



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

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1 (1) Repealed. (*Repealed by M/O 151/2013 effective June 27, 2013*)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

“**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*)

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

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

“**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 of the Act; (*Added by M/O 151/2013*)

effective June 27, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

“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)*

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

“Non-practising Registrant” means a Registrant who is registered under section 48 and who

- (a) is not currently authorized to practice as a registered massage therapist, and
- (b) has made a solemn declaration that he or she will not practice massage therapy in British Columbia; *(Amended by amendment filed February 1, 2019 effective April 2, 2019)*

“Personal Information” means “personal information” as defined in section 1 of the *Personal Information Protection Act*; *(Added by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)*

“Practising Registrant” means a Registrant who is registered under section 47.1 and who is currently authorized to practice as a registered massage therapist; *(Amended by amendment filed February 1, 2019 effective April 2, 2019)*

“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 amendment filed February 1, 2019 effective April 2, 2019)*

“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)*

“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 has been recognized by the Board as meeting the College’s entry-to-practice requirements and is listed in Schedule “A”; *(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)*

“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 (1), 54 (3) or 54 (4); *(Amended by M/O 205/2014 effective June 20, 2014; amended by amendment filed February 1, 2019 effective April 2, 2019)*

“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)*

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

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

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

PART A: BOARD OF THE COLLEGE

Board composition

2 The Board consists of Elected Board Members as required under section 17 (3) of the Act and Appointed Board Members.

(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Notice of election

3 (1) The Registrar must notify every Practising 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.

(3) The unintentional omission to deliver notice of a Board Election to, or the non-receipt of such a notice by, any person entitled to receive notice does not invalidate the election, any proceedings in relation to the election, or the results.

(Amended by M/O 151/2013 effective June 27, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Nomination procedure

4 (1) Any Practising Registrant in Good Standing may nominate for office a maximum of one Practising 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 the nominee will observe the provisions of the Act, its 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

Election procedure

5 (1) At least 60 days prior to the expiry of the term of office referred to in section 6, if required by section 17 (3) of the Act, the Registrar will deliver instructions for voting electronically in an election to each Practising Registrant in Good Standing.

(2) Each Practising 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

(a) cast by secure and confidential electronic ballot, and

(b) received by the Registrar at least 30 days prior to the expiry of the term of office referred to in section 6.

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

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

(6) The Registrar must supervise and administer all 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.

(9) In the event of a service or technical interruption of an electronic voting method, the Registrar may extend the deadline to accommodate for the interruption.

(10) Despite subsection (3), the Registrar may allow a Registrant to cast his or her vote by faxed, electronically scanned or sealed physical ballot if, in the opinion of the Registrar, undue hardship or other special circumstances exist in relation to the Registrant that inhibit the Registrant from casting a ballot by secure and confidential electronic means.

(Amended by M/O 151/2013 effective June 27, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

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 the Elected Board Member is elected, and

(b) expires on April 1 in the second calendar year following the calendar year in which the Elected Board Member 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, his or 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) Repealed.

(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Repealed

6.1 Repealed.

(Repealed by amendment filed February 1, 2019 effective April 2, 2019)

Removal of Elected Board Members

7 (1) An Elected Board Member ceases to hold office if the Elected Board Member ceases to be a Practising Registrant in Good Standing.

- (2) If an Elected Board Member has not fulfilled or is unable to fulfil the duties of office due to
- (a) non-attendance at three consecutive Board meetings or committee meetings to which that Elected Board Member has held office, unless previously excused by the Board,
 - (b) failure to adhere to the Board conduct and conflict of interest policies approved under section 18, or
 - (c) physical or mental incapacity,

the Elected Board Member may be removed from office by a Special Resolution of the Board and the reasons for the removal shall be recorded in the Board minutes.

(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Vacancies

8 (1) In the case of any vacancy of an Elected Board Member position required under section 17 (3) of the Act,

- (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 a Practising 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 required under section 17 (3) of the Act 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 a “Practising 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

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.

(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 1 year term.

(2) The Chair

- (a) presides as the chair at all meetings of the College or Board at which the Chair is in attendance,
- (b) signs all certificates 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 the Chair's 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

Vice-Chair and acting chair

11 (1) The Vice-Chair must be elected by a majority vote of the Board for a 1 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 Board meeting must be elected by a majority vote of the Board Members attending.

(Amended by M/O 151/2013 effective June 27, 2013; amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

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.

(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).

(4.1) Despite subsection (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.

(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; amended by amendment filed February 1, 2019 effective April 2, 2019)

Exclusion from Board meetings

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

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

- (a) financial or personal or other matters of such a nature that the interest of any person affected or the public interest in avoiding public disclosure of those matters outweighs the public interest in Board meetings being open to the public,
- (b) information concerning an application by any individual for registration under section 20 of the Act, the disclosure of which would be an unreasonable invasion of the applicant's personal privacy,
- (c) information concerning a complaint against, or investigation of, any individual under Part 3 of the Act, the disclosure of which would be an unreasonable invasion of the individual's personal privacy,
- (d) information the disclosure of which may prejudice the interests of any person involved in
 - (i) a proceeding under the Act, including a disciplinary proceeding under Part 3 of the Act or a review under Part 4.2 of the Act, or
 - (ii) any other criminal, civil or administrative proceeding,
- (e) personnel matters,
- (f) property acquisitions or disposals,
- (g) the contents of Registration Examinations,

- (h) communications with the Office of the Ombudsperson,
- (i) instructions given to or opinions received from legal counsel under section 39, or any other matter that is subject to solicitor-client privilege,
- (j) information that the College would be required or authorized to refuse to disclose to an applicant making a request for records under Part 2 of the Freedom of Information and Protection of Privacy Act,
- (k) information that the college is otherwise required by law to keep confidential.

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

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

Quorum at Board meetings

14 (1) A majority of the Board constitutes a quorum at Board meetings.

(2) If 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.

(3) 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 the Chair is entitled as a Board Member, and the proposed resolution does not pass.

(4) The Board may, by Special Resolution, adopt or establish additional policies, procedures or rules of order, consistent with these bylaws, for the purpose of regulating the conduct of Board meetings.

(Amended by M/O 151/2013 effective June 27, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Written resolutions

16 Where it is not possible for the Board to meet to discuss an urgent issue that requires a prompt decision, a resolution in writing, including by mail, facsimile or email, is valid and binding and of the same effect as if such resolution had been duly passed at a Board meeting, as long as:

- (1) every Board Member is provided with reasonable notice of the proposed written resolution,
- (2) the written resolution is approved by a majority of all Board Members, and
- (3) a record of the written resolution is included in the minutes of the next Board meeting.

(Amended by M/O 151/2013 effective June 27, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

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 constitute 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)

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.

(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 constitute a quorum at a meeting of the panel.
- (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 Practising 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

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 Practising 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

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 Practising 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 he or she was involved as a member of the Inquiry Committee.

(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

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 Practising Registrants.

(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 Practising 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 Practising Registrants,
- (c) monitor the on-going competency of Practising Registrants,
- (d) monitor the re-entry to practice of Practising Registrants who were previously Non-practising, 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; amended by M/O 079/2014 effective April 1, 2014; amended by amendment filed February 1, 2019 effective April 2, 2019)

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 Practising Registrants.

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

(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; amended by amendment filed February 1, 2019 effective April 2, 2019)

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,

(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, and

(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).

(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)

PART C: COLLEGE ADMINISTRATION

Seal

30 (1) The Board may approve a seal for the College.

(2) The seal of the College may 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

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

(1) reports directly to the Registrar,

(2) must perform the duties of the Registrar in the Registrar's absence,

(3) must perform such duties as may be specified by the Registrar, and

(4) 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

Repealed

33 Repealed.

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

Fiscal year

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

(Amended by M/O 151/2013 effective June 27, 2013; amended by amendment filed December 7, 2016 effective February 5, 2017; amended by amendment filed February 1, 2019 effective April 2, 2019)

Financial authority

35 The Board may:

(1) raise money, or guarantee or secure the payment or repayment of money, in the name of the College, in any manner determined by the Board, in order to carry out the purposes of the College, and

(2) 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.

(Amended by M/O 151/2013 effective June 27, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Payments and commitments

35.1 (1) The Board must do the following, annually:

(a) approve a budget for the College for each fiscal year,

(b) set any limits or conditions the Board considers necessary or appropriate on the Registrar's authority to enter into new financial commitments during each fiscal year.

(2) In addition to the Registrar's authority to enter into financial commitments, the Registrar may authorize expenditures in accordance with the Board's financial reserve policy.

(Added by amendment filed February 1, 2019 effective April 2, 2019)

Repealed

36 Repealed.

(Amended by M/O 151/2013 effective June 27, 2013; repealed by amendment filed February 1, 2019 effective April 2, 2019)

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 151/2013 effective June 27, 2013; amended by M/O 306/2013 effective December 10, 2013)*

Special fees

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 levy a special fee on all Registrants in an amount that does not exceed \$100 per Registrant.

(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; amended by amendment filed February 1, 2019 effective April 2, 2019)

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.

(3) A copy of the auditor's report must be included with the annual report submitted under section 18 (2) of the Act.

(Amended by M/O 151/2013 effective June 27, 2013; amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Legal counsel

39 The Board or Registrar may retain legal counsel to assist the Board, the Registrar, a committee or a panel of a committee in carrying out any power, duty or function under the Act, its regulations, or these bylaws.

(Amended by M/O 151/2013 effective June 27, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

General meetings

40 (1) General meetings of the College must:

- (a) be held in British Columbia at a time and place determined by the Board, and
- (b) be open to the public.

(2) An annual general meeting must be held at least once in every calendar year.

(3) The following matters must be considered at an annual general meeting:

- (a) financial statements,
- (b) the report of the Board, and
- (c) the report of the auditor.

(4) Every general meeting, other than an annual general meeting, is a special general meeting.

(5) The Board may convene a special general meeting

- (a) by resolution of the Board, and
- (b) 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

Repealed

41 Repealed.

(Repealed by amendment filed February 1, 2019 effective April 2, 2019)

Notice of general meetings

42 (1) The Board must provide notice of a general meeting to all Board Members, all Registrants and the public at least 45 days prior to the meeting.

(1.1) The Board may satisfy the requirement to provide notice under subsection (1) by

- (a) for every Registrant who has provided an email address to the College, transmitting notice of the meeting to the Registrant's email address, and
- (b) posting on the College website.

- (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 matters 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 before the Board provides notice of a general meeting under subsection (1).
- (3) The accidental omission to provide 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) At the discretion of the Board, notice of a general meeting may specify that Registrants will be permitted to attend the meeting by video, teleconference, web casting, or an equivalent medium, in accordance with instructions specified in the notice.

(Amended by M/O 151/2013 effective June 27, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Resolutions proposed by Registrants

- 43** (1) Any 10 Practising 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) If a resolution received in compliance with subsection (1) has not been included in the notice for a general meeting under section 42 (2) (d), the Registrar must post a copy of the resolution on the College website at least 14 days prior to the date of the general meeting.
- (3) A Practising Registrant in Good Standing may propose a resolution at a general meeting from the floor and any such resolution will be noted by the chair of the meeting and placed at the end of the agenda to be discussed if time permits.

(Amended by M/O 151/2013 effective June 27, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Proceedings at general meetings

- 44** (1) A quorum for a general meeting is 10 Practising Registrants in Good Standing.
- (2) If the notice of the general meeting specifies that Registrants may attend the meeting by video, teleconference, web casting, or an equivalent medium, Practising Registrants in Good Standing may attend and participate in the meeting by such medium, in accordance with the instructions specific in the notice, and any Registrants so attending must be included in the quorum.
- (3) A resolution passed or defeated at a general meeting must not bind the Board, any committee of the College, the Registrar, or any other officer, employee or agent of the College in the

exercise of its powers or their powers or in the performance of its duties or their duties under the Act or any other enactment.

(4) No business, other than the adjournment or termination of the general meeting, may be conducted at a general meeting at a time when a quorum is not in attendance.

(5) If there is no quorum in attendance within 30 minutes from the time fixed for the start of the general meeting, or 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 the adjournment, at a time and place to be fixed by the Board, and those Practising Registrants in Good Standing who attend the rescheduled meeting will be deemed to be a quorum for that meeting.

(Amended by M/O 151/2013 effective June 27, 2013; amended by M/O 206/2014 effective June 20, 2014; amended by amendment filed February 1, 2019 effective April 2, 2019)

Notice to public representatives

45 Notices or mailings provided to the general membership of the College will be provided to Public Representatives serving on the Board or a committee, as appropriate.

(Amended by M/O 151/2013 effective June 27, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

PART D: REGISTRATION

Classes of Registrants

46 The following classes of Registrants are established:

- (1) practising registration, and
- (2) non-practising registration.

(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Eligibility to take Registration Examination

47 For the purposes of section 19 (1) (m.3) of the Act, the conditions and requirements for eligibility to take all portions of the Registration Examination required by the Registration Committee are

(1) one of the following:

- (a) graduation from a Recognized Education Program that, at the time the applicant graduated, was recognized by the College as a Recognized Education Program,

- (b) registration for the practice of massage therapy as the equivalent of a Practising Registrant by a governing body that regulates the practice of massage therapy in a Recognized Canadian Jurisdiction, or
 - (c) successful completion of a Prior Learning Assessment including, if necessary, any additional study, training or clinical experience, which satisfies the Registration Committee that the applicant's knowledge, skills and abilities are substantially equivalent to those obtained through graduation from a Recognized Education Program; and
- (2) receipt by the Registrar of
- (a) the following information and/or records, in a format approved by the Registrar:
 - (i) the applicant's personal contact information,
 - (ii) name of the applicant's educational institution(s) attended, degree or diploma earned, and year of graduation,
 - (iii) passport-quality photograph,
 - (b) all applicable Registration Examination fees specified in Schedule "B".

(Amended by amendment filed February 1, 2019 effective April 2, 2019)

Practising registration

47.1 For the purposes of section 20 (2) of the Act, the conditions and requirements for practising registration are

- (1) successful completion of all portions of the Registration Examination required by the Registration Committee,
- (2) if required by the Registration Committee, evidence satisfactory to the Registration Committee that the applicant is a person of good character and otherwise fit to practice massage therapy,
- (3) Canadian citizenship or permanent residency in Canada or other authorization to work in Canada in a health care profession,
- (4) unless the applicant is registered for the practice of massage therapy in a Recognized Canadian Jurisdiction in accordance with section 47 (1) (b), successful completion of an English-language proficiency examination acceptable to the Registration Committee if the applicant did not complete his or her massage therapy education in English,
- (5) professional liability insurance as required under section 61,
- (6) 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, and

(7) receipt by the Registrar of

- (a) the applicant's personal contact information,
- (b) the application fee and registration fee specified in Schedule "B",
- (c) solemn declarations as to whether the applicant:
 - (i) has been charged with or convicted of a criminal offence,
 - (ii) has been expelled from or otherwise forced to quit a massage therapy educational program,
 - (iii) has had his/her entitlement to practice massage therapy or another health profession limited, restricted, suspended or cancelled in BC or another jurisdiction,
 - (iv) has been refused registration or licensure by a regulatory body,
 - (v) is currently the subject of a proceeding for professional misconduct, incompetence or incapacity in relation to massage therapy or any other profession in any jurisdiction, and
 - (vi) has truthfully, accurately and completely disclosed all events, conditions or circumstances material to the application.
- (d) a signed criminal record check authorization under the *Criminal Records Review Act*, and
- (e) if the applicant is authorized or has been authorized to practice massage therapy in another jurisdiction, or is authorized or has been authorized to practice another health profession in British Columbia or another jurisdiction, a signed consent form authorizing the governing body administering the applicant's current or former authorization to practice massage therapy or another health profession to disclose to the Registration Committee
 - (i) any current or previous restrictions, terms or limitations on the applicant's authorization to practice massage therapy or another health profession,
 - (ii) any unresolved complaints respecting the applicant, and
 - (iii) the disciplinary history of the applicant.

(Added by amendment filed February 1, 2019 effective April 2, 2019)

Non-practising registration

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

- (a) current registration as a Practising Registrant,
- (b) professional liability insurance as required under section 61, and

(c) receipt by the Registrar of

- (i) the application fee and applicable registration fee specified in Schedule “B”,
(Amended by M/O 205/2014 effective June 20, 2014)
- (ii) any other fee, fine, levy, or debt owed to the College under the Act, and
- (iii) a solemn declaration that the Registrant will not provide massage therapy services in British Columbia while registered as a Non-practising Registrant.

(2) A Non-practising Registrant may use a title authorized under section 3 of the Regulation only if immediately followed by “(Non-practising)”.

(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Repealed

49 Repealed.

(Repealed by amendment filed February 1, 2019 effective April 2, 2019)

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 47.1 or 48,

(a) receipt by the Registrar of

- (i) the following information, in a format approved by the Registrar: the Registrant’s personal contact information, the Registrant’s place(s) of practice, and contact information for the Registrant’s place(s) of practice,
- (ii) the applicable registration renewal fee specified in Schedule “B”,
- (iii) any other fee, fine, levy, or debt owed to the College under the Act, and
- (iv) 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 section 20, 32.2, 32.3, 33, 35, 36, 37.1, 38, or 39 of the Act,

(b) compliance with any requirements respecting quality assurance that are established in these bylaws or by the Quality Assurance Committee, and

(c) professional liability insurance as required under section 61.

(2) Repealed.

(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 306/2013 effective December 10, 2013; amended by M/O 238/2014 effective July 15, 2014; amended by amendment filed February 1, 2019 effective April 2, 2019)

Late renewal and failure to renew

51 (1) If a Registrant fails to meet, on or before December 15, 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 December 31, 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

Reinstatement of registration within 3 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, 48 or 54,

- (1) the former Registrant was in Good Standing on cancellation of the previous registration,
- (2) the former Registrant is not in contravention of the Act, the Regulation or these bylaws,
- (3) compliance with any requirements respecting quality assurance that are established by these bylaws or by the Quality Assurance Committee, as though the former Registrant were applying under section 50 for renewal of the previous registration,
- (4) professional liability insurance as required under section 61,
- (5) 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, and
- (6) receipt by the Registrar, on or before March 31 in the year of cancellation under section 51 (2), of
 - (a) the following information, in a format approved by the Registrar: the former Registrant’s personal contact information, the former Registrant’s anticipated place(s) of practice, and contact information for the Registrant’s anticipated place(s) of practice,
 - (b) the application fee and applicable registration reinstatement fee specified in Schedule “B”, *(Amended by M/O 205/2014 effective June 20, 2014)*
 - (c) any other fee, fine, levy, or debt owed to the College under the Act, and
 - (d) a solemn declaration as to whether the applicant has been charged with or convicted of a criminal offence.

(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Waiver of late renewal or reinstatement fees

53 Despite sections 51 and 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 the Registrant 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 practising registration or renewal fee and the non-practising 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 as a Practising Registrant if failure to renew exceeds 3 months

54 (1) In this section,

(a) “Applicant” means

(i) a former Practising Registrant who is no longer registered with the College and whose practising registration was not suspended or cancelled due to the College’s inquiry or discipline process, or

(ii) a Non-practising Registrant.

(b) “Disciplined Person” means a former Registrant whose registration was cancelled

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

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

(2) An Applicant whose practising registration has been cancelled for two (2) consecutive years or less may be restored to practising registration by the Registration Committee if the Applicant

- (a) is not in contravention of the Act, its regulations or these bylaws,
- (b) if required by the Registration Committee, provides evidence satisfactory to the Registration Committee that he or she is a person of good character and otherwise fit to practice massage therapy,
- (c) is in compliance with any requirements respecting quality assurance that are established in these bylaws or by the Quality Assurance Committee as though an application were being made under section 50 for renewal of the former practising registration,
- (d) has 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,
- (e) has obtained professional liability insurance as required under section 61, and
- (f) provides to the Registrar
 - (i) the following information, in a format approved by the Registrar: the former Registrant's personal contact information, the former Registrant's anticipated place(s) of practice, and contact information for the Registrant's anticipated place(s) of practice,
 - (ii) the application fee and applicable registration fee specified in Schedule "B",
 - (iii) any other fee, fine, levy, or debt owed to the College under the Act, and
 - (iv) solemn declarations as to whether the former Registrant:
 - a. has been charged with or convicted of a criminal offence;
 - b. has been the subject of an adverse finding by the regulatory authority for a health profession;
 - c. has entered into an agreement with a health profession regulatory authority;
 - d. has been refused registration or licensure by a health profession regulatory authority;
 - e. has had his/her entitlement to practice a health profession limited, restricted, suspended or cancelled;
 - f. is currently the subject of a proceeding for professional misconduct, incompetence or incapacity in relation to massage therapy or any other profession in any jurisdiction;
 - g. has voluntarily relinquished the entitlement to practice a health profession in any jurisdiction, with the effect of preventing the

commencement or completion of an investigation that could have resulted in suspension or cancellation of registration or licensure in that jurisdiction;

- h. has truthfully, accurately and completely disclosed all events, conditions or circumstances material to the application.

and

(g) unless the Applicant is currently registered as a Non-practising Registrant, provides to the Registrar

- (i) a signed criminal record check authorization under the *Criminal Records Review Act*,
- (ii) the full name and contact information of three personal references who can attest to the Applicant's good character and fitness to practice massage therapy, and
- (iii) if the Applicant is authorized or has been authorized to practice massage therapy in another jurisdiction, or is authorized or has been authorized to practice another health profession in British Columbia or another jurisdiction, a signed consent form authorizing the governing body administering the Applicant's current or former authorization to practice massage therapy or another health profession to disclose to the Registration Committee
 - a. any current or previous restrictions, terms or limitations on the Applicant's authorization to practice massage therapy or another health profession,
 - b. any unresolved complaints respecting the Applicant, and
 - c. the disciplinary history of the Applicant.

(3) An Applicant whose practising registration has been cancelled for more than two (2) consecutive years but less than five (5) consecutive years may be restored to practising registration by the Registration Committee if the Applicant

- (a) satisfies the requirements for reinstatement set out in subsection (2), and
- (b) successfully completes any additional requirements the Registrar deems necessary, as determined in accordance with criteria established by the Registration Committee, which may include one or more of the following:
 - (i) a clinical skills refresher course satisfactory to the Registration Committee,
 - (ii) the Law, Ethics and Professionalism component of the Registration Examination,

(iii) the Performance-Based Assessment component of the Registration Examination.

(4) An Applicant whose practising registration has been cancelled for five (5) consecutive years or more may be restored to practising registration by the Registration Committee if the Applicant

- (a) satisfies the requirements for reinstatement set out in subsection (2), and
- (b) successfully completes any additional requirements the Registration Committee deems necessary to ensure the Applicant's competency to practice massage therapy, which may include one or more of the following:
 - (i) a clinical skills refresher course satisfactory to the Registration Committee;
 - (ii) the Law, Ethics and Professionalism component of the Registration Examination;
 - (iii) the Performance-Based Assessment component of the Registration Examination;
 - (iv) any other steps satisfactory to the Registration Committee.

(5) A Disciplined Person may be restored to practising registration by the Registration Committee if the Disciplined Person

- (a) satisfies the requirements for reinstatement of an Applicant set out in subsections (2) to (4), and
- (b) 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 amendment filed February 1, 2019 effective April 2, 2019)

Repealed

55 Repealed.

(Repealed by amendment filed February 1, 2019 effective April 2, 2019)

Registration Examination

56 (1) Repealed.

(2) Repealed.

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

- (4) A person 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 a person fails a second attempt at a Registration Examination or portion thereof, the Registration Committee may grant the person a third attempt at a Registration Examination or a portion thereof if the person demonstrates to the Registration Committee that he or she has completed one or more courses or programs of study on the subjects addressed in those portions of the Registration Examination that the person failed.
- (6) Repealed.
- (7) If a person fails a third attempt at a Registration Examination or portion thereof, the Registration Committee may grant the person a fourth attempt only in accordance with criteria set by the Registration Committee for that purpose.
- (8) Repealed.
- (9) Repealed.
- (10) A person who fails a fourth attempt at a Registration Examination or portion thereof is not entitled to any further attempts at the Registration Examination or portion thereof unless the person
- (a) completes, or repeats completion of, a Recognized Education Program or completes other further education or training acceptable to the Registration Committee, and
 - (b) re-applies under section 47 for eligibility to take the Registration Examination.
- (11) A person must complete all examination attempts within three (3) years from the date of the person's application under section 47 for eligibility to take a Registration Examination or portion thereof.
- (12) Subsections (10) and (11) do not apply to a person applying for eligibility to take a Registration Examination under section 47 (1) (b).
- (13) A person is only eligible to apply for registration under section 47.1 within one (1) year of successful completion of all required components of the Registration Examination.

(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Disqualifications

- 57** (1) If an applicant, in the opinion of an Examiner, engages in improper conduct during the course of a Registration Examination,
- (a) the Examiner may 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 College 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

Registration Examination fees

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

(2) Despite subsection (1), if a person cannot attend a Registration Examination or portion thereof on the scheduled date, the Registrar may refund all or any portion of the 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)

Certificates of registration

59 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 a certificate of registration in a form approved by the Board, to each Registrant on the granting of registration as a member of the College.

(Amended by amendment filed February 1, 2019 effective April 2, 2019)

Repealed

60 Repealed.

(Repealed by amendment filed February 1, 2019 effective April 2, 2019)

Liability insurance

61 (1) Each Practising 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 non-practising registration under section 48, a Non-practising Registrant who did not have occurrence-based coverage immediately prior to the time at which non-practising 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 Non-practising Registrant was a Practising Registrant.

(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Registrant information

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

- (a) the Registrant's physical home address, telephone number and email address; and
- (b) the physical address, telephone number, email address and website address of all places at which the Registrant practices massage therapy.

(2) A Registrant must notify the Registrar of any change to the following, no later than 14 days after the change occurs:

- (a) any information provided previously under subsection (1); and
- (b) the Registrant's name.

(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Repealed

63 Repealed.

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

PART D.1: QUALITY ASSURANCE

Assessment of professional performance

63.1 Upon receipt of a practice assessment request in a form approved by the Registrar or notice of such form being available on the College website, a Practising 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

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 practising 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 practising 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 practising 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

Standard First Aid/CPR-C

- 63.3** (1) Effective on and after November 1, 2014, a Practising 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”.

(Amended by amendment filed May 12, 2016 effective July 11, 2016; amended by amendment filed February 1, 2019 effective April 2, 2019)

Other quality assurance requirements

63.4 A Practising Registrant must satisfy any other requirements set by the Quality Assurance Committee.

(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

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)

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 Inquiry 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 Inquiry Committee or 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 Inquiry Committee or 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

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)

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 posted on the College's website two to four weeks before the hearing is scheduled to commence.

(3) The Discipline Committee must provide notice 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

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 section 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

Notice to regulatory bodies

69.2 If a consent agreement or undertaking under section 36 of the Act, an order under section 35, 39, or 39.1 of the Act, or a consent order under section 37.1 of the Act results in suspension or cancellation of registration, or imposes a limit or condition on a Registrant's practice, the Registrar must notify

(1) the body responsible for the regulation of massage therapy in every other Canadian jurisdiction, and

(2) on request, any body responsible for the regulation of massage therapy outside Canada, and may notify any other body, in British Columbia, another province or a foreign jurisdiction, that regulates a health profession in British Columbia or that other province or foreign jurisdiction.

(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

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 use titles that have been reserved for Registrants under the Act and Regulation,
- (b) not hold office in the College as a Board Member, or act as a member of a committee established in these bylaws, an inspector, or an Examiner,
- (c) not make appointments for patients or prospective patients,
- (d) not contact or communicate with patients or prospective patients either directly or indirectly (such as through a publication or communication on a website), 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 the Registrant's premises and the building in which the premises are located, the Registrant's name and any sign relating to the Registrant's practice over which the Registrant has control,
- (f) prominently display, in any place over which the Registrant has control, 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 the Registrant's 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 the Registrant 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).

(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Repealed

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

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)

Repealed

73 Repealed.

[No Heading]

74. *[Vacant]*

PART F: PROFESSIONAL STANDARDS

Code of Ethics, Standards of Practice and Patient Records

75 Every Registrant must comply with

- (1) the Code of Ethics,
- (2) the Standards of Practice established by the Board, and
- (3) 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 February 1, 2019 effective April 2, 2019)

Repealed

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

Duty to report to College

77. (1) This section applies to Registrants and applicants for registration, including reinstatement of registration.

(2) A person who is charged with an offence under a federal or provincial statute in British Columbia or in another province, or an equivalent offence in a foreign jurisdiction, must immediately provide to the Registrar a written notice specifying particulars of the charge.

(3) Despite subsection (2), no notification is required under that subsection if a person is issued or served with a ticket as defined in the *Contraventions Act* (Canada) or a violation ticket as defined in the *Offence Act*.

(4) A person who becomes the subject of an investigation, inquiry, review or other proceeding in British Columbia, another province or a foreign jurisdiction that could result in the person’s entitlement to practice a profession being cancelled, suspended, limited, restricted or made subject to limits or conditions, or the person’s membership in a professional association being suspended or cancelled, must immediately on becoming aware of the proceeding provide to the Registrar a written notice specifying particulars of the proceeding.

(Added by amendment filed February 1, 2019 effective April 2, 2019)

Repealed

78. Repealed.

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

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 the Registrant's 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,
- (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; amended by amendment filed February 1, 2019 effective April 2, 2019)

Quality of a marketing activity

78.3 (1) Any marketing activity undertaken or authorized by a Registrant in respect of the Registrant's 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 the Registrant's 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

Speaking on behalf of the College

78.4 A Registrant must not state publicly or imply that the Registrant 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

Endorsing a product or service

78.5 A Registrant must not endorse or lend himself or 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

Statement of fees

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

- (1) 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,
- (2) not compare the fees the Registrant charges to those charged by another Registrant and
- (3) state the period of time that the fee applies.

(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Use of titles in advertising

78.7 (1) In a marketing activity or advertisement to promote a Registrant's 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 titles 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

- (1) 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,
- (2) 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
- (3) in any advertisement, identify himself or herself as being responsible for the practice advertised.

(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Permitted practice descriptions

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

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

- (b) the techniques that the Registrant has been trained to provide as a Registrant, or
- (c) the typical types of injuries or health problems that the Registrant 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

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

- (1) that Registrant may advertise that service or technique so long as
 - (a) that non-massage therapy service is not linked to or associated with his or her status as a Registrant, and
 - (b) there is a clear separation of professional services that fall within and outside the scope of practice of Registrants,
- (2) that Registrant must use separate letterhead, business cards, statements of account and similar documents for his or her non-massage therapy service, and
- (3) 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 the Registrant's advertising, but in so doing the Registrant must clearly distinguish between the services the Registrant 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 the Registrant 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

Advertising with others

78.93 If a Registrant is advertising his or 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

Retention of advertisements

78.94 A Registrant must

- (1) retain for one year after the date of publication or broadcast any advertisement, and
- (2) provide to the Board upon request
 - (a) a copy of any publication,
 - (b) a recording of any broadcast over any electronic media, including radio, television and microwave transmission, and
 - (c) 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 the Registrant's 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

PART G: PROFESSIONAL CORPORATIONS

Application for a permit

79 A corporation may apply to the College for a permit to carry on the business of providing massage therapy services to the public by delivering to the Registrar

- (1) the corporation's contact information,
- (2) a copy of the certificate of incorporation of the corporation and any other certificates which reflect a change in name,
- (3) the permit application fee specified in Schedule "B",
- (4) an acknowledgement, in a form approved by the Registrar, executed by each Registrant who is a voting shareholder of the corporation or of a holding company that directly or indirectly owns a legal or beneficial interest in any voting share of the corporation, confirming that the Registrant has read section 14.1 of the Act, and that the Registrant understands that

- (a) the Registrant’s liability for professional negligence will not be affected by the fact that the Registrant practises massage therapy through or on behalf of the corporation,
- (b) the application of the Act, its regulations and these bylaws to the Registrant will not be affected, modified or diminished as a result of the Registrant’s relationship with the corporation, and
- (c) neither the issuance of a medical corporation permit by the College nor the Registrant’s practise of massage therapy through or on behalf of the corporation will in any way relieve or absolve the Registrant from observing the Code of Ethics and Standards of Practice set out in Schedule “D”, and

(5) a certificate of solicitor pursuant to section 80.2.

(Amended by M/O 306/2013 effective December 10, 2013; amended by amendment filed February 1, 2019 effective April 2, 2019)

Repealed

80 Repealed.

(Repealed by amendment filed February 1, 2019 effective April 2, 2019)

Designated person

80.1 (1) A corporation must, by resolution, designate a person (“designated person”) as the person responsible for ensuring the corporation’s compliance with the College’s permit application requirements, permit renewal requirements, and any other requirements applicable to the corporation.

(2) A designated person must be a Registrant of the College and a voting shareholder of the corporation pursuant to section 80.2.

(3) A corporation may change the designated person by delivering to the Registrar an amended certificate of solicitor pursuant to section 80.2.

(Added by amendment filed February 1, 2019 effective April 2, 2019)

Certificate of solicitor

80.2 The certificate of solicitor required under section 79 (5) must

(1) confirm that the corporation meets all requirements of the Act and these bylaws, and in particular that:

- (a) the articles of the corporation provide for the disposition of the shares of a shareholder who dies, ceases to be a Registrant or who ceases to be qualified to practice massage therapy in a way that ensures ongoing compliance with the requirements of section 43 of the Act, and
- (b) all voting shares of the corporation are legally or beneficially held by Registrants, and

(2) identify a “designated person” as defined in section 80.1.

(Added by amendment filed February 1, 2019 effective April 2, 2019)

Permits

81 (1) The Registrar shall, subject to subsection 43 (2) of the Act, issue to a corporation which has complied with the Act and these bylaws a permit entitling the corporation to carry on the business of providing massage therapy services to the public as a health profession corporation.

(2) A permit issued under subsection (1) or a permit renewed under section 84 (3) is valid for one year.

(3) Despite subsection (2), a permit issued under subsection (1) or a permit renewed under section 84 (3) expires if

(a) the Registrar receives from the health profession corporation's designated person a written request for the permit to be cancelled, or

(b) the health profession corporation is dissolved or otherwise ceases to be a company in good standing under the *Business Corporations Act*.

(Amended by amendment filed February 1, 2019 effective April 2, 2019)

Change of corporate name

82 Where a health profession corporation has changed its name, the designated person must deliver to the Registrar a copy of the certificate issued by the Registrar of Companies showing the change of name and the date it is effective.

(Amended by amendment filed February 1, 2019 effective April 2, 2019)

Advertising and identification of corporate status

83 A health profession corporation which carries on the business of providing massage therapy services to the public must

(1) 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, and

(2) comply with the requirements of Part F.1 of these Bylaws as if it were a Registrant, to the extent those requirements may be applicable to a corporation.

(Amended by amendment filed February 1, 2019 effective April 2, 2019)

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 Registrar for a renewal of the permit.

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

(3) The Registrar 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 Registrar for a renewal of its permit in accordance with subsection (1), and

(b) complied with the Act and these bylaws,

a permit entitling the health profession corporation to carry on the business of providing massage therapy services to the public.

(4) If a health profession corporation fails to renew its permit before its previous permit expires, the corporation must pay the late renewal fee specified in Schedule “B”.

(Amended by amendment filed February 1, 2019 effective April 2, 2019)

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

Disposition or transfer of shares

85.1 If the legal or beneficial interest in a voting share of a health profession corporation or holding corporation is transferred, pledged, or assigned to any person who is entitled to hold that legal or beneficial interest in accordance with the requirements of section 43 of the Act, the designated person must:

(1) notify the Registrar of the transfer, and

(2) deliver to the Registrar an acknowledgement, consistent with the requirements in section 79 (4), from each new voting shareholder, unless an acknowledgement executed by that Registrant has previously been delivered to the Registrar.

(Added by amendment filed February 1, 2019 effective April 2, 2019)

Repealed

86 Repealed.

(Repealed by amendment filed February 1, 2019 effective April 2, 2019)

Repealed

87 Repealed.

(Repealed by amendment filed February 1, 2019 effective April 2, 2019)

Notification of other changes

87.1 A health profession corporation’s designated person must promptly advise the Registrar in writing of any change to the information which was contained in the permit application or permit renewal application most recently delivered to the Registrar.

(Added by amendment filed February 1, 2019 effective April 2, 2019)

College action upon notification

87.2 Upon receiving a notification of change under section 85, 86 or 87, the Registrar may:

- (1) allow the existing permit to continue until the permit expiration date,
- (2) re-issue the permit, which is valid until the date on which the permit it replaced would have expired, or
- (3) require an application for a new health profession corporation permit.

(Added by amendment filed February 1, 2019 effective April 2, 2019)

PART H: REPEALED

Repealed

88 Repealed.

(Repealed by amendment filed February 1, 2019 effective April 2, 2019)

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
Kootenay Columbia College of Integrative Health Sciences	Registered Massage Therapy Program	Nelson
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 Westminister, Victoria

(Amended by amendment filed February 26, 2016 effective April 26, 2016; amended by amendment filed December 15, 2016 effective February 13, 2017; amended by amendment filed February 1, 2019 effective April 2, 2019)

Schedule "B"

FEES

Registration

Initial Practising Registration

Application [s. 47.1 (7) (b)]: \$125

Registration [s. 47.1 (7) (b)]: * \$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

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

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

Annual Renewal

Registration Renewal – Practising Registration [s. 50 (1) (a) (ii)]: \$575

Registration Renewal – Non-practising Registration [s. 50 (1) (a) (ii)]: \$140

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

Reinstatement

Application [s. 54 (2) (f) (i)]: \$50

Registration Reinstatement – Failure to Renew within 3 months [s. 52 (5) (b)]: \$675

Registration Reinstatement – If failure to renew exceeds 3 months [s. 54 (e) (iii)]:

 Non-practising to Practising Registration – if change made January 1 – June 30: \$575

 Non-practising to Practising Registration – if change made July 1 – December 31: 287.50

 Disciplined Person: \$910

Registration Examinations

Full Registration Examination

– each attempt [s. 47 (2) (b), s. 54 (3) (b), s. 54 (4) (b), s. 58 (1)]: \$1,200

Partial Registration Examination, written or online portion

– each attempt [s. 47 (2) (b), s. 54 (3) (b), s. 54 (4) (b), s. 58 (1)]: \$275

Partial Registration Examination, performance based assessment

– each attempt [s. 47 (2) (b), s. 54 (3) (b), s. 54 (4) (b), s. 58 (1)]: \$650

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

Prior Learning Assessment [s. 47 (1) (c)]

Application and Online-Self Assessment: \$150

Clinical Competence Assessment: \$1,600

Continuing Education

Non-Compliance with Continuing Education Requirements [s. 63.2 (5)]: \$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
Late Renewal [s. 84 (4)]: \$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

(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 August 24, 2018 effective October 23, 2018; amended by amendment filed February 1, 2019 effective April 2, 2019)

Schedule “C”

REPEALED

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

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.

Repealed

3 Repealed.

(Repealed by amendment filed February 1, 2019 effective April 2, 2019)

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.

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 the Registrant's certificate of registration in the Registrant's primary practice location,
- (b) visibly display the Registrant's 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; amended by amendment filed February 1, 2019 effective April 2, 2019)

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.

Repealed

10 Repealed.

(Repealed by amendment filed February 1, 2019 effective April 2, 2019)

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 himself or 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.

SCHEDULE "E"

STANDARD FOR PATIENT RECORDS

[section 75(3)]

(Amended by amendment filed May 17, 2016 effective July 16, 2016; amended by amendment filed December 14, 2016 effective January 14, 2017; amended by amendment filed February 1, 2019 effective April 2, 2019)

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*, 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,
 - 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:

- (a) written in an official language of Canada, and
- (b) in paper form, written legibly in ink or typed, or
- (c) 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 the Registrant's custody and control for a minimum period of sixteen (16) years from either the 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 the Registrant's 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 the Registrant's 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 his or her registration cancelled or suspended must dispose of any Health Care Records in his or 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 the Registrant 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 Practising 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 Registrar or a person appointed by the Inquiry Committee as an inspector under section 27 (1) of the Act, and must permit the Registrar or any such person to make copies or remove records temporarily for the purpose of making copies.

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	
6.	Attendance before the Inquiry Committee (per day)	10	

7.	All processes relating to undertakings and consents under section 36 of the Act	5	
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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, and
- (d) Professional services contracted for the purposes of investigation, or the provision of expert evidence: actual cost.