

The COLLEGE OF MASSAGE THERAPISTS OF ONTARIO
BY-LAW No. 6

Non-Council Members

Interpretation

1. In this By-law,
 - a) "Act" means the *Massage Therapy Act, 1991*, S.O. 1991, c. 27, and the regulations made there under, and includes the Code which is deemed by the *RHPA* s. 4 to be part of the Act;
 - b) "By-laws" means all by-laws of the College;
 - c) "Code" means means the Health Professions Procedural Code, which is Schedule 2 of the *RHPA*;
 - d) "College" means the College of Massage Therapists of Ontario;
 - e) "Council" means the governing body of the College that shall manage and administer its affairs, the members of which are either elected or appointed in accordance with the Act and the By-laws;
 - f) "Council member" means an elected or appointed member of the Council;
 - g) "elected Council member" means a member of the College elected to Council in accordance with the Act and the By-laws;
 - h) "Registrar" means the Registrar of the College, or, in the case of absence or inability of the Registrar, the Deputy Registrar of the College;
 - i) "RHPA" means the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, and the regulations made there under, and includes the Code;
 - j) " member" means a member of the profession who has agreed to serve on a committee and has been appointed by Council to be a member of a committee as a Non-Council Member.

Eligibility for Appointment to a Committee

2. A member shall be eligible for appointment for a term of one year as a member to a committee of the College as a Non-Council Member if, on the date of appointment:
 - a) The member practises massage therapy in Ontario, or if the member does not practise massage therapy, the member resides in Ontario;
 - b) The member is not in default of payment of any prescribed fees;
 - c) The member is not the subject of any disciplinary or incapacity proceeding;
 - d) A period of three years has elapsed since the member complied with all aspects of an order of the Discipline Committee or the Fitness to Practise Committee;
 - e) the member's certificate of registration is not subject to a term, condition or limitation imposed by the Discipline Committee or Fitness to Practise Committee;
 - f) the member has not been a voting member of the provincial board of directors of the Ontario Massage Therapist Association or an appointed official of the Association within the year preceding the appointment.

Disqualification from a Committee

3. The Council shall disqualify a member appointed to a committee from sitting on the committee if the member:
 - a) is found by a panel of the Discipline Committee to have committed an act of professional misconduct or to be incompetent;
 - b) is found by a panel of the Fitness to Practise Committee to be an incapacitated member;
 - c) no longer practises massage therapy in Ontario and is no longer a resident of Ontario;
 - d) ceases to be a member;
 - e) breaches section 36 of the RHPA and any section(s) of the Code or By-laws which require Council members to preserve the confidentiality of information obtained in the course of his or her duties as a Council member.

4. The Council may disqualify a member appointed to a committee from sitting on the committee if the member:
 - a) fails, without cause, to attend two consecutive regular meetings of the committee or of a subcommittee of which he or she is a member;
 - b) fails, without cause, to attend a hearing or review of a panel for which he or she has been selected and agreed to attend;
 - c) is unable to fulfil the duties of a committee member.

5. A member who is disqualified from sitting on a committee, shall cease to be a member of the committee.

Administration

6. This By-law shall be administered by the Council.

7. This By-law comes into force on the date enacted.

Enacted this 19th day of November 1999

Amended by Council: November 26, 2007