

**NEW BRUNSWICK CHIROPRACTORS' ASSOCIATION**  
**BY-LAWS UNDER THE**  
***CHIROPRACTORS' ACT, 1997***

**INDEX**

<b>SECTION(S)</b>	<b>CONTENT</b>	<b>PAGE</b>
1	Definitions	2
4	Confidentiality	2
5	Severability	2
6	Head Office	2
7	Seal	2
8	Board of Directors	2
9	Duties of Members of Board of Directors	3
10	Chief Executive Officer	5
11	Registrar	5
12-13	Classes of Membership	6
14	Leaves of Absence	7
15	Register of Members	7
16-21	Application and Registration Procedure	7
22-25	Examinations	13
26	Use of Term "Specialist"	13
27	Acupuncture and Dry Needling	14
28-30	Continuing Education	15
31	First Aid Certification	16
32	Record Keeping	17
33-35	Peer Review	17
36	Resignation	17
37	Application and Examination Fees	18
38-40	Annual Fees	18
41	Meetings of the Board of Directors	19
42	Annual General Meeting	19
43	Special General Meetings	20
44-47	Election of Directors	21
48	Remuneration of Directors and Committee Members	22
49	Ethics and Professional Conduct	22
50-51	Disciplinary Procedures	22
52	Professional Liability Insurance	22
53-54	Funds Held by the Association	22
55-56	Records and Accounts of the Association	23
57	Borrowing	23
58-63	Professional Corporations	24
64	Forms	24

## **DEFINITIONS**

**1** In these By-laws:

“Act” means *The Chiropractors Act, 1997*;

“member” means a member of the Association in good standing, and for the purpose of disciplinary action and investigations under the Act, includes a person whose membership is suspended, revoked or expired, or a member who has resigned;

**2** Any terms used in these By-laws which are also used in the Act and any Regulations thereunder shall have the same meaning as in the said Act and Regulations.

**3** These By-laws are developed to be gender neutral therefore references to gender are made as they/their/them and are intended to encompass both genders.

## **CONFIDENTIALITY**

**4(1)** Each member, employee or agent shall hold any information relating to the business of the Association in strict confidence and shall not disclose such information unless required by law.

**4(2)** All documents and information obtained by members, employees, or agents in the course of the practice of chiropractic, including patient information, member information, and other information shall be deemed to be confidential and shall not be disclosed, except as required or permitted by law.

## **SEVERABILITY**

**5** In the event that a court of competent jurisdiction determines that one or more of the provisions of these By-laws are invalid, illegal, or unenforceable, the remaining provisions of the By-laws are not affected by that determination and shall remain valid and enforceable.

## **HEAD OFFICE**

**6** The head office of the Association shall be the same as the business office of the Chief Executive Officer, or such other place as the Board may from time to time determine.

## **SEAL**

**7(1)** The seal of the Association shall be in the form embossed in Appendix “A”.

**7(2)** The Registrar shall have custody of the seal of the Association, which shall be used at the discretion of the Registrar or the Board for official business.

## **BOARD OF DIRECTORS**

**8(1)** The Board of Directors is responsible for the effective governance of the Association and shall have authority to exercise all powers of the Association as set out in the Act or may expressly delegate management of the Association to the Registrar or the Chief Executive Officer.

## **ELECTION AND APPOINTMENT OF BOARD MEMBERS**

**8(2)** The Association's membership shall elect members to the Board of Directors during the Association's Annual General Meeting in accordance with the provisions of sections 42, 44 and 45 of these By-laws.

**8(3)** Every member of the Association who is nominated to the Board of Directors must be a member in good standing of the Association.

**8(4)** Members elected to the Board of Directors shall serve for a two (2) year term and are eligible for re-election for up to three (3) consecutive terms per position.

**8(5)** The lay representative on the Board of Directors shall be appointed by the Minister of Health, in accordance with the Act, for a two (2) year term, and may be re-appointed at the discretion of the Minister.

**8(6)** The members of the Board of Directors shall, upon election or appointment, immediately enter upon the performance of their duties and shall continue in office, unless removed in accordance with these By-laws, until their successors are duly elected and/or appointed.

## **REMOVAL OF BOARD MEMBER**

**8(7)** Any member of the Board of Directors or of a Board-appointed committee may be removed with or without cause, at any time, by vote of no less than 75% of the members of the Board of Directors if in their judgment doing so would serve the best interests of the Association.

**8(8)** Each member of the Board of Directors must receive written notice of the proposed removal at least ten (10) days in advance of the vote.

## **DUTIES OF MEMBERS OF THE BOARD OF DIRECTORS**

**9(1)** In accordance with the Act, the members of the Board shall be the President, Vice-President, Past President, Secretary, Treasurer, Member(s)-at-Large, and a lay representative.

**9(2)** The President shall:

- a. Be accountable for the oversight of all activities of the Association;
- b. Preside as Chair at all meetings of the Board of Directors and of the Association membership, which role includes, but is not limited to, the presentation of reports, as required;
- c. Serve as the official spokesperson and representative of the Association when appropriate, including at public functions, in collaboration with the Chief Executive Officer;
- d. Lead and oversee strategic direction and long-term goal setting of the Association;
- e. Assist in the coordination and planning of the Board's activities;
- f. Delegate or assign responsibilities among members of the Board, where appropriate;
- g. Serve as an *ex-officio* member of all the Association's committees; and
- h. Perform such further and other duties as may be assigned by the Board or otherwise required in the role of President.

**9(3)** The Vice-President shall:

- a. Fulfill the duties of the President during the temporary absence or inability of the President to perform the duties of the office;
- b. Report to, and work closely with, the President to assist with their duties;
- c. Chair the Complaints Committee, or delegate to an alternate member as approved by the Board, to ensure the protection of the interests of the public;
- d. Perform all specific duties assigned by the President or the Board; and
- e. Perform such further and other duties as may be assigned by the President or by the Board.

**9(4)** The Past President shall:

- a. Fulfill the duties of President in the temporary absence or inability of both the President and the Vice-President to perform the duties of the office, including by presiding as Chair at all meetings of the Board of Directors and of the Association membership; and
- b. Perform such further and other duties as may be assigned by the President or by the Board.

**9(5)** The Secretary shall:

- a. Ensure the preparation and maintenance of meeting minutes respecting all meetings of the Board of Directors;
- b. Maintain and manage records of the Board, including a list of the Board's membership and such other records as may be required;
- c. Maintain and manage records of the Association, including registers of the Association's membership and such other records as may be required;
- d. Be familiar with the Act, the within By-laws, the Standards of Practice, and any other relevant regulatory documents, and shall refer to same as needed during Board and member meetings; and
- e. Perform such further and other duties as may be assigned by the President or by the Board.

**9(6)** The Treasurer shall:

- a. Oversee financial operations of the Association including the Board's review of, and decision-making with respect to, financial policies;
- b. Formulate and implement investment policies;
- c. Manage the Association's financial portfolios;
- d. Ensure the compliance of the Association's financial activities with policies, guidelines and internal controls;
- e. Consult with the Chief Executive Officer and the President respecting the preparation of the annual budget;
- f. Present financial reports to the Board when requested;
- g. Present a fully audited financial statement at each Annual General Meeting; and
- h. Perform such further and other duties as may be assigned by the President or by the Board.

**9(7)** The Member(s)-At-Large shall:

- a. Provide support to the other members of the Board of Directors;
- b. Chair or act as a member of Committees of the Board, as required; and

- c. Perform such further and other duties as may be assigned by the President or by the Board.

**9(8)** The Lay Representative shall:

- a. Provide support to the other members of the Board of Directors;
- b. Provide public perspective to the Board of Directors and Committees, as required;
- c. Perform such further and other duties as may be assigned by the President or by the Board.

## **ASSOCIATION STAFF**

### **CHIEF EXECUTIVE OFFICER**

**10(1)** The Board of Directors may appoint or hire a Chief Executive Officer (“CEO”) as an employee of the Association. The CEO shall report to, and have such powers as designated by, the Board.

**10(2)** The Board of Directors may terminate the employment of the CEO with just cause or, in the absence of just cause, on appropriate notice as required by law. Termination of the CEO’s employment without cause must receive unanimous support from the Board.

**10(3)** Subject to direction from the Board, the CEO shall:

- a. Serve as the CEO, Staff Officer, and, with the support of the Treasurer, Chief Financial Officer;
- b. Direct and oversee staff and operations, including hiring and terminating staff;
- c. Implement Board-approved goals, directives, and programs;
- d. Create an annual action plan, including an operational plan and budget, for Board approval;
- e. Act as a resource person for the Board and a source of institutional knowledge for the Association;
- f. Serve as a spokesperson and representative of the Association when appropriate, including at public functions, in collaboration with the President;
- g. Provide the Board with informed recommendations on key issues;
- h. Report progress, provide analysis, and do forecasting on strategy and operations of the Association;
- i. Develop mandates for Association committees and staff members;
- j. Ensure continuity and foster growth of the Association through succession-planning;
- k. Represent the Association on the Federation of Canadian Chiropractic; and
- l. Perform such further and other duties as may be assigned by the President or by the Board.

### **REGISTRAR**

**11(1)** The Board of Directors shall appoint or hire a Registrar as an employee of the Association. The Registrar shall report to the Board, and have such powers as designated by the Board and these By-Laws.

**11(2)** The Registrar shall:

- a. Receive applications for registration and practice permit renewals;
- b. Approve, defer or refuse applications for registration or applications for practice permit renewals in accordance with the Act, the Regulations and these By-laws;
- c. Assist the Secretary in keeping and maintaining registers of all members;

- d. Assist the Secretary in keeping and maintaining a register of professional corporation members;
- e. Issue permits and execute documents on behalf of the Association in accordance with these By-laws;
- f. Provide representation on behalf of the Association on specific committees, agencies, organizations or bodies as delegated and assigned by the CEO;
- g. Perform such further and other duties as may be assigned or delegated by the CEO; and
- h. Perform such further and other duties as may be assigned by the President or by the Board.

### **CLASSES OF MEMBERSHIP**

**12(1)** Subject to the exceptions set out in subsection (2), all classes of membership have full voting rights and the right to hold office in the Association, provided they are in good standing.

**12(2)** Persons registered as temporary members may attend meetings of the Association but have no right to vote or hold office in the Association.

### **ACTIVE MEMBER**

**13(1)** A member who practises on a full-time basis or in excess of that required by other membership categories may be registered as an active member.

### **PART-TIME MEMBER**

**13(2)** A member who

- (a) practises twelve (12) hours or less per week;
- (b) administers not more than fifty (50) treatments per week; and
- (c) provides to the Board annually a statutory declaration confirming (a) and (b),

may be registered as a part-time member subject to the approval of the Board.

### **TEMPORARY MEMBER**

**13(3)** Subject to subsection (4), a person who

- (a) provides proof of membership in good standing from a chiropractic regulatory body in another province or territory of Canada, or other regulated jurisdiction;
- (b) provides proof of professional liability insurance, in accordance with section 52, in an amount approved by the Board; and
- (c) who has paid the prescribed fees,

may be registered as a temporary member subject to the approval of the Board.

**13(4)** An application under subsection (3) shall be filed with the Registrar and shall

- (a) specify the name of the active member in whose office the applicant wishes to practise;
- (b) contain the applicant's undertaking not to otherwise engage in practice in New Brunswick; and
- (c) provide such additional information as the Board may require.

#### **LEAVES OF ABSENCE**

**14(1)** A member who

- (a) is a member in good standing;
- (b) is on a leave of absence from the practice of chiropractic; and
- (c) provides to the Board a statutory declaration confirming (b),

may maintain their registration as a member while on the leave of absence for a period of up to one (1) year.

**14(2)** A member on a leave of absence may thereafter extend their leave for one (1) additional year provided that continuing education requirements are met, all necessary fees are paid, and any other requirements as mandated by the Board are fulfilled including, but not limited to, the requirements set out in subsection (1).

**14(3)** A member on a leave of absence who fails to pay fees to the Association for two (2) consecutive years shall be deemed to have resigned from the Association.

**14(4)** After two (2) consecutive years of a leave of absence, the member must successfully complete the CCEB re-certification examination to maintain registration as an active or part-time member.

#### **REGISTER OF MEMBERS**

**15** The register maintained by the Registrar shall:

- (a) list alphabetically all members authorized to practise in accordance with their class of membership;
- (b) indicate the first date of each member's registration to practise in New Brunswick; and
- (c) indicate the date the certificate of registration was issued.

#### **APPLICATION AND REGISTRATION PROCEDURE**

**16(1)** An application for registration made in accordance with the Act and these By-laws shall be made with the Board and shall include as follows:

- (a) a completed Form 1 application, which shall include:
  - i. a certified transcript from an accredited chiropractic program recognized by the Council on Chiropractic Education (Canada), confirming the applicant's receipt of a Doctorate of Chiropractic or equivalent degree;
  - ii. A certified transcript(s) from the Canadian Chiropractic Examining Board, confirming the applicant's successful completion of the CCEB examinations or, alternatively, confirming that the applicant is in the process of writing supplemental examinations;
  - iii. letters of reference from two (2) responsible persons speaking to the good moral and ethical behaviour and character of the applicant; and
  - iv. such further and other information as may be required to complete or accompany the Form 1 application;
- (b) proof of Canadian citizenship (birth certificate or passport) or a valid permit entitling the applicant to work in Canada;
- (c) proof satisfactory to the Registrar of having obtained valid professional liability coverage through the Canadian Chiropractic Protective Association, or proof of other professional liability coverage acceptable to the Registrar, in accordance with section 52;
- (d) criminal record search results from the RCMP or police authority in the form provided by it and satisfactory to the Board;
- (e) payment of the prescribed application fee and any other applicable fees;
- (f) a sworn statement from the applicant certifying that all information contained in the application is true and correct;
- (g) a proof of valid certification of First Aid and CPR; and
- (h) any other information as may be required by the Board from time to time.

**16(2)** Upon receipt of the documentation and fees required by subsection (1), the applicant shall write a Jurisprudence and Ethics examination administered by the Association.

**16(3)** Upon successful completion of all requirements set out by subsections (1) and (2), the Board will direct the Registrar to complete the registration process. This includes notifying the applicant, invoicing for any applicable fees, and issuing a license number and certificate of registration to the applicant.

#### **REGISTRATION OF CHIROPRACTORS FROM ANOTHER PROVINCE OR TERRITORY OF CANADA**

**17(1)** A person qualified to practise chiropractic in another province or territory of Canada may apply to practise in New Brunswick if that person

(a) subject to subsections (2) and (3), has been engaged in active practice in another province or territory of Canada immediately preceding application for registration;

(b) was a member in good standing authorized to practise chiropractic in the last province or territory in which the applicant practised prior to application for registration;

(c) has fulfilled registration requirements in the last province or territory in which the applicant practised prior to application, which requirements were equal to, or greater than, those required by the Association; and

(d) has provided proof satisfactory to the Registrar of having professional liability coverage through the Canadian Chiropractic Protective Association, or proof of other professional liability coverage which is equivalent or better, in accordance with section 52.

**17(2)** A person who fulfills the requirements in subsection (1) (b), (c) and (d), but who has not been engaged in active practice in another province or territory for at least the two (2) full years immediately preceding application to the Association, may be required to complete additional examinations, testing, or training, as required by the Board.

**17(3)** Notwithstanding subsection (2), and subject to such conditions as it may impose, the Board may waive all or some of the pre-requisites to registration under this section or may require the applicant to successfully complete a refresher training course approved by the Board, which course shall not be less than one (1) term equivalency at an accredited chiropractic college.

**17(4)** An application for registration under this section shall be made to the Board in Form 2 and shall include the following:

(a) the particulars of the applicant's qualifications to practise chiropractic;

(b) a certificate of good standing from the governing body of every association or equivalent professional organization under which the applicant has practised chiropractic since first becoming registered to practise, and, if any disciplinary action has ever been taken against the applicant in relation to the practise of chiropractic, a statement from the association or professional organization in question setting out the particulars of the disciplinary action;

(c) criminal record search results from the RCMP or applicable police authority in the form provided by it and satisfactory to the Board;

(d) payment of the prescribed application fee and any other applicable fees;

(e) a sworn statement from the applicant certifying that all information contained in the application is true and correct;

(f) a proof of valid certification of First Aid and CPR; and

(g) any other information as may be required by the Board from time to time.

**17(5)** Upon successful completion of all requirements set out by subsections (1), (2), (3) and (4), the Board will direct the Registrar to complete the registration process. This includes notifying the applicant, invoicing for any applicable fees, and issuing a license number and certificate of registration to the applicant.

#### **REGISTRATION OF CHIROPRACTORS FROM OUTSIDE CANADA**

**18(1)** A person qualified to practise chiropractic in a jurisdiction outside of Canada may apply to practise in New Brunswick if that person

(a) has graduated from an accredited chiropractic college or university recognized by the Council of Chiropractic Education (Canada);

(b) has been engaged in active practice in the other regulated jurisdiction for at least the two (2) full years immediately preceding application for registration;

(c) has successfully passed the examinations set by the Canadian Chiropractic Examining Board and any other examinations as the Board may require;

(d) was member in good standing authorized to practise chiropractic in the last regulated jurisdiction in which the applicant practised prior to application to the Association;

(e) has fulfilled application requirements in the last regulated jurisdiction in which the applicant practised, which requirements were equal to, or greater than, those required by the Association;

(f) has provided a proof of valid certification of First Aid and CPR;

(g) has provided proof satisfactory to the Board of having professional liability coverage through the Canadian Chiropractic Protective Association, or proof of other professional liability coverage, which is equivalent or better, in accordance with section 52; and

(h) has complied with all other requirements of the Act and By-laws.

**18(2)** An application under this section shall be made to the Board in Form 3 and shall include the following:

(a) the particulars of the applicant's qualifications to practise chiropractic in the other jurisdiction;

(b) a certificate of good standing from the governing body of every association or equivalent professional organization under which the applicant has practised chiropractic since first becoming registered to practise, and, if any disciplinary action has ever been taken against the applicant in relation to the practice of chiropractic, a statement from the association or professional organization in question setting out the particulars of the disciplinary action;

(c) criminal record search results from the RCMP or other police authority in the form provided by it and satisfactory to the Board;

(d) payment of the prescribed application fee and any other applicable fees;

(e) a sworn statement from the applicant certifying that all information contained in the application is true and correct; and

(f) any other information as may be required by the Board from time to time.

**18(3)** A person registered to practise chiropractic in a regulated jurisdiction outside of Canada who has successfully completed the Canadian Chiropractic Board Examinations, but who has not been engaged in active practice in that jurisdiction for the two (2) full years immediately preceding application, may be required to complete additional examinations, testing, or training, as required by the Board.

**18(4)** Notwithstanding subsections (1), (2) and (3), and subject to such conditions as it may impose, the Board may waive all or some of the pre-requisites to registration under this section.

**18(5)** Upon successful completion of all requirements set out by subsections (1), (2), (3) and (4), the Board will direct the Registrar to complete the registration process. This includes notifying the applicant, invoicing for any applicable fees, and issuing a license number and certificate of registration to the applicant.

#### **REGISTRATION OF FORMER MEMBERS OF THE ASSOCIATION**

**19(1)** In this section “former member” means a person who ceased to be a practicing chiropractor by reason of having resigned, or having been deemed to have resigned, from the Association, or whose registration has been suspended or revoked.

**19(2)** To apply for registration as a member, a former member shall

(a) pay to the Association all fees in arrears at the time of ceasing to be a member;

(b) successfully pass such courses and examinations as the Board may require;

(c) if the former member has been engaged in the practice of chiropractic outside New Brunswick, be in good standing as a chiropractor entitled to practise chiropractic in the regulated jurisdiction in which the person practised immediately pending application for registration;

(d) provide proof satisfactory to the Registrar of having obtained professional liability coverage through the Canadian Chiropractic Protective Association or proof of other professional liability coverage which is equivalent to or better, in accordance with section 52; and

(e) comply with all other conditions which the Board considers necessary.

**19(3)** Notwithstanding subsection (2)(a), the Board may, for cause established to its satisfaction, waive all or part of any fees in respect of which the former member was in arrears at the time of ceasing to be a member.

**19(4)** An application for registration under this section shall be made to the Board in Form 4 and shall include the following:

- (a) particulars of the occupation(s) and residence(s) of the applicant since ceasing to be a member;
- (b) a certificate of good standing from the governing body of every chiropractic association, college, or equivalent professional organization under which the applicant has practised chiropractic since ceasing to be a member, and, if any complaint, investigation or disciplinary action has been taken against the applicant in relation to the practice of chiropractic since ceasing to be a member, a statement from the association or professional organization in question setting out the particulars of the disciplinary action;
- (b) payment of the prescribed application fee and any other applicable fees;
- (c) criminal record search results from the RCMP or other police authority in the form provided by it and satisfactory to the Board;
- (d) a proof of valid certification of First Aid and CPR;
- (e) a sworn statement from the applicant certifying that all information contained in the application is true and correct; and
- (f) any other information as may be required by the Board from time to time.

**19(5)** Upon successful completion of all requirements set out by subsections (1), (2), (3) and (4), the Board will direct the Registrar to complete the registration process. This includes notifying the applicant, invoicing for any applicable fees, and issuing a license number and certificate of registration to the applicant.

#### **GENERAL**

**20(1)** A successful applicant may not be registered to practise in New Brunswick until the applicant has complied with all other requirements of the Act and By-laws.

**20(2)** If an applicant who is approved for registration in accordance with sections 16, 17, 18 or 19 fails to become registered as a member of the Association within three (3) months of such approval, the applicant shall

- a) if the applicant is a member in another province or territory of Canada, or other regulated jurisdiction, provide updated proof of membership in good standing in a chiropractic college, as required by s. 17(1)(b) and 18(1)(d);
- b) provide updated criminal record search results from the RCMP, as required by s. 16(1)(d), 17(4)(c), 18(2)(c) and 19(4)(c); and
- c) any other information that the Board may require.

**21(1)** The file of an applicant maintained by the Association is the property of the Association.

**21(2)** Application fees are non-refundable.

**21(3)** Should any information contained in an application under sections 16, 17, 18 or 19 be found to be false or misleading, the applicant may be subject to professional misconduct complaint proceedings, up to and including disciplinary action. The Association has the right to refuse the application and any subsequent applications made by the applicant.

## **EXAMINATIONS**

**22(1)** (a) The CEO shall inform the Registrar of the results of all examinations.

(b) a minimum grade of sixty-five percent (65%) is necessary to pass the Jurisprudence and Ethics examination.

**22(2)** In the event an applicant does not successfully complete the examinations, the Registrar may, at their discretion, require that additional educational upgrading be completed prior to allowing the applicant to challenge the examinations for the second and final time contemplated by the Act.

**23** An applicant for registration under section 16, 17, 18 or 19 of the Act

(a) who has not practised as a chiropractor in a regulated jurisdiction for at least the two (2) years immediately preceding the date of application for registration; or

(b) who has not successfully completed the Canadian Chiropractic Examining Board Examination(s) and any other examination(s) required by the Board within the two (2)-year period immediately preceding the date of application for registration,

may be required to successfully complete a refresher training course approved by the Board.

## **REVIEW OF EXAMINATION RESULTS**

**25(1)** A person who fails an examination taken under section 22 of the Act may request a review of their results by an independent team of examiners.

**25(2)** A request under subsection (1) shall

(a) be in writing to the CEO within twenty-one (21) calendar days of receipt by the person of the results; and

(b) be accompanied by the prescribed fee as set out in these By-laws, which fee is non-refundable.

**25(3)** The results of a review under this section shall be communicated immediately in writing to the person requesting the review and to the CEO.

## **USE OF TERM "SPECIALIST"**

**26(1)** A member may use the title of "specialist" as well as the appropriate abbreviations and initials, provided that they:

- (a) have successfully completed, and been certified by, one or more of the following specialty programs approved by the Association:
  - i. Chiropractic College of Radiologists (FCCR);
  - ii. College of Chiropractic Sciences (FCCS);
  - iii. College of Chiropractic Orthopedists (Canada) (FCCO(C));
  - iv. College of Chiropractic Rehabilitation Sciences (FCCRS); and/or
  - v. Royal College of Chiropractic Sports Sciences (FRCCSS(C)); and
- (b) continue to satisfy all requirements for the maintenance of the specialty certification with the issuing body.

### **ACUPUNCTURE AND DRY NEEDLING**

**27(1)** Upon the coming into force of these By-laws, and subject to subsection (4), members shall require the Association's written authorization in order to practise acupuncture and/or dry needling as part of their chiropractic practice.

**27(2)** In a request for authorization under subsection (1) to perform acupuncture as part of their chiropractic practice, the member shall:

- (a) provide evidence to the Association of successful completion of all necessary examinations, a minimum of one hundred and twenty (120) hours of training specific to acupuncture through a recognized program, and that they are certified to perform acupuncture by an accredited educational body; and
- (b) provide evidence to the Association of valid professional liability protection or insurance, in accordance with section 52, specific to the provision of acupuncture.

**27(3)** In a request for authorization under subsection (1) to perform dry needling as part of their chiropractic practice, the member shall:

- (a) provide evidence to the Association of successful completion of all necessary examinations, a minimum of fifty (50) hours of training specific to dry needling through a recognized program, and that they are certified to perform dry needling by an accredited educational body; and
- (b) provide evidence to the Association of valid professional liability protection or insurance, in accordance with section 52, specific to the provision of dry needling.

**27(4)** Members who have actively practised acupuncture and/or dry needling as adjunctive therapies in their chiropractic practice for a minimum of five (5) consecutive years immediately prior to the coming into force of these By-laws or, in the alternative, who demonstrate qualifications acceptable to the Association, will be deemed to have met the qualifications to practise acupuncture and/or dry needling but must still provide evidence to the Association of the appropriate professional liability protection or insurance.

**27(5)** All members practising acupuncture and/or dry needling shall at all times ensure that:

- (a) prior to administering the treatment, they obtain each patient's written informed consent specific to the provision of acupuncture and/or dry needling;
- (b) maintain patient records specifically documenting the provision of acupuncture and/or dry needling; and
- (c) equip their office with the necessary supplies as required in the Standards of Practice of the Association.

### **CONTINUING EDUCATION**

**28(1)** All active members shall complete a minimum of twenty-four (24) credit hours of recognized continuing education seminars in each two (2)-year period, the first two (2)-year period commencing on the first day of November in each odd year.

**28(2)** For every one (1) hour of continuing education credit earned by a member, that member must have completed a continuing education seminar of one (1) hour in length or greater.

**28(3)** In order to earn continuing education credits, the seminars completed must concern subject matters of relevance to a member's practice. This may include seminars on any of the following topics:

- a. basic, clinical and chiropractic sciences;
- b. research, health planning;
- c. institutional protocol;
- d. insurance consultation, practices and procedures;
- e. peer review;
- f. industrial practices;
- g. forensic practices;
- h. labour relations;
- i. patient counselling; or
- j. chiropractic principles.

**28(4)** Continuing education credit hours cannot be banked, deferred, or applied to a period other than the two (2)-year period in which the credit hours were obtained.

**28(5)** Notwithstanding subsection (4), seminars that are allotted segmental seminar hours or modular seminar hours, (i.e., graduate or diploma programs), and exceed the requirement in subsection (1), may be carried forward into the subsequent two (2)-year period.

**29(1)** A member may prove compliance with subsection 28(1) by submitting to the CEO written confirmation from the sponsors of each approved continuing education seminar setting out the seminar's date, duration, and subject matter, and confirming that the member was in attendance.

**29(2)** The deadline by which members must have complied with subsection (1) is the end of the business day on October 31 of the two (2)-year period in question.

**29(3)** A person who becomes registered with the Association during the two (2)-year period set out in section 28(1), may be permitted to prorate the requirement for twenty-four (24) hours of continuing education credits, to the proportionate time in practice as determined by the Registrar.

**30(1)** Subject to subsections (2) and (3), the registration of a member who has not complied with subsection 28(1) shall not be renewed in the ensuing renewal period.

**30(2)** A member who has not complied with subsection 28(1) may apply in writing to the Board for reconsideration or the denial of renewal, by providing

- (a) the reasons for not complying with subsection 28(1);
- (b) a description of the seminars taken during the relevant two (2)-year period;
- (c) the number of continuing education credit hours obtained;
- (d) proof of the continuing education credit hours obtained; and
- (e) a proposal of how the member intends to obtain the outstanding continuing education credit hours.

**30(3)** If satisfied that extraordinary circumstances rendered the member unable to comply with subsection 28(1), an extension of time in which the member must complete the credit hours may be granted.

**30(4)** An extension of time under subsection (3) does not relieve the member from complying with subsection 28(1) for the two (2)-year period during which the extension is granted in addition to remedying any outstanding credits from the previous period.

**30(5)** If the member fails to obtain the outstanding credits during the period of extension under subsection (3), the member's registration shall not be renewed in the ensuing renewal period and no additional extensions will be considered.

### **FIRST AID CERTIFICATION**

**31(1)** Every member who engages in the practice of chiropractic shall, at all times, maintain certification in standard First Aid and CPR as offered by the Canadian Red Cross, St. John Ambulance or other equivalent training provider acceptable to the Board.

**31(2)** Every application to the Association under sections 16, 17, 18 or 19, shall include proof satisfactory to the Board of having valid certification as required in subsection (1).

**31(3)** Upon renewal of registration in each year, every member shall provide proof satisfactory to the Board of valid standard First Aid and CPR certification as required in subsection (1).

**31(4)** It is professional misconduct for a member who is engaged in the practice of chiropractic not to maintain valid certification in standard First Aid and CPR.

## **RECORD KEEPING**

**32(1)** All active member shall complete a record keeping course at a minimum every 5 years.

**32(2)** New registrants shall complete a valid record keeping course within the first 6 months of registration.

**32(3)** It is professional misconduct, subject to disciplinary action, for a member to refuse to cooperate with the Association to complete the record keeping requirement.

## **PEER REVIEW**

**33** The peer review process shall be designed by the Quality Assurance Committee and implemented by the CEO in accordance with sections 34 and 35.

**34(1)** A peer review of each member shall be scheduled and carried out by the Association at a time and in a manner determined by the CEO and shall include, but not be limited to, a review of:

- a) the member's record-keeping;
- b) safety and status of the member's office(s) and contents;
- c) safety and status of the member's surrounding grounds;
- d) safety and status of any x-ray equipment used by the member; and
- e) safety and status of any other equipment used by the member.

**35(1)** Members shall be notified of an intended peer review not less than sixty (60) days before the date of the review.

**35(2)** Members shall be present and available to be questioned during the review, unless excused by the Quality Assurance Committee after complying with subsection (2).

**35(3)** A member who, for good cause, is unable to be present on the date appointed under subsection (1) shall provide a written explanation to the Quality Assurance Committee as soon as such reason is known to the member.

**35(4)** It is professional misconduct, subject to disciplinary action, for a member to refuse to cooperate with the Association or the Quality Assurance Committee during the peer review process.

## **RESIGNATION**

**36(1)** A member may resign from the Association by providing the Registrar with written notice.

**36(2)** A member's resignation does not come into effect until it is accepted by the Registrar.

**36(3)** In accepting or rejecting a member's resignation, the Registrar may impose whatever conditions are in their opinion necessary to ensure continuity of patient care and to ensure that all obligations of the member under the Act or these By-laws are fulfilled, including the payment of any outstanding monies to the Association.

**36(4)** A member who fails to pay fees to the Association for two (2) consecutive years shall be deemed to have resigned from the Association.

#### **APPLICATION AND EXAMINATION FEES**

**37** The following application and examination fees shall apply:

- (a) on application for registration under sections 16 and 17 of the Act: \$250.00;
- (b) for a review of the results of examinations under section 25 of these By-laws: \$100.00;
- (c) on application by a professional corporation for a permit under section 24 of the Act: \$200.00;
- (d) on submission of a Statement of Particulars by a professional corporation under subsection 59(2) of these By-laws: \$50.00.

#### **ANNUAL FEES**

**38(1)** The annual fees payable by active and part-time members under section 22 of the Act, approved by the members at an Annual General Meeting, are set out in Appendix "B" to these By-laws.

**38(2)** The annual fees payable by a temporary member shall be in an amount that is proportionate to the length of time in a given year during which the temporary member is authorized to practise chiropractic in New Brunswick, and shall not exceed the total annual fee set out in Appendix "B" to these By-laws.

**39** The Board may collect membership fees or donations for the Canadian Chiropractic Research Foundation, the Canadian Chiropractic Guideline Initiative, the Federation of Canadian Chiropractic, the Canadian Memorial Chiropractic College and any other affiliates.

**40(1)** Upon payment of the required annual fees, provided the member is otherwise eligible for continued registration, the Registrar shall issue a Certificate of Registration to a member, which shall contain the name of the member, an identifying Certificate number, the date on which the Certificate takes effect and the date on which it ceases to be in effect, the signatures of the President and Vice-President for the year in which the Certificate is issued, and the seal of the Association.

**40(2)** Upon payment of the required annual fees, provided registration is otherwise permitted by the Act and these By-laws, the Registrar shall issue a permit to a professional corporation, which shall contain the name of the professional corporation, an identifying permit number, the date on which the permit takes effect and the date on which it ceases to be in effect, the signature of the Registrar for the year in which the permit is issued, and the seal of the Association.

## **MEETINGS OF THE BOARD OF DIRECTORS**

**41(1)** Regular meetings of the Board shall be held at such times and places as decided by resolution of the Board.

**41(2)** In case of urgency, or in the absence of a resolution of the Board fixing the next meeting, the CEO or President, or in absence of the President, the Vice-President, may fix the time and place of the meeting.

**41(3)** The CEO shall send by e-mail a notice of every meeting of the Board, together with an agenda, to each Board member at least seven (7) days before the date of the meeting, or in case of urgency, by email three (3) days before the meeting.

**41(4)** Meetings of the Board, and voting at meetings, may be by conference telephone, video conference, or other electronic means acceptable to the Board, provided such can be administered so as to assure accuracy of any vote taken at the meeting.

**41(5)** No unintentional error or omission in giving notice shall invalidate the meeting or any business transacted as a result.

## **ANNUAL GENERAL MEETING**

**42(1)** The Annual General Meeting of the Association shall be held at a time and place decided by resolution of the Board.

**42(2)** The CEO shall, by e-mail sent not less than thirty (30) days before the Meeting, give members written notice of the Annual General Meeting specifying the place, date, and time of the Meeting, and shall be accompanied by the Meeting's agenda.

**42(3)** No unintentional error or omission in giving notice shall invalidate the meeting or any business transacted as a result.

**42(4)** The order of proceedings at the Annual General Meeting, unless otherwise decided by vote of the meeting, shall be:

- (a) the approval of the minutes of the last Annual General Meeting;
- (b) business arising out of the minutes;
- (c) the receipt and consideration of reports of the Board and the Treasurer;
- (d) the receipt and consideration of reports of committees;
- (e) the election of directors; and
- (f) any new business.

**42(5)** In the event there is not a quorum of thirty percent (30%) of active members at an Annual General Meeting as required by subsection 8(2) of the Act, the meeting shall be convened as a Board meeting to enable the transaction of business.

**42(6)** In a meeting conducted under subsection (5), all members present who are not members of the Board shall be allowed to participate in discussions and shall be members of the Board for the purposes of the meeting and entitled to vote.

**42(7)** Decisions made in a meeting under subsection (5) and (6) shall be binding on the members of the Association, subject only to ratification, if required, at the next Annual General Meeting, or a special general meeting called for that purpose.

**42(8)** For the purpose of voting on any new by-laws or by-law amendments during an Annual General Meeting or special meeting of the Association called for that purpose, acceptable methods of voting are in-person, by proxy, virtually, or by ballot received by regular postal mail or e-mail by the time and date set out in the notice calling the meeting.

### **SPECIAL GENERAL MEETINGS**

**43(1)** Special general meetings of the Association for the transaction of any business may be called at any time

- (a) by the Board, the President, or in the absence or inability to act of the President, the Vice-President; or
- (b) by a written request signed by at least thirty (30) percent of voting members of the Association filed with the CEO.

**43(2)** Where a request for a special general meeting of the Association is made under subsection (1)(b), the CEO shall notify the President, or in the President's absence or inability to act, the Vice-President, and a special general meeting shall be called.

**43(3)** The CEO shall, by e-mail not less than thirty (30) days before the meeting, give members written notice of the special general meeting, specifying the place, date, and time of the meeting, and the notice shall be accompanied by the meeting's agenda.

**43(4)** No unintentional error or omission in giving notice shall invalidate the meeting or any business transacted as a result.

**43(5)** Thirty percent (30%) of members shall constitute a quorum for the transaction of business at a special general meeting.

**43(6)** For the purpose of voting on any new by-laws or by-law amendments to existing ones during a special general meeting called for the purpose, acceptable methods of voting include in-person, by proxy, virtually, or by ballot received by regular postal mail or e-mail.

## **ELECTION OF DIRECTORS**

**44(1)** Each year, at least six (6) months in advance of the date of the Annual General Meeting, the Board of Directors will review the terms of the existing Board members and, if there are vacancies, appoint an *ad hoc* Nominations Committee.

**44(2)** The Nominations Committee shall identify candidates for the following positions, as required:

- (a) President, Vice-President, Secretary and Treasurer;
- (c) Member(s)-at-Large; and
- (d) lay representative(s),

for presentation to the Annual General Meeting or, in the case of subsection (2)(c), for nomination to the Minister of Health in accordance with the Act.

**44(3)** The names of persons nominated under subsection (2) shall be submitted to the CEO in time for inclusion with the notice of the Annual General Meeting pursuant to subsection 42(2).

### **44(4)**

To be eligible for election to the Board, a nominee must:

- (a) be a member of the Association in good standing;
- (b) be engaged in the active practice of chiropractic in New Brunswick at the time of election;
- (c) be nominated in accordance with the provisions of these By-laws; and
- (d) not be an officer or director of a chiropractic affiliate organization where conflict(s) of interest cannot be managed. These may include the Canadian Chiropractic Association (CCA), Canadian Chiropractic Protective Association (CCPA), Canadian Chiropractic Examining Board (CCEB), Canadian Memorial Chiropractic College (CMCC), World Federation of Chiropractic (WFC), Federation of Canadian Chiropractic (FCC), Council of Chiropractic Education (CCE), Canadian Chiropractic Guideline Initiative (CCGI) and Canadian National Alliance for Chiropractic (CNAC), or other chiropractic affiliates. Nominations from qualified candidates serving other chiropractic affiliates can be considered, at the discretion of the Board.

**45(1)** In addition to the members nominated under section 44, nominations may be made at the Annual General Meeting, in which case there shall be a secret ballot vote for the election of the position for which additional nominations are made.

**45(2)** Nominations under subsection (1) shall be made by two (2) members in good standing on the verbal consent of the intended nominee, if present, or on the intended nominee's written consent, if not present at the meeting.

**45(3)** The nominees for positions for which no additional nominations are made shall be confirmed by resolution of the Meeting.

**47** If a Director fails, without good cause, to attend 70% of meetings of the Board, or to an extent not acceptable to other members of the Board, the Board may appoint another member of the Association to replace that Director until the next Annual General Meeting.

#### **REMUNERATION OF DIRECTORS AND COMMITTEE MEMBERS**

**48** Except as otherwise approved by the Board, Directors and committee members shall not receive any remuneration for carrying out their responsibilities on behalf of the Association but shall be entitled to be paid for expenses reasonably and necessarily incurred as a result of those responsibilities, as approved by the Board.

#### **ETHICS AND PROFESSIONAL CONDUCT**

**49** The Association adopts as part of these By-laws the Board Code of Conduct and the Federation of Canadian Chiropractic Code of Ethics, as amended from time to time, except where inconsistent with these By-laws.

#### **DISCIPLINARY PROCEDURES**

**50** A notice of hearing under subsection 38(3) of the Act shall be in Form 5.

**51** A summons to witness under subsection 45(1) of the Act shall be in Form 6.

#### **PROFESSIONAL LIABILITY INSURANCE**

**52(1)** Every member who engages in the practice of chiropractic shall, at all times, maintain professional liability insurance coverage as provided by the Canadian Chiropractic Protective Association, or other professional liability coverage which is equivalent thereto or better.

**52(2)** Upon renewal of registration in each year, every member shall provide proof of valid professional liability insurance coverage.

**52(3)** It is professional misconduct for a member who is engaged in the practice of chiropractic not to maintain valid professional liability insurance coverage.

#### **FUNDS HELD BY THE ASSOCIATION**

**53(1)** All funds held by the Association shall be deposited in a chartered bank or trust company authorized by the Board.

**53(2)** The signing officers for the accounts of the Association shall be such persons as designated from time to time by the Board.

**54** The Board may appoint legal counsel to act on behalf of the Association.

## **RECORDS AND ACCOUNTS OF THE ASSOCIATION**

**55** Subject to section 56, all records and accounts of the Association are subject to inspection by active members in good standing at any time during normal business hours at the location where they are kept.

**56** No person not having direct responsibility for the administration of the subject matter of the records shall be allowed to inspect

(a) any files or information relating to a person's application for registration or membership in the Association,

(b) subject to the Act, any files or information relating to investigations and disciplinary proceedings.

## **BORROWING**

**57** The Board has no authority to borrow money on behalf of the Association without the prior approval of the members given at an Annual General Meeting or a special meeting called for that purpose.

## **PROFESSIONAL CORPORATIONS**

**58(1)** A Professional Corporations Register shall be maintained at the Association's head office containing the following information with respect to each professional corporation holding a permit under the Act

(a) the name and head office, or registered office, or each professional corporation;

(b) the registration number given to the corporation;

(c) the date of issuance of the permit; and

(d) the respective dates of the renewal of the permit.

**58(2)** The Registrar shall prepare such other records with respect to the professional corporation as may be directed by the Board.

**59(1)** An applicant for a permit under section 24 of the Act shall file with the Registrar:

(a) a completed application in Form 8;

(b) a copy of the corporation's certificate of incorporation, including articles of the corporation;

(c) a current certificate of status for the corporation under the New Brunswick Business Corporations Act; and

(d) payment of the application fee.

**59(2)** Every professional corporation shall inform the Registrar of any change in the application filed under subsection (1) by providing to the Registrar a Statement of Particulars in Form 9 within fifteen (15) days

of any such change. The Statement of Particulars shall be accompanied by a filing fee in the prescribed amount.

**60** When the Registrar is satisfied that the applicant has complied with the Act and By-laws, the Registrar may issue a permit in Form 10.

**61(1)** A professional corporation permit may be renewed each calendar year, provided the followed are furnished to the Registrar on or before the first day of January each year:

- (a) a Statement of Particulars in Form 9; and
- (b) payment of the annual renewal fee.

**61(2)** The Registrar shall renew an annual permit to a professional corporation in Form 10 upon being satisfied that the corporation has complied with subsection (1) and is otherwise in compliance with the Act and By-laws.

**62** Where the permit of a professional corporation has been suspended, the permit shall be reinstated after the period of suspension if the Registrar is satisfied that the professional corporation has

- (a) paid such fine and costs, if any, as the Discipline Committee has ordered it to pay within the time fixed for payment;
- (b) paid the annual permit fee for the year in which the permit is to be reinstated;
- (c) complied with all conditions set by the Discipline Committee or the Board for such reinstatement; and
- (d) otherwise complied with the Act and By-laws.

**63** A professional corporation shall carry on the practice of chiropractic under its corporate name.

#### **FORMS**

**64** The form and content of any certificates, permits, or forms required by the Association under the Act and By-laws for the conduct of the business of the Association may be prescribed from time to time by the Board.