

Amendments to the Bylaws: April 14, 2019 AGM

Amendment 1: Board Members

3.2 Eligibility for Election

Any practicing Member or Non-resident Practicing Member with voting rights, in good standing, with the exception of an owner or operator of a massage therapy training school, or director of another massage therapy association, who is qualified to act as a director pursuant to the Act shall be eligible for election to the Board. A retiring Board Member shall be eligible for re-election.

BIRT: To add "All interested applicants who are eligible for election or re-election to the Board of Directors must have the MTAS application Form submitted a minimum of twenty-one days prior to the Annual General Meeting. All applicants' biographies will be provided in the Annual General Meeting reports".

Moved by: Lapierre/Rutley

New wording:

Any practicing Member or Non-resident Practicing Member with voting rights, in good standing, with the exception of an owner or operator of a massage therapy training school, or director of another massage therapy association, who is qualified to act as a director pursuant to the Act shall be eligible for election to the Board. A retiring Board Member shall be eligible for re-election. All interested applicants who are eligible for election or re-election to the Board of Directors must have the MTAS application Form submitted a minimum of twenty-one days prior to the Annual General Meeting. All applicants' biographies will be provided in the Annual General Meeting report.

Amendment 2: Investigation and Discipline

10.13 Review by the Board (Appeal Process, Complaints and Discipline)

- (1) A Member may Appeal the decision or any order of the Discipline Committee by serving the Executive Director with a notice of Appeal within 30 days after the decision of order where;
 - (a) The Member has been found guilty of professional misconduct or professional incompetence by the Discipline Committee; or
 - (b) The Member is subject to an order made pursuant to a criminal conviction.
- (2) The Appeal process shall be conducted in accordance to the Bylaws. An appellant shall set out the grounds of Appeal in the notice of Appeal mentioned in subsection 1.

On receipt of a notice of Appeal, the Executive Director shall file with the Board a true copy of:

- (a) The formal complaint sent, and notice served or the report of the Investigation Committee;
 - (b) The transcript of the evidence presented to the Discipline Committee; and the decision and order of the Discipline Committee.
- The appellant or the appellant's solicitor or agent may obtain from the Executive Director a copy of the documents filed pursuant to subsection (3) on payment of the cost of producing them.

(3) On hearing the Appeal, Discipline Committee may:

- (a) Dismiss the Appeal;
- (b) Quash the finding of guilt;
- (c) Direct a new hearing or further inquiries by the Discipline Committee;
- (d) Vary the order of the Discipline Committee

(4) The Board may make any order as to costs that it considers appropriate.

(5) The Member of the Board appointed pursuant to section 9.1 who is a Member of the Investigation or Discipline Committees or has received a report from these Committees or has a conflict of interest shall not participate in the hearing of an Appeal pursuant to this section.

BIRT: That 10.13 (3) be amended to strike Discipline committee and replace with Board of Directors.

Sobkow/Lapierre

New Wording:

(3) **On hearing the Appeal, Board of Directors may:**

- (a) Dismiss the Appeal;
- (b) Quash the finding of guilt;
- (c) Direct a new hearing or further inquiries by the Discipline Committee;
- (d) Vary the order of the Discipline Committee

Amendment 3: Standard of Practice

(5) Quality Assurance

(a) The Member will maintain competency and enhance their practical and theoretical knowledge through the professional development of his or her practice:

- (i) The Member must display his/her current massage therapy license;
- (ii) The Member will display or make available their current certification in Standard First Aid and Cardiopulmonary Resuscitation (CPR), Level 'C';

- (iii) The Member will display or make available any certificates for attendance, training and successful completion of professional development courses when the subject matter is included in their practice.

BRIT resolved that: 11.8 (5) Quality Assurance (a) to strike theoretical knowledge and replace with evidence informed knowledge.

Sobkow/Gowan

New wording:

(5) Quality Assurance

- (a) The Member will maintain competency and enhance their practical **and evidence informed knowledge** through the professional development of his or her practice:
 - (i) The Member must display his/her current massage therapy license;
 - (ii) The Member will display or make available their current certification in Standard First Aid and Cardiopulmonary Resuscitation (CPR), Level 'C';
 - (iii) The Member will display or make available any certificates for attendance, training and successful completion of professional development courses when the subject matter is included in their practice.

Amendment 4: Standards of Practice

(6) Sexual Ethics

- (a) The Member will respect the integrity of each person, and therefore, not engage in any sexual conduct or sexual activities involving the client. Regardless of the behaviour of the client, it is always the responsibility of the Member not to engage in any sexual behaviour.
- (b) The Member will not commit any form of sexual impropriety with the client. Sexual impropriety includes, but is not limited to:
 - (i) Any behavior, gestures or expressions that is seductive or sexually demeaning to the client;
 - (ii) Inappropriate procedures including, but is not limited to:
 - (a) Disrobing or draping practices that reflect a lack of respect for the client's privacy;
 - (b) Deliberately watching the client dress or undress;
 - (iii) Inappropriate comments about or to the client, including, but is not limited to:
 - (a) Sexual comments about the client's body or underclothing;
 - (b) Making sexually demeaning comments to the client;

- (c) Criticism of the client's sexual orientation;
 - (d) Discussion of sexual performance;
 - (e) Conversations regarding the sexual preferences or fantasies of the client or member.
- (c) Requests for a date;
 - (d) Kissing of a sexual nature
 - (e) The Member will not commit any form of sexual abuse of the client. Sexual abuse includes, but is not limited to:
 - (i) Member/client sex, whether initiated by the client or not;
 - (ii) Engaging in any conduct with the client that is sexual or may be reasonably interpreted as sexual, including, but not limited to:
 - (iii) Genital to genital contact;
 - (iv) Oral to genital contact;
 - (v) Oral to oral contact (except CPR);
 - (vi) Oral to breast contact;
 - (vii) Touching or undraping the genitals, perineum or anus;
 - (viii) Touching or undraping the areola or nipple, without the client's written consent and/or with no intention to provide Manual Lymphatic Drainage;
 - (ix) Touching or undraping the breast for any purpose other than appropriate treatment to which the client has provided consent, or incidental contact resulting from the provision of CPR or other emergency measures;
 - (x) Encouraging the client to masturbate in the presence of the Member;
 - (xi) Masturbation by the Member while the client is present;
 - (xii) Masturbation of the client by the Member.

BIRT Resolved that Section 11.8 Standards of Practice (6) (e) add (xiii)

A member must refrain from entering into a close personal relationship with a former patient unless:

(a) A reasonable period has elapsed since the therapeutic relationship with the former patient was terminated, and

(b) The member is reasonably satisfied that the power differential inherent in a therapeutic relationship no longer exists.

Sobkow/Lapierre

Amendment 5: Standards of Practice

(9) Advertising and Promotion

(c) Affiliation or Membership with the **Canadian Massage Therapist Alliance**, and/or any other relevant organization may be listed underneath name and designation with the terms "Member of" as a prefix.

BIRT that 11.8 Standard of Practice (9) (c) be amended by deleting the Canadian Massage Therapist Alliance

Sobkow/Rutley

New Wording

Affiliation or Membership with the, any relevant organization may be listed underneath name and designation with the terms "Member of" as a prefix.

(Rationale: MTAS members are not considered members of the CMTA. The CMTA is made up of Associations only).

Amendment 6: 11.8 Standard of Practice

(10) Acts of Professional Misconduct (b) (ix)

(b) Business Practices:

- (i) Submitting an account or charge for services that the Member knows is false or misleading;
- (ii) Charging or accepting a fee amount that is excessive or unreasonable in relation to the services performed, or may be performed, pursuant to the agreement to treat;
- (iii) Providing a blank treatment receipt to anyone for any purpose;
- (iv) Falsifying a treatment receipt in any manner;
- (v) Failing to advise the client, in advance, of the fees to be charged for the treatment;
- (vi) Failing to abide by any written understanding or undertaking given to the Member by the Massage Therapist Association of Saskatchewan, Inc., or to carry out any agreement entered into with the Massage Therapist Association of Saskatchewan, Inc.;
- (vii) Failing to itemize an account for professional services, if required to do so by the client, or the person or agency that is to pay, in whole or in part, for the services;

- (ix) Selling or assigning any debt owed to the Member for professional services. This does not include the use of credit cards to pay for professional services;
- (x) Contravention of Advertising and Promotion Guidelines or Policies.

BIRT resolved to strike the current wording of 11.8 (b) (ix) and replace with No member will participate in fraudulent billing to a third party.
Sobkow/Smith

New Wording

(b) Business Practices:

- (i) Submitting an account or charge for services that the Member knows is false or misleading;
- (ii) Charging or accepting a fee amount that is excessive or unreasonable in relation to the services performed, or may be performed, pursuant to the agreement to treat;
- (iii) Providing a blank treatment receipt to anyone for any purpose;
- (iv) Falsifying a treatment receipt in any manner;
- (v) Failing to advise the client, in advance, of the fees to be charged for the treatment;
- (vii) Failing to abide by any written understanding or undertaking given to the Member by the Massage Therapist Association of Saskatchewan, Inc., or to carry out any agreement entered into with the Massage Therapist Association of Saskatchewan, Inc.;
- (viii) Failing to itemize an account for professional services, if required to do so by the client, or the person or agency that is to pay, in whole or in part, for the services;
- (ix) **No member will participate in fraudulent billing to a third party for any reason.**
- (x) Contravention of Advertising and Promotion Guidelines or Policies.