



**COLLEGE OF  
NATUROPATHIC PHYSICIANS OF  
BRITISH COLUMBIA**

**BYLAWS**

**under the**

*Health Professions Act*

**March 24, 2006**

---

# Bylaws of the College of Naturopathic Physicians of British Columbia

## CONTENTS

	Page
Definitions .....	1
<b>PART 1 COLLEGE BOARD, COMMITTEES AND PANELS .....</b>	<b>3</b>
Composition of the board.....	3
Eligibility for election to the board .....	3
Eligibility for voting in election .....	3
Notice of election.....	3
Nomination procedure .....	4
Election procedure.....	4
Terms of office .....	5
Removal of elected board member.....	5
Vacancy .....	6
Remuneration of board and committee members .....	6
Chair, vice-chair and acting chair.....	6
Board meetings .....	7
Extraordinary board meetings .....	8
Registration committee .....	9
Examination committee.....	9
Inquiry committee .....	9
Patient relations committee .....	10
Discipline committee.....	11
Quality assurance committee.....	11
Patterns of practice committee .....	12

Finance and administration committee .....	12
Committees and panels .....	13
<b>PART 2 COLLEGE ADMINISTRATION .....</b>	<b>15</b>
College seal .....	15
Fiscal year.....	15
Special Fees .....	15
Banking.....	15
Payments and commitments .....	15
Borrowing powers.....	16
Investments .....	16
Accountant .....	16
Legal counsel.....	16
General meetings .....	17
Notice of general meetings .....	17
Resolutions proposed by registrants .....	18
Proceedings at general meetings.....	18
Voting by proxy .....	19
Notice to public representatives .....	20
<b>PART 3 COLLEGE RECORDS .....</b>	<b>21</b>
Body responsible for administering <i>FOIPPA</i> .....	21
Fees for information requests .....	21
Protection of personal information .....	21
Disclosure of annual report.....	21
Disclosure of registration status .....	22
Manner of disposal of college records containing personal information .....	22

<b>PART 4</b>	<b>REGISTRATION .....</b>	<b>23</b>
Classes of registrants .....		23
Full registration .....		23
Review on the record.....		24
Non-practising registration.....		25
Lifetime membership .....		26
Temporary registration.....		26
Certificate of registration.....		27
Limits and conditions on use of titles and terms .....		27
Certification in specified aspects of practice .....		28
Specialty fields of the profession .....		29
Examinations.....		29
Registration renewal.....		30
Continuing education .....		32
Reinstatement .....		33
Reinstatement following disciplinary action .....		34
Reinstatement following non-payment of fees or fines .....		34
Notification of change of registration information .....		35
<b>PART 5</b>	<b>INSPECTIONS, INQUIRIES AND DISCIPLINE.....</b>	<b>36</b>
Inspections.....		36
Investigations by inquiry committee.....		36
Consent orders .....		36
Mediation.....		37
Citation for disciplinary hearing .....		37
Hearings of discipline committee.....		38
Notice of disciplinary decision .....		39
Retention of disciplinary committee and inquiry committee records .....		39

Registrant under suspension.....	39
Fines and costs .....	40
<b>PART 6 REGISTRANT RECORDS .....</b>	<b>41</b>
Definition .....	41
Purpose for which personal information may be collected .....	41
Source of personal information .....	41
Collection of personal information.....	42
Manner of collection of personal information.....	43
Confidentiality of personal information .....	44
Accuracy of personal information.....	44
Right to request correction of personal information .....	44
Use of personal information by a registrant.....	44
Disclosure of personal information by a registrant .....	45
Definition of consistent purpose .....	46
Disclosure for research and statistical purposes .....	46
Storage and retention of personal information .....	46
Manner of disposal of records .....	46
Registrant ceasing to practise .....	46
Protection of personal information .....	47
Contracts for handling personal information .....	47
Remedying a breach of security .....	47
Patient access to personal information .....	48
<b>PART 7 HEALTH PROFESSION CORPORATIONS .....</b>	<b>50</b>
Application for health profession corporation permit.....	50
Issuance of health corporation permit.....	50
Renewal of health profession corporation permit.....	50

Health profession corporation name.....	51
Change of health profession corporation name .....	51
Health profession corporation advertising .....	52
Disposition of shares.....	52
Hearings respecting revocation of permits.....	52
<b>PART 8 GENERAL.....</b>	<b>54</b>
Liability insurance.....	54
Marketing.....	54
Code of Ethics and standards of practice .....	57
<b>SCHEDULES</b>	
Schedule “A” – Recognized Education Programs	
Schedule “B” – Maximum Fees for Information Requests	
Schedule “C” – Registrant Fees	
Schedule “D” – Recognized Specialties	
Schedule “E” – Tariff of Costs (Discipline Committee)	
<b>FORMS</b>	
Form 1 – Certificate of Election	
Form 2 – Application for Full Registration	
Form 3 – Statutory Declaration (Practising)	
Form 4 – Criminal Record Check Authorization	
Form 5 – Application for Non-practising Registration	
Form 6 – Statutory Declaration (Non-practising)	
Form 7 – Application for Temporary Registration	
Form 8 – Certificate of Registration (Practising)	
Form 9 – Application for Registration Renewal	
Form 10 – Application for Reinstatement	
Form 11 – Order to Attend Discipline Committee Hearing	
Form 12 – Application for Permit	
Form 13 – Application for Permit Renewal	
Form 14 – Application for Corporate Name Change	

## Definitions

1. In these bylaws:
  - (a) **“Act”** means the *Health Professions Act*;
  - (b) **“appointed board member”** means a person appointed to the board under section 17 (3) (b) of the Act;
  - (c) **“board”** means the board established under section 17 (1) of the Act for the college;
  - (d) **“board member”** means an appointed board member or elected board member;
  - (e) **“board chair”** means the board chair elected under section 12 (1);
  - (f) **“board vice-chair”** means the board vice-chair elected under section 12 (1);
  - (g) **“Code of Ethics”** means the Code of Ethics established by the board under section 19 (1) (l) of the Act;
  - (h) **“college”** means the College of Naturopathic Physicians of British Columbia established under section 15 (1) of the Act;
  - (i) **“committee member”** means a person appointed by the board to a committee established in these bylaws;
  - (j) **“deliver”**, with reference to a notice or other document, includes mail, fax or electronic mail to or leave with a person, or deposit in a person’s mailbox or receptacle at the person’s residence or place of business;
  - (k) **“elected board member”** means a registrant elected to the board under section 17 (3) (a) of the Act and, except in section 8 (1) and (2), includes a registrant appointed under section 10 (1);
  - (l) **“examination”** means a theoretical examination, given orally or in writing, or a practical examination, or any combination of these, and includes a supplemental examination and a section of an examination if the examination is required to be taken in a series of sections;
  - (m) **“in good standing”** means, in respect of a registrant,
    - (i) the registration of the registrant is not under suspension or cancelled,
    - (ii) the registrant is not the subject of an investigation, a pending hearing, a hearing underway or a pending determination or decision relating to the professional conduct of the registrant, and

- (iii) the registrant's authorization to practise naturopathic medicine is not otherwise restricted or limited by
  - (A) any terms, limits or conditions of a consent or undertaking given by the registrant under section 36 of the Act, an order under section 35 or 39 of the Act, or a deemed order under section 37.1 of the Act, or
  - (B) any terms or conditions attached to the registration under section 20 (2.1) of the Act;
- (n) **“personal information”** means “personal information” as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;
- (o) **“public representative”** means a person who is not a registrant or former registrant or a former member of the Association of Naturopathic Physicians of British Columbia and who has no close family or business relationship with a registrant or former registrant or a former member of that Association, and includes an appointed board member;
- (p) **“quality assurance assessor”** means a person appointed under section 26.1 (4) of the Act;
- (q) **“record”** means a “record” as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;
- (r) **“regulation”** means the Naturopathic Physicians Regulation, B.C. Reg. 449/99;
- (s) **“respondent”** means a registrant or former registrant named in a citation under section 37 of the Act or a health profession corporation named in a notice of permit revocation hearing under section 98;
- (t) **“special resolution”** means a resolution which requires a  $\frac{3}{4}$  vote of those persons present and eligible to vote at a meeting;
- (u) **“standard of practice”** means a statement, published by the board under section 19 (1) (k) of the Act, setting out the minimum standard, or minimum standards, for practising the profession or a specified aspect of practice and which reflect the essential knowledge, skills and abilities registrants are expected to have in order to perform or provide the services of a naturopathic physician in a safe, competent and professional manner, along with any related limits or conditions that must be observed or met to ensure registrants do not practise in an incompetent manner.

## **PART 1 COLLEGE BOARD, COMMITTEES AND PANELS**

### **Composition of the board**

2. The board consists of four (4) elected board members and the appointed board members.

### **Eligibility for election to the board**

3. (1) Subject to subsections (2) to (4), only a full registrant in good standing is eligible to be elected in an election under section 17 (3) (a) of the Act.
- (2) A registrant is not eligible to be elected if, within the six (6) year period immediately prior to the date of the election,
  - (a) his or her registration has at any time been suspended or cancelled for any reason other than non-payment of fees, or
  - (b) his or her authorization to practise naturopathic medicine has at any time been otherwise restricted or limited by
    - (i) any terms, limits or conditions of a consent or undertaking given by the registrant under section 36 of the Act, an order under section 35 or 39 of the Act, or a deemed order under section 37.1 of the Act, or
    - (ii) any terms or conditions attached to the registration under section 20 (2.1) of the Act.
- (3) A registrant who has served as an elected board member for the maximum number of consecutive terms allowed under section 8 (2) is not again eligible to be elected until a period of at least two (2) years has elapsed since the expiry of his or her most recent term of office as an elected board member.

### **Eligibility for voting in election**

4. Only a full or non-practising registrant in good standing is eligible to vote in an election under section 17 (3) (a) of the Act.

### **Notice of election**

5. (1) At least forty-five (45) days prior to the date of an election under section 17 (3) (a) of the Act, the registrar must deliver notice of the election to each registrant.

- (2) The notice must contain information about the nomination procedure and the election procedure.
- (3) The accidental omission to deliver notice of an election to, or the non-receipt of such a notice by, any registrant, board member or committee member entitled to receive notice does not invalidate the election, any proceedings in relation thereto, or the results thereof.

#### **Nomination procedure**

6. (1) Only a full registrant in good standing may nominate a person for a board position to be filled in an election under section 17 (3) (a) of the Act, and he or she must do so by delivering such nomination to the registrar, together with a letter of consent from the nominee.
- (2) A nomination under subsection (1) must be received by the registrar at least twenty-one (21) days prior to the date of the election.
- (3) Despite subsections (1) and (2), if the number of board positions to be filled in an election is greater than the number of qualified nominations existing immediately prior to the election, a full registrant in good standing may nominate a person from the floor, with that nominee's consent, for a board position to be filled in the election.
- (4) A nominee under subsection (1) or (2) must, prior to the election, declare in writing that he or she will comply with the Act, the regulations and these bylaws and the procedures established by the registrar under section 7 (7).
- (5) The registrar must disqualify any nominee whose nomination contravenes the Act, the regulations or these bylaws, who is not eligible under section 3 to be elected or who does not comply with subsection (3).

#### **Election procedure**

7. (1) At each annual general meeting, an election under section 17 (3) (a) of the Act must be held to fill the elected board member positions that are vacant.
- (2) At least seven (7) days prior to the date of an election, the registrar must prepare and deliver a proxy to each registrant who is eligible to vote in the election.
- (3) A registrant who is eligible to vote in an election is entitled to one (1) ballot and may vote for one (1) candidate for each board position to be filled in the election.
- (4) Voting in an election must be by secret ballot.

- (5) The candidate, or candidates, receiving the most votes on the return of the ballots is, or are, elected.
- (6) In the case of an equality of votes during an election, the registrar must select the successful candidate, or candidates, by random draw.
- (7) The registrar must supervise and administer all elections and may establish procedures, consistent with these bylaws, for that purpose.
- (8) The registrar may determine any dispute or irregularity with respect to any nomination, ballot or election.
- (9) If, at the close of nominations for an election, the number of qualified nominations under section 6 is less than or equal to the number of board positions to be filled in the election, the nominee is, or the nominees are, elected by acclamation.
- (10) The registrar must use Form 1 to certify newly elected board members under section 17.1 (1) of the Act.

**Terms of office**

8. (1) The term of office for an elected board member expires on the date of the second annual general meeting following the date that his or her term of office began, as certified under section 17.1 (1) of the Act.
  - (2) An elected board member may serve a maximum of four (4) consecutive terms.
  - (3) An elected board member may resign at any time by delivering a notice in writing to the registrar and the resignation is effective upon receipt by the registrar.

**Removal of elected board member**

9. (1) An elected board member ceases to hold office if he or she
  - (a) ceases to be a registrant in good standing, or
  - (b) dies.
- (2) An elected board member may be removed from office by special resolution of the board, or by the registrants at a general meeting in accordance with section 36.

**Vacancy**

10. (1) If, before the expiry of his or her term of office, an elected board member
- (a) resigns,
  - (b) is removed from office under section 9, or
  - (c) otherwise ceases to hold office,
- the board may, by special resolution, appoint a full registrant to fill the resulting vacant board position.
- (2) Only a registrant who is eligible under section 3 to be elected may be appointed under subsection (1).
- (3) The term of office for a registrant appointed under subsection (1) expires on the date of the next annual general meeting following the date of his or her appointment.

**Remuneration of board and committee members**

11. (1) A board member or committee member is entitled to be paid an honorarium in accordance with the policy established by the board.
- (2) A board member or committee member is entitled to be reimbursed by the college for reasonable expenses necessarily incurred in connection with the activities of the board or committee, 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.
- (4) All committee members must be remunerated equally under the policies referred to in this section.
- (5) Despite subsection (4), the amount of an honorarium referred to in subsection (1) may be different for each committee.

**Chair, vice-chair and acting chair**

12. (1) The board, at its first meeting after each annual general meeting, must elect a board chair and may elect a board vice-chair, by majority vote.
- (2) The board chair must

- (a) preside at all meetings of the college and board,
  - (b) sign all certificates and other instruments executed on behalf of the college as required,
  - (c) sign the minutes of each meeting after they are approved by the board, and
  - (d) act generally in accordance with the requirements of his or her office for the proper carrying out of the duties of the board.
- (3) If a board vice-chair is elected, he or she must perform the duties of the board chair in the absence of the board chair.
- (4) In the absence of the board chair and, if one is elected, the board vice-chair, an acting chair for a board meeting must be elected by majority vote of the board members present.

**Board meetings**

13. (1) The board must meet at least four (4) times in each fiscal year and must provide reasonable notice of board meetings to registrants.
- (2) The accidental omission to deliver notice of a board meeting to, or the non-receipt of a notice by, any registrant or board member entitled to receive notice does not invalidate proceedings at that meeting.
- (3) Board meetings must be called by the registrar at the request of either the board chair or any three (3) board members.
- (4) The registrar must provide the following to members of the public on request:
- (a) details of the date, time and place of a board meeting;
  - (b) a copy of the agenda;
  - (c) a copy of the approved minutes of any preceding board meeting.
- (5) Board meetings must be open to registrants and to the public.
- (6) Despite subsection (5), the board may exclude any person from any board meeting or part of a board meeting if it is satisfied that
- (a) financial, personal or other matters may be disclosed of such a nature that the desirability of avoiding public disclosure of them in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that board meetings be open to the public,

- (b) a person involved in a criminal proceeding or civil suit or proceeding may be prejudiced,
  - (c) personnel matters or property acquisitions will be discussed,
  - (d) the contents of examinations will be discussed,
  - (e) communications with the Office of the Ombudsman will be discussed,
  - (f) instructions will be given to or opinions received from legal counsel for the college, the board or committees, or
  - (g) the person is acting in such a way as to prevent the board from conducting the meeting.
- (7) If the board excludes any person from a board meeting or a part of a board meeting, it must have its reasons for doing so noted in the minutes of the meeting.
  - (8) The board must ensure that minutes are taken at each board meeting and retained on file.
  - (9) A majority of board members constitutes a quorum.
  - (10) No resolution proposed at a board meeting need be seconded and the chair of a board meeting may move or propose a resolution.
  - (11) In case of an equality of votes, the chair of a board meeting does not have a casting or second vote in addition to the vote to which he or she is entitled as a board member, and the proposed resolution does not pass.
  - (12) The board may conduct board meetings by video-conference, telephone-conference or electronic conference when some or all board members are unable to meet in person.
  - (13) Subject to the Act, the regulations and these bylaws, the most recent edition of *Sturgis' Standard Code of Parliamentary Procedure* governs the procedures at board meetings.

**Extraordinary board meetings**

- 14. (1) A written resolution signed by all board members is valid and binding and of the same effect as if such resolution had been duly passed at a board meeting.
- (2) Despite section 13 (1), the registrar or the board chair may call a board meeting without providing notice to registrants if necessary to conduct urgent business.

**Registration committee**

15. (1) The registration committee is established consisting of at least three (3) persons appointed by the board.
- (2) At least one-third ( $\frac{1}{3}$ ) of the registration committee must consist of public representatives.
- (3) The registration committee may recommend to the board that a specified naturopathic medicine education program be added to, or removed from, Schedule "A".

**Examination committee**

16. (1) The examination committee is established consisting of at least three (3) persons appointed by the board.
- (2) At least one-third ( $\frac{1}{3}$ ) of the examination committee must consist of public representatives.
- (3) The examination committee is responsible for
  - (a) advising the board and the registrar with regard to registration examinations,
  - (b) acting as a consulting body to the board and the registrar in the appropriate testing of the knowledge and skills of applicants for registration, and
  - (c) exercising the powers and performing the functions and duties of the examination committee specified in section 55.

**Inquiry committee**

17. (1) The inquiry committee is established consisting of at least three (3) persons appointed by the board, at least one of whom must be an appointed board member.
- (2) At least one-third ( $\frac{1}{3}$ ) of the inquiry committee must consist of public representatives.

**Patient relations committee**

18. (1) The patient relations committee is established consisting of at least three (3) persons appointed by the board, at least one of whom must be an appointed board member.
- (2) At least one-third ( $\frac{1}{3}$ ) 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, including those 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 which teach about professional misconduct, including professional misconduct of a sexual nature, for registrants and the public as required,
  - (d) establish a patient relations program to prevent professional misconduct, including 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.

**Discipline committee**

19. (1) The discipline committee is established consisting of at least three (3) persons appointed by the board, at least one of whom must be an appointed board member.
- (2) At least one-third ( $\frac{1}{3}$ ) of the disciplinary committee must consist of public representatives.
- (3) The board may act under section 39 (2) to (8) of the Act as if it were the discipline committee.

**Quality assurance committee**

20. (1) The quality assurance committee is established consisting of at least three (3) persons appointed by the board.
- (2) At least one-third ( $\frac{1}{3}$ ) of the quality assurance committee must consist of public representatives.
- (3) The quality assurance committee is responsible for
- (a) reviewing the standards of practice to enhance the quality of practice, and to reduce incompetent, impaired or unethical practice among registrants,
  - (b) establishing and maintaining a quality assurance program to promote high standards of practice among registrants,
  - (c) recommending continuing education courses to the board for approval under section 57, and
  - (d) articulating specific programs to identify outcome measurements and evaluation methods, and recommending a timetable to the board for implementing these programs.
- (4) The quality assurance committee may
- (a) assess the professional performance of a registrant, and
  - (b) inspect the records, including the patient records, of the registrant that are related to professional performance.
- (5) If the quality assurance committee is required to notify the inquiry committee pursuant to section 26.2 (3) of the Act, the quality assurance committee chair must deliver the notice in writing to the inquiry committee chair, and must deliver a copy of the notice to the registrar.

**Patterns of practice committee**

21. (1) The patterns of practice committee is established consisting of at least three (3) persons appointed by the board.
- (2) At least one-third ( $\frac{1}{3}$ ) of the patterns of practice committee must consist of public representatives.
- (3) The patterns of practice committee is responsible for developing, maintaining and recommending standards of practice to the board.

**Finance and administration committee**

22. (1) The finance and administration committee is established consisting of at least three (3) persons appointed by the board.
- (2) At least one-third ( $\frac{1}{3}$ ) of the finance and administration committee must consist of public representatives.
- (3) The finance and administration committee is responsible for
- (a) managing the college's system of financial administration, including
    - (i) accounting practices and systems, including classification of accounts, internal control and auditing systems,
    - (ii) financial planning,
    - (iii) budgetary control,
    - (iv) ensuring the safekeeping of college assets, including assets held in trust,
    - (v) managing college revenues, including receipt, recording and control of funds and deposits made to accounts maintained by the board, and
    - (vi) producing financial reports for the use of the board,
  - (b) advising the board on the needs of the college in regard to financial administration, and the financial implications of board decisions,
  - (c) advising the board on the application of legislative, regulatory and other financial requirements to the college,

- (d) developing, establishing and administering, for the approval of the board, financial policies, systems and procedures essential to the financial administration of the college, and
- (e) overseeing the organization, staffing and training of financial staff of the college.

**Committees and panels**

23. (1) A committee member may be removed from a committee by majority vote of the board.
- (2) For each committee, the board must designate a committee chair, and may designate a committee vice-chair, from among the committee members.
- (3) If a committee vice-chair is designated, he or she must perform the duties of the committee chair in the absence of the committee chair.
- (4) In the absence of the committee chair and, if one is designated, the committee vice-chair, an acting chair for a committee meeting must be elected by majority vote of the committee members present.
- (5) Each committee must annually submit a report of its activities to the board.
- (6) Despite subsection (1), the board chair and the registrar are *ex officio* members of each committee except the discipline committee.
- (7) The discipline committee, the inquiry committee, the registration committee, the patterns of practice committee and the quality assurance committee may meet in panels of three (3) persons which must include at least one (1) public representative.
- (8) For each panel of a committee referred to in subsection (7), the committee chair must appoint the panel members from among the committee members, and must designate a panel chair from among the panel members.
- (9) A panel of a committee referred to in subsection (7) may exercise any power or perform any duty or function of that committee.
- (10) A majority of a committee or panel constitutes a quorum.
- (11) The provisions of section 13 (4) to (7) and (9) to (13) apply to a committee or a panel as if it were the board.
- (12) Committee meetings must be called by the registrar at the request of either the committee chair or any two (2) committee members.

- (13) Panel meetings must be called by the registrar at the request of either the panel chair or any two (2) panel members.
- (14) The registrar must provide reasonable notice of committee and panel meetings to registrants.
- (15) Despite subsection (14), the registrar or a committee chair may call a committee meeting, or the registrar or a panel chair may call a panel meeting, without providing notice to registrants if necessary to conduct urgent business.

## **PART 2 COLLEGE ADMINISTRATION**

### **College seal**

24. (1) A seal for the college must be approved by the board.
- (2) The seal of the college must be affixed, by those persons designated by the board, to certificates of registration and such other documents as the board may direct by resolution.

### **Fiscal year**

25. The fiscal year of the college commences on January 1<sup>st</sup> and ends on December 31<sup>st</sup> of the same year.

### **Special Fees**

26. The board may levy special fees payable by registrants.

### **Banking**

27. The board must establish and maintain such accounts with a chartered bank, trust company or credit union as the board determines necessary.

### **Payments and commitments**

28. (1) The board chair may approve payments and commitments for the purchase of goods and services up to the limits established by the board in policy for the purposes of this subsection.
- (2) Payments and commitments for the purchase of goods and services between the limits established by the board in policy for the purposes of subsections (1) and (3) may be approved jointly by the board chair and the finance and administration committee chair.
- (3) Payments and commitments for the purchase of goods and services in excess of the limits established by the board in policy for the purposes of this subsection must be approved by the board.

- (4) Despite subsections (1) to (3), the board must not purchase personal or real property or enter contracts for services in excess of \$100,000 without a special resolution approved by the registrants of the college at a general meeting.

**Borrowing powers**

29. (1) The board may raise money, or guarantee or secure the payment 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.
- (2) The board must not enter into any security obligation in excess of \$100,000 without a special resolution approved by the registrants of the college at a general meeting.
- (3) The registrants may, by special resolution at a general meeting, restrict the borrowing powers of the board.

**Investments**

30. The board may invest funds of the college in any investments authorized under section 15.1 of the *Trustee Act* in the name of the college and may change those investments.

**Accountant**

31. (1) The board must appoint a chartered accountant or a certified general accountant to perform a review engagement or audit of the college's annual financial statements.
- (2) The finance and administration committee chair must submit the college's annual financial statements to the accountant within thirty (30) days of the end of each fiscal year.
- (3) A copy of the accountant's review engagement or audit report must be included in the college's annual report.

**Legal counsel**

32. The board or, with the approval of the board, a committee or panel, may retain legal counsel for the purpose of assisting the board, committee or panel in carrying out any power or duty under the Act, the regulations or these bylaws.

**General meetings**

33. (1) A general meeting of the registrants must be held in British Columbia at a time and place determined by the board.
- (2) An annual general meeting must be held at least once in each calendar year and not more than fifteen (15) months after the holding of the last preceding annual general meeting.
- (3) The following matters must be considered at an annual general meeting:
- (a) financial statements;
  - (b) the report of the board;
  - (c) the review engagement or audit report of the accountant;
  - (d) the report of the quality assurance committee.
- (4) Each general meeting, other than an annual general meeting, is an extraordinary general meeting.
- (5) The board
- (a) may convene an extraordinary general meeting by resolution of the board, and
  - (b) must convene an extraordinary general meeting within sixty (60) days after receipt by the board or registrar of a request for such a meeting signed by at least ten (10) percent of all registrants.

**Notice of general meetings**

34. (1) The registrar must deliver notice of an annual general meeting or extraordinary general meeting to each registrant at least forty-five (45) days prior to the meeting.
- (2) Notice of a general meeting must include
- (a) the place, date and time of the meeting,
  - (b) the general nature of the business to be considered at the meeting,
  - (c) any resolutions proposed by the board, and

- (d) any resolutions proposed by the registrants under section 35 and received by the registrar prior to the mailing of the notice.
- (3) The accidental omission to deliver notice of a general meeting to, or the non-receipt of a notice by, any registrant or board member entitled to receive notice does not invalidate proceedings at that meeting.

**Resolutions proposed by registrants**

- 35. (1) Any ten (10) registrants may deliver a written notice to the registrar requesting the introduction of a resolution at least twenty-one (21) days prior to the date of an annual or extraordinary general meeting.
- (2) On receipt of a notice specified in subsection (1) and at least fourteen (14) days prior to the date of that meeting, the registrar must deliver a notice and a copy of the resolution to each registrant.
- (3) A registrant 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 debated if time permits.

**Proceedings at general meetings**

- 36. (1) A quorum is ten (10) percent of the total number of registrants eligible to vote, who must be present in person.
- (2) No business, other than the adjournment or termination of the meeting, may be conducted at a general meeting at a time when a quorum is not present.
- (3) If at any time during a general meeting there ceases to be a quorum present, business then in progress must be suspended until there is a quorum present.
- (4) If a quorum is not present within thirty (30) minutes
  - (a) from the time appointed for the commencement of a general meeting, or
  - (b) from any time during a general meeting when a quorum ceased to be present,the meeting must be adjourned.
- (5) In the absence of the board chair and, if one is elected, the board vice-chair, an acting chair for a meeting must be elected by majority vote of the registrants present.
- (6) General meetings must be open to all registrants and to the public.

- (7) A general meeting may be adjourned from time to time and from place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (8) When a meeting is adjourned in accordance with subsection (4) or by motion, notice of the rescheduled meeting must be delivered as in the case of the original meeting.
- (9) Only a full or non-practising registrant in good standing is eligible to vote at a general meeting.
- (10) Each registrant who is eligible to vote at a general meeting is entitled to one (1) vote for that meeting.
- (11) The chair of a general meeting, if the chair is a full or non-practising registrant in good standing, is entitled to one (1) vote for that meeting.
- (12) The chair of a general meeting may call for a vote by a show of hands or by ballot.
- (13) In case of an equality of votes, the chair of a general meeting does not have a casting or second vote in addition to the vote to which he or she is entitled as a registrant, if any, and the proposed resolution does not pass.
- (14) Subject to the Act, the regulations and these bylaws, the most recent edition of *Sturgis' Standard Code of Parliamentary Procedure* governs the procedures at general meetings.

#### **Voting by proxy**

37. (1) A registrant who is eligible to vote in an election under section 17 (3) (a) of the Act or at a general meeting may, by proxy, appoint in writing another registrant as his or her proxy holder to vote in the election or attend and act at the general meeting in the manner, to the extent and with the power conferred by the proxy.
- (2) A proxy holder has the same rights as the registrant who appointed him or her to vote in the election or speak at the general meeting.
- (3) A proxy ceases to be valid following the election or general meeting specified in the proxy.
- (4) A proxy must contain
  - (a) the date it is executed,
  - (b) the name of the proxy holder, and

- (c) the signature of the registrant who executed the proxy.
- (5) A proxy may be revoked by the registrant in writing.
- (6) A proxy must be received by the registrar at least twenty-four (24) hours prior to the date of the election or general meeting for which it is executed.
- (7) A registrant may hold a maximum of 2 proxies for any election or general meeting.
- (8) A proxy vote may be exercised in writing, if received by the board no less than 24 hours before the date of the election or general meeting for which it is written, and if it pertains to issues about which the registrant has been sent by the registrar the written information that is the subject of the vote.

**Notice to public representatives**

- 38. Each notice or mailing provided to the general membership of the college must also be provided to each public representative serving on the board or a committee.

## PART 3 COLLEGE RECORDS

### Body responsible for administering FOIPPA

39. (1) The registrar is the “head” of the college for the purposes of the *Freedom of Information and Protection of Privacy Act*.
- (2) The registrar may authorize a person employed by the college or a person who has contracted to perform services for the college to perform any duty or exercise any function of the registrar that arises under the *Freedom of Information and Protection of Privacy Act*.
- (3) The board is responsible for ensuring that the registrar fulfils his or her duties under the *Freedom of Information and Protection of Privacy Act*.
- (4) The registrar must report annually to the board regarding the steps he or she has taken to fulfil his or her duties under the *Freedom of Information and Protection of Privacy Act*.

### Fees for information requests

40. Subject to section 75 of the *Freedom of Information and Protection of Privacy Act*, an applicant who requests access to a college record under section 5 of the *Freedom of Information and Protection of Privacy Act* must pay the fees specified in Schedule “B”.

### Protection of personal information

41. (1) The board must take all reasonable measures to ensure that the collection, use, and disclosure of personal information occurs in accordance with the *Freedom of Information and Protection of Privacy Act*.
- (2) The board must take reasonable measures to ensure that, if personal information is sent to any person or service organization for processing, storage or destruction, a contract is made with that person or organization which includes an undertaking by the person or organization that confidentiality will be maintained.

### Disclosure of annual report

42. The college must
- (a) make each of its annual reports available for inspection by registrants and the public at the office of the college and electronically on the college website,

- (b) notify each registrant when an annual report becomes available, and
- (c) provide a copy of each annual report to any person on request.

**Disclosure of registration status**

43. (1) Subject to subsection (2), if an inquiry about the registration status of a person is received by the board or the registrar, the registrar must disclose, in addition to the matters required by sections 22 and 22.1 of the Act,
- (a) whether or not the person is a registrant or a former registrant,
  - (b) whether or not the discipline committee has ever issued an order relating to the person under section 39 of the Act and the details of the order,
  - (c) whether or not the person has ever been the subject of an undertaking or a consent under section 36 of the Act or a deemed order under 37.1 of the Act, and,
  - (d) the details of any consent under section 36 of the Act or deemed order under 37.1 of the Act pertaining to a change in the person's registration status or a restriction on the practice of the profession by the registrant.
- (2) Except with the consent of the person affected, the board or the registrar must not release the names of complainants, patients, or their families or information which might otherwise enable a person inquiring about the status of a registrant to establish the identity of complainants, patients or their families.

**Manner of disposal of college records containing personal information**

44. The board must ensure that a college record containing personal information is disposed of only by
- (a) effectively destroying a physical record by utilizing a shredder or by complete burning,
  - (b) erasing information recorded or stored by electronic methods on tapes, disks or cassettes in a manner that ensures that the information cannot be reconstructed,
  - (c) giving the record to the person to whom the information pertains, or
  - (d) returning the record to the registrant who compiled the information.

## **PART 4 REGISTRATION**

### **Classes of registrants**

45. The following classes of registrants are established:

- (a) full;
- (b) non-practising;
- (c) temporary.

### **Full registration**

46. (1) For the purposes of section 20 (2) of the Act, the requirements for full registration are

- (a) graduation from a naturopathic medicine education program recognized by the board for the purpose of registration and specified in Schedule “A”,
- (b) successful completion of the examination(s) required by the registration committee,
- (c) evidence satisfactory to the registration committee of the good character of the person consistent with the responsibilities of a registrant and the standards expected of a registrant, including those in the Code of Ethics, and
- (d) receipt by the registrar of
  - (i) a signed application for full registration in Form 2,
  - (ii) the applicable application, examination or registration fee(s) specified in Schedule “C”,
  - (iii) any other outstanding fine, fee, debt or levy owed to the college,
  - (iv) an original certificate, notarized copy, or other evidence satisfactory to the registration committee of not less than three (3) years liberal arts or sciences study and evidence satisfactory to the registration committee that he or she is the person named therein,
  - (v) an original certificate, notarized copy, or other evidence satisfactory to the registration committee of graduation from a

program referred to in paragraph (a), and evidence satisfactory to the registration committee that he or she is the person named therein,

- (vi) a statutory declaration in Form 3, and
  - (vii) a signed criminal record check authorization in Form 4.
- (2) Despite subsection (1) (a) and (b), an applicant may be granted full registration by the registration committee if the applicant
- (a) is, or is eligible to be, registered in good standing with a regulatory body in another Canadian jurisdiction as, in the opinion of the board, the equivalent of a full registrant, and has provided notarized evidence, or other evidence satisfactory to the registration committee, of such registration or eligibility for registration, and evidence satisfactory to the registration committee that the applicant is the person named therein,
  - (b) has successfully completed any examination(s) and any upgrading program(s) required by the registration committee, and
  - (c) meets the requirements established in subsection (1) (c) and (d) (i) to (iii), (vi) and (vii).
- (3) Despite subsection (1) (a), an applicant may be granted full registration by the registration committee if the applicant
- (a) has a combination of knowledge, skills and abilities which are, in the opinion of the registration committee, substantially equivalent to the requirement established in subsection (1) (a), and has provided notarized evidence, or other evidence satisfactory to the registration committee, of such knowledge, skills and abilities, and evidence satisfactory to the registration committee that the applicant is the person named therein,
  - (b) has successfully completed the examination(s) and any upgrading program(s) required by the registration committee, and
  - (c) meets the requirements established in subsection (1) (c) and (d) (i) to (iv), (vi) and (vii).

**Review on the record**

47. (1) Sections 20.2 and 20.3 of the Act apply to the college.
- (2) An application for a review on the record under section 20.2 (1) of the Act must be delivered to the registrar.

- (3) If an applicant requests the board to hear oral or written evidence that is not part of the record, the applicant must, at the time of application under section 20.2 (1) of the Act,
  - (a) specify the evidence he or she requests the board to consider, and
  - (b) identify the special circumstances that warrant the board's consideration of that evidence.
- (4) The registrar must present the request to the board at the next board meeting after receipt of the application under section 20.2 (1) of the Act, or, if the application is received less than fourteen (14) days before the next board meeting is to be held, at the first board meeting following the next board meeting.
- (5) If the board decides under section 20.2 (4) of the Act to hear evidence that is not part of the record, the board must direct the registrar to make appropriate arrangements for the board to receive that evidence, and the registrar must make those arrangements.
- (6) The board may defer, for a reasonable period of time, consideration of an application under section 20.2 (1) of the Act to permit appropriate arrangements to be made for the board to receive evidence that is not part of the record, or for any other reason the board considers appropriate.
- (7) The board must provide to the applicant and the registration committee written reasons for its decision on an application under section 20.2 (1) of the Act.

**Non-practising registration**

48. (1) A full registrant or former registrant may be granted non-practising registration by the registration committee if he or she has delivered to the registrar
  - (a) a signed application for non-practising registration in Form 5,
  - (b) the applicable application or registration fee(s) specified in Schedule "C",
  - (c) any other outstanding fine, fee, debt, or levy owed to the college, and
  - (d) a statutory declaration in Form 6 that he or she will not practise naturopathic medicine while registered under this section.
- (2) A non-practising registrant must not practise naturopathic medicine.
- (3) In subsection (1), "**former registrant**" includes a non-registrant who is a former member of the Association of Naturopathic Physicians of British Columbia.

**Lifetime membership**

49. (1) The board may award lifetime membership to a full or non-practising registrant who, in the opinion of the board, has made a substantial contribution to the profession of naturopathic medicine.
- (2) Sections 56 (1) (b) and 60 (1) (b) (ii) do not apply to a registrant who is awarded lifetime membership but, for greater certainty, an award of lifetime membership does not otherwise affect the applicability of the Act, the regulation or these bylaws to the registrant.
- (3) The board may, at any time and for any reason, revoke an award of lifetime membership.
- (4) Unless revoked earlier by the board, an award of lifetime membership is revoked three (3) months after the registrant's registration is cancelled for any reason.

**Temporary registration**

50. (1) Despite section 46 (2) (b), an applicant under section 46 (2) may be granted temporary registration by the registration committee for a period of up to nine (9) months if the applicant
- (a) meets the requirements established in section 46 (2) (a),
- (b) has successfully completed any local knowledge or jurisprudence examination(s) required by the registration committee,
- (c) has provided evidence satisfactory to the registration committee of the good character of the person consistent with the responsibilities of a registrant and the standards expected of a registrant, including those in the Code of Ethics, and
- (d) has delivered to the registrar
- (i) a signed application for temporary registration in Form 7,
- (ii) the applicable application, examination or registration fee(s) specified in Schedule "C",
- (iii) any other outstanding fine, fee, debt or levy owed to the college,
- (iv) a statutory declaration in Form 3, and
- (v) a signed criminal record check authorization in Form 4.

- (2) The registration committee may renew the registration of a temporary registrant for periods of up to three (3) months, provided the total period of the temporary registration does not exceed twelve (12) months.
- (3) A temporary registrant may practise naturopathic medicine as if he or she were a full registrant, subject to any terms, limits or conditions imposed by the registration committee on the practice of temporary registrants as a class.
- (4) Full registration may be granted by the registration committee to a temporary registrant who meets the requirements established in section 46 (2).

**Certificate of registration**

51. (1) The registrar must issue a certificate in Form 8 to any person who is granted full or temporary registration.
- (2) Subject to section 50, a certificate of registration or any renewal of such certificate is valid until not later than the following December 31<sup>st</sup>.
- (3) A registrant's certificate of registration must be displayed in a conspicuous location at the registrant's place of practice.

**Limits and conditions on use of titles and terms**

52. (1) A full or temporary registrant must not
  - (a) use the term "registered" or "licensed" except in conjunction with a title reserved for use by registrants under section 3 of the regulation, or
  - (b) use any term other than "registered" or "licensed" in conjunction with a title reserved for use by registrants under section 3 of the regulation.
- (2) A registrant must not use the term "certified" in association with his or her practise of naturopathic medicine
  - (a) except in relation to an aspect of practice described in section 53 (1), and
  - (b) unless a notation of certification in that aspect of practice is entered into the register in relation to the registrant's name under section 53 (2).
- (3) A registrant must not use the term "specializing in" or "specialist" in association with his or her practise of naturopathic medicine
  - (a) except in relation to a specialty specified in column 1 of Schedule "D", and

- (b) unless a notation of that specialty is entered into the register in relation to the registrant's name under section 54.
- (4) A non-practising registrant must not
  - (a) use the term "registered" or a title reserved for registrants under section 3 of the regulation, except in conjunction with the term "non-practising",
  - (b) use any term other than "registered" or "non-practising" in conjunction with a title reserved for use by registrants under section 3 of the regulation, or
  - (c) use the term "licensed" or "certified" in association with a description of his or her registration status, unless it is clear from the context that he or she is merely describing his or her former status as a full registrant.
- (5) A temporary registrant must not use the term "registered" or "licensed" or any title reserved for use by registrants under section 3 of the regulation, except in conjunction with the term "temporary".

**Certification in specified aspects of practice**

53. (1) If the board has established a standard of practice for a specified aspect of practice, a full registrant may apply to the registration committee to have a notation of certification in that aspect of practice entered into the register in relation to the registrant's name.
- (2) The registrar must enter into the register in relation to the registrant's name a notation of the certification for which the registrant applies, if
- (a) the registrant provides evidence, satisfactory to the registration committee, that the registrant meets or exceeds all the practice requirements set out in the applicable standard of practice, and
  - (b) the registrant pays the applicable certification fee specified in Schedule "C".
- (3) The registrar must remove from the register a registrant's notation of certification in an aspect of practice if the registration committee determines that the registrant no longer meets or exceeds all the practice requirements set out in the applicable standard of practice.
- (4) Section 20.2 of the Act applies to a decision to refuse an application for a notation of certification or remove a notation of certification from the register as if the decision were a decision to refuse an application for registration.

**Specialty fields of the profession**

54. (1) The college recognizes only the specialties specified in column 1 of Schedule “D”.
- (2) A full registrant may apply to the registration committee to have a notation of a specialty entered into the register in relation to the registrant’s name.
- (3) The registrar must enter into the register in relation to the registrant’s name a notation of the specialty for which the registrant applies, if
- (a) the registrant provides evidence, satisfactory to the registration committee, that the registrant meets the requirements specified in column 2 of Schedule “D”, and
- (b) the registrant pays the applicable specialty fee specified in Schedule “C”.
- (4) The registrar must remove from the register a registrant’s notation of a specialty if the registration committee determines that the registrant no longer meets the requirements specified in column 2 of Schedule “D”.
- (5) A registrant in respect of whom a notation of specialty is entered into the register under this section may, in relation to that specialty, use the terms specified in column 3 of Schedule “D” that pertain to that specialty.
- (6) Section 20.2 of the Act applies to a decision to refuse an application for a notation of specialty or remove a notation of specialty from the register as if the decision were a decision to refuse an application for registration.

**Examinations**

55. (1) All examinations required to be taken under these bylaws must be prepared by or under the direction of, or recommended by, the examination committee and approved by the board.
- (2) The examination committee must
- (a) determine the time and place for the holding of an examination, designate invigilators and determine the procedures for the conduct of the examination,
- (b) review the results of the examination or re-examination for each applicant and make a determination as to whether or not that applicant has successfully completed the examination or re-examination, and

- (c) notify the registration committee and the applicant of the results of the examination or re-examination as soon as is practicable.
- (3) If the invigilator has reason to believe that an applicant has engaged in improper conduct during the course of an examination, the invigilator must make a report to the examination committee and may recommend that the examination committee take one or more of the following courses of action:
- (a) fail the applicant;
  - (b) pass the applicant;
  - (c) require the applicant to rewrite the examination;
  - (d) disqualify the applicant from participating in any examination for a period of time.
- (4) After considering a report made under subsection (3), the examination committee must take one or more of the courses of action specified in subsection (3).
- (5) An applicant disqualified under subsection (3) (d) and (4) must be provided with written reasons for the disqualification.
- (6) An applicant who, on his or her first attempt under these bylaws, fails an examination required to be taken under these bylaws is entitled to reattempt the examination under these bylaws on a maximum of two (2) further occasions.
- (7) Despite subsection (6), an applicant is not entitled to attempt or reattempt an examination under these bylaws if the applicant has previously failed the examination on a total of three (3) or more occasions, whether or not those failed attempts occurred under these bylaws or in a jurisdiction or jurisdictions other than British Columbia.
- (8) Despite subsections (6) and (7), an applicant who is not entitled to attempt or reattempt an examination under these bylaws because of subsection (6) or (7) may, with the prior written approval of the board, attempt or reattempt the examination on one or more further occasions as, in the opinion of the board, is appropriate in the circumstances.

**Registration renewal**

56. (1) Subject to section 50, to be eligible for a renewal of registration, a registrant must
- (a) apply to the registrar in Form 9,
  - (b) pay the applicable registration renewal fee specified in Schedule “C”,

- (c) pay any other outstanding fee, fine, debt or levy owed to the college,
  - (d) attest that he or she is in compliance with the Act, the regulations and these bylaws, and is in compliance with any terms, limits or conditions imposed under section 20 (2.1) of the Act, or required by any consent or undertaking given under section 36 of the Act, order under section 35 or 39 of the Act, or deemed order under section 37.1 of the Act,
  - (e) provide evidence satisfactory to the registration committee of having completed any applicable requirements under section 57, and
  - (f) provide a written statement confirming that he or she is in compliance with all applicable standards of practice regarding emergency equipment and training.
- (2) If a registrant wishes to maintain a notation of certification in the register in relation to the registrant's name, the registrant must pay the applicable certification renewal fee specified in Schedule "C".
  - (3) If a registrant wishes to maintain a notation of specialty in the register in relation to the registrant's name, the registrant must pay the applicable specialty renewal fee specified in Schedule "C".
  - (4) Notice of annual registration, certification and specialty renewal fee(s) must be delivered to each registrant no later than November 15<sup>th</sup> of each calendar year and must describe the consequences of late payment and non-payment of fees.
  - (5) Each full or non-practising registrant who applies to have his or her registration renewed must pay to the college the applicable registration, certification and specialty renewal fee(s) on or before January 1<sup>st</sup> of each calendar year
  - (6) Each temporary registrant who applies to have his or her registration renewed must pay to the college the applicable registration renewal fee on or before the expiry date of his or her current registration.
  - (7) The registration, certification and specialty renewal fee(s) may be paid in advance instalments if approved by the board.
  - (8) Subject to subsection (9), on payment of the applicable registration renewal fee, and any other outstanding fee, fine, debt or levy owed to the college, the registrar must issue to a registrant who is eligible under subsection (1) a receipt or registration card bearing the seal of the college and stating that the registrant is, subject to his or her compliance with the Act, the regulations and the bylaws,
    - (a) in the case of a full or temporary registrant, entitled to practise naturopathic medicine in the Province of British Columbia as a registrant of the college, or

- (b) a non-practising registrant of the college,  
and the receipt or registration card must specify its date of expiry.
- (9) Subsection (8) applies to a temporary registrant only if his or her registration has been renewed by the registration committee under section 50.
- (10) A full registrant who becomes a non-practising registrant from July 1<sup>st</sup> to December 31<sup>st</sup> in a calendar year must be reimbursed 50% of the registration, certification and specialty renewal fee(s) paid, if the application for non-practising registration for that period is delivered to the registrar on or before May 31<sup>st</sup> of the calendar year.
- (11) If a full or non-practising registrant fails to pay the applicable registration renewal fee and any other outstanding fee, fine, debt, or levy owed to the college on or before January 1<sup>st</sup> of each calendar year, his or her registration is cancelled.
- (12) If a temporary registrant fails to pay the applicable registration renewal fee and any other outstanding fee, fine, debt, or levy owed to the college on or before the expiry date of his or her current registration, his or her registration is cancelled.
- (13) If a registrant fails to pay the applicable certification or specialty renewal fee(s) on or before January 1<sup>st</sup> of each calendar year, any notation of certification or specialty entered into the register in relation to the registrant's name is removed from the register.

**Continuing education**

- 57. (1) A continuing education period is two (2) years.
- (2) A full registrant must successfully complete, within each continuing education period, at least 40 hours of continuing education.
- (3) If a notation of certification in an aspect of practice has been entered into the register under section 53 for a registrant, the registrant must successfully complete, over two (2) continuing education periods, at least four (4) hours of continuing education in that aspect of practice.
- (4) Continuing education hours in an aspect of practice for which a notation of certification has been entered into the register under section 53 for a registrant must not make up more than 50% of the hours for which the registrant receives credit towards the requirement in subsection (2).
- (5) The board must approve the continuing education courses taken to meet the required number of continuing education hours under this section.

**Reinstatement**

58. (1) In this section, “**former registrant**” means
- (a) a former full or non-practising registrant whose registration was not cancelled by an order under section 39 of the Act or a deemed order under section 37.1 of the Act, or
  - (b) a non-practising registrant in good standing whose full registration was not cancelled by an order under section 39 of the Act or a deemed order under section 37.1 of the Act, or whose registration with the Association of Naturopathic Physicians of British Columbia was not cancelled under the *Naturopaths Act*, R.S.B.C 1996, c. 332,

and, in subsection (3), includes a non-registrant who is a former member of the Association of Naturopathic Physicians of British Columbia and whose registration with that Association was not cancelled under the *Naturopaths Act*, R.S.B.C 1996, c. 332.

- (2) A former registrant whose full registration or equivalent has been cancelled, as of the date of application under this section, for a period of less than three (3) years may be reinstated as a full registrant by the registration committee if he or she
  - (a) has provided evidence satisfactory to the registration committee of having successfully completed at least 40 hours of continuing education in the two (2) year period immediately prior to the date of application under this subsection,
  - (b) has provided evidence satisfactory to the registration committee of the good character of the former registrant consistent with the responsibilities of a registrant and the standards expected of a registrant, including those in the Code of Ethics, and
  - (c) has delivered to the registrar
    - (i) a signed application for reinstatement in Form 10,
    - (ii) the applicable registration reinstatement fee specified in Schedule “C”, and
    - (iii) any other outstanding fee, fine, debt or levy owed to the college.
- (3) A former registrant whose full registration or equivalent has been cancelled, as of the date of application under this section, for a period of three (3) years or more may be reinstated as a full registrant by the registration committee if he or she
  - (a) meets the requirements established in subsection (2) (a) to (c), and

- (b) has successfully completed any examination(s), upgrading program(s) or period(s) of supervised practise required by the registration committee.

**Reinstatement following disciplinary action**

59. (1) In this section, “**former registrant**” means
- (a) a former full or non-practising registrant whose registration was cancelled by an order under section 39 of the Act or a deemed order under section 37.1 of the Act, or
  - (b) a non-practising registrant in good standing whose full registration was cancelled by an order under section 39 of the Act or a deemed order under section 37.1 of the Act, or whose registration with the Association of Naturopathic Physicians of British Columbia was cancelled under the *Naturopaths Act*, R.S.B.C 1996, c. 332, or
  - (c) a non-registrant who is a former member of the Association of Naturopathic Physicians of British Columbia and whose registration with that Association was cancelled under the *Naturopaths Act*, R.S.B.C 1996, c. 332.
- (2) A former registrant whose full registration or equivalent has been cancelled, as of the date of application under this section, for a period of three (3) years or more may be reinstated as a full registrant by the registration committee if
- (a) he or she meets all the requirements established in section 58 (3) (a) and (b), and
  - (b) the registration committee is satisfied that reinstatement of his or her registration will not
    - (i) pose an undue risk to public health or safety, or
    - (ii) otherwise be against the public interest for any reason.

**Reinstatement following non-payment of fees or fines**

60. (1) A former full or non-practising registrant whose registration was cancelled by reason only of a failure to renew his or her registration in accordance with section 56 may be reinstated as a full or non-practising registrant, as applicable, by the registration committee if, not later than three (3) months following the cancellation of his or her registration, he or she

- (a) has provided, if he or she is a former full registrant, evidence satisfactory to the registration committee of having completed any applicable requirements under section 57 as if he or she were still a full registrant, and
- (b) has delivered to the registrar
  - (i) a signed application for reinstatement in Form 10,
  - (ii) the applicable registration renewal fee specified in Schedule “C”;
  - (iii) any other outstanding fee, fine, debt or levy owed to the college,
  - (iv) an attestation that he or she is in compliance with the Act, the regulations and these bylaws, and is in compliance with any terms, limits or conditions imposed under section 20 (2.1) of the Act, or required by any consent or undertaking given under section 36 of the Act, order under section 35 or 39 of the Act, or deemed order under section 37.1 of the Act,
  - (v) a written statement confirming that he or she is in compliance with all applicable standards of practice regarding emergency equipment and training, and
  - (vi) the applicable reinstatement fee specified in Schedule “C”.
- (2) Despite subsection (1) (c) (v), the registration committee may reinstate an applicant under subsection (1) and waive any applicable reinstatement fee if the applicant provides evidence satisfactory to the registration committee that he or she was unable to comply with section 56 for reasons of undue hardship.
- (3) Any notation of certification or specialty in relation to the name of a successful applicant under subsection (1) that was removed from the register under section 56 (13) may be restored by the registration committee if the applicant pays any applicable restoration fee(s) specified in Schedule “C”.
- (4) Despite subsection (3), the registration committee may restore the applicant’s notation(s) of certification or specialty under subsection (3) and waive any applicable restoration fee(s) if the applicant provides evidence satisfactory to the registration committee that he or she was unable to comply with section 56 for reasons of undue hardship.

**Notification of change of registration information**

61. A registrant must immediately notify the registrar of any change of name, address, office or home telephone numbers, email address, web site address, or any other registration information previously provided to the registrar.

## PART 5 INSPECTIONS, INQUIRIES AND DISCIPLINE

### Inspections

62. An inspector or quality assurance assessor 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.

### Investigations by inquiry committee

63. (1) The inquiry committee must notify a registrant who is the subject of an investigation and any complainant of the disposition of the investigation and any action taken under section 33 (6) of the Act.
- (2) No member of the inquiry committee may be involved in the investigation or assessment of a matter in which he or she has had any prior personal involvement.
- (3) Before agreeing to accept an undertaking or consent under section 36 of the Act or a proposal under section 37.1 of the Act, the inquiry committee may review all previous complaints and disciplinary matters involving the registrant to be satisfied that the proposed undertaking or consent is appropriate in the circumstances.

### Consent orders

64. (1) In this section, “**consent order**” means the record of an undertaking or a consent given under section 36 of the Act or a deemed order under section 37.1 of the Act.
- (2) A consent order must
- (a) include any consent to a reprimand or to any other action made by the registrant under section 36 or 37.1 of the Act,
  - (b) include any undertaking made by the registrant under section 36 of the Act,
  - (c) specify the length of time that an undertaking specified in paragraph (b) is binding on the registrant,

- (d) specify the procedure that the registrant may follow to be released from an undertaking specified in paragraph (b), and
- (e) specify which terms of the consent order may be disclosed to the public.

**Mediation**

65. (1) The inquiry committee may recommend under section 33 (6) (b) of the Act that a complaint be mediated if
- (a) the inquiry committee determines that the issuance of a citation under section 37 of the Act is not warranted, and
  - (b) the complainant and the registrant agree to mediation.
- (2) Following a recommendation under subsection (1), the inquiry committee must appoint a mediator who is acceptable to the complainant and the registrant.
- (3) The mediator must conduct the mediation process in accordance with the terms of a written mediation contract executed by the complainant and the registrant.
- (4) If an agreement between the complainant and the registrant is reached through mediation, the terms of the agreement may be approved by the inquiry committee.
- (5) If a term of an agreement between the complainant and the registrant reached through mediation requires the registrant to undertake or consent to an action referred to in section 36 (1) of the Act, the inquiry committee may request the registrant to make such an undertaking or consent if the inquiry committee considers the undertaking or consent to be appropriate in the circumstances.
- (6) If an agreement is approved by the inquiry committee under subsection (4), the inquiry committee must report the resolution of the matter to the board and must retain a copy of the agreement on file.
- (7) If an agreement is not reached through mediation, 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.

**Citation for disciplinary hearing**

66. (1) On the direction of a panel of the discipline committee, the registrar may join one or more complaints or other matters which are to be the subject of a disciplinary hearing in one citation as appropriate in the circumstances.

- (2) On the direction of a panel of the discipline committee, the registrar may sever one or more complaints or other matters which are to be the subject of a disciplinary hearing as appropriate in the circumstances.
- (3) On the direction of a panel of the discipline committee, the registrar may amend a citation issued under section 37 of the Act.
- (4) If a citation is amended under subsection (3) prior to a disciplinary 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 person recorded in section 21 (2) of the Act not fewer than fourteen (14) days before the date of the hearing.
- (5) If a citation is amended under subsection (3) prior to a disciplinary hearing, and the amended citation changes the date, time or place of the hearing, the registrar must notify any complainant of the amendment not fewer than fourteen (14) days before the date of the hearing.

#### **Hearings of discipline committee**

- 67.
- (1) No person may be a member of the discipline committee while he or she is a member of the inquiry committee.
  - (2) No member of the discipline committee may be a member of the panel hearing a matter in which he or she
    - (a) was involved as a member of the inquiry committee or
    - (b) has had any prior personal involvement.
  - (3) Information about the date, time and subject matter of the hearing must be provided to any person on request.
  - (4) The discipline committee must provide notice in Form 11 by registered mail or by personal service to a person who is required to attend a hearing under section 38 (6) of the Act.
  - (5) All disciplinary hearings must be recorded and, subject to section 43 (2), any person may request a transcript of any part of the hearing which he or she was entitled to attend.
  - (6) Once a decision has been reached by the discipline committee on the facts, in determining the penalty to be imposed on a registrant under section 39 of the Act, the committee must consider previous relevant disciplinary decisions to which the registrant was subject and undertakings or consents to reprimands given by the registrant, and may hear evidence or arguments by the registrant and the college in respect to penalty.

**Notice of disciplinary decision**

68. (1) Subject to section 43 (2), at the conclusion of a disciplinary proceeding the board must, within a reasonable time, advise each registrant of
- (a) the name of the respondents,
  - (b) a summary of the facts of the case and the reasons for the decision, and
  - (c) the disposition of the case including the nature of any limitation(s) or suspension and the dates it is, or they are, in effect.
- (2) If disciplinary proceedings result in the limitation, suspension or termination of a registrant's practice, the board must direct the registrar to notify the boards or associations responsible for the regulation of the profession in other Canadian jurisdictions.

**Retention of disciplinary committee and inquiry committee records**

69. (1) Records of the inquiry committee must be retained for not less than six (6) years following the conclusion of an investigation and records of the discipline committee must be retained for not less than six (6) years following the date a decision is rendered.
- (2) Despite subsection (1), decisions and reasons documents of the inquiry and discipline committees relating to actions taken under section 33 (6) (c) or (d), 35, 36, 37.1 or 39 of the Act must be kept on permanent record at the office of the college.

**Registrant under suspension**

70. (1) During any period of suspension, a registrant must
- (a) not engage in the practice of naturopathic medicine or hold himself or herself out as being a registrant,
  - (b) not hold office in the college,
  - (c) not make appointments for patients or prospective patients,
  - (d) not contact or communicate with patients or prospective patients, except for the following purposes:

- (i) to advise patients or prospective patients of the fact and duration of the suspension;
  - (ii) to advise a patient or prospective patient that another registrant will continue to operate in the suspended registrant's place, or
  - (iii) to refer the patient to another registrant in good standing,
- (e) remove from his or her premises and the building in which the premises are located, his or her name and any sign relating to their practice,
  - (f) prominently display a notice of suspension, in a form and in an area approved by the registrar, which states the duration and reasons for the suspension,
  - (g) immediately surrender to the registrar his or her certificate of registration issued under section 51 (1) and any current receipt issued under section 56 (7),
  - (h) pay any fee or special assessment required by the college when due in order to remain a registrant, and
  - (i) not be entitled to a refund of the registration or registration renewal fee in respect of the period of suspension or of any special fee that the registrant has paid.
- (2) Any communication under subsection (1) (d) may be made in writing in a form approved in advance by the registrar, or by employing office staff, an answering service or other telephonic device specifically for this purpose.
  - (3) During the period of suspension, a suspended registrant may permit another full registrant in good standing to practice within the suspended registrant's office, provided that the suspended registrant complies with the provisions of subsection (1).

**Fines and costs**

- 71. (1) The maximum amount of a fine that may be ordered by the discipline committee under section 39 of the Act is \$100,000.
- (2) If the discipline committee assesses and awards costs or part of the costs of a hearing under section 39 of the Act to the college against the respondent, or to the respondent against the college, it must do so based on the tariff of costs established in Schedule "E".

## PART 6 REGISTRANT RECORDS

### Definition

72. In this Part, “**patient representative**” means
- (a) a “committee of the patient” under the *Patient’s Property Act*,
  - (b) the parent or guardian of a patient who is under 19 years of age,
  - (c) a representative authorized by a representation agreement registered under the *Representation Agreement Act* to make or help in making decisions on behalf of a patient,
  - (d) a decision maker or guardian appointed under section 10 of the *Adult Guardianship Act*, or
  - (e) a temporary substitute decision maker chosen under section 16 of the *Health Care (Consent) and Care Facility (Admission) Act*.

### Purpose for which personal information may be collected

73. No registrant may collect personal information regarding a patient unless
- (a) the information relates directly to and is necessary for providing health care services to the patient or for related administrative purposes, or
  - (b) the collection of that information is expressly authorized by or under an enactment.

### Source of personal information

74. (1) A registrant must collect personal information about a patient directly from the patient.
- (2) Despite subsection (1), a registrant may collect personal information from another person if the registrant has reasonable grounds to believe
- (a) that the patient has been made aware of the matters set out in section 75 (1) and has authorized collection of the personal information from another person,
  - (b) that the patient is unable to give his or her authority and the registrant, having made the patient’s representative aware of the matters set out in

section 75 (1), collects the information from the representative or the representative authorizes collection from another person,

- (c) that compliance with subsection (1) would
  - (i) prejudice the best interests of the patient,
  - (ii) defeat the purpose or prejudice the use for which the information is collected, or
  - (iii) prejudice the safety of any person,
- (d) that compliance with subsection (1) is not reasonably practicable in the circumstances of the particular case,
- (e) that the collection is for the purpose of assembling a family or genetic history of a person and is collected directly from that person,
- (f) that the information is publicly available information,
- (g) that the information
  - (i) will not be used in a form in which the patient concerned is identified, or
  - (ii) will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the patient, or
- (h) that non-compliance with subsection (1) is necessary if the information is about law enforcement or anything referred to in sections 15 (1) or (2) of the *Freedom of Information and Protection of Privacy Act*.

**Collection of personal information**

75. (1) If a registrant collects personal information directly from the patient, or from the patient's representative, the registrant must take such steps as are, in the circumstances, reasonable to ensure that the patient or patient's representative is aware of
- (a) the fact that the personal information is being collected,
  - (b) the purpose for which the personal information is being collected,
  - (c) the intended recipients of the personal information,

- (d) whether or not the supply of the personal information is voluntary or mandatory and, if mandatory, the legal authority for collecting the personal information,
  - (e) the consequences, if any, for that patient if all or any part of the requested personal information is not provided, and
  - (f) the rights of access to personal information provided in section 90.
- (2) The steps referred to in subsection (1) must be taken before the personal information is collected or, if that is not practicable, as soon as practicable after the personal information is collected.
- (3) A registrant is not required to take the steps referred to in subsection (1) in relation to the collection of personal information from a patient, or the patient's representative, if the registrant has taken those steps in relation to the collection, from the patient or patient's representative, of the same information or information of the same kind for the same or a related purpose, on a recent previous occasion.
- (4) Despite subsection (1), a registrant is not required to comply with subsection (1) if the registrant believes on reasonable grounds
- (a) that non-compliance is authorized by the patient concerned;
  - (b) that compliance would
    - (i) prejudice the interests of the patient concerned, or
    - (ii) defeat the purpose or prejudice the use for which the information is collected,
  - (c) that compliance is not reasonably practicable in the circumstances of the particular case, or
  - (d) that the information is about law enforcement or anything referred to in sections 15 (1) or (2) of the *Freedom of Information and Protection of Privacy Act*.

**Manner of collection of personal information**

76. Personal information must not be collected by a registrant
- (a) by unlawful means, or
  - (b) by means that, in the circumstances of the case,

- (i) are unfair, or
- (ii) intrude to an unreasonable extent upon the personal affairs of the patient concerned.

**Confidentiality of personal information**

77. A registrant must at all times protect and maintain the confidentiality of personal information collected under sections 74, 75 and 76.

**Accuracy of personal information**

78. The registrant must make every reasonable effort to ensure that the information is current and is legibly, accurately and completely recorded.

**Right to request correction of personal information**

79. (1) A person who believes there is an error or omission in a record containing his or her personal information may request that the registrant having the record in his or her custody or control correct the information.
- (2) If after receiving a request for correction under subsection (1), the registrant disagrees that there is an error or omission in the record, the registrant must note the request in the record with particulars of the correction that was sought.

**Use of personal information by a registrant**

80. A registrant may use personal information only
- (a) for the purpose of providing health care services to the patient or a related administrative purpose,
  - (b) for a use or disclosure consistent with a purpose specified in paragraph (a),
  - (c) if the patient has consented to the use, or
  - (d) for a purpose for which that information may be disclosed by the registrant under sections 81 and 83.

**Disclosure of personal information by a registrant**

81. A registrant must maintain confidentiality of personal information and may disclose relevant personal information only
- (a) if the patient concerned has consented to the disclosure,
  - (b) for the purpose of providing health care services to the patient or a related administrative purpose or for a disclosure consistent with either purpose,
  - (c) for the purpose of complying with an enactment of, arrangement or agreement made under an enactment of British Columbia or Canada,
  - (d) for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body with jurisdiction to compel the production of information,
  - (e) to an employee of, or contractor providing services to, the registrant, if the information is necessary for the performance of the duties of, or for the protection of the health or safety of, the employee or contractor,
  - (f) to a lawyer acting for the registrant, for use in civil or criminal proceedings involving the registrant,
  - (g) if necessary to comply with the *Coroners Act*,
  - (h) if necessary to comply with the *Ombudsman Act*,
  - (i) for the purposes of
    - (i) collecting a debt or fine owing by a patient to the registrant, or
    - (ii) making a payment owing by the patient to a registrant,
  - (j) to an auditor, the college or any other person or body authorized by law, for audit purposes,
  - (k) if the registrant believes on reasonable grounds that there is a risk of significant harm to the health or safety of any person and that the use or disclosure of the information would reduce that risk,
  - (l) so that the next of kin or a friend of an injured, ill or deceased individual may be contacted,
  - (m) in accordance with sections 83 and 90, or
  - (n) as otherwise required by law.

**Definition of consistent purpose**

82. A use or disclosure of personal information is consistent with the purposes of providing health care services to a patient or related administrative purposes under sections 80 and 81 if the use or disclosure has a reasonable and direct connection to either purpose.

**Disclosure for research and statistical purposes**

83. A registrant may disclose personal information for a research purpose, including statistical research, only in accordance with section 21 of the *Personal Information Protection Act*.

**Storage and retention of personal information**

84. (1) A registrant must ensure that all records
- (a) pertaining to his or her practice, and
  - (b) containing personal information
- are safely and securely stored.
- (2) Personal information must be retained for a period of seven (7) years.

**Manner of disposal of records**

85. A registrant must ensure that records are disposed of only by
- (a) transferring the record to another registrant or, with the consent of the patient, to another health care agency or health care practitioner,
  - (b) effectively destroying a physical record by utilizing a shredder or by complete burning,
  - (c) erasing information recorded or stored by electronic methods on tapes, disks or cassettes in a manner that ensures that the information cannot be reconstructed, or
  - (d) transferring the record to the patient.

**Registrant ceasing to practise**

86. (1) A registrant who ceases to practise for any reason must

- (a) dispose of personal information in accordance with this Part, and
  - (b) notify the college and provide the college with a written summary of the steps he or she has taken to dispose of the personal information.
- (2) A registrant must make appropriate arrangements to ensure that, in the event that the registrant dies, or becomes unable to practise for any reason and is unable to dispose of the personal information, the personal information will be safely and securely transferred to another registrant.
- (3) A registrant who receives personal information transferred in accordance with subsection (2) or section 85 (a) must notify the patient concerned of the transfer.

**Protection of personal information**

87. (1) A registrant must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.
- (2) A registrant must take reasonable measures to ensure that a third party, including a volunteer, employee of or contractor of the registrant or a health profession corporation or a student practitioner under the supervision of the registrant, does not access, collect, use, disclose, store or dispose of personal information except in accordance with the requirements of this Part.

**Contracts for handling personal information**

88. A registrant must ensure that, if personal information is transferred to any person or service organization for processing, storage or disposal, a contract is made with that person which includes an undertaking by the recipient that confidentiality and physical security will be maintained.

**Remedying a breach of security**

89. A registrant must take appropriate measures to remedy any unauthorized access, use, disclosure or disposal of personal information under this Part as soon as possible after the breach is discovered, including
- (a) taking steps to recover the personal information or to ensure its disposal if it cannot be recovered;
  - (b) taking steps to ensure that any remaining personal information is secured,
  - (c) notifying

- (i) anyone affected by the unauthorized access including patients and other health care providers,
  - (ii) the college, and
  - (iii) law enforcement officials, if criminal action may have contributed to the unauthorized action, and
- (d) modifying existing security arrangements to prevent a re-occurrence of the unauthorized access.

**Patient access to personal information**

90. (1) For the purposes of this section, “**access to**” means the opportunity to examine or make copies of the original record.
- (2) If a patient or a patient representative makes a request for access to personal information about the patient, the registrant must comply as soon as practicable but not more than forty-five (45) days following the request by
- (a) providing access to the patient or patient representative,
  - (b) providing access to the remainder of the personal information if that information excepted from disclosure under subsection (3) can reasonably be severed, or
  - (c) providing written reasons for the refusal of access to the personal information or to any portion of the health records.
- (3) The registrant may refuse to disclose personal information to a patient or patient representative
- (a) if there is a significant likelihood of a substantial adverse effect on the physical, mental or emotional health of the patient,
  - (b) if there is a significant likelihood of harm to a third party, or
  - (c) if the disclosure could reasonably be expected to disclose personal information regarding another individual.
- (4) If a registrant authorizes access and the patient or patient representative requests a copy of the personal information, a copy must be provided if it can reasonably be reproduced.
- (5) A registrant may charge a reasonable fee for the reproduction of personal information which does not exceed the fee specified in Schedule “B”.

- (6) Subject to subsection (3), a patient under nineteen (19) years of age may have access to a record if, in the opinion of the registrant, the patient is capable of understanding the subject matter of the record.
- (7) Except if authorized by the patient, a registrant must not provide access to the records of a patient who is under nineteen (19) years of age to the guardian or parent of the patient if the subject matter of the record is health care which was provided without the consent of a parent or guardian in accordance with the requirements of section 17 of the *Infants Act*.

## PART 7 HEALTH PROFESSION CORPORATIONS

### Application for health profession corporation permit

91. (1) A corporation incorporated under the *Business Corporations Act* may apply to the board for a permit to carry on the business of providing the services of naturopathic medicine to the public by delivering to the board
- (a) a completed permit application in Form 12,
  - (b) a true copy of the certificate of incorporation of the company and any other certificates which reflect a change in name,
  - (c) a permit fee in the amount specified in Schedule “C”, and
  - (d) evidence satisfactory to the board that all the shareholders are resident in British Columbia.
- (2) The president of a corporation incorporated under the *Business Corporations Act* or his or her designate must promptly advise the board in writing of any change to the information contained in the permit application.

### Issuance of health corporation permit

92. (1) The board may, as a condition of the permit, require the health profession corporation to obtain and at all times maintain professional liability insurance with a limit of liability not less than \$1,000,000 per occurrence insuring against liability arising from an error, omission or negligent act of all employees of the health profession corporation.
- (2) A permit is valid from the issue date shown until not later than the following December 31<sup>st</sup>.

### Renewal of health profession corporation permit

93. (1) A health profession corporation which intends to continue to provide the services of naturopathic medicine to the public must, before its permit expires, apply for a renewal of the permit by delivering to the board
- (a) a completed permit renewal application in Form 13, and
  - (b) a permit renewal fee in the amount specified in Schedule “C”.

- (2) A renewal permit is valid until not later than the following December 31<sup>st</sup>.
- (3) The health profession corporation must promptly advise the board in writing of any change to the information contained in the most recent permit renewal application.

**Health profession corporation name**

- 94. (1) A health profession corporation must use in its name a designation that is approved by the board.
- (2) A health profession corporation must not use a name which
  - (a) is identical to that under which another health profession corporation holds a valid permit issued under this Part,
  - (b) so closely resembles the name of another health profession corporation which holds a valid permit issued under this Part that it is likely to confuse or mislead the public,
  - (c) is not approved by the board, or
  - (d) contravenes section 100.

**Change of health profession corporation name**

- 95. (1) A health profession corporation that intends to change its name must apply to the board in Form 14 for a certificate that the college does not object to the intended name of the health profession corporation.
- (2) Section 94 applies to an application under subsection (1).
- (3) The board must issue a new permit to a health profession corporation which
  - (a) has received a certificate that the college does not object to the intended name change, and
  - (b) delivers to the board a true copy of the certificate of the Registrar of Companies showing the change of name and the date it is effective.
- (4) A permit issued under subsection (3) is valid until the date on which the permit it replaces would have expired.

**Health profession corporation advertising**

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

**Disposition of shares**

97. The articles of the corporation must provide for the disposition of the shares of a shareholder who dies, ceases to be a registrant or who ceases to be qualified to practise the profession.

**Hearings respecting revocation of permits**

98. (1) The powers and duties of the board set out in section 44 of the Act are delegated to the discipline committee.
- (2) A permit revocation hearing may be consolidated with a hearing conducted under section 38 of the Act if there is a similarity of subject matter between the two hearings.
- (3) The discipline committee may conduct an oral hearing or a hearing by written submission to determine if a health corporation permit should be revoked.
- (4) The discipline committee may conduct a hearing on the receipt of a written complaint or on its own motion.
- (5) The registrar must provide notice of a permit revocation hearing by personal service or by registered mail to the registered office of the health profession corporation not less than thirty (30) days before the date of the hearing.
- (6) The notice of permit revocation hearing must
- (a) name the health profession corporation as respondent,
  - (b) describe the matter that is to be the subject of the hearing, including the particulars of any evidence in support of that subject matter,
  - (c) if the hearing is to be an oral hearing,
    - (i) specify the date, time and place of the hearing,

- (ii) advise the respondent that the discipline committee is entitled to proceed with the hearing in the absence of representatives of the health profession corporation, and
  - (iii) advise the respondent that the respondent and the college may appear as parties and with counsel at a hearing,
- (d) if the hearing will be conducted by written submission
  - (i) specify the date of the hearing, and
  - (ii) advise the respondent that the respondent is entitled to submit a written submission no later than fourteen (14) days prior to the date of the hearing.
- (7) At an oral permit revocation hearing of the discipline committee
  - (a) the testimony of witnesses must be taken on oath, which may be administered by any discipline committee member, and
  - (b) there must be a full right to cross examine witnesses and call evidence in defence and reply.
- (8) If the respondent does not attend, the discipline committee may
  - (a) proceed with the hearing in the respondent's absence on proof of receipt of the citation by the respondent, and
  - (b) without further notice to the respondent, take any action that it is authorized to take under the Act, the regulation or the bylaws.
- (9) The discipline committee may order a person to attend an oral permit revocation hearing to give evidence and to produce records in the possession of or under the control of the person.
- (10) The discipline committee must provide notice in Form 11 by registered mail or by personal service to a person who is required to attend an oral permit revocation hearing under subsection (9).
- (11) The board must provide written reasons for its decision.
- (12) If the board decides to revoke a permit, the board must publish a notice containing
  - (a) the name of the respondent,
  - (b) the reasons for the decision, and
  - (c) the date of the permit revocation.

## PART 8 GENERAL

### Liability insurance

99. (1) Each full or temporary registrant must obtain and at all times maintain professional liability insurance with a limit of liability not less than \$1,000,000 per occurrence insuring against liability arising from an error, omission or negligent act of the registrant.
- (2) Each full or temporary registrant must obtain and at all times maintain professional liability insurance with a limit of liability not less than \$1,000,000 per occurrence insuring against liability arising from an error, omission or negligent act of all employees of the registrant.

### Marketing

100. (1) In this section:

**“advertisement”** means the use of space or time in a public medium, 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”** 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, and
- (c) contact with a prospective patient initiated by or under the direction of a registrant.
- (2) Any marketing undertaken or authorized by a registrant in respect of his or her professional services must not be
- (a) false,
- (b) inaccurate,
- (c) reasonably capable of misleading the public,

- (d) unverifiable, or
  - (e) contrary to the public interest in the practice of the profession.
- (3) Marketing violates subsection (2) if it
- (a) is calculated or likely to take advantage of the weakened state, whether physical, mental or emotional, of the recipient or intended recipient,
  - (b) is likely to create in the mind of the recipient or intended recipient an unjustified expectation about the results which the registrant can achieve,
  - (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,
    - (iii) by any other improper means, or
  - (d) compares the quality of services provided with those provided by
    - (i) another registrant,
    - (ii) a person authorized to provide health care services under another enactment, or
    - (iii) another health profession.
- (4) A registrant must not
- (a) state publicly that he or she speaks on behalf of the college unless he or she has been expressly authorized by the board to state the official position of the college,
  - (b) endorse or lend himself or herself as a naturopathic physician to the advertisement of any property, product, investment or service for sale to the public, unless such property, product, investment or service relates directly to the profession, or
  - (c) involve a patient, or solicit a patient to become involved, in selling products or services for the direct or indirect benefit of the registrant.
- (5) A registrant who, in any advertisement, includes a statement of fees for a specific service

- (a) must ensure that the statement sufficiently describes the fees and services so as to enable the recipient or intended recipient to understand the nature, extent and cost to the patient of the services to be provided; and
  - (b) must not compare the fees charged by himself or herself with those charged by another registrant;
- (6) A registrant who, in an advertisement, includes a statement that his or her services are subsidized by the Medical Services Plan of British Columbia or that he or she is authorized by the Workers Compensation Board of British Columbia to perform or provide services, must clearly state in the advertisement the cost to the patient of the services to be provided.
- (7) A registrant, unless he or she has a notation of certification entered into the register in relation to his or her name under section 53,
- (a) must not use the term “certified” or any similar designation suggesting a recognized special status or accreditation on any letterhead or business card or in any other marketing, and
  - (b) must take all reasonable steps to discourage the use, in relation to the registrant by another person, of the term “certified” or any similar designation suggesting a recognized special status or accreditation in any marketing.
- (8) A registrant, unless he or she has a notation of specialty entered into the register in relation to his or her name under section 54,
- (a) must not use the term “specializing in”, “specialist” or any similar designation suggesting a recognized special status or accreditation on any letterhead or business card or in any other marketing, and
  - (b) must take all reasonable steps to discourage the use, in relation to the registrant by another person, of the term “specializing in”, “specialist” or any similar designation suggesting a recognized special status or accreditation in any marketing.
- (9) A registrant must retain for one year after the date of publication or broadcast of any advertisement or brochure, and must provide to the board upon request
- (a) a copy of any such publication, or
  - (b) a recording of any such broadcast made by use of any electronic media, including radio, television and microwave transmission, email or web site, and
  - (c) a written record of when and where the publication or broadcast was made.

- (10) A registrant must, when called upon by the discipline committee, the inquiry committee or the board to do so, provide evidence satisfactory to the committee or board verifying the statements made in his or her marketing.

**Code of Ethics and standards of practice**

101. (1) Board members and officers of the college must at all times conduct themselves in a manner that is consistent with the public interest and the ethical standards of the profession and any standards of conduct for board members and officers of the college established by the board under section 19 (1) (z) of the Act.
- (2) Registrants must at all times conduct their practice in a manner that complies with the standards of practice and the Code of Ethics or any other practice or ethical standards applicable to the profession.

**SCHEDULE “A”**  
**Recognized Education Programs**

**Canadian College of Naturopathic Medicine**  
1255 Sheppard Avenue East  
North York, ON M2K 1E2

**National College of Naturopathic Medicine**  
49 Porter Street  
Portland, OR 97213, USA

**Bastyr University**  
14500 Juanita Drive NE  
Bothell, WA 98011, USA

**Southwest College of Naturopathic Medicine & Health Sciences**  
2140 East Broadway Street  
Tempe, AZ 85282, USA

**Boucher Institute of Naturopathic Medicine**  
Suite 200, 668 Carnarvon St.,  
New Westminster,  
Vancouver, BC V3M 5Y6

**SCHEDULE “B”**  
**Maximum Fees for Information Requests**

1. For applicants other than commercial applicants:

(a) for locating and retrieving a record	\$7.50 per $\frac{1}{4}$ hour after the first 3 hours,
(b) for producing a record manually	\$7.50 per $\frac{1}{4}$ hour,
(c) for producing a record from a machine readable record	\$16.50 per minute for cost of use of central mainframe processor and all locally attached devices plus \$7.50 per $\frac{1}{4}$ hour for developing a computer program to produce the record,
(d) for preparing a record for disclosure and handling a record	\$7.50 per $\frac{1}{4}$ hour,
(e) for shipping copies	actual costs of shipping by method chosen by applicant,
(f) photocopies and computer printouts	\$.25 per page ( $8.5 \times 11$ , $8.5 \times 14$ ) \$.30 per page ( $11 \times 17$ ),
(g) floppy disks	\$10.00 per disk,
(h) photographs (colour or black and white)	\$5.00 to produce a negative,
(i) hard copy laser print, colour	\$1.65 each,
(j) audio cassette duplication	\$10.00 plus \$7.00 per $\frac{1}{4}$ hour,
(k) video cassette duplication	\$20.00 per cassette plus \$11.00 per $\frac{1}{4}$ hour of recording.

2. For commercial applicants: for each service listed in item 1, the actual cost of providing that service.

## SCHEDULE “C” Registrant Fees

- 1. Application fees are:**

(a)	for full registration	\$200
(b)	for non-practising registration	\$200
  
- 2. Examination fees are:**

(a)	clinicals	\$150
(b)	add-ons	\$50
(c)	acupuncture	\$25
(d)	BC Orals &/or Jurisprudence	\$50
  
- 3. Examination NPLEX (US\$) fees are:**

(a)	clinicals	\$325
(b)	add-ons	\$75
(c)	acupuncture	\$25
(d)	alternate Site	\$100
  
- 4. Examination fees are:**

(a)	NCCC – Part C written	\$250
(b)	NCCC – Part C oral	\$250
(c)	NBOC – Part C written	\$250
(d)	NBOC – Part C oral	\$250
  
- 5. Initial and renewal registration fees are:**

(a)	non-practising registration	\$200
(b)	for student registration	\$200
(c)	late renewal > December 31st	\$600
  
- 6. Fines and late fees:**

(a)	registration and active renewal	\$10 per business day: max \$200.00
(b)	continuing education submitted late	\$50 per month: max. \$250.00
(c)	continuing education hours due	\$50 per hour: max. \$250.00

**New doctors**

Fees listed in section 5 of this Schedule will be prorated on a monthly basis for a newly licensed naturopathic physician.

**Leaving**

Fees listed in sections 5 of this Schedule will be prorated on a semi-annual basis for a full registrant who practices for less than a full year.

Annual registration renewal fee	\$1200
Certification renewal fee: per 2 years	\$25
Specialty registration renewal fee: per 2 years	\$25

**SCHEDULE "D"**  
**Recognized Specialties**

<b>Column 1 Specialty</b>	<b>Column 2 Requirements</b>	<b>Column 3 Terms</b>

## **SCHEDULE “E”**

### **Tariff of Costs (Discipline Committee)**

#### **Interpretation**

1. In this tariff “process” means the drawing, filing, service or delivery of a document and any amendment to it or particulars of it, but does not include an application made with respect to the process or any part of the process.

#### **Internal Appeal**

2. This tariff applies to internal appeals to an initial discipline committee decision in the same way as to the initial decision.

#### **Scale of costs**

3. (1) Where a tribunal has made an order for costs, it may fix the scale, from Scale 1 to 3 in subsection (2), under which the costs will be assessed, and may order that one or more steps in the proceeding be assessed under a different scale from that fixed for other steps.
  - (2) In fixing the scale of costs the tribunal shall have regard to the following principles:
    - (a) Scale 1 is for matters of little difficulty;
    - (b) Scale 2 is for matters of ordinary difficulty or complexity;
    - (c) Scale 3 is for matters of more than ordinary difficulty or complexity.
  - (3) In fixing the appropriate scale under which costs will be assessed, the tribunal may take into account the following:
    - (a) whether a difficult issue of law, fact or construction is involved;
    - (b) whether an issue is of importance to a class or body of persons, or is of general interest;
    - (c) whether the result of the proceeding effectively determines the rights and obligations as between the parties beyond the relief that was actually granted or denied.
  - (4) Where an order for costs has been made, or where, on a settlement, payment of assessed costs has been agreed to, but no scale has been fixed or agreed to, then the costs shall be assessed under Scale 2, unless a party, on application, obtains an order of the tribunal that the costs be assessed under another scale.
  - (5) Where costs may be assessed without order or agreement, the scale of costs shall be fixed by the tribunal upon the assessment.

**Value of units**

4. (1) The value for each unit allowed on an assessment is as follows:
  - (a) Scale 1 — \$75 for each unit;
  - (b) Scale 2 — \$120 for each unit;
  - (c) Scale 3 — \$150 for each unit.
- (2) Where maximum and minimum numbers of units are provided for in an Item in the Tariff, the tribunal has the discretion to allow a number within that range of units.
- (3) In assessing costs where the Tariff indicates a range of units, the tribunal shall have regard to the following principles:
  - (a) one unit is for matters upon which little time should ordinarily have been spent;
  - (b) the maximum number of units is for matters upon which a great deal of time should ordinarily have been spent.

**Per diem rates**

5. (1) Where in a Tariff Item a number of units is allowed for each day but the time spent during a day is not more than 4 hours, only  $\frac{1}{2}$  of the number of units shall be allowed for that day.
- (2) Where in a Tariff Item a number of units is allowed for each day but the time spent during a day is more than 8 hours, the number of units allowed for that day shall be increased by  $\frac{1}{2}$  of the number.
- (3) Where in a Tariff Item a number of units is allowed for preparation for an attendance but the time spent on the attendance is not more than 4 hours, only  $\frac{1}{2}$  of the number of units for preparation shall be allowed.
- (4) Where in the Tariff units may be allowed for preparation for an activity, the tribunal may allow units for preparation for an activity that does not take place or is adjourned up to the maximum allowable for one day.

**Offer to settle bill of costs**

6. A party to an assessment may deliver to another party an offer to settle the amount of the bill of costs and, after the assessment has been completed, and if the offer to settle is not accepted, may produce the offer to the tribunal, and the tribunal shall determine whether the offer should have been accepted and, if so, may disallow items of the Tariff which relate to the assessment of the party presenting the bill, and
  - (a) allow, by way of set off, items of the Tariff which relate to the assessment of the party making the offer, or
  - (b) allow double the value of items of the Tariff which relate to the assessment of the party presenting the bill and making the offer.

**Disbursements**

7. In addition to the tariff, actual and reasonable disbursements will be recoverable.

		<b>TARIFF</b>	
<b>Part 1</b>	<b>ITEM</b>	<b>Description</b>	<b>Units</b>
1.		Instructions and Investigations Correspondence, conferences, instructions, investigations or negotiations by a party relating to a proceeding, whether before or after commencement, for which provision is not made elsewhere in this tariff.	Minimum 1 Maximum 20
2.		Initiating Complaint or Citation Costs associated with filing of complaint or inquiry, consideration of complaint or inquiry, and any reports submitted regarding the complaint or inquiry.	Minimum 1 Maximum 20
3.		Disclosure All processes associated with obtaining or providing disclosure, including documents.	Minimum 1 Maximum 20
4.		Pre (Discipline Committee) Hearing Applications Preparation for attendance referred to in Item 6, for each day of attendance.	Minimum 1 Maximum 5
5.		Attendance at a pre-hearing application for each half-day	Minimum 1 Maximum 5
6.		Discipline Committee Hearing Preparation for an application or other matter referred to in Item 8, for each day of hearing where hearing commenced: (a) where unopposed. (b) where opposed..	3 5
7.		Preparation for hearing, if proceeding set down for each day of hearing.	5
8.		Attendance at hearing, of proceeding, or of an issue in a proceeding, for each day.	10
9.		Written argument where requested by the tribunal	Minimum 1 Maximum 10
10.		Attendance at the hearing where party is ready to proceed and when hearing not commenced.	3
11.		Settlement of Costs.	Minimum 1 Maximum 5
12.		Settlement of Order.	Minimum 1 Maximum 3
13.		Process relating to the tribunal signing the order	1
14.		Alternative Dispute Resolution Negotiations, including mediation, and process for settlement, discontinuance, or dismissal by consent of any proceeding if settled, discontinued, dismissed by consent as a result of the negotiations.	Minimum 1 Maximum 10

<b>PART 2 DISURSEMENTS</b>		
<b>PART 3 ITEM</b>	<b>Including, but not limited to...</b>	<b>PART 4 COSTS</b>
1.	Photocopying	\$. 25 per page
2.	Binding costs	Actual Reasonable
3.	Hearing room expenses	Actual Reasonable
4.	Recording	Actual Reasonable
5.	Expert Witness Fees	Actual Reasonable
6.	<b>Travel Costs</b> Traveling and subsistence expenses shall be allowed.	Actual Reasonable

**FORM 1**  
**Certificate of Election**

COLLEGE OF NATUROPATHIC PHYSICIANS OF BRITISH COLUMBIA

Certificate No. \_\_\_\_\_

**CERTIFICATION OF ELECTION**

The board of the College of Naturopathic Physicians of British Columbia hereby certifies that \_\_\_\_\_ of \_\_\_\_\_ in the city of \_\_\_\_\_, Province of British Columbia, has been elected as a member of the board of the College in accordance with the *Health Professions Act*.

The term of office as a member of the board of the College will commence on \_\_\_\_\_ in the year of \_\_\_\_\_ and terminate on \_\_\_\_\_ in the year of \_\_\_\_\_.

GIVEN under the seal of the board at \_\_\_\_\_, British Columbia, this day of \_\_\_\_\_.

## FORM 3

### Statutory Declaration (Practising)

CANADA PROVINCE OF BRITISH COLUMBIA IN THE MATTER OF AN APPLICATION FOR REGISTRATION IN THE COLLEGE OF NATUROPATHIC PHYSICIANS OF BRITISH COLUMBIA

I, \_\_\_\_\_, of \_\_\_\_\_ in the city of \_\_\_\_\_, in the Province of British Columbia do solemnly declare that:

I have not been convicted in Canada or elsewhere of any offence that, if committed by a person registered under the *Health Professions Act*, would constitute unprofessional conduct or conduct unbecoming a person registered under these bylaws except as follows:

1. My past conduct does not demonstrate any pattern of incompetency or untrustworthiness which would make registration contrary to the public interest.
2. I am a person of good character.
3. My entitlement to practise naturopathic medicine has not been limited, restricted or subject to conditions in any jurisdiction at any time except as follows:
4. At the present time, no investigation, review or proceeding is taking place in any jurisdiction which could result in the suspension or cancellation of my authorization to practise naturopathic medicine in that jurisdiction except as follows:
5. I have read the *Health Professions Act* of British Columbia and the regulations and bylaws of the College of Naturopathic Physicians of British Columbia made pursuant to that *Act*.
6. I will practise at all times in compliance with the *Health Professions Act* of British Columbia and the regulations and bylaws of the College of Naturopathic Physicians of British Columbia made pursuant to that *Act*.

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

\_\_\_\_\_  
*Signature of Applicant*

**DECLARED BEFORE ME** at the City of \_\_\_\_\_ )  
\_\_\_\_\_, in the Province of British )  
Columbia, this \_\_\_\_\_ day of \_\_\_\_\_, )  
\_\_\_\_\_ )  
)  
)  
)  
)  
)  
\_\_\_\_\_  
A Commissioner for taking Affidavits )  
within British Columbia )

\_\_\_\_\_  
*Signature of Commissioner*

## FORM 8

### Certificate of Registration (Practising)

COLLEGE OF NATUROPATHIC PHYSICIANS OF BRITISH COLUMBIA

Certificate No. \_\_\_\_\_

#### CERTIFICATE OF REGISTRATION

The board of the College of Naturopathic Physicians of British Columbia hereby certifies that \_\_\_\_\_ of \_\_\_\_\_, in the Province of British Columbia, has met the qualifications provided for in the bylaws of the College made pursuant to the *Health Professions Act*, and is duly qualified to practise naturopathic medicine as a \_\_\_\_\_ registrant of the College of Naturopathic Physicians of British Columbia.

GIVEN under the seal of the board at \_\_\_\_\_, British Columbia, this \_\_\_\_\_ day of \_\_\_\_\_.



**FORM 13**  
**Application for Corporate Name Change**

To: College of Naturopathic Physicians of British Columbia

The health profession corporation, \_\_\_\_\_, intends to change its name to \_\_\_\_\_, and hereby applies to the board for a certificate that the College does not object to this intended name.

This application is made under section 95 of the College bylaws.

\_\_\_\_\_  
*Name and Title of Authorized Representative of Applicant*

\_\_\_\_\_  
*Signature of Authorized Representative of Applicant*

\_\_\_\_\_  
*Date Signed*