



**College of Massage Therapists of Ontario  
By-Law No. 8**

**The Register and Registrant Information**

**Interpretation**

**1. Singular and Plural / Masculine and Feminine**

In these and all by-laws of the College, the singular shall include the plural, the plural shall include the singular, the masculine shall include the feminine and the feminine shall include the masculine.

**2. Consistency with the *Regulated Health Professions Act, 1991 (RHPA, 1991)* and the *Massage Therapy Act, 1991***

All provisions of these and all by-laws of the College shall be interpreted in a manner consistent with the *RHPA, 1991* and the *Massage Therapy Act, 1991* and where any inconsistency is found to exist, the inconsistent provision shall, where practical, be severed from the by-law.

**3. Calculating Time**

A reference to the number of days between two events means calendar days and excludes the day on which the first event happens and includes the day on which the second event happens.

**4. Statutory Holidays**

A time limit that would otherwise expire on a statutory holiday or a weekend is extended to include the next day that is not a statutory holiday or a weekend.

## **Definitions**

1. In this By-Law, unless otherwise defined or required by the context,

- (A) "**Act**" means the *Massage Therapy Act, 1991* and includes the regulations made under it;
- (B) "**By-laws**" means all by-laws of the College;
- (C) "**Code**" means the *Health Professions Procedural Code*, which is Schedule 2 of the *Regulated Health Professions Act, 1991*;
- (D) "**College**" means the College of Massage Therapists of Ontario (CMTO);
- (E) "**Council**" means the Council established under section 5 of the *Massage Therapy Act, 1991*;
- (F) "**eHealth Ontario**" is a government initiative which enables doctors and clinicians to talk to one another and share client information electronically;
- (G) "**ICRC**" means the Inquiries, Complaints and Reports Committee of the College;
- (H) "**Registrar**" means the Registrar and Chief Executive Officer of the College, or in the case of the absence or inability of the Registrar, the Deputy Registrar of the College and/or includes a person appointed as Interim Registrar by the Council;
- (I) "**RHPA**" means the *Regulated Health Professions Act, 1991*, including its associated regulations and the *Code*;
- (J) "**SCERP**" means Specified Continuing Education or Remediation Program.

Any term not defined in this By-Law shall have the meaning provided to it in the *RHPA, 1991* or the *Massage Therapy Act, 1991*.

## **General**

2. The Registrar shall maintain a register on behalf of the College in an up-to-date manner.

## **Contents of the Register**

3. In addition to the information outlined in section 23(2) of the *Code*, the register shall contain the following information with respect to each registrant which shall be designated as public information:

- (A) The name, address and telephone number of any Massage Therapy practice of which a registrant is an employee, contractor or otherwise associated;
- (B) Commonly used name;
- (C) Former legal names of the registrant under which the registrant practised as a Registered Massage Therapist (RMT);
- (D) Business website and email address, if any;
- (E) The registrant's electoral district for elections to the Council, effective December 8, 2015;
- (F) Massage Therapy institution and year of graduation;
- (G) Authorization to perform acupuncture;
- (H) Any language in which a registrant is able to communicate and provide services to clients, including languages used to communicate with speech or hearing impaired clients;
- (I) The gender to which the registrant identifies;
- (J) The date of death of a registrant;
- (K) The date that the registrant first became registered;
- (L) The date the certificate of authorization was issued for each registrant delivering Massage Therapy professional services through a corporation;
- (M) Any change in status of a certificate of registration or certificate of authorization and the effective date of the change;

- (N) The effective date of resignation of a registrant;
- (O) The effective date and reasons for a revocation, suspension, or reinstatement of a registrant's certificate of registration;
- (P) With respect to any allegation:
  - i. Of professional misconduct or incompetence of a registrant referred to the Discipline Committee; or
  - ii. Concerning the capacity of a registrant referred to the Fitness to Practise Committee:
    - (a) The date of the referral of the allegation;
    - (b) A brief summary of each allegation;
    - (c) The status of the hearing, including the date of commencement, continuation or adjournment;
- (Q) Any finding of incapacity, including the date of the decision by the Fitness to Practise Committee;
- (R) Any terms, conditions or limitations imposed on a certificate of registration, including:
  - i. The Committee which imposed the terms, conditions or limitations, and any other information directed by the Committee to be placed on the register;
  - ii. The effective date of the terms, conditions or limitations.
- (S) Information about the registrant's registration or licensure in any jurisdiction, to the extent that the information is public in that jurisdiction, including but not limited to, the date and summary of a finding of professional misconduct, incompetence, incapacity or similar finding against the registrant, where that finding has not been overturned on appeal;
- (T) Where the registrant's certificate of registration is subject to an interim order:
  - i. A notation of that fact;
  - ii. The nature of the order; and
  - iii. The date the order took place;

(U) If the registrant resigned while under investigation by the College, a notation of that fact;

(V) Where a decision of a panel of the Inquiries, Complaints and Reports Committee (ICRC) with respect to the registrant resulting from a complaint made or a Registrar's investigation begun on or after March 1, 2016, includes a written caution:

- i. A notation of that fact and a summary of the contents of the caution;
- ii. The date of the decision;
- iii. If applicable, a notation that the decision is under review or appeal, which notation shall be removed once the review or appeal is finally disposed of; and
- iv. The information placed on the register pursuant to paragraph (v) shall be removed from the public register two (2) years from the date of the panel's decision (unless the panel decision was overturned on appeal or review, in which case the information shall be removed from the register immediately upon the decision being overturned);

(W) Where a decision of a panel of the ICRC with respect to the registrant resulting from a complaint made or Registrar's investigation begun on or after March 1, 2016, orders an oral caution:

- i. A notation of that fact and a summary of the contents of the caution;
- ii. The date of the decision;
- iii. If applicable, a notation that the decision is under review or appeal, which notation shall be removed once the review or appeal is finally disposed of; and
- iv. The information placed on the register pursuant to paragraph (w) shall be removed from the public register three (3) years from the date that the caution is delivered (unless the panel decision was overturned on appeal or review, in which case the information shall be removed from the register immediately upon the decision being overturned);

(X) Where a decision of a panel of the ICRC with respect to the registrant resulting from a complaint made or Registrar's investigation begun on or after March 1, 2016, orders a Specified Continuing Education or Remediation Program (SCERP) that includes a monitoring component:

- i. A notation of that fact and a summary of the contents of the SCERP;

- ii. The date of the decision;
  - iii. If applicable, a notation that the panel's decision is under review or appeal, which notation shall be removed once the review or appeal is finally disposed of; and
  - iv. The information placed on the register pursuant to paragraph (x) shall be removed from the public register on the later of the following two dates:
    - (a) Two (2) years from the date of the panel's decision; or
    - (b) Upon completion, to the satisfaction of the Registrar, of the SCERP (unless the panel decision was overturned on appeal or review, in which case the information shall be removed from the register immediately upon the decision being overturned);
- (Y) Where a criminal finding or a finding under the *Health Insurance Act* or the *Controlled Drugs and Substances Act* was made against the registrant on or after March 1, 2016:
- i. A summary of the finding and penalty;
  - ii. The date of the decision;
  - iii. Where the finding or penalty is under appeal, a notation to that effect until the appeal is finally disposed of;
  - iv. Any such summary shall be removed if the decision on finding and penalty is overturned or if the registrant is pardoned, unless the registrant wishes the summary and fact of successful appeal to be maintained on the register for a period; and
  - v. No information shall be included in contravention of a court-imposed publication ban known to the College;
- (Z) A summary of any currently existing conditions or restrictions, including effective date, relating to the custody or release of the registrant imposed by a court or other lawful authority on or after March 1, 2016, excluding any information that would contravene a court-imposed publication ban known to the College.
- (AA) Any information that the College and the registrant have jointly agreed will be included.

### **Information not Available to the Public**

4. The register shall contain the following information that shall not be available to the public:

- (A) The birth date of the registrant;
- (B) Any information, other than the Massage Therapy program, provided by the registrant regarding formal post-secondary education obtained by the registrant, including the name of the institution and year of graduation;
- (C) The registrant's certificate of registration number, which will be provided to eHealth Ontario for the purposes of healthcare provider collaboration.

### **Information Required of Registrants**

5. A registrant shall provide to the College annually, in the form and manner prescribed by the Registrar and by the deadline prescribed by the Registrar, the following information:

- (A) The practice name, business address, telephone number, website address and email address, if any, of each location where the registrant practises;
- (B) The address, telephone number and e-mail address of the registrant's principal place of residence;
- (C) Email address for the purposes of corresponding with the CMTO;
- (D) Information about any other professions in any jurisdiction in which the registrant is registered/licensed;
- (E) Information about any other jurisdictions in which the registrant is registered or licensed as a Massage Therapist;
- (F) The gender to which the registrant identifies;
- (G) Proof of professional liability insurance that meets the requirements;
- (H) A declaration of compliance with the terms and conditions of the certificate of registration in the form provided;
- (I) Information with respect to any charge or conviction for a criminal offence or an offence under the *Health Insurance Act*, or the *Controlled Drugs and Substances Act*;

- (J) A finding of professional misconduct, incompetency or incapacity or like finding in Ontario in relation to another health profession or in another jurisdiction in relation to the profession or another health profession;
  - (K) The preferred address for College correspondence;
  - (L) The number of hours of Massage Therapy provided by the registrant in the last 12 months;
  - (M) Any conditions or restrictions relating to the custody or release of the registrant imposed by a court or other lawful authority; and
  - (N) All information about the registrant required to be kept in the register by the *RHPA, 1991*, the *Code*, the regulations or the CMTO by-laws.
6. A registrant must notify the Registrar within 14 days of any change of name, location of place of practice, practice name, business telephone number, email address or principal residence in writing, including a certified true copy of proof of any change of name.

### **Administration**

- 7. This By-Law shall be administered by the Registrar.
- 8. This By-Law comes into force on the date enacted.

Enacted November 19, 1999

Amended September 2003, September 2004, November 2007, February 2008, November 2008, May 2009, January 2016