

REGULATION 1

General Regulation with Respect to the Business and Affairs of the College of Physiotherapists

A Regulation relating generally to the transaction of the business and affairs of the College of Physiotherapists

Interpretation and Conduct of Meetings

- 1(1) This Regulation may be cited as the General Regulation.
- 1(2) In this Regulation and all other Regulations of the College, unless the context otherwise requires:
- (a) “**Act**” means the ***Physiotherapy Act, 2008***;
 - (b) “**College**” means the College of Physiotherapists;
 - (c) “**Committee**” includes the Executive Committee, Registration Committee, Complaints Committee, Professional Competence Committee and any other Committee established by Council from time to time;
 - (d) “**Regulation**” includes any Regulation of the College enacted by Council;
 - (e) Terms defined in the **Act** have the same meaning in this Regulation and in all other Regulations of the College.
 - (f) A reference to “physical therapy” is deemed to be synonymous with “physiotherapy”, and a reference to “physiotherapist” is deemed to be synonymous “physical therapist”.
- 1(3) Words importing the singular number only include plural and vice versa. Words importing the masculine or feminine gender include the gender of the opposite sex. Words importing persons include companies, corporations, partnerships, proprietorships or other entities.
- 1(4) Except as otherwise provided by the **Act** or the Regulations, ***Robert’s Rules of Order*** shall govern the proceedings of any meeting of the College, Council or any Committee of the College or Council.

Head Office, Seal and Fiscal Year

- 2(1) **Head Office** – The head office or permanent seat of the College shall be located within the Province of New Brunswick as determined from time to time by the Council.
- 2(2) **Seal** – The corporate seal of the College shall be in the form approved by Council from time to time. The custody of the seal shall be with the Registrar of the College. Authorized personnel, as outlined in the rules, shall affix the seal of the College to documents.
- 2(3) **Fiscal Year** – Unless otherwise established by Council, the business or fiscal year of the College shall end on the 31 December in each year.

Meetings of Members

- 3(1) **Annual Meeting** – The annual meeting of the College shall be held at such time and place as the Council may determine for the purpose of receiving reports and statements required by the *Act* or the regulations to be placed before the College at an annual meeting, holding elections, and for the transaction of any other business properly brought before the meeting.
- 3(2) **Special Meeting** – The President or any three (3) members of Council may at any time call a special meeting of the members of the College to be held at such time and place determined by the President or Registrar.
- 3(3) The President shall call a special meeting of the members of the College at the written and signed request of not less than twenty-five (25) of the members eligible to vote. Such a request must be filed with the Registrar and state the specific business to be transacted at such meeting.
- 3(4) **Notices of Meetings** – Notice of the annual or a special meeting shall be forwarded by the Registrar to each member of the College at least fourteen (14) days before the day on which the meeting is to be held. Notice of a special meeting shall state the general nature of the business to be transacted.
- 3(5) **Reports to Members** – Copies of all motions, recommendations and other material to be voted upon at the annual meeting shall be forwarded to the members at least fourteen (14) days prior to the annual meeting except for motions arising out of business of the annual meeting or pre-annual meeting of the Council.
- 3(6) **Persons Entitled to be Present** – The only persons entitled to attend the annual or a special meeting are members of the College and Council, the auditor of the College, and others who are entitled to attend or required to attend under any regulations of the College or those who have been invited to attend by Council. Any other person may be admitted at the invitation of the chairperson with the consent of the meeting.
- 3(7) **Quorum** – The majority of the members registered to vote in person or by proxy at the annual or a special meeting shall constitute a quorum provided that at least 10% of members eligible to vote register to vote. Meetings may proceed without a quorum for presentation of reports not requiring a formal resolution approving the report or authorizing any specific action by the College or Council.
- 3(8) **Right to Vote** – At each meeting of members, only those members eligible to vote are entitled to vote.
- 3(9) **Votes to Govern** – At all meetings of members every question shall, unless otherwise required or authorized by the *Act* or by the regulations of the College, be decided by a majority of the votes cast on the question by those present in person, by proxy or by absentee ballot. In the case of a tie in a vote at an annual or special meeting, the presiding officer will cast the deciding vote.
- 3(10) **Show of Hands/Proxies** – Each member eligible to vote, excluding bodies corporate, may vote at the annual and a special meeting in person or by proxy.
- 3(11) The appointed proxy, by instrument in writing, shall be a member eligible to vote and has the authority to act at the meeting in the same manner and to the same extent and with the same power as if the absent member were present at the meeting.
- 3(12) Each appointed proxy shall hold a maximum of five (5) proxies.

- 3(13) The member appointing a proxy shall notify the College in writing on a prescribed form approved by the Council. Proxy forms shall be forwarded to the members eligible to vote with the notice of meeting. Proxy forms shall be received at the College office prior to the meeting or deposited with the Secretary-Treasurer at the meeting before any vote is cast under its authority. The instrument appointing the proxy shall cease to be valid after the expiration of one month from the date thereof.
- 3(14) Voting on motions at an annual or a special meeting shall be by show of hands including proxies unless the membership requires a secret ballot. Abstentions shall not be counted.
- 3(15) Before any votes are taken, a minimum of two (2) scrutineers shall be appointed by the chairperson of the meeting.
- 3(16) **Absentee Ballots** – The Council shall decide, at least fourteen (14) days before a meeting, whether and on what questions members not present at such meetings may vote. The ballot setting out the question to be voted on shall be sent to all members eligible to vote at the member's address as provided in the annual registration at least fourteen (14) days prior to the last day set for counting the votes.
- 3(17) The notice of the absentee vote shall:
- (a) state the issue to be determined which is singular and unambiguous in nature;
 - (b) state the address to which the absentee ballot must be forwarded;
 - (c) be accompanied by the absentee ballot form adopted by the Council for that vote; and
 - (d) state the date, time and location at which the absentee vote shall be counted.
- 3(18) Absentee ballots shall be signed by the voting member and returned as directed or hand delivered to the location set for counting at the time thereof. No ballots received after the time set for counting shall be considered.
- 3(19) **Adjournment** – The chairperson of a meeting of members may, with the consent of the meeting and subject to conditions the meeting may decide, adjourn the meeting from time to time and from place to place.

Council

- 4(1) **Number of Council Members and Council Representation** – The Council of the College shall consist of not less than five (5) and not more than seven (7) members. Council membership must reflect representation of geographical (north, central and south) and practice areas (public, private, clinical and administrative). Members shall include:
- (a) the president, vice-president and secretary-treasurer;
 - (b) members at large; and
 - (c) a maximum of two (2) persons to represent the public in accordance with section 8(1)(b) of the Act.
- 4(2) **Terms of Office** – The terms of office for the Council members shall be staggered for and fixed as follows:
- (a) two (2) year term for the president and vice-president;
 - (b) two (2) year term for members at large (*all others*) with a maximum of three (3) terms provided that after a lapse of two (2) years, such person is eligible for re-election; and
 - (c) two (2) year term for public representatives with a maximum of three (3) terms.
- 4(3) The terms of office of all Council members, whenever appointed or elected, shall commence and be effective on the 1st day of the month following the said appointment or election. A person shall continue to be a member of Council until the successor commences duties.

- 4(4) A member of the Council may hold only one (1) Council position.
- 4(5) **Meetings of Council** – The Council shall meet at least four (4) times a year, at such time and place as may be determined by the President.
- 4(6) The Council may conduct business by telephone or any other communication facilities when necessary or desirable provided that a notice of meeting by telephone or any other communication facilities has been given in accordance with the provisions of these regulations or such notice has been waived.
- 4(7) **Quorum** – A majority of members of the Council constitute a quorum for the transaction of business.
- 4(8) **Votes to Govern** – At all meetings of the Council every question shall, unless otherwise required or authorized by the *Act* or by the regulations, be decided by a majority of the votes cast on the question by those present.
- 4(9) **Special Meetings of Council** – The President or any three (3) members of Council may at any time call a special meeting of the Council to be held at such time and place determined by the President or Registrar.
- 4(10) **Notices of meetings** – Notice of every meeting shall be given by the Registrar to each member of the Council not less than fourteen (14) days before the day when the meeting is to be held. No notice of the meeting is necessary if all members are present or if those absent have waived notice or have otherwise given consent to the holding of the meeting. Notice of a meeting shall state the business to be conducted at the meeting.
- 4(11) **Remuneration of Members of Council** – Members of Council may receive an honorarium for each day in attendance at an approved meeting together with a travel allowance, both set from time to time by resolution of Council. Members of Council may also be reimbursed for their reasonable and pre-approved out of pocket expenses incurred in attending Council, a committee meeting or otherwise in respect of the performance of their duties as Council may from time to time determine.
- 4(12) **Conflict of Interest** – Council or committee members are considered in a conflict of interest related to business under consideration if:
- (a) the member has an interest in the matter, distinct from an interest arising from her or his identified functions as a volunteer;
 - (b) the member has a direct or indirect pecuniary interest in the matter; or
 - (c) the member is an officer, employee or agent of a corporation or an unincorporated association, or other association of persons that has an interest in the matter.
- 4(13) **Declarations of Conflicts** – Members must declare on record any conflict of interest as soon as such conflict is identified. Any member who is in any way, whether directly or indirectly, in a declared conflict of interest must refrain from voting or participating in the discussion with respect to such matters.

Executive Committee

- 5(1) **Executive Committee** – The elected officers of the College will form the Executive Committee and shall include the president, vice-president and secretary-treasurer.
- 5(2) **Quorums** – A majority of members of the Executive Committee constitute a quorum for the transaction of urgent business.

- 5(3) **Meeting of Executive Committee** – The Executive Committee shall only meet at the call of the President to be held at such time and place for the transaction of urgent business that can not wait until a full meeting of Council.
- 5(4) The Executive Committee may conduct business by telephone or any other communication facilities when necessary or desirable provided that a notice of meeting by telephone or any other communication facilities has been given in accordance with the provisions of these regulations or such notice has been waived.

Election of Council

- 6(1) **Election of Council** – The election of Council members shall be held annually at the annual meeting for the purpose of filling vacancies resulting from the expiry of the term of office of members, and
- (a) in such elections the candidate receiving the greatest number of votes shall be declared elected, and
 - (b) such elections shall be held, conducted and governed in accordance with the requirements and procedures set out in the *Act* and regulations.
- 6(2) **Vacancies** – Notwithstanding any other section of these regulations:
- (a) If the term of office of the president is not filled or completed, the vice-president shall succeed to the office of president for the remainder of the president's term;
 - (b) If the vice-president has been appointed pursuant section (a) and the term of office is not completed, the Council shall appoint a president to fill the vacancy and at its scheduled election date an election for the offices of president and vice-president shall take place for such terms as are appropriate in the circumstances to permit effective implementation of the schedule of elections and terms of office;
 - (c) If the term of office of the vice-president is not filled or completed, the Council shall appoint a vice-president to fill the vacancy and at the next scheduled election date, an election for the office of vice-president shall take place.
 - (d) If the term of office for any remaining Council position is not filled or completed, the Council shall appoint a person to fill the vacancy. Any person appointed to fill a vacancy shall hold the office until a successor, whether appointed or elected, commences the term of office;
 - (e) If any Council member fails to attend three (3) consecutive meetings of the Council after being duly advised of the holding of such meetings, the Council may, by resolution, declare the member's position to be vacant and appoint another person to fill the vacancy so created in accordance with section (d).
- 6(3) **Presiding Officer** – The Registrar of the College, or any other officer or member of Council, shall act as presiding officer for an election.
- 6(4) **Nominations for Council / Candidates List** – Nominations for vacant positions of Council shall be received from an ad hoc nominating committee appointed by the Council annually in addition to any nominations from the general membership received at the annual meeting or as outlined in the Rules.
- 6(5) **Acclamations** – If only one nomination is received for a vacancy, at the close of the time for nominating candidates, the presiding officer shall declare the nominee elected by acclamation.
- 6(6) **Ballots and Voting** – Ballots shall be marked with an X, or such mark as is sufficient to indicate to the presiding officer the intention of the voter to vote for a particular candidate.
- 6(7) **Counting** – On the day of the election the presiding officer shall count the votes, reject the ballots which do not comply and tabulate the results in the presence of the appointed scrutineers.

- 6(8) **Declaration of Successful Candidates** – The candidate or candidates with the largest number of votes shall be declared by the presiding officer and the members shall be notified of the results.
- 6(9) **Disposition of Ballots** – When the counting has been completed the presiding officer shall destroy the ballots.

Officers

- 7(1) **Elected Officers** – The elected officers of the College shall include the president, vice-president and secretary-treasurer.
- 7(2) **President** – The President is charged with the general supervision of the business and affairs of the College and shall preside at all meetings of the College.
- 7(3) **Vice- President** – The Vice-President shall assume the powers or duties of the President during an absence or if otherwise unable to fulfill the duties. The Vice-President shall also perform other duties and exercise the powers the President may from time to time delegate to the Council prescribed by resolution.
- 7(4) **Secretary-Treasurer** – The Secretary-Treasurer shall attend all meetings of Council and of the members of Council and shall be responsible for:
- (a) keeping and distributing the minutes of all meetings;
 - (b) conducting all correspondence of the College and Council;
 - (c) affixing the corporate seal;
 - (d) keeping full and accurate books of accounts;
 - (e) providing financial reports to Council and members of the College; and
 - (f) performing other duties prescribed from time to time by Council.
- 7(5) **Registrar** – The Registrar is responsible for the general management and direction, subject to the authority of council and the supervision of the President, of the College's business and affairs and has the power to appoint and remove any employees and agents of the college not appointed directly by council and to settle the terms of their employment and remuneration. The Registrar shall:
- (a) issue notices required to be given under the Act and regulations; and
 - (b) maintain the registers required to be kept under the Act in accordance with the Act and regulations, and perform all duties as specified in the Act and regulations pertaining to the registration, renewal of registrations and accounting of fees payable by each member and shall provide all notices in writing so required.
- 7(9) **Other Officers** – For the purpose of administration of the College, the Council may from time to time create other officer positions.
- 7(10) **Variation of Duties** – From time to time Council may vary, add to or limit the powers and duties of any officer or officers.
- 7(11) **Removal of Officers** – Any officer or member of the Council may be removed:
- (a) by resolution of the Council on the grounds of failure to attend three (3) or more consecutive meetings of the Council; or
 - (b) by majority vote of members by a special meeting of the College duly called for that purpose.

Committees and Appointments to Represent the College

- 8(1) **Committees** – Council may appoint from time to time committees that it considers appropriate or necessary to accomplish the objectives of the College. The following categories of committee are hereby established by the Council pursuant to the *Act* and regulations:
- (a) Standing; and
 - (b) Special or Ad Hoc.
- 8(2) **Standing Committees** – The Chairperson and all members of the standing committees shall be appointed by the Council provided that membership on the committee shall include public representation and geographical representation of the members of the College (north, central, south) where appropriate. The following standing committees are established pursuant to the *Act* and regulations:
- (a) Registration Committee;
 - (b) Professional Competence Committee;
 - (c) Complaints Committee; and
 - (d) Discipline Committee.
- 8(3) **Special or Ad Hoc Committees** – The Chairperson and all members of special or ad hoc committees shall be appointed by Council as it may from time to time deem necessary, with terms of reference. Membership on the committee shall include public representation and geographical representation of the members of the College (north, central, south) where appropriate.
- 8(4) **Vacancies** – The Council may fill vacancies, from time to time, on committees and appoint additional members to any committee to serve for such terms as the Council may designate at the time of appointment.
- 8(5) **Ex-Officio Members** – The president and registrar shall be ex-officio members on all committees but shall have no vote when serving in this capacity.
- 8(6) **Quorum** – The quorum for committees is a majority.

Banking Arrangements, Signing Officers and Contracts

- 9(1) **Banking Arrangements and Authority to Enter into Contracts** – The banking business of the College shall be transacted in one or more banks, trust companies, or credit unions carrying on a banking business in New Brunswick as Council may authorize. All banking business shall be transacted on the College's behalf by one or more officers or persons as Council may authorize.
- 9(2) **Signing Officers** – The signing officers of the College shall be the President, the Vice-President, the Secretary-Treasurer and the Registrar. The signatures of two signing officers are required for negotiable instruments and banking and investing requirements valued at over \$1000.00. Individual cheques to a maximum of \$1000.00 may be signed by any one signing officer of the College if the cheque is for:
- (a) any operating expense of the College; or
 - (b) any service or capital good purchased for the benefit of the College and approved by the Council.
- 9(3) **Contracts** – All deeds, agreements, contracts or other instruments or obligations of the College shall be valid if authorized by the Council and executed by any two of the signing officers of the College, unless the Council specifically delegates any one signing officer as signing authority for a particular contract of an administrative nature.

Notices, Time, and Omissions and Errors

- 10(1) **Computation of Time** – In computing the date when notice must be given under any provision of the *Act* or regulations requiring a specified number of days' notice of any meeting or other event, the date of the meeting or other event shall be excluded.
- 10(2) **Omissions and Errors** – The accidental omission to give notice to a member, a member of Council, member of a committee, officer, etc., or the non-receipt of any notice by a member, a member of Council, a member of a committee, an officer, etc., or any error in any notice not affecting the substance of the notice does not invalidate any action taken at any meeting held pursuant to the notice or any act taken as a result of any action taken at the meeting.
- 10(3) **Waiver of Notice** – Any member, any member of Council, any member of a Committee, or any officer, etc., may waive any notice required to be given under any provision of the *Act* or the regulations, and the waiver, whether given before or after the meeting or other event of which notice is required, shall cure any default in giving the notice.
- 10(4) **How Notice is Given** – Notices to members, council members, committee members, or other persons may be given by personal delivery, first class mail, facsimile e-mail, other electronic transmission using the last submitted information on the records of the College. Notice of a meeting of the executive committee may be given by telephone. Notice by personal delivery shall be considered to be given on the day of delivery, first class on the third business day following the date of mailing and by facsimile, e-mail, other electronic transmission on the day transmitted if before 4:00 p.m. on a business day or on the next business day after transmission. Notice given by telephone shall be considered to be given at the time of the call.

Enactment or Amendment of Regulations

- 11 **Notice Requirements for Enactment or Amendment of Regulations** – Regulations shall be enacted, repealed or amended by Special Resolution of Council. A regulation shall not be enacted, repealed or amended unless authorized according to the requirements pursuant to the *Act* and regulations. A regulation shall not be enacted, repealed or amended unless written notice of the proposed regulation, repeal or amendment is given at least thirty (30) days prior to the meeting at which the enactment, repeal or amendment will be proposed unless all members waive the notice requirement in writing. Members shall receive written notification of all such regulations once approved.

REGULATION 2

Registration and Membership Regulation

1(1) This Regulation may be cited as the Registration and Membership Regulation

Categories of Membership and Registration

2(1) The following categories of practising and non-practising membership in the College are hereby established:

1. Member
2. Provisional Member
3. Temporary Member
4. Inactive Member
5. Retired Member
6. Honorary Member
7. Private Practice***

Register and Sub-Registers

3(1) The Registrar will maintain the register consisting of the following membership categories:

1. Member – members who hold unrestricted certificates to practise;
2. Provisional – members whose certificates to practise have terms, conditions or limitations attached;
3. Temporary – members whose certificates to practise are time, event or situation limited and who must concurrently maintain registration in good standing in another jurisdiction during the duration of the temporary practice in N.B.;
4. Inactive – members who are not actively engaged in the practice of physiotherapy but who remain eligible for re-instatement;
5. Retired – members who have resigned as active practitioners but who may use the title in certain circumstances;
6. Honorary – persons who have been granted such recognition for significant contributions to the College but who do not earn specific membership rights and privileges to practise physiotherapy, by virtue of the recognition alone.

3(2) The Registrar will maintain the following membership sub-registers:

1. Restricted/Limited Members
2. Acupuncture and Dry Needling Services
3. Professional Corporations
4. Specialized Practice
5. Such other membership sub-registers as Council may from time to time deem necessary and expedient.

3(3) The Register and sub-registers may be in bound form, file card, or loose-leaf form or in photographic file form, or may be entered or recorded by any system of mechanical or electronic data processing or by any other information storage device that is capable of reproducing any required information in intelligible form within a reasonable time.

Maintenance of the Register

4(1) The Registrar shall maintain the register and sub-registers upon which shall be entered:
(a) the names, registration numbers, residential addresses, telephone, facsimile and e-

communication contact details of all members;

(b) the addresses, telephone, facsimile and e-communication contact details of the place of employment of all members;

(c) the number of hours practised by each member in the past calendar year.

4(2) In addition to the above and as applicable, the Registrar shall:

(a) for Inactive members, record the number of years not engaged in the active practice of physiotherapy;

(b) for Provisional and all others members whose membership is subject to specific terms, conditions or limitations prescribed, record the details of such terms, conditions or limitations;

(c) for Temporary members, record the details of the practice situation, term and place of practice;

(d) for members providing acupuncture and dry needling services, record the date, level of education and certification as applicable in each case, as outlined in Schedule "B";

(e) for Resigned members and non-renewals, record that last known year of registration, active practice and place of employment;

(f) for any other category as the Council may approve, record the requisite informational details for the category as approved by Council.

4(3) The register of categories of members shall be updated at least annually.

4(4) The record of a member's name and locality as it appears on the Register shall be available upon written request, to either the Registrar or the Minister of Health.

Application for Registration

5(1) An applicant may apply for registration as a member pursuant to the provisions of section 15 of the *Act* on a form approved by the Registrar or in any other manner acceptable to the Registrar.

5(2) The applicant for registration has the responsibility to establish compliance with all of the requirements for registration under the provisions of the *Act* and Regulations.

5(3) In addition to the requirements prescribed in section 15 of the *Act*, the application approved by the Registrar shall include the following:

(a) in the case of all applicants for registration,

(i) completion of the signed application, as approved by Council;

(ii) evidence in the form of two letters of reference or such other evidence as maybe acceptable to Council of the applicant's good character as being consistent with the responsibilities of a member and the standards expected of a member;

(iii) a signed declaration by the applicant attesting to the fact that the applicant is capable of practising physiotherapy and that her or his ability to practise is not impaired by any impediment;

(iv) payment of the fees as set out in the Rules;

(v) if applicable, proof that there are no outstanding disciplinary matters or restrictions on the candidate's right to practise in any jurisdiction where the candidate may at any time have been authorized to practise;

(vi) proof of professional liability insurance;

(vii) proof of successful completion, after no more than three (3) attempts of the registration examination outlined in Schedule "B" or evidence proving exceptional

- circumstances qualifying an applicant for registration as a “provisional member” as prescribed in section 15 of the *Act*; and
- (viii) satisfactory evidence that the applicant has actively practised physiotherapy in a Canadian jurisdiction without a period of inactivity greater than 5 years duration immediately preceding the application for registration;

and:

(b) in the case of an applicant for registration as a member who has completed an approved physiotherapy educational program in Canada, as established by Council,

- (i) documentary evidence of graduation and completion of clinical education requirements as established by Council, by provision of a notarized university degree or equivalent;

(c) in the case of an applicant for registration as a member who has completed a physiotherapy educational program outside of Canada, deemed by Council and evidenced by documentary proof to have a curriculum substantially equivalent to that of an approved physiotherapy educational program,

- (i) documentary proof of a notarized degree or equivalent;

(d) in the case of an application for registration as a re-entry member:

- (i) proof of satisfaction of all re-entry requirements prescribed by Council;
- (ii) in the case of an application to become a registered “member” a re-entry member must satisfy all the terms, conditions and limitations as may be required by the Council including successful completion after no more than three (3) attempts, of the registration examination or other admission examination processes prescribed by the Council;

(e) in the case of an application for registration as a professional corporation:

- (i) satisfaction of all requirements, and the provision of all supporting documentation, as prescribed in section 19 of the *Act* and listed in Schedule “C” of the Regulations.

(f) in the case of an application for registration as a retired member:

- (i) proof of having previously resigned in good standing from active practice in the College or another jurisdiction;

(g) in the case of an application for registration as a temporary member:

- (i) documentary evidence of eligibility for membership in the College as prescribed in the *Act* and in this regulation;
- (ii) satisfactory evidence of the maintenance of concurrent registration in good standing in another regulated jurisdiction for the duration of the temporary registration in N.B.;
- (iii) provision of proof of work or intent to practise in New Brunswick;

(h) In the case of an application for registration under exceptional circumstances as a “provisional member”:

- (i) satisfaction of the completion of any terms, conditions or limitations as prescribed by section 15 of the *Act*, and the Regulations;
- (ii) if applicant is a graduate of an approved educational institution in the province of Quebec as (*readers: seek clarification re labour mobility requirements*) and has not taken the PCE;
 - proof of employment and a signed supervisory agreement in the public setting;

- enrollment in the performance assessment/quality management process as described by the rules;

(i) in the case of an application to be entered in the acupuncture and dry needling services sub-register, a member shall provide satisfactory evidence that he or she has successfully completed a post-graduate training program that meets the criteria set out in Part II of Schedule B of these regulations.

(j) in the case of an application to be entered in the specialized practice sub-register, a member shall provide satisfactory evidence of:

(i) the date, level of education and certification as applicable in each case, and as outlined in Schedule "D"

5(4) In the case of being designated by Council as an honorary member:

(i) satisfaction of such terms and conditions as determined by Council.

Entitlements of Registered Members

6(1) A person registered as a "member" shall be entitled, subject to the *Act*, regulations and rules to:

- use the title and credentials as prescribed in section 17 of the *Act*;
- practise the full scope and services of a physiotherapist;
- hold office or serve on Council and committees, upon election or appointment;
- nominate eligible persons to hold office or serve on Council;
- receive notices of, attend and participate in, meetings of the College;
- receive communications issued by the Council; and
- exercise full membership rights including the right to vote.

6(2) A person registered as a "provisional member" shall be entitled, subject to the *Act*, regulations and rules to:"

- use the title and credentials upon such terms, conditions or limitations as may be attached;
- practise the scope and services of a physiotherapist upon such terms, conditions or limitations as attached;
- serve on committees, upon election or appointment;
- nominate eligible persons to hold office or serve on Council;
- receive notices of, attend and participate in, meetings of the College;
- receive communications issued by the Council; and
- exercise defined membership rights.

6(3) A person registered as a "temporary member" shall be entitled, subject to the *Act*, regulations and rules to:"

- use the title and credentials in section 17 of the *Act*; and
- practise the scope and services of a physiotherapist limited to the time, situation or event as prescribed by the Council.

6(4) A person registered as an "inactive member" shall be entitled, subject to the *Act*, regulations and rules to:

- use the title and credentials in section 17 of the *Act*;
- serve on committees, upon election or appointment;
- receive notices of, attend and participate in, meetings of the College;
- receive communications issued by the Council; and
- exercise defined membership rights including the right to vote.

- 6(5) A person registered as a “retired member” shall be entitled, subject to the *Act*, regulations and rules to:
- use the physiotherapy educational credentials, as earned;
 - upon election or appointment, serve on committees;
 - receive notices of, attend and participate in, meetings of the College;
 - receive communications issued by the Council; and
 - exercise defined membership rights.
- 6(6) A person registered as an “honorary member” shall be entitled, subject to the *Act*, regulations and rules to:
- use the title Honorary Member-CPTNB, upon receipt of the certificate of recognition and subject to its specified term;
 - receive notices of and attend some meetings of the College as specified by the Council;
 - receive communications as specified by the Council; and
 - serve in some voluntary capacity as the Council may designate from time to time.
- 6(7) A person registered as a “re-entry member” shall be entitled, subject to the *Act*, regulations and rules to:
- use the title and credentials in section 17 of the *Act*;
 - upon election or appointment, serve on committees;
 - receive notices of, attend and participate in meetings of the College;
 - receive communications issued by the Council; and
 - exercise defined membership rights, including the right to vote.
- 6(8) A Professional Corporation to which registration is granted is entitled, subject to the *Act*, regulations and rules or in the professional corporation’s articles of incorporation to:
- practise physiotherapy in its own name, subject to the *Act*, regulations and rules.
- 6(9) Persons entered in the acupuncture and dry needling services sub-register may provide acupuncture and dry needling services, subject to provisions in Regulation 6 “Acupuncture and Dry Needling Services.”
- 6(10) Persons entered in the specialized practice sub-register may use the title “specialist”, subject to the provisions in Schedule “D” and the Rules.

Obligations of the Members

- 7(1) All members shall forthwith notify the Registrar in writing of any changes in: name, registration status, and the address, telephone, facsimile and e-communications information of residence and place of employment.
- 7(2) All members shall comply with all registration and renewal requirements.
- 7(3) Failure to satisfy any registration requirements may result in the imposition of fines or penalties; or the suspension or revocation of membership as prescribed in Regulation 3.

Confirmation or Rejection of Application for Registration

- 8(1) Any application for registration made under the *Act* and Regulations shall be deemed not to have been made until all the prescribed materials are provided to the Registrar.
- 8(2) Any acceptance or rejection of any application shall be forwarded to the applicant by way of written notification within fifteen (15) days of the date of formal acceptance or refusal by Council

or by the Registrar.

Certificates of Registration

- 9(1) Each member of the College whose name appears on the register shall be issued each year a certificate on which shall appear:
- (a) the name and address of the member;
 - (b) the expiry date;
 - (c) the category of membership; and
 - (d) the registration number of the member.
- 9(2) Each Professional Corporation in good standing whose name appears in the Professional Corporations Register shall be issued each year a certificate upon which shall appear:
- (a) the name, address and incorporation number of the corporation;
 - (b) the expiry date; and
 - (b) the registration number of the corporation.

Removal of a Member from the Register

- 10(1) The Registrar shall cause the name of a member to be removed from a Register upon the written request of the member for reasons acceptable to the Council; or where:
- (a) the name has been incorrectly entered;
 - (b) confirmation of death of the member has been received;
 - (c) the registration has been revoked;
 - (d) Council decides that a member holding a registration with terms, conditions or limitations attached has failed to comply with the prescribed terms, conditions or limitations; or
 - (f) the member has failed to comply with the registration renewal procedures.
- 10(2) Written notification of the removal of a member's name from the Register shall be forwarded to the member's last known address and to the last known address of the registered member's employer.

Exemptions

11. Any person whose registration as a member continues by virtue of s.15(10)) of the *Act* shall not be subject to the registration requirements provided for herein unless such registration is allowed to lapse.

***A Private Practice category was added to this Regulation and ratified by members at the CPTNB Annual General Meeting on Tuesday, September 29, 2020.

REGULATION 3

Registration Renewal and Reinstatement

Expiration of Registration

- 1(1) The registration of every member of the College shall expire on the 31st day of December in each year for which the member has paid the annual fee.
- 1(2) Notice to members of the Annual Renewal procedures shall be forwarded no later than November 30 in each year, to each member's last recorded address as provided by the member to the Registrar.
- 1(3) Any member who has failed to comply with the annual registration renewal provisions shall be suspended on the 30th day following the expiry date, and shall enjoy none of the rights and privileges of a member unless in the meantime, all requirements are satisfied and all fees are paid.
- 1(4) If an application or annual fees for membership is received after December 31st, a penalty for late renewal shall be charged. The penalty for late renewal may be waived in the case of postal delivery if the envelope or letter is postmarked on or before December 31st.
- 1(5) If a member has been suspended pursuant to section 1(3), and if the membership registration is reinstated at the discretion of the Council, the person shall be liable for all fees that would have been due and payable during the period the person was suspended and in addition to the registration fee, shall pay a reinstatement fee set by Council.
- 1(6) Any member may resign as a member of the College by delivering a written resignation to the Registrar prior to the expiry date of the membership.

Requirements for Renewal

2. The requirements and qualifications necessary for a member to qualify for renewal of registration for the practice of physiotherapy, shall be the receipt by the Registrar of:
 - (a.) the properly completed, signed registration renewal application by the prescribed deadline;
 - (b.) the payment of all registration fees and any outstanding fees or dues owed to the College;
 - (c.) proof of having maintained a minimum of 1200 hours of the active practice of physiotherapy in the immediately preceding five years, if applicable;
 - (d.) a signed solemn declaration of compliance to the *Act*, regulations and rules of the College and with any terms, limits or conditions prescribed under section 15 of the *Act*, and the Regulations.
 - (e.) such further and other documentation as may be required and directed by the Registrar.

Requirements for Renewal of Professional Corporations

- 2.1 The requirements and qualifications necessary for the renewal of the registration of a professional corporation, shall be the receipt by the Registrar of:
 - (a.) the properly completed signed registration renewal application by the prescribed deadline;
 - (b.) the payment of all registration fees and any other outstanding fees or dues owed to the College;
 - (c.) a certificate under the *Business Corporations Act* issued within 30 days of the date of the registration renewal application indicating the date of incorporation of the professional corporation and that the professional corporation has not been dissolved;

(d.) a signed solemn declaration of compliance to the *Act*, Regulations and rules of the College and with any terms, limits or conditions prescribed under section 19 of the *Act*, the Regulation and Schedule “C”; and
(e.) such further and other documentation as may be required and directed by the Registrar in accordance with Schedule “C”. ***

Reinstatement of a Re-entry Applicant

3. Subsequent to not meeting the active practice requirement in section 2 (c.) a re-entry candidate shall be required to successfully complete the examination requirements as defined in Schedule B and meet other admission requirements approved by the Council, prior to reinstatement as a member.

Professional Liability Insurance

4. Ability to demonstrate that the registrant holds continuing coverage for Professional Liability Insurance as prescribed in Regulation 4 is a condition of registration renewal and reinstatement.

Confirmation of Registration Renewal

5. Confirmation of Registration Renewal and Certification shall be provided to the member within thirty (30) days of the expiry date provided all renewal requirements have been satisfied by the member.

*** Amendments highlighted above were ratified by members at the CPTNB Annual General Meeting on Tuesday, April 27, 2021.

REGULATION 4

Professional Liability Insurance

- 1 Subject to section (2) each member and applicant for membership in the College must obtain, maintain and file with the Registrar proof of professional liability insurance for negligence, errors or omissions in an amount based on the industry standard as determined by Council.

- 2 The professional liability insurance requirement of section (1) shall not apply to non-practising or designated temporary members of the College.

REGULATION 5

Practice of Physiotherapy

- 1 **Permissible Forms of Practice and Ownership** – No member shall practise physiotherapy in the employ or as a partner of any other person or as an officer, director, shareholder or employee of any corporation which person, partnership or corporation offers, by itself or on behalf of the member, physiotherapy services to the general public unless such other person is a member of the College or such corporation is registered under the *Act* or is a:

 - (a) public hospital;
 - (b) any health or educational facility operated by the Government of New Brunswick or Canada; or
 - (c) a not for profit or charitable institution.

- 2 **Code of Ethics** – Each member shall adhere to the Code of Ethics of the College requiring ethical obligations of the physiotherapist to:

 - (a) the client, profession and employer; and
 - (b) the profession as a whole.

- 3 **Standards of Practice** – Each member shall adhere to the Standards of Practice developed by the College within the scope of practice defined in the *Act*, and according to the guidelines and standards of the College.

REGULATION 6

Acupuncture and Dry Needling Services

- 1 A member shall be authorized as qualified to provide acupuncture or dry needling services if the member proves to the satisfaction of the Council that the member:
 - (a) has successfully completed the courses and the examination requirements approved by the Council and as outlined in Schedule B of these regulations;
 - (b) limits practice to their level of competence as determined by the approved courses completed and exercises professional judgement in accordance with the CPTNB Code of Ethics; and
 - (c) does not exceed the practice of physiotherapy when acupuncture or dry needling is applied as a physical therapy modality.
- 2 Notwithstanding section (1), a member who has completed approved courses in acupuncture or dry needling referred to in section 1(a) may provide acupuncture or dry needling services within their level of competence as authorized by the Council.
- 3 The Registrar shall keep, or cause to be kept, an acupuncture-dry needling sub-register in which shall be entered the name and address of every member who has met the qualifications to provide acupuncture and dry needling services pursuant to the *Act*, regulations or rules with any terms, conditions or limitations pursuant to this *Act*, regulations or rules noted therein.
- 4 Upon entering the name and address of the member in the register with the required practice information, the Registrar shall issue an authorization to practise acupuncture or dry needling.
- 5 A member who has completed the approved level of courses in acupuncture or dry needling and examination for certification to practise acupuncture or dry needling is authorized to use the assigned designation in addition to the authorized member designation pursuant to section 17 in the *Act*.

REGULATION 7

Professional Competence Committee

- 1 The Professional Competence Committee shall be appointed by the Council and shall be responsible to the Council.
- 2 The Committee shall consist of a minimum of five (5) members, one (1) non-member who shall serve as a public representative and four (4) members of the College who shall not be members of the Council.
- 3 In addition to its responsibilities and powers contained in the *Act*, the Committee shall have the power:
 - (a) to establish, with the approval of the Council and Minister, such qualifications for registration of a person as a member of the College it considers necessary to ensure competence;
 - (b) to establish, with the approval of the Council and the Minister, such educational requirements and examinations it considers necessary to ensure and assess the competence of members and eligibility for membership in the College;
 - (c) to establish, with the approval of the Council and the Minister, such continuing competence requirements it considers necessary to ensure and assess the ongoing competence of members and eligibility for registration renewal in the College; and
 - (d) to require the Council to cause an inquiry into the competence of a member to practise when it has reasonable grounds to believe that the competence of a member is in question.

REGULATION 8

Advertising and Promotion of Physiotherapy Services

- 1 All members must recognize and respect that the principal purpose of advertising and promotion of physiotherapy services, whether paid or otherwise, is to provide the public with truthful and accurate information in a manner that facilitates access to appropriate services and upholds the integrity of the profession.
- 2 No member shall publish or cause to be published any notice, advertisement or promotion containing other than the name, address, telephone number, service hours, professional titles, and type of services offered without first submitting the proposed notice, advertisement or promotion to the Council, which may grant or refuse permission to publish any such notice, advertisement or promotion.
- 3 Any member using or causing to be used information which is false or inaccurate; misleading, deceptive or likely to be misinterpreted; or unprofessional or irresponsible shall be guilty of misconduct.
- 4 No member shall publish or cause to be published any notice, advertisement or promotion that compares, directly or by implication, a member's or members' services or ability with that of any other another member or members, whether named or not.
- 5 **THIS SECTION WAS REPEALED IN JANUARY 2024.**
- 6 Advertising must not create or imply any promise or expectation regarding the results of services received from the member.

NOTE: PRE-REPEAL WORDING FOR SECTION 5:

5. Advertising shall not contain testimonials or endorsements related to the member or services available from the member.

Schedule “A”

Rescinded/Removed (2015) / Replaced with RULE 3.0

Schedule “B”

The following are the *Approved Examinations* or *Post-Graduate Courses* required as pre-requisites to registration or extended or specialized practice:

I. Entry to Practice or Re-entry to Practice

Pre-requisite Registration Examination

Physiotherapy Competency Examination (PCE), including its predecessor formats as recognized and administered by the Canadian *Alliance* of Physiotherapy Regulators.

II. Sub-Registers

II. The following are the criteria which members must declare have been met, as prerequisites for an application to be listed in a sub-register other than the Specialized Practice sub-register to be established under subsection 3(2) of Regulation 2:

Members eligible for listing in a sub-register other than the Specialized Practice sub-register to be established under subsection 3(2) of Regulation 2 must have successfully completed a post-graduate training program that meets the following criteria:

1. The program includes theoretical and practical instruction;
2. The program provides participants with the knowledge base and clinical skills necessary to practice safely and competently; and
3. The program evaluates the participant's competency with the points demonstrated and used during the program.

The criteria listed above shall be applicable to applications from members to be listed in a sub-register including the Acupuncture and Dry-Needling sub-register.

Schedule “C”

In addition to the registration form an applicant for registration as a Professional Corporation must file the following items in order to satisfy requirements of registration:

1. Name of applicant corporation
2. Jurisdiction of incorporation
3. Address of registered office
4. Name of member appointed to represent the corporation
5. The following documents must accompany the application:
 - (a) A notarized copy of all articles of incorporation, articles of continuance and other charter documents of the corporation;
 - (b) A notarized copy of the most recent Notice of Directors and Notice of Registered Office required to be filed under the *Business Corporations Act* or equivalent documents under the laws of the incorporating jurisdiction;
 - (c) A Certificate of Status (for annual renewals, not applicable to new incorporations) signed by the Director of the New Brunswick Corporations Branch in respect of the corporation;
 - (d) A letter appointing a member to represent the corporation;
 - (e) A list of the names, residential and business addresses and telephone numbers of all shareholders of the corporation, together with a statement of the number and classes of shares owned by each, and, where the beneficial owner is different from the registered owner (as where the shares are held in trust), details with respect to both;
 - (f) A list of the names, residential and business addresses and telephone numbers of all officers (President, Vice-President, Secretary-Treasurer, etc.) of the corporation and all other directors of the corporation;
 - (g) A list of the names and addresses of members of the College who will be practising physiotherapy on behalf of the corporation;
 - (h) A certified copy of a resolution of the Council of directors of the corporation authorizing the making of this application; and
 - (i) A statement signed by all shareholders, officers and directors certifying that they and the corporation have complied with and agree to be bound by all of the requirements of the *Act*, Regulations and Rules.

Schedule “D”

1. The College recognizes a “specialist” to be a registrant who possesses a specialist certification in a defined area of physiotherapy practice.
2. The College will consider the approval of specialty certifications recognized by The Canadian Alliance of Physiotherapy Regulators (The Alliance) or their equivalent, as approved by Council.
3. An approved physiotherapy specialist certification program will be required to have successfully passed the review process of The Alliance or the equivalent, as approved by Council, and which includes:
 - (i) Formal post-graduate training
 - (ii) A predefined body of knowledge and competencies
 - (iii) An evaluation process that involves an examination
 - (iv) Periodic recertification
4. For a registrant to use a title that indicates that he/she is a specialist, the registrant must hold a specialty designation that is approved by the College.
5. Registrants may apply to the College for permission to use and to retain, the title “specialist”.
6. Only specialty certification programs approved by The Alliance, or the equivalent as approved by Council, as meeting the level of rigour required to satisfy the use of title “specialist” in Canada will be considered by the College.
7. A registrant granted permission to use the title “specialist” in New Brunswick will comply with the Rule 2.0 and will use her or his restricted title first (i.e. physiotherapist/ physical therapist or PT) followed by her or his approved specialty designation.
8. Registrants entitled to use the title “specialist” will have the relevant information indicating the type of specialty certification(s) he or she holds listed in the College’s Public Register.