

COLLEGE OF  
MASSAGE  
THERAPISTS OF  
NEW BRUNSWICK

BY-LAWS

Revised to December 17, 2009

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## **CODE OF ETHICS**

The College of Massage Therapists of New Brunswick (the “College”) recognizes its obligations to identify and promote exemplary professional standards of practice, conduct and performance. Adherence to these standards is the personal and professional responsibility of each member.

This Code of Ethics requires that every member of the College shall adhere to the following principles:

1. Respect for Persons – To value the dignity and worth of all persons regardless of age, race, culture, creed, sexual identity, gender, ableness and/or health status.
2. Responsible Caring – Providing sensitive, compassionate and empathetic quality massage therapy.
3. Integrity in Relationships – To practice with integrity, honesty and diligence in professional relationships with each other, with clients, with professional colleagues and society.
4. Responsibility to Society – To be accountable to society and conduct themselves in a manner that fosters and promotes high ethical standards.

## **MISSION STATEMENT**

The College of Massage Therapists of New Brunswick is dedicated to excellence in protecting the public, serving its members, and promoting the highest possible quality of the practice of massage therapy in a safe and ethical manner.

Through standards of practice, continuing professional development and partnerships, the College contributes to the advancement of the profession as well as the art and science of massage therapy.

The College conducts all of its proceedings and issues all of its written documentation in both official languages, English and French.

## **1- NAME, HEAD OFFICE AND SEAL**

The name of the organization is the College of Massage Therapists of New Brunswick, hereinafter referred to as the College. The head office of the College shall be in the City of Fredericton in the Province of New Brunswick. The official seal of the College shall be in the form impressed hereon.

## **2- OBJECTIVES**

The aims and purposes of the College are:

- to ensure that health care services are provided to clients with expertise, empathy, and ethical responsibility required of members of the College, as members of the health care team.
- to promote the art and science of Massage Therapy through professional development and association with other health care organizations and government agencies.
- to facilitate the exchange of information for members through regular meetings.
- to monitor the qualifications of members and maintain a high professional standard.
- to print and distribute reports and proceedings of the College.
- to invest the monies of the College which are not immediately required, in such manner as may be deemed advisable.
- to pursue these objectives without the intent of financial gain for the College or any of its members.

## **3- ORGANIZATION**

The College shall be composed of members as indicated hereinafter. It is the responsibility of the Board of Directors to manage the affairs of the College.

## **4- MEMBERSHIP**

The term “Registered Massage Therapist” (“RMT”) is used without preference or discrimination to describe a person who is registered with the College and can therefore engage in the practice of massage therapy within the scope of practice of massage therapy as defined in the Massage Therapy Act of New Brunswick.

After being accepted for membership by the Admissions Committee, and in order to be eligible for yearly renewal as a member thereafter, an RMT must show evidence of 500 hours of direct client care during every three year cycle in his/her practice, using modalities recognized by the College as being within the scope of practice of massage therapy.

The College shall be composed of the following membership categories. The rights and privileges of each classification shall not be transferable by personal act or operation of law and members shall be entitled to only those privileges specifically allocated by these by-laws.

The **Members** of the College shall consist of:

- Active Membership
- Inactive Membership

### **ACTIVE MEMBERSHIP**

(1) Active members shall include those persons who are in the active practice of massage therapy and pay active membership dues. This includes all persons holding active practicing membership in the Association of New Brunswick Massage Therapists Inc. and the N.B. Massotherapy Association Inc. as of the date of approval of these by-laws.

(2) Registration and a licence to practice massage therapy shall be granted to a person who:

(a) is an active or inactive member of a college of massage therapists in a regulated Canadian jurisdiction;

(b) submits proof of graduation with a diploma or degree in massage therapy from an approved school, college or university. An approved school, college or university means:

(i) a school, college or university accredited or approved by the regulating massage therapy body in a regulated Canadian jurisdiction;

(ii) a school, college or university in an unregulated Canadian jurisdiction that meets minimum standards as determined by the College; or

(iii) a school, college or university in a foreign jurisdiction that meets minimum standards as determined by the College.

(c) successfully passes the College competency examination;

(d) pays all fees required by the College;

(e) satisfies the College that he/she has professional liability insurance written on an occurrence form with at least two million dollars in coverage annually;

(f) submits a certificate of conduct from the R.C.M.P. or local police satisfactory to the College;

(g) submits a declaration of current and former complaints and disciplinary proceedings taken against him/her in any jurisdiction, and such declaration does not disclose any unresolved complaints, discipline proceedings or unfulfilled sanctions arising from the same;

(h) demonstrates to the College a reasonable fluency in the English or French language;

(i) if as a current, practicing massage therapist applying from an unregulated Canadian jurisdiction, submits a certificate of good standing from that jurisdiction, dated not more than sixty (60) days prior to the application to the College; and

(j) meets such other requirements as may be imposed by the College

(3) A person who complies with sub-paragraph 2(a) above shall be exempt from the examination referred to in sub-paragraph 2(c) above.

**These members may attend all meetings of the College, have voting privileges and may hold office.**

### **INACTIVE MEMBERSHIP**

(4) Inactive members are members of the College who were active members, but have temporarily or permanently discontinued practicing the profession of massage therapy and are paying inactive membership dues.

**These members may attend all meetings of the College, but do not have voting privileges and may not hold office.**

(5) Criteria for return to active membership are as follows:

- If return to active membership is within 3 years of commencement of inactive membership status, the RMT must pay a re-instatement fee and active membership dues. If the RMT did not commence inactive membership in good standing, a College administration fee may also be payable.

- If return to active membership is after 3 years of commencement of inactive membership status, the RMT must successfully complete a Refresher Program, pay a re-instatement fee, prorated active membership dues and a College administration fee.

## **5- MEMBERSHIP REGISTRY**

For the purpose of providing adequate and accurate information respecting the professional qualifications of members of the College, there shall be maintained by the Registrar, in addition to any other information required by law, a register in which shall be recorded the names, addresses and membership category, respectively, held by all members. Such register shall be open to inspection by or information from it given to, any person who proves to the Registrar that there is a bona fide reason for requesting access to or information from, such register.

## **6- MEMBERSHIP DUES**

Unless otherwise decided by members at any annual or special meeting of the College, each member, upon receipt of an annual notice, shall pay the annual membership fee as set by the College. The annual membership fee shall be in the minimum amount necessary to enable the College to meet its objectives and fulfill its mission statement.

## **7- TERMINATION OF MEMBERSHIP**

Membership in the College can be terminated by:

- a. Death of a member.
- b. Resignation in writing.
- c. Non-payment of dues.
- d. Disciplinary action.

## **8- RE-ADMISSION OF A MEMBER**

Any person, whose membership and registration has been terminated, suspended, or revoked, except for causes listed in the Complaints and Discipline Procedures, may be re-instated as a member if the person applies for reinstatement within three (3) years following the date of termination, suspension or revocation. Payment of dues will be according to established fees.

## **9- MEETINGS**

- The Annual General Meeting (AGM) of the College shall be held no more than one hundred and twenty (120) days, nor less than thirty (30) days after the end of the fiscal year.
- Special Meetings of the College may be called at any time and place as may be designated by the President or Board of Directors. A majority of the Board of Directors shall constitute sufficient authority to call a Special Meeting. Fourteen days written notice of such meeting shall be given to all members.
- The Annual Business Meeting shall be held during the Annual General Meeting of the College. Except as otherwise provided by the by-laws, no business shall be transacted at any annual or special meeting unless a quorum exists at the time when the meeting proceeds to business.
- The fiscal year shall be January 1<sup>st</sup> to December 31<sup>st</sup>.

## **10- ORDER OF BUSINESS AT ANNUAL GENERAL MEETINGS**

The following shall be the Order of Business at Annual General Meetings unless otherwise decided by the presiding officer:

Call to order  
Minutes of the Previous Meeting  
President's Report  
Registrar's Report  
Treasurer's Report  
Secretary's Report  
Reports of Committee Chairs  
    Admissions Committee  
    Complaints Committee  
    Discipline and Fitness to Practise Committee  
    Any ad hoc committee  
    Appointment of Auditor  
    Unfinished business  
    New business  
    Election of Officers  
    Selection of next meeting place and date  
    Adjournment

## **11- PRESIDING OFFICER**

The President shall preside at all meetings of the College. In the absence of that officer, the Vice-President shall take the chair. The absence of both of those officers shall require the selection by the Board of Directors of a pro tem presiding officer.

## **12- QUORUM**

A quorum at all meetings shall consist of not less than **ten percent (10%)** of the voting membership.

A majority of members of the Board of Directors shall constitute a quorum for the transaction of business.

## **13- VOTING**

At all meetings of the College, voting shall be by a show of hands, unless a Poll is requested. Decisions shall be reached by a simple majority unless otherwise required by the by-laws of the College. Voting members not present at a meeting may be represented by written proxy, prepared and filed with the College in accordance with rules established by the College.

If a Poll is demanded, or if the discretion of the Presiding Officer dictates that a Poll is required, Chair-appointed scrutineers shall total the votes and report same to the Presiding Officer, who shall announce the results to the assembly for the record. All ballots shall be destroyed following a vote. In the event of a tied vote, the Presiding Officer shall be entitled to a second or deciding vote.

## **14- OFFICERS OF THE COLLEGE**

The officers of the College shall be:  
    President  
    Vice-President

Secretary  
Treasurer

There shall be three (3) additional members to complete the Board of Directors of the College as follows:

- a. Immediate Past President
- b. Two lay persons, not members of the College, to act as public representatives on the Board of Directors, who shall be appointed by the Minister of Health; the Minister of Health may choose from a panel of not less than four persons nominated by the Board of Directors.

The offices of Secretary and Treasurer may be held by the same person.

The members of the College shall elect the Board of Directors, and the Board of Directors shall elect the officers to fill the positions of President, Vice-President, Secretary and Treasurer. The Registrar of the College is appointed by the Board of Directors and this appointment is reviewed annually.

The term of office for the positions on the Board of Directors shall be two years. There shall be no limit on the number of terms of election of a member of the Board of Directors or of an officer of the Board of Directors. The President need not have served a term as a member of the Board of Directors, prior to being elected as President.

In the event that any member of the Board of Directors cannot complete his or her term of office, a replacement member shall be appointed by the Board of Directors, unless, in the case of a lay member, by the Minister of Health, who may choose from a panel of not less than four persons nominated by the Board of Directors.

Notwithstanding the foregoing, the initial composition of the Board of Directors shall include an equal number of representatives from each of the Association of New Brunswick Massage Therapists Inc. ("ANBMT") and the N.B. Massotherapy Association Inc. ("NBMA"). To accomplish this, the initial election of members to the Board of Directors shall be by means of two simultaneous ballots, with NBMA nominees on one ballot, and ANBMT nominees on the other ballot. All members of the College shall be eligible to vote for two candidates on each ballot.

#### **15- EXPENSES and REMUNERATION**

Officers, Committee members and any other persons who work on behalf of the College with the approval of the Board of Directors shall be remunerated for reasonable expenses incurred during those activities in accordance with the policies of the College. Remuneration beyond expenses shall not be awarded, except where a special work or mission is undertaken on behalf of the College, which is deemed worthy of further compensation.

#### **16- COMMITTEES**

At the conclusion of the meetings of the Board of Directors prior to the Annual General Meeting each year, the Board of Directors shall approve a chair for such Committees as are considered appropriate for the efficient functioning of the College, including but not limited to the Admissions Committee, Complaints Committee, Discipline and Fitness to Practise

Committee and the Quality Assurance Committee. The President shall be ex officio a voting member of all committees.

## **17- QUALITY ASSURANCE**

The Quality Assurance Committee shall be composed of at least three (3) active members of the College. Three members constitute a quorum, and all decisions require the vote of a majority of members present at the meeting. The Quality Assurance Committee shall be responsible for administration of the Quality Assurance Program, which shall include a Continuing Education Program. Each active member of the College must accumulate thirty (30) continuing education units within every three-year cycle. Each continuing education unit shall equal two hours of participation in an educational activity related to the practice of massage therapy. The three-year cycle for each member shall commence as of the date of membership in the College.

All active members must provide evidence of 500 hours of direct client care during every three-year cycle in his/her practice, using modalities recognized by the College as being within the scope of practice of massage therapy.

## **18- RECORD KEEPING**

1. Health records shall be kept in complete confidentiality for each client and, where applicable, shall include:
  - a. client name and address;
  - b. date and duration of each visit;
  - c. name of referring health professional;
  - d. relevant medical history and presentation complaints, the reasons for initial visit, notes of examinations and treatments;
  - e. a copy of a consent to treat, signed by the client with a treatment plan and needs assessment;
  - f. a record of progress or response to treatment;
  - g. a record of referrals and advice given by the massage therapist.
2. Accounting records shall be kept for each client and shall include:
  - a. an appointment or day record of attendance showing date and time of client visits, and recording cancellations or non-attendance; and
  - b. a financial record of fees charged for services rendered and a copy of dated receipts issued.
3. Client records, including clinical, accounting and financial records in relation to a client shall be retained for ten (10) years following the last visit of that client or for ten (10) years following the date on which the client reaches the age of majority, whichever is greater. Records shall be destroyed in such a way as to maintain client confidentiality.

## **19- INVESTMENT OF FUNDS**

All monies of the College which are not immediately required to meet current expenses of the College shall be invested in:

- Canadian or Provincial Government Securities or Trust Funds;
- Guaranteed Investment Certificates issued by Banks or Trust Companies which are fully protected by the Canadian Deposit Insurance Corporation;
- Mutual Funds which invest solely in the above securities; or
- Other investments as may from time to time be approved by the Board of Directors.

## **20- AMENDMENTS AND CONFIRMATION**

No by-law, amendment or repeal of a by-law shall be effective until passed by a resolution of 66% of members present or represented by proxy, and voting at the annual general meeting, or at a special meeting called for the purpose by the College. Any proposed new by-law, amendment or repeal of a by-law shall be in writing signed by at least two members in good standing and shall, not less than 60 days before the meeting, be presented to the Secretary who shall include a copy in the notice calling the meeting.

Notwithstanding the foregoing, the Board of Directors has the provisional authority to amend or repeal the provisions of these by-laws. Such changes effected shall, unless confirmed at a Special Meeting, have force until the next Annual General Meeting at which time the changes must be subjected to approval by the members. In the event that such approval is not forthcoming, no act done or right acquired under the by-laws shall be prejudicially affected by the failure to confirm.

No new by-law, or the amendment or repeal of a by-law which provides for the qualifications and eligibility of a person to be registered as a Massage Therapist, or which provides for continuing education, standards of practice, or relates to conflicts of interest, shall come into effect until approved by the Minister of Health.

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