee
 - (A) any current or previous restrictions, terms or limitations on the Disciplined Person’s authorization to practice massage therapy in that other jurisdiction,
 - (B) any unresolved complaints respecting the Disciplined Person in that other jurisdiction, and
 - (C) the disciplinary history of the Disciplined Person in that other jurisdiction,
 - (viii) a signed criminal record check authorization under the *Criminal Records Review Act*,
 - (ix) proof of the Disciplined Person having complied with any requirements respecting quality assurance that are established in these bylaws or by the Quality Assurance Committee,
 - (A) as applicable to the class of Registrants in which the Disciplined Person was previously registered, and
 - (B) as though the Disciplined Person were applying under section 50 for renewal of the previous registration, and
 - (x) proof of professional liability insurance as required under section 61,
(*Amended by M/O 205/2014 effective June 20, 2014*)
- (d) if the Disciplined Person’s previous registration has been cancelled for a period of 3 consecutive years or more prior to the date of application under this section, the Disciplined Person
- (i) successfully completes the registration examinations required by the Registration Committee, or
 - (ii) satisfies the Registration Committee that the Disciplined Person’s knowledge, skills and abilities are substantially equivalent to the standard of academic or

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technical achievement and the competencies or other qualifications established in section 47 (1) (a) and (b), and

(Amended by M/O 079/2014 effective April 1, 2014)

(e) the Disciplined Person satisfies the Registration Committee that reinstatement will not

(i) pose an undue risk to public health or safety, or

(ii) otherwise be contrary to the public interest.

(Amended by M/O 079/2014 effective April 1, 2014)

(Amended by M/O 306/2013 effective December 10, 2013)

Registration examinations

56 (1) All Registration Examinations must be prepared under the direction of the Registration Committee.

(2) The Registration Committee must determine the conditions that an applicant must meet to successfully complete a Registration Examination.

(3) Each applicant who attempts a Registration Examination or a portion thereof must be notified of the results of the attempt as soon as is practicable.

(4) An applicant who fails an initial attempt at a Registration Examination or a portion thereof is entitled to one further attempt at the Registration Examination or portion thereof.

(5) If an applicant fails on the second attempt at a Registration Examination or portion thereof, the applicant may do one or both of the following:

(a) take one or more courses acceptable to the Registration Committee on the subjects addressed in those portions of the Registration Examination that the applicant failed and, on completion of those courses to the satisfaction of the Registration Committee, make a third attempt at the Registration Examination or portion thereof, as applicable, at the next available sitting;

(b) request the Registration Committee in writing to allow a third attempt at the Registration Examination or portion thereof that was failed on the second attempt and, in that request, the applicant must set out the reasons why the Registration Committee should grant a third attempt.

(6) The Registration Committee in its sole discretion may grant or refuse a request under subsection (5) (b).

(7) An applicant who fails on the third attempt at a Registration Examination or portion thereof is not entitled to any further attempts at the Registration Examination or portion thereof, except as permitted under subsection (8) and (9).

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(8) An applicant described in subsection (7) may request the Registration Committee in writing to allow a fourth attempt at the Registration Examination or portion thereof that was failed on the third attempt and, in that request, the applicant must set out the reasons why the Registration Committee should grant a fourth attempt.

(9) The Registration Committee may grant or refuse a request under subsection (8) only in accordance with criteria established by the Board for the purpose of that subsection.

(10) An applicant who fails on the fourth attempt at a Registration Examination or portion thereof is not entitled to any further attempts at the Registration Examination or portion thereof.

(Amended by M/O 306/2013 effective December 10, 2013)

Disqualifications

57 (1) If an applicant, in the opinion of an Examiner, engages in improper conduct during the course of an Registration Examination,

(a) the Examiner must disqualify the applicant from further participation in the Registration Examination, and

(b) the applicant must not attempt or attend any other Registration Examination, except with the prior written approval of the Registration Committee.

(2) If an applicant is disqualified under subsection (1), the Examiner or the chair of the Registration Committee must, no later than 30 days after the Registration Examination, give the applicant written reasons for the disqualification.

(Amended by M/O 306/2013 effective December 10, 2013)

Registration examination fees

58 (1) The fees in respect of Registration Examinations are as specified in Schedule “B”.

(2) Despite subsection (1), an applicant who cannot attend a Registration Examination or portion thereof on the scheduled date is entitled to full or partial reimbursement, as determined by the Registrar, of the applicable Registration Examination fee, less any administrative fee specified in Schedule “B”, if

(a) the Registrar receives, no later than 15 days prior to the scheduled date, written notice confirming the applicant cannot attend, and

(b) in the opinion of the Registrar, undue hardship or other special circumstances exist in relation to the applicant that warrant full or partial reimbursement.

(Amended by M/O 306/2013 effective December 10, 2013)

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Certificates of registration and registration cards

59 (1) For the purpose of indicating that the holder is a Registrant of the College and whether the Registrant is entitled to practice massage therapy in British Columbia, the Registrar must issue each of the following, in a form approved by the Board, to each Registrant on the granting of registration as a member of the College:

- (a) a certificate of registration;
- (b) a registration card.

(2) A certificate of registration must specify the class of Registrants in which the Registrant is registered, and the limits or conditions, if any, that apply to that class of Registrants.

(3) A certificate of registration, and any renewal thereof, is valid until the registration of the Registrant has been cancelled.

(Amended by amendment filed May 6, 2015 effective June 19, 2015)

(4) A registration card is valid until the latest expiry date on the registration card or a validation sticker issued pursuant to section 60, but is no longer valid if the registration of the Registrant has been cancelled.

(Amended by amendment filed May 6, 2015 effective June 19, 2015)

Validation of registration cards on renewal

60 If a Registrant meets the conditions and requirements established in section 50 (1) and, if applicable, pays the late renewal fee required under section 51 (1), the Registrar must issue to the Registrant, in a form approved by the Board, a validation sticker for placement on the Registrant's registration card, indicating registration is renewed.

(Amended by amendment filed May 6, 2015 effective June 19, 2015)

Liability insurance

61 (1) Each Active Registrant must obtain and at all times maintain professional liability insurance coverage in an amount of at least \$2,000,000 per claim or per occurrence, in a form that is satisfactory to the College.

(2) For a period of at least 5 years after the grant of inactive registration under section 48, an Inactive Registrant who did not have occurrence-based coverage immediately prior to the time at which inactive registration was granted must maintain professional liability insurance coverage in the amount per claim and form specified in subsection (1) against liability arising from the practice of massage therapy while the Inactive Registrant was an Active Registrant.

(Amended by M/O 306/2013 effective December 10, 2013)

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Registrant business information

62 (1) A Registrant must provide the following business information to the Registrar on request:

- (a) if self-employed, the physical address, telephone number and email address of the Registrant's primary or main office or clinic;
- (b) if employed, the names of the Registrant's employers, and the physical address, telephone number and email address of the employer office or clinic where the Registrant most often works.

(2) A Registrant must notify the Registrar of any change to the following, no later than 7 days after the change occurring:

- (a) any information provided previously under subsection (1);
- (b) the Registrant's physical home address, telephone number or email address, if it is different than the Registrant's or employer's physical business address, telephone number or email address;
- (c) the Registrant's name.

(Amended by M/O 306/2013 effective December 10, 2013)

Repealed

63 Repealed.

(Amended by M/O 306/2013 effective December 10, 2013)

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PART D.1: QUALITY ASSURANCE

Assessment of professional performance

63.1 Upon receipt of a practice assessment request in Form 8 or notice of such form being available on the College website, an Active Registrant must complete and return the form to the Quality Assurance Committee no later than 60 days after receipt of the form or notice of the form's availability, as the case may be.

(Amended by M/O 306/2013 effective December 10, 2013)

Continuing education

63.2 (1) In this section, "continuing education cycle" means each 2 year period starting on November 1, and continuing in 2 year cycles thereafter, during which a Registrant completes credits of continuing education.

(2) Each Registrant who holds active registration for a total of 12 months or more within a continuing education cycle must complete at least 24 credits of continuing education approved by the Quality Assurance Committee.

(3) Each Registrant who holds active registration for a total of less than 12 months within a continuing education cycle must complete at least 12 credits of continuing education approved by the Quality Assurance Committee.

(4) Each Registrant must meet the requirement established in subsection (2) or (3), as applicable, on or before the last day of each continuing education cycle.

(5) If a Registrant fails to meet the requirements established in subsections (2) to (4), as applicable, the Registrant must pay the non-compliance with continuing education requirements fee specified in Schedule "B".

(6) If a Registrant is granted active registration for the first time in the second year of a continuing education cycle, the requirements established in subsections (2) to (5) do not apply to the Registrant in respect of that continuing education cycle.

(Amended by M/O 238/2014 effective July 15, 2014)

Standard First Aid/CPR-C

63.3 (1) Effective on and after November 1, 2014, an Active Registrant must have and maintain current certification in Standard First Aid/CPR-C from the Canadian Red Cross, Canadian Ski Patrol, Heart and Stroke Foundation, Lifesaving Society or St. John Ambulance.

(2) If a Registrant fails to meet the requirement established in subsection (1), the Registrant must pay the non-compliance with Standard First Aid/CPR-C requirement fee specified in Schedule "B".

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(Amended by amendment filed May 12, 2016 effective July 11, 2016) Other quality assurance requirements

63.4 An Active Registrant must satisfy any other requirements set by the Quality Assurance Committee.

(Amended by M/O 306/2013 effective December 10, 2013)

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PART E: INVESTIGATION AND DISCIPLINE

Inspections

64 An inspector must not observe a Registrant while the Registrant is providing a service to a patient unless

- (a) the consent of the patient being treated has been obtained in advance, or
- (b) the service is being provided in a public setting.

(Amended by M/O 306/2013 effective December 10, 2013)

Registrar authority

65 The Registrar is authorized to act under section 32 (3) of the Act.

(Amended by M/O 306/2013 effective December 10, 2013)

Investigation by Inquiry Committee

65.1 The Inquiry Committee may require the Registrant to attend for an interview by the Inquiry Committee, a panel of the Inquiry Committee, the Registrar or an inspector.

(Added by amendment filed November 22, 2017 effective January 21, 2018)

Mediation

66 (1) If the complainant and the Registrant agree, the Inquiry Committee may recommend under section 33 (6) (b) of the Act that a complaint be mediated.

(2) Following a recommendation under subsection (1), the Inquiry Committee must appoint a mediator who is acceptable to the complainant and the Registrant.

(3) If an agreement between the complainant and the Registrant is reached through mediation, the terms of the agreement must be approved by the Inquiry Committee to become effective.

(4) If an agreement is approved by the Inquiry Committee under subsection (3), the Inquiry Committee must retain a copy of the agreement on file.

(5) If an agreement is not reached through mediation, or if the terms of an agreement are not approved by the Inquiry Committee, the mediator must refer the matter back to the Inquiry Committee and may recommend that the Inquiry Committee take one or more actions under section 36 of the Act.

(Amended by M/O 306/2013 effective December 10, 2013)

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Conduct meeting

66.1 (1) The Inquiry Committee may require the Registrant to meet with the Inquiry Committee or a panel of the Inquiry Committee if it is of the view that such a meeting would be appropriate to resolve the matter between the complainant and the Registrant pursuant to section 33(6)(b) of the Act.

(2) The meeting is to be held in private.

(3) The complainant may attend and participate in the meeting to the extent permitted by the Inquiry Committee.

(Added by amendment filed November 22, 2017 effective January 21, 2018)

Citation for disciplinary hearing

67 (1) On the direction of the Discipline Committee, the Registrar may join one or more complaints or other matters which are to be the subject of a discipline hearing in one citation as appropriate in the circumstances.

(2) On the direction of the Discipline Committee, the Registrar may sever one or more complaints or other matters which are to be the subject of a discipline hearing as appropriate in the circumstances.

(3) On the direction of the Discipline Committee, the Registrar may amend a citation issued under section 37 of the Act.

(4) If a citation is amended under subsection (3) prior to a discipline hearing, the amended citation must be delivered to the Respondent by personal service or sent by regular mail to the Respondent at the last known address for the Respondent recorded as required under section 21 (2) of the Act, at least 14 days prior to the date of the hearing.

(5) If a citation is amended under subsection (3) prior to a discipline hearing, and the amended citation changes the date, time or place of the hearing, the Registrar must notify any complainant of the amendment at least 14 days prior to the date of the hearing.

(Amended by M/O 306/2013 effective December 10, 2013)

Notice of Disciplinary Committee action under section 39.1 of Act

68 The Discipline Committee must notify a Registrant at least 14 days prior to making an order under section 39.1 of the Act.

(Amended by M/O 306/2013 effective December 10, 2013)

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Hearings of Discipline Committee

69 (1) No member of the Discipline Committee may hear a matter under section 38 of the Act in which he or she

- (a) was involved as a member of the Inquiry Committee, or
- (b) has otherwise had any prior involvement.

(2) Information about the date, time and subject matter of the hearing must be provided to any person on request.

(3) The Discipline Committee must provide notice in Form 9 by registered mail or by personal service to a person who is required to attend a hearing under section 38 (6) of the Act.

(4) All discipline hearings must be recorded and any person may obtain, at his or her expense, a transcript of any part of the hearing which he or she was entitled to attend.

(Amended by M/O 306/2013 effective December 10, 2013)

Retention of Discipline Committee and Inquiry Committee records

69.1 (1) Records of the Inquiry Committee must be retained for a period of at least 10 years after the conclusion of an investigation and records of the Discipline Committee must be retained for a period of at least 10 years after the date a decision is rendered.

(2) Despite subsection (1), documents setting out decisions and reasons of the Inquiry Committee or Discipline Committee relating to actions taken under sections 32, 32.2, 32.3, 33 (6) (c) or (d), 35, 36, 37.1, 38, 39, 39.1 or 44 of the Act must be kept on permanent record at the office of the College.

(Amended by M/O 306/2013 effective December 10, 2013)

Notice to regulatory bodies

69.2 If an order under section 39 (2) or 39.1 of the Act

- (a) imposes limits or conditions on the practice of massage therapy by the Registrant, or
- (b) suspends or cancels the registration of the Registrant,

the Registrar must notify

- (c) the body responsible for the regulation of massage therapy in every other Canadian jurisdiction, and
- (d) on request, any body responsible for the regulation of massage therapy outside Canada.

(Amended by M/O 306/2013 effective December 10, 2013)

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Registrant under suspension

- 69.3** (1) A Registrant whose registration is suspended must, for the duration of the suspension,
- (a) not provide massage therapy services in British Columbia or hold herself out as being a Registrant,
 - (b) not hold office in the College,
 - (c) not make appointments for patients or prospective patients,
 - (d) not contact or communicate with patients or prospective patients, except for the following purposes:
 - (i) to advise patients or prospective patients of the fact and duration of the suspension;
 - (ii) to advise a patient or prospective patient that another Registrant will continue to operate in the suspended Registrant's place, or to refer the patient to another Registrant in good standing,
 - (e) remove from her premises and the building in which the premises are located, her name and any sign relating to her practice,
 - (f) prominently display, a notice of suspension in a form and in an area approved by the Registrar, which states the duration and reasons for the suspension,
 - (g) immediately surrender to the Registrar her certificate of registration,
 - (h) pay any fee or special assessment required by the College when due in order to remain a Registrant, and
 - (i) not be given a refund of the annual fee for the portion of the suspension or of any special assessment that she has paid.
- (2) During the period of suspension, a suspended Registrant may permit another Registrant in good standing to practice within the suspended Registrant's office, provided that the suspended Registrant complies with the provisions of subsection (1).
- (3) Any communication under subsection (1) (d) must be made in writing in a form approved in advance by the Registrar, or by employing office staff, an answering service or other telephonic device specifically for this purpose.

(Amended by M/O 306/2013 effective December 10, 2013)

Repealed

70 Repealed. *(Repealed by M/O 306/2013 effective December 10, 2013)*

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Fines

71 The maximum amount of a fine the discipline committee may order under section 39 (2) (f) of the Act is \$50,000.

(Added by M/O 306/2013 effective December 10, 2013)

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 of registration status

73 (1) If an inquiry about the registration status of a person is received by the College, the Registrar must disclose, in addition to the matters required by section 22 of the Act,

- (a) whether the Discipline Committee has ever made an order relating to the person under section 39 of the Act and the details of that order,
- (b) whether the person has ever consented to an order under sections 37.1 of the Act and the details of that order, and
- (c) whether the person has ever given an undertaking or consented to a reprimand under section 36 of the Act and the details of that undertaking or reprimand.

(2) When acting under subsection (1), the Registrar must not release information which might enable a person to identify

- (a) a complainant or patient, or
- (b) another person, other than the Registrant, affected by the matter,

except with the consent of the complainant, patient or other person.

(Amended by M/O 306/2013 effective December 10, 2013)

[No Heading]

74. *[Vacant]*

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PART F: PROFESSIONAL STANDARDS

Code of Ethics, Standards of Practice and Patient Records

75 Every Registrant must comply with

- (a) the Code of Ethics established by the Board,
- (b) the Standards of Practice established by the Board, and
- (c) the rules and requirements for Patient Records set out in Schedule “E”.

(Amended by amendment filed February 16, 2016 effective April 16, 2016; amended by amendment filed February 16, 2016 effective July 16, 2016; amended by amendment filed April 18, 2018 effective June 17, 2018)

Repealed

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

[No heading]

77. *[Vacant]*

Repealed

78. Repealed.

(Repealed by M/O 306/2013 effective December 10, 2013)

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PART F.1: ADVERTISING AND OTHER MARKETING ACTIVITIES

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

- (a) an advertisement,
- (b) 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 services are promoted,
- (c) contact with a prospective patient initiated by a Registrant, and
- (d) 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.

(Amended by M/O 306/2013 effective December 10, 2013)

General rule

78.2 (1) Any marketing activity undertaken or authorized by a Registrant in respect of her professional services must not be

- (a) false,
- (b) inaccurate,
- (c) reasonably capable of misleading the recipient or intended recipient, or
- (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,

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- (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, or
- (d) compares the quality of professional services provided with those provided by another Registrant,

the Discipline Committee may thereby find that marketing activity violates subsection (1).

(Amended by M/O 306/2013 effective December 10, 2013)

Quality of a marketing activity

78.3 (1) Any marketing activity undertaken or authorized by a Registrant in respect of her professional services

- (a) must not tarnish the reputation, image or stature of the profession, and
- (b) must be dignified and in good taste.

(2) Without limiting subsection (1), a graphic or other image used by a Registrant in her advertisement as a massage therapist should not suggest that some service is being provided other than massage therapy.

(Amended by M/O 306/2013 effective December 10, 2013)

Speaking on behalf of the College

78.4 A Registrant must not state publicly or imply that 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.

(Amended by M/O 306/2013 effective December 10, 2013)

Endorsing a product or service

78.5 A Registrant must not endorse or lend 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 of massage therapy.

(Amended by M/O 306/2013 effective December 10, 2013)

Statement of fees

78.6 A Registrant who, in any advertisement, includes a statement of fees for a specific service must

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- (a) ensure that the statement sufficiently describes the fees and professional services so as to enable the recipient or intended recipient to understand the nature and extent of the professional services to be provided and the cost to the patient,
- (b) not compare the fees she charges to those charged by another Registrant and
- (c) state the period of time that the fee applies.

(Amended by M/O 306/2013 effective December 10, 2013)

Use of titles in advertising

78.7 (1) In a marketing activity or advertisement to promote her massage therapy practice, a Registrant may use only those occupational titles that have been reserved to Registrants under the Act 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.

(Amended by M/O 306/2013 effective December 10, 2013)

Restriction on specialist titles

78.8 Unless otherwise authorized under the Act, a Registrant must

- (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, and
- (c) in any advertisement, identify herself as being responsible for the practice advertised.

(Amended by M/O 306/2013 effective December 10, 2013)

Permitted practice descriptions

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

- (a) the professional services that she is trained in and is capable of providing as a Registrant,

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- (b) the techniques that she has been trained to provide as a Registrant, or
- (c) the typical types of injuries or health problems that she is trained to assess and treat as a Registrant, providing however that the professional 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.

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

(Amended by M/O 306/2013 effective December 10, 2013)

Advertising of services that fall outside the scope of practice

78.91 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 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 Registrants,
- (b) that Registrant must use separate letterhead, business cards, statements of account and similar documents for her non-massage therapy service, and
- (c) that Registrant must not bill for massage therapy services while using an occupational title of the non- massage therapy profession.

(Amended by M/O 306/2013 effective December 10, 2013)

Advertising if dual-registered

78.92 (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 her advertising, but in so doing the Registrant must clearly distinguish between the services she provides as a member of the other college so that the public would not be confused by the dual listing.

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

(Amended by M/O 306/2013 effective December 10, 2013)

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Advertising with others

78.93 If a Registrant is advertising her services in conjunction with other persons, that Registrant must 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.

(Amended by M/O 306/2013 effective December 10, 2013)

Retention of advertisements

78.94 A Registrant must

- (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
 - (iii) a written record of when and where the publication or broadcast was made.

(Amended by M/O 306/2013 effective December 10, 2013)

Duty to verify

78.95 It is the duty of the Registrant to verify the statements made in her marketing activity when called upon to do so by the Discipline Committee, Inquiry Committee or Board.

(Amended by M/O 306/2013 effective December 10, 2013)

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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) the permit application fee specified in Schedule “B”. (*Amended by M/O 306/2013 effective December 10, 2013*)

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 entitling 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.

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(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) the permit renewal application fee specified in Schedule "B". (*Amended by M/O 306/2013 effective December 10, 2013*)

(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.

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PART H: MISCELLANEOUS

Delegation and supervision

88 A Registrant

(a) may delegate massage therapy services only in accordance with the standards, limits or conditions established by the Board, and

(b) must direct and supervise office personnel with regard to all interactions with patients.

(Amended by M/O 306/2013 effective December 10, 2013)

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Schedule "A"

RECOGNIZED EDUCATION PROGRAMS

[section 1 (2) and 47]

<u>Educational Institution</u>	<u>Program</u>	<u>Campus</u>
CDI College	Registered Massage Therapy Program	South Surrey
Langara College	Registered Massage Therapy Program	Vancouver
Okanagan Valley College of Massage Therapy	Registered Massage Therapy Program	Vernon
Vancouver Career College	Registered Massage Therapy Program	Burnaby, Kelowna
Vancouver College of Massage Therapy	Registered Massage Therapy Program	Vancouver
West Coast College of Massage Therapy	Registered Massage Therapy Program	New Westminster, Victoria

(Amended by amendment filed February 26, 2016 effective April 26, 2016; amended by amendment filed December 15, 2016 effective February 13, 2017)

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Schedule "B"

FEES

(Amended by M/O 294/2015 effective October 1, 2015; amended by amendment filed May 12, 2016 effective July 11, 2016; amended by amendment filed on September 9, 2016 effective October 7, 2016; amended by amendment filed on August 10, 2017 effective October 9, 2017; amended by amendment filed on August 24, 2018 effective October 23, 2018)

Registration

Initial Active Registration

Application [s. 47 (1) (d) (ii)]: \$125

Registration [s. 47 (1) (d) (ii)]: * \$575

**Fee amount charged for initial registration is pro-rated on a monthly basis according to number of full months remaining in calendar year in which registration occurs.*

Active to Inactive

Application [s. 48 (1) (b) (ii)]: \$50

Inactive Registration – if change made January 1 - June 30 [s. 48 (1) (b) (ii)]: \$140

Inactive Registration – if change made July 1 - December 31 [s. 48 (1) (b) (ii)]: \$70

Inactive to Active

Application [s. 49 (a) (ii)]: \$50

Active Registration – if change made January 1- June 30 [s. 49 (a) (ii)]: \$575

Active Registration – if change made July 1 - December 31 [s. 49 (a) (ii)]: \$287.50

Annual Renewal

Registration Renewal – Active Registration [s. 50 (1) (b)]: \$575

Registration Renewal – Inactive Registration [s. 50 (1) (b)]: \$140

Late Renewal [s. 51 (1)]: \$100

Reinstatement

Application [s. 52 (c) (ii), 54 (c) (ii), 55 (2) (c) (ii)]: \$50

Registration Reinstatement – Failure to Renew [s. 52 (c) (ii)]: \$675

Registration Reinstatement – Other [s. 54 (c) (ii)]: \$725

Registration Reinstatement – Disciplinary Action [s. 55 (2) (c) (ii)]: \$825

Registration Examinations

Full Registration Examination

– each attempt [s. 47 (1) (b), 49 (b) (i), 54 (d) (i) or 55 (2) (d) (i), s. 58 (1)]: \$1,200

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Partial Registration Examination, written or online portion

– each attempt [s. 47 (1) (b), s. 47 (2) (c), 49 (b) (i), 54 (d) (i) or 55 (2) (d) (i), s. 58 (1)]: \$275

Partial Registration Examination, performance based assessment

– each attempt [s. 47 (1) (b), 49 (b) (i), 54 (d) (i) or 55 (2) (d) (i), s. 58 (1)]: \$650

Registration Examination Cancellation– 15 days or more in advance [s. 58 (2) (a)]: \$50

Credential and Prior Learning Assessment [s. 37(1) and s. 47(1)]

Application: \$100

Online Self-Assessment: \$50

Clinical Competence Assessment: \$1,600

Continuing Education

Non-Compliance with Continuing Education Requirements [s. 63.2 (2)]: \$200

CMTBC-authored course – each attempt [s. 63 (2)]: \$60

Professional Corporations

Permit Application [s. 79 (d)]: \$250

Permit Renewal Application [s. 84 (2) (b)]: \$100

Administrative

Certificate of Good Standing [s. 37(1)]: \$25

Dishonoured cheques [s. 37 (1)]: \$25

Duplicate Receipts [s. 37(1)]: \$25

Duplicate Registration Certificates/Cards [s. 37 (1)]: \$25

Written Analysis of Failed Registration Examination – each portion [s. 37 (1)]: \$125

Standard First Aid/CPR-C

Non-Compliance with Standard First Aid/CPR-C Requirement [s. 63.3(2)]: \$75

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Schedule “C”

REPEALED

(Amended by amendment filed February 16, 2016 effective April 16, 2016)

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Schedule “D”

STANDARDS OF PRACTICE

[section 75]

Patient assessment

1 A Registrant must

- (a) perform a comprehensive assessment based on history, observation, palpation, movement, neurology, referred sensation and special tests as relevant,
- (b) formulate a treatment plan, and
- (c) monitor vital signs as relevant (pulse, blood pressure, respiration rate, temperature).

Treatment planning and patient management

2 A Registrant must

- (a) design and implement a management and treatment plan based on clinical findings, and
- (b) design and coach a home care program and activities of daily living.

Informed consent

3 A Registrant must

- (a) ensure the patient is fully informed regarding assessment and treatment, and provides consent,
- (b) discontinue treatment if the patient withdraws consent, and
- (c) monitor and work within the patient's pain threshold relative to efficacy of treatment.

Consultation and referral

4 A Registrant must

- (a) consult with other Registrants or Licensed Practitioners when this may benefit treatment, and
- (b) refer the patient to other Registrants or Licensed Practitioners when this may benefit the patient.

Patient education

5 A Registrant must

- (a) educate the patient on factors influencing health and wellness, and
- (b) educate the patient in self-care.

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Therapist education and training

6 A Registrant

- (a) may practice only those therapeutic methods which the Registrant has sufficient training to perform safely, and
- (b) must access peer-reviewed, scientific articles relevant to massage therapy practice, and apply as relevant.

Notices

7 A Registrant must

- (a) visibly display her certificate of registration in her primary practice location,
- (b) visibly display her fee schedule, policies and procedures regarding payment, and fees for missed appointments, and
- (c) provide to the patient on request, a copy of the Code of Ethics, the Standards of Practice and the rules and requirements for Health Care Records.

(Amended by amendment filed February 16, 2016 effective April 16, 2016)

Safety

8 A Registrant must

- (a) apply universal hygiene precautions for infection control and public health,
- (b) clean and maintain equipment,
- (c) maintain a comfortable and tidy work environment with appropriate room temperature,
- (d) ensure adequate space for the safe movement and comfort of the patient and the Registrant, and
- (e) ensure unobstructed emergency exits, readily available fire extinguishers, and appropriate training of staff in fire and evacuation procedures.

Professionalism

9 A Registrant must

- (a) maintain personal hygiene and professional appearance,
- (b) differentiate between personal and professional beliefs and behaviours,
- (c) evaluate strengths and weaknesses as a therapist, and set goals for improvement, and
- (d) maintain awareness of, and practice within, the current scope of practice of massage therapy in British Columbia.

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Communication and relationships

10 A Registrant must

- (a) utilize professional oral and written communication,
- (b) communicate in manner appropriate to the patient's ability to understand, and
- (c) apply conflict resolution strategies as appropriate.

Patient privacy

11 A Registrant must

- (a) recognize and respect differing cultural and personal attitudes toward disrobing,
- (b) inform the patient in advance of disrobing and draping options with respect to assessment and treatment, and establish agreement,
- (c) respect the patient's right to decline the removal of certain or any clothing,
- (d) ensure privacy while the patient disrobes or dresses,
- (e) provide non-transparent draping materials, and arrange draping so that only the part of the patient's body that is being assessed or treated is exposed,
- (f) instruct the patient on how to cover herself at the commencement of treatment,
- (g) discontinue assessment or treatment if, at any time and in any manner, the patient withdraws consent to the agreed draping,
- (h) assist the patient to remove or replace clothing if the patient is unable to do so, provided that the patient has consented to assistance, and
- (i) in any public setting where massage therapy is to be provided, respect the patient's need for privacy, as the situation permits.

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SCHEDULE "E"

STANDARD FOR PATIENT RECORDS

[section 75(c)]

(Amended by amendment filed May 17, 2016 effective July 16, 2016; Amended by amendment filed December 14, 2016 effective January 14, 2017)

Definitions

1 In this Schedule:

“**Other Record**” means the records described in sections 3(1)(b) and 3(1)(c).

Protection of Personal Information

2 A Registrant must protect and maintain the confidentiality of Personal Information and take all reasonable measures to ensure that the collection, use, access, disclosure, care and disposal of Personal Information occur in accordance with the *Personal Information Protection Act* or the *Freedom of Information and Protection of Privacy Act* (as the case may be), and any other legal requirements.

Record keeping requirements

3 (1) A Registrant must keep

- (a) a clinical record for each patient (the “Health Care Record”) containing
 - (i) patient identifying information as provided by the patient, including the patient’s full name, gender, and date of birth,
 - (ii) the patient’s current address and telephone number, as of the date of their last attendance,
 - (iii) the name of the Registrant who rendered the treatment to the patient,
 - (iv) the name of any referring Registrant or Licensed Practitioner,
 - (v) any medical history provided by the patient, as of the date of their last attendance,
 - (vi) any reports received from or sent to other Registrants, Licensed Practitioners, and insurance providers with respect to the patient,
 - (vii) all dates of attendance together with sufficient information to clearly explain why the patient came to see the Registrant and what the Registrant learned from both the patient’s current medical history and the assessment, including, but not limited to
 - (A) information relevant to the patient’s condition,

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- (B) clinical impressions, and
 - (C) clinical findings and periodic reassessment findings,
 - (viii) a clear record of the specifics of
 - (A) any treatment plan, including any revisions made thereto,
 - (B) treatment provided and the patient's response to such treatment,
 - (C) any follow-up plan, and
 - (D) any recommendation or instructions for patient self-care related to the patient's condition, and
 - (ix) a record of any changes made to the Health Care Record and the reason for such change,
 - (x) a key to any shorthand notations used in the Health Care Record,
 - (b) a key to any shorthand notations used in the Health Care Records,
 - (c) a record with respect to each patient containing the date of the service rendered, type of service, charge made for the service and record of payment, and
 - (d) for each day, keep a day book, daily diary, appointment sheets or equivalent containing the names of patients seen or treated, or in respect of whom professional services are rendered.
- (2) A Registrant must make every reasonable effort to ensure that the information contained in the Health Care Records and Other Records is current, accurate and complete.
- (3) All Health Care Records and Other Records created under this section must be:
- (i) written in an official language of Canada, and
 - (ii) in paper form, written legibly in ink or typed, or
 - (iii) in electronic form, compliant with the policies and guidelines of the College with respect to the creation, maintenance, security, disposition and recovery of electronic medical records,
- and filed in suitable systematic permanent form, such as books, binders, cards or folders, or in electronic form.
- (4) The information contained in the Health Care Records and Other Records must be capable of being reproduced promptly in written or printed form.

Retention of Health Care Records and Other Records

4 Subject to sections 5 and 7, a Registrant must retain all Health Care Records and Other Records in her custody and control for a minimum period of sixteen (16) years from either the

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date of last entry or from the age of majority, whichever is later, except as otherwise required under the *Limitation Act* of British Columbia.

Transfer of Health Care Records

5 Upon the request of a patient and with the patient's consent, a Registrant must transfer any original Health Care Records in her custody and control to an Active Registrant or an active or practicing Licensed Practitioner.

Disposal of Health Care Records and Other Records

6 (1) After the retention period in section 4 has elapsed, a Registrant may dispose of Health Care Records and Other Records in her custody and control only by,

- (a) effectively destroying a physical Health Care Record or Other Record by shredding or incinerating it in a controlled environment,
- (b) erasing information recorded or stored by electronic means in a manner that ensures all traces of the original data are destroyed and that the information cannot be retrieved or reconstructed, or
- (c) delivering the Health Care Record to the patient to whom the record pertains.

Registrant ceasing to practice

7 (1) A Registrant who has had her registration cancelled or suspended must dispose of any Health Care Records in her custody and control in accordance with this Schedule, and provide the College with a written summary that identifies which records were disposed of and how within 14 days of the transfer or disposal.

(2) A Registrant must make appropriate arrangements to ensure that, in the event that she dies or becomes unable to practice for any reason and is unable to transfer or dispose of the Health Care Records in her custody or control, the Health Care Records will be safely and securely transferred to another Active Registrant.

(3) Any Registrant who receives Health Care Records in accordance with subsection (2) must notify the College and the patient concerned of the transfer within 14 days of receiving the records.

College access to records

8 A Registrant must make all Health Care Records and Other Records created or obtained under this Schedule, and any written or electronic information relevant to those records, available at reasonable hours for inspection by the Board, any committee of the Board, or any person or body acting on behalf of or under the direction of the College, the Board or any committee of the College, and must permit any such body or person to make copies or remove records temporarily for the purpose of making copies.

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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

Item	Event	Units Allowable	Units Assessed
1.	Investigations, correspondence, conferences, instructions or negotiations relating to an investigation for which provision is not made elsewhere in this tariff	1-25	
2.	Processes for obtaining disclosure and inspection of documents not addressed elsewhere in this tariff	1-10	
3.	Instructions to an inspector	1	
4.	Instructions to legal counsel to apply to a court for search and seizure	1	
5.	Preparation for attendance before the Inquiry Committee (per day of attendance)	5	

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6.	Attendance before the Inquiry Committee (per day)	10	
7.	All processes relating to undertakings and consents under section 36 of the Act	5	

b. Pre-hearing and Hearing Tariff

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

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.