

# Manitoba Naturopathic Association Regulations

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## **PART 1**

### **DEFINITIONS**

#### **1 Definitions**

The following definitions apply in this regulation.

"Act" means The Manitoba Naturopathic Act. (\*Loi+)

"Association" means the Manitoba Naturopathic Association

"Board" means the board of the association

"by-laws" means the by-laws passed by the board

"court" means the Court of Queen's Bench. (\*tribunal+)

"former registrant" means a non-registrant who has previously been a registrant of the association

"international applicant" means an applicant who is not a new graduate and has not been registered to practice naturopathic medicine in Canada

"public representative" means a person who is not and never has been registered under the Act. (\*représentant du public+)

"professional board member" means a full registrant who has been appointed to the Board

"public board member" means a public representative who has been appointed to the Board

"board member" means either a public board member or professional board member

"register" means a register established under the Act. (\*registre+)

"registrar" means the registrar of the association. (\*registraire+)

"regulations" means the regulations made under the Act. (\*règlements+)

## **PART 2**

### **MANITOBA NATUROPATHIC ASSOCIATION**

#### **2 Office of the Association**

The offices of the association must be at such place in the Province of Manitoba as the board must from time to time determine.

#### **3 Seal**

The board must adopt a corporate seal for the association, and may change a corporate seal that has been adopted.

#### **4 Meetings of the Association**

##### **4(1) Annual meeting of the association (AGM)**

- (a) The AGM shall be held at least once every calendar year
- (b) The AGM of the Association shall be held at a date, time and place determined by the board and the agenda for the meeting shall be determined by the board.
- (c) Notice of the time and place of the AGM shall be sent to members at least 30 days in advance of the Meeting. Notice may be sent by regular mail, email or other method of delivery. The accidental omission to give the notice to any member(s) shall not invalidate any action taken at an AGM.

##### **4(2) Other meetings of the association**

A meeting of registrants of the association may be called by the president at any time, at the direction of the board or upon request of at least 25% of the registrants of the association. Written notice of the meeting signed by the registrar must be mailed to all registrants not less than 7 days before the meeting.

##### **4(3) Technical deficiency does not invalidate**

The accidental omission to give notice of any meeting, or the non receipt of any notice by any registrant or registrants, or by the auditor of the association, does not invalidate any resolution passed or any proceedings taken at any meeting of registrants.

**4(4) Questions to be decided by vote**

Every question submitted to any meeting of registrants must be decided by a majority of votes cast by registrants on a show of hands. In case of an equality of votes, except as provided by subsection 5(5), the chairperson must both on a show of hands and at a poll have a second or casting vote. At any meeting, unless a poll is demanded, a declaration by the chairperson that a resolution has been carried, carried unanimously or by a particular majority, or lost or not carried by a particular majority is conclusive evidence of the fact, without proof of the number or proportion of votes recorded in favour of or against the motion.

**4(5) Absence of chairperson**

In the absence of the president and vice president, the registrants present at any meeting of registrants must choose another member of the board as chairperson. If no member of the board is present, or if all the members of the board present decline to act as chairperson, the registrants present must choose one of their number to be chairperson.

**4(6) Voting procedure**

If at any meeting a poll is demanded on the election of a chairperson or on the question of adjournment, it must be taken forthwith without adjournment. If a poll is demanded on any other question, it must be taken in such manner and at the time that the chairperson directs. The result of a poll is deemed to be the resolution of the meeting at which the poll was demanded. A demand for a poll may be withdrawn. If a poll is demanded, the chairperson must appoint two scrutineers for the purpose of taking the vote.

**4(7) Adjournment**

The chairperson may, with the consent of any meeting, adjourn it from time to time. No notice of such adjournment need be given to the registrants. Any business may be brought before or dealt with at any adjourned meeting which might have been brought before or dealt with at the original meeting, in accordance with the notice given for the original meeting.

**4(8) Quorum**

The presence of two registrants is a quorum of any meeting of members for the choice of a chairperson and the adjournment of the meeting; for all other purposes 10 percent of registrants must be present to constitute a quorum. No business shall be transacted at any meeting unless the requisite quorum is present at the commencement of such business.

**5 Appointments of Members of the Board**

**5(1) Composition of the board**

The board is to consist of five persons, four of whom must be full registrants of the association and one of whom must be a public representative

**5(2) Appointments to the Board**

A member is eligible for appointment to the Board if:

- a) The member is in the practicing registry class of the Association
- b) On the deadline for the receipt of applications for appointment to the Board, the member is a member in good standing and their registration is not subject to terms, conditions or limitations;
- c) On the deadline for the receipt of applications for appointment to the Board, the member is not subject to any disciplinary or incapacity proceedings;
- d) The member's registration has not been cancelled, suspended, surrendered or subject to conditions within the current calendar year and the six previous calendar years;
- e) On the deadline for receipt of nomination, the member's home address is in Manitoba;
- f) The member has not previously been removed from the Board in the three years preceding the date of the application for appointment to the Board;
- g) A period of at least one year has lapsed since the member has previously served the maximum term of office on the Board.

**5(3) Appointment Process**

- a) The Board shall supervise the application and appointment process
- b) At least 60 days before the deadline for receipt of applications, the Board shall notify members in the Practicing category and who are in good standing of the deadline for returning applications to the Association.
- c) The Association shall notify members of the result of the appointment process in a manner directed by the Board.

**5(4) Cease to be a Board Member**

- a) Any appointed board member may resign at any time by providing written notice to the President
- b) Any board member ceases to be a board member if they:
  - i. Are a member residing and working outside of Manitoba;
  - ii. Resign;
  - iii. Are no longer in the Practicing member class of the Manitoba Naturopathic Association;
  - iv. Become an employee or independent contractor of the Association;
  - v. Die;
  - vi. Refuse to sign and adhere to the clauses outlined in the *Board of Directors Confidentiality and Service Agreement*
- c) Where any board member
  - i. Is subject to a finding in accordance with section 6(1) a of the Act; or
  - ii. Is found guilty and convicted of a punishable offence

- d) When a person ceases to be a board member, all committee appointment and representations held by that person shall be terminated.

## **6 Board**

### **6(1) Board members**

Members of the board are appointed for a term of two years. The affairs of the association must be managed by the board, which may exercise all such powers and do all such acts and things as may be exercised or done by the association. The board must not exercise any powers nor do any acts or things, which the regulations, a special resolution of the association, or a statute expressly directs or requires be done by the association at a general meeting of registrants.

### **6(2) Board members eligible for re-appointment**

Each member of the board, if otherwise qualified, is eligible for re-appointment for an additional term or terms, to a maximum of five consecutive two-year terms.

### **6(3) Board vacancy**

Any vacancy on the board must be filled by appointment by the remaining board members and the appointment continues until the termination of the unexpired term.

## **7 Meetings of the Board**

### **7(1) Board Meetings**

At least two meetings of the board must be held each year at such place within Manitoba as the board may from time to time designate; a member may attend a board meeting by electronic means so long as that board member can be heard by all others in attendance. One meeting must be the annual meeting of the board, which is the first Board meeting after the annual meeting of registrants, and must be held no later than sixty days after the annual meeting of the Association.

### **7(2) Calling of board meetings**

Meetings may be called by the president at his or her sole discretion, and must be called upon the written request of two or more members of the board.

### **7(3) Notice of board meetings**

The registrar must give members of the board such notice of the time, place and purpose of all meetings as is practical.

## **8 Officers and their Duties**

### **8(1) Officers**

The officers of the association are the president, vice president, registrar and treasurer all of whom, except the registrar, must be full registrants and all of whom, except the registrar, must be members of the board.

### **8(2) Selection of officers**

The officers must be chosen at the annual meeting of the board with the exception of the registrar. If a vacancy occurs in the officers between annual meetings of the board, the vacancy may be filled by the board at its next meeting.

### **8(3) Duties of president**

The president is the chairperson and chief executive officer of the association, and must preside at the annual and special meetings of the association and at the regular and special meetings of the board. The president must call all meetings as provided in this regulation, must enforce the regulations and must present, at the annual meeting of the association, a report on the activities of the association.

### **8(4) Duties of vice president**

The vice president must exercise all of the powers of the president during the absence or incapacity of the president, and must perform such other duties as may be assigned to him or her by the board.

### **8(5) Duties of registrar**

The registrar must

- (a) act as secretary in conducting correspondence on behalf of the association;
- (b) attend the meetings of the association and of the board;
- (c) record upon the books and records of the association, the proceedings of the association and of the board at their respective meetings;
- (d) be in charge of the registers;

- (e) collect all material furnished in support of applications for membership; and fulfill duties set out in Part 4 of the regulations.
  - (f) collect dues and other prescribed charges from the membership;
  - (g) notify the members of the association and the board of their respective meetings in accordance with the regulations of the association; and
  - (h) seek out appointments and conduct the appointment for members of the board in accordance with the Act and the regulations of the association; and
  - (i) perform such other duties as the board may from time to time prescribe.
- As and where directed by the board, the registrar may delegate such portion of his or her duties as may be necessary for the good functioning of the office and that of the association.

**8(6) Duties of treasurer**

The treasurer is the chief financial officer of the association and must

- (a) receive and deposit in a bank, credit union, or other financial institution approved by the board, all the money of the association;
- (b) keep an accurate account of the money received and deposited under clause (a);
- (c) make such disbursements as may be determined from time to time by the board;
- (d) make reports of the finances of the association annually and whenever requested by the board; and
- (e) ensure the proper investment of the money of the association and the safekeeping of all security and money of the association.

As and where directed by the board, the treasurer may delegate such portion of his or her duties as may be necessary for the good functioning of the office and that of the association.

At the end of his or her term of office, the treasurer must deliver to his or her successor all books, moneys and other property of the association then in his or her possession.

**9 Examination Committee**

**9(1) Composition of examination committee**

The board must appoint an examination committee consisting of

- (a) a registrant who is to be chair of the committee; and
- (b) two other registrants as the board may appoint.

**9(2) Duties of the examination committee**

The examination committee must

- (a) administer the examination program of the association in accordance with the Act and regulations.
- (b) advise the board on any changes deemed necessary or advisable in the educational requirements for registration, and on all matters relating to the requirement for, and provision of, naturopathic doctors in the province.

**9(3) Examination subcommittee**

In respect of every applicant for registration required by the board or the regulations to take an examination, the examination committee may appoint an examination subcommittee consisting of:

- (a) a registrant competent in the area or areas of naturopathic medicine in which the applicant is to be examined; and
- (b) two or more other registrants.

**9(4) Chair**

The examination committee must appoint one of the registrants appointed to a subcommittee under subsection (3) to chair the subcommittee.

**9(5) Duties of examination subcommittee**

Each examination subcommittee is responsible for administering and evaluating the examination of the individual applicant who comes before it, must administer the form of examination directed by the board, and must report to the board the results of the examination at the meeting of the board immediately following completion of the examination.

**10 Continuing Competency Committee**

**10(1) Composition of continuing competency committee**

The board must appoint a continuing competency committee consisting of

- (a) a registrant who is to be chair of the committee; and
- (b) two or more other registrants

**10(2) Duties of the continuing competency committee**

The continuing competency committee must

- (a) approve continuing education courses taken to meet the required number of continuing education hours under sections 48, 49 and 50.
- (b) regulate registrant continuing competency requirements and develop criteria for and conduct practice visits as required;
- (c) provide any necessary documentation to registrants regarding their continuing competency in order to fulfill their re-registration requirements.

- (d) report any registrant who has failed to fulfill the continuing competency requirements by the date specified to the appropriate body in accordance with the regulations.
- (e) establish standards and methods of control relative to competence and credentials;

**11 Other Committees**

In addition to the committees required to be appointed under the Act and regulations, the board may appoint such other committees as it deems necessary, with such powers and duties as the board may decide.

**PART 3**

**PRACTICE OF NATUROPATHIC MEDICINE**

**12 Code of Ethics, Standards and Guidelines**

The association may, by resolution, adopt one or both of the following:

- (a) a code of ethics governing the conduct of members;
- (b) standards and guidelines for the provision of naturopathic medicine.

If the Association adopts a code, or standards and guidelines, made by a non-government body, it may adopt it as amended from time to time, and the association may adopt any such document subject to any changes it considers necessary.

**PART 4**

**REGISTRATION OF MEMBERS**

**13 Registrar and Registers**

**13(1) Registrar Appointment**

The Registrar shall be appointed by and responsible to the Board.

**13(2) Registers**

The Registrar shall maintain the following registers:

- (a) register of naturopathic doctors granted full registration;
- (b) register of naturopathic doctors granted non-practicing registration;
- (c) register of naturopathic doctors granted certification under section 30 and the areas of naturopathic medical practice for which the certification is granted;
- (d) register of naturopathic doctors recognized as specialists by the Association under section 35 and the areas of naturopathic medicine in which they are so recognized; and
- (e) naturopathic medical corporations register in which shall be registered the names of corporations that have been licensed to practice naturopathic medicine.

**14 Register Information**

**14(1) Information to be kept in register**

The following information is to be kept in the register for each registered person:

- (a) name of the registrant;
- (b) address, telephone number, fax number and e-mail address of the registrant's place(s) of practice;
- (c) name of the registrant's employer, if any;
- (d) employer's address, telephone number, fax number and e-mail address of his or her place(s) of practice;
- (e) any practice restrictions or conditions imposed on certificates of registration;
- (f) a notification of every surrender, cancellation or suspension of registration;
- (g) the result of every disciplinary proceeding in which a panel has made a finding;
- (h) registrant's registration number;
- (i) the type of registration;
- (j) the member's specialty(ies) and/or certification(s), if any;
- (k) in the case of a naturopathic medical corporation the address, telephone number, fax number and e-mail address of the head office.

**14(2) Notification of change of registration information**

A registrant must immediately notify the registrar of any change of any information set out in subsection (1) previously provided to the registrar.

**15 Maintaining the Register**

**15(1)** The register of the college must be open to inspection by any person free of charge at all reasonable times during regular business hours.

- 15(2)** Subject to subsection (3), if an inquiry about the registration status of a person is received by the board or the registrar, the registrar must disclose:
- (a) whether or not the person is a registrant or former registrant,
  - (b) whether or not the inquiry committee has ever issued an order relating to the person under section 82 and the details of the order.
  - (c) Whether or not the person has ever been the subject of an undertaking or an agreement under section 64 or a hearing under section 74, and
  - (d) The details of any undertaking or agreement under section 63 or hearing under section 73 pertaining to a change in the person's registration status or a restriction on the practice of the profession by the registrant.
- 15(3)** Except with the consent of the person affected, the board or the registrar must not release the names of the complainants, patients, or their families or information which might otherwise enable a person inquiring about the status of a registrant to establish the identity of complainants, patients or their families.

## REGISTRATION

### **16 Types of Registration**

The following classes of registrants are established:

- (a) full;
- (b) non-practicing;
- (c) temporary

### **17 Eligibility**

#### **17(1) Eligibility for full registration**

The requirements for full registration as a naturopathic doctor are:

- (a) successful completion of a 4-year program of study in naturopathic medicine approved by the board.
- (b) successful completion of a standardized entry to practice examination administered by a Canadian or American examining body that is approved by the board.
- (c) successful completion of provincial examination(s) required by the board.
- (d) demonstrate to the satisfaction of the Registrar that the applicant is currently competent to practice as a naturopathic doctor.
- (e) and meets one of the following:
  - (i) within the two years immediately preceding the date the Registrar received an application for registration, the applicant has met the requirements set out in clauses (a) and (b);
  - (ii) within the three years immediately preceding the date the Registrar received the complete application for registration, has provided 1200 hours of professional services to patients while the applicant was a registered member in good standing of a naturopathic regulatory body and carried on an active practice in a jurisdiction in Canada or the United States that is recognized by the MNA and can provide evidence of the 1200 hours of practice.
  - (iii) For the purposes of subsection 17(e)(ii) the Registrar may require an applicant to undergo any examination(s), testing, assessment, supervised practice, preceptor(s) and or education, upgrading and bridge training the Registrar considers necessary.

#### **17(2) Eligibility for full registration for an applicant from another Canadian jurisdiction**

Despite subsection (1) (a) and (b), an applicant who has practiced naturopathic medicine in a regulated Canadian jurisdiction may be granted full registration if the applicant:

- (a) is, or is eligible to be, registered in good standing with a regulatory body in another Canadian jurisdiction as, in the opinion of the board, the equivalent of a full registrant, and has provided notarized evidence, or other evidence satisfactory to the registrar, of such registration or eligibility for registration; and
- (b) has successfully completed any examination(s) required by the board.

#### **17(3) Eligibility for full registration for an international applicant**

Despite subsection (1) (a) and (b) an international applicant may be granted full registration if the applicant:

- (a) has a combination of knowledge, skills and abilities which are, in the opinion of the board, substantially equivalent to the requirement established in subsection (1) (a), and has provided notarized evidence, or other evidence satisfactory to the registrar, of such knowledge, skills and abilities;
- (b) has successfully completed any examination(s) and any upgrading program(s) required by the board.

### **18 Application for Full Registration**

An applicant for full registration as a naturopathic doctor must submit the following to the registrar:

- (a) a completed application form;
- (b) the applicable application, examination and/or registration fee(s);
- (c) any other outstanding fine, fee, debt or levy owed to the Association;
- (d) if the applicant is applying under subsection 17(1), an official transcript from an accredited naturopathic college recognized by the board or, if the applicant is applying under subsection 17(3), official transcripts of all university or college education;
- (e) if the applicant is applying under subsection 18(1), an official copy of board approved standardized examination scores; or if the applicant is applying under subsection 17(3), an official copy of scores from a national or international examining body;

- (f) a signed Criminal Record with the additional Vulnerable Sector Search authorization and/or other similar search if the applicant has resided outside of Canada;
- (g) a signed Child Abuse Registry Search and/or other similar search if the applicant resides outside of Canada;
- (h) if the applicant is applying under subsection 17(2) or 17(3), a Letter of Good Standing from the governing body(ies) of all the jurisdictions in which he or she is currently practicing, or is entitled to practice, and if applying under subsection 17(3) and a letter of good standing from the governing body(ies) of all the jurisdictions in which he or she is currently practicing or is entitled to practice is not available, letters of recommendation and employment records from previous employers in naturopathic medicine.

## **19 Disclosure Requirements for Registration**

In addition to the requirements for registration set out in sections 17 and 18, an applicant for registration must disclose to the registrar the following information about himself or herself and his or her practice of naturopathic medicine or of any other profession, whether in Manitoba or in another jurisdiction:

- (a) any of the following actions by a body with authority to regulate a profession:
  - (i) a review of the applicant's conduct, competence, or capacity or fitness to practice, whether arising from a complaint or otherwise,
  - (ii) a current investigation or other proceeding in relation to the applicant's conduct, competence, or capacity or fitness to practice,
  - (iii) a finding of professional misconduct, conduct unbecoming, incompetence or an incapacity or lack of fitness to practice,
  - (iv) a denial of an application for registration, licensure or any other authorization to practice,
  - (v) a suspension of, restriction on, or revocation of registration, licensure or any other authority to practice;
- (b) any review of the applicant's conduct, competence or capacity or fitness to practice, whether arising from a complaint or otherwise, by an entity other than a body with authority to regulate a profession;
- (c) any current or past restriction, termination or suspension of the applicant's ability to work in any profession or occupation, or in any setting;
- (d) any physical or mental condition, disorder or addiction to alcohol or drugs that may compromise the applicant's ability to practice naturopathic medicine safely;
- (e) any guilty plea to or conviction of an offence under the Criminal Code of Canada or any narcotic or controlled substances legislation.

## **20 Application Prior to Submission of Examination Scores**

- 20(1)** If an applicant is applying under subsection 17(1), they may take the provincial examinations required by the board under section 18 prior to receipt by the association of the applicant's examination scores referred to in subsection 17(1) (b).
- 20(2)** An application for registration under this section expires 12 months after the date of the application.

## **21 Limitations on Application**

- 21 (1)** An application for registration expires 12 months after the postmark date on the letter notifying the applicant of his or her eligibility for registration.
- 21(2)** An applicant may take the provincial examinations required by the board under section 17 a maximum of three times. Any applicant who fails to pass the examinations on the third attempt is ineligible for registration with the association.

## **22 Registration**

### **22(1) Registration**

An applicant is eligible to be registered as a full registrant if the board upon recommendation of the examination committee is satisfied that all of the requirements of sections 17, 18 and 19 are fulfilled and shall be so registered upon receipt by the registrar of proof that the applicant meets the liability insurance requirements of section 56.

### **22(2) Refusal to register**

If the board is not satisfied by proper evidence that an applicant is eligible for registration as a naturopathic doctor, the registrar

- (a) shall refuse to register the applicant; and
- (b) shall notify the applicant in writing of the decision to refuse the registration of the applicant and the reasons for the decision.

## **NON-PRACTICING REGISTRATION**

### **23 Requirements for Non-Practicing Registration**

A full registrant or former registrant may be granted non-practicing registration if he or she has delivered to the registrar

- (a) a signed application for non-practicing registration,
- (b) the applicable application and/or registration fee(s),
- (c) any other outstanding fine, fee, debt, or levy owed to the Association, and
- (d) a statutory declaration in Form A that he or she will not practice naturopathic medicine while registered under this section.

### **24 Non-practicing registrant must not practice**

A non-practicing registrant must not practice naturopathic medicine.

## **RESUMPTION OF PRACTICE**

### **25 Application for Resumption of Practice**

A non-practicing registrant or a former registrant may apply for resumption of practice as a naturopathic doctor by submitting the following to the registrar:

- (a) a signed application for resumption of practice,
- (b) the applicable application and/or registration fee(s),
- (c) proof that continuing competency requirements have been met; and
- (d) any other information that the board may require and in the form and within the time set by the board.

### **26 Resumption of practice without conditions**

**26(1)** The applicant is entitled to be registered as a full registrant if the board is satisfied that all of the requirements of section 25 are fulfilled and upon receipt by the registrar of the following:

- (a) payment of the registration fee

### **26(2) Registration**

An applicant who is eligible to be registered as a full registrant shall be so registered upon receipt by the registrar of proof that the applicant meets the liability insurance requirements of section 56.

### **27 Resumption of Practice with Conditions**

A member is entitled to registration with conditions if the board determines that the requirements set out in 25(d) have not been met.

### **28 Failure to Fulfill Conditions**

If at the expiration of a 12 month period the registrant has failed to fulfill the conditions set by the board he or she shall be denied registration in the Association.

## **TEMPORARY REGISTRATION**

### **29 Registration on Temporary Register**

**29(1)** A naturopathic doctor in good standing in another jurisdiction recognized by the board who applies for registration in Manitoba on a temporary basis for a specified purpose approved by the registrar may be registered on the temporary register if the applicant:

- (a) satisfies the registrar that he or she is competent to provide the services related to the specified purpose;
- (b) has provided to the registrar a Letter of Good Standing from the jurisdiction in which he or she is registered to practice naturopathic medicine.

**29(2)** An applicant who is eligible to be registered under this section shall be so registered upon receipt by the registrar of proof that the applicant meets the liability insurance requirements of section 56.

### **29(3) Term of registration**

The registration of a person registered on the temporary register is valid for the term specified by the registrar but may not exceed one month unless, in the opinion of the registrar or the board, there are extenuating circumstances.

### **29(4) Condition of registration**

It is a condition of registration on the temporary register that the person must remain registered in good standing in the jurisdiction in which the person was registered at the time of the person's application for registration on the temporary register and, if the registration in the other jurisdiction is suspended or cancelled, the temporary registration is cancelled.

## **CERTIFICATIONS**

### **30 Certifications**

**30(1)** The board may determine an aspect of practice which requires certification.

### **30(2) Notation of certification**

A full registrant may apply to the registrar to have a notation of certification entered into the register in relation to his or her name in respect of a certifiable aspect of practice.

### **30(3) Entry of notation in register**

The registrar must enter into the register in relation to a full registrant's name a notation of certification for which the registrant applies if:

- (a) the registrant provides evidence satisfactory to the registrar that the registrant meets or exceeds all of the practice requirements set out in the applicable standard of practice and competency profile, and
- (b) the registrant pays the applicable certification fee.

**31 Removal of Notation**

The registrar must remove from the register a registrant's notation of certification on an aspect of practice if he or she determines that the registrant no longer meets all of the practice requirements set out in the applicable standard of practice or competency profile.

**32 Appeal of Decision**

Sections 39, 40 and 41 apply to a decision to refuse an application for a notation of certification or to remove a notation of certification from the register as if the decision were a decision to refuse an application for registration.

## **MAINTAINING NOTATION OF CERTIFICATION**

**33 Maintaining Notation of Certification**

**33(1)** If a registrant wishes to maintain a notation of certification in the register in relation to his or her name, the registrant must

- (a) pay the applicable certification renewal fee at the time of renewal of registration, and
- (b) provide evidence that he or she has fulfilled the continuing education requirements pertaining to that aspect of practice pursuant to section 50.
- (c) fulfill any additional requirements with regards to professional liability coverage that may be required by the board.

**33(2) Failure to fulfill requirements**

If a registrant fails to fulfill the requirements of subsection (1) the notation of certification entered into the register in relation to his or her name will be removed from the register.

## **SPECIALTIES**

**34 Specialty Fields of the Profession**

The board may determine specialty areas of practice.

**35 Notation of Specialty**

**35(1)** A full registrant may apply to the registrar to have a notation of a specialty entered into the register in relation to his or her name in respect of a specialty area of practice.

**35(2) Entry of notation in register**

The registrar must enter into the register in relation to the registrant's name a notation of the specialty for which the registrant applies, if:

- (a) the registrant provides evidence, satisfactory to the registrar, that the registrant meets the requirements set out in the applicable standard of practice, and competency profile.
- (b) the registrant pays the applicable specialty fee.

**36 Removal of Notation**

The registrar must remove from the register a registrant's notation of a specialty if he or she determines that the member no longer meets all of the practice the requirements set out in the applicable standard of practice or competency profile.

**37 Appeal of Decision**

Sections 39, 40 and 41 apply to a decision to refuse an application for a notation of specialty or to remove a notation of a specialty from the register as if the decision were a decision to refuse an application for registration.

## **MAINTAINING NOTATION OF SPECIALTY**

**38 Renewal of Notation of Specialty**

**38(1) Maintaining notation of specialty**

If a registrant wishes to maintain a notation of specialty in the register in relation to his or her name, the registrant must

- (a) pay the applicable specialty renewal at the time of renewal of registration, and
- (b) provide evidence that he or she has fulfilled the continuing competency requirements pertaining to that aspect of practice pursuant to section 49.
- (c) fulfill any additional requirements with regards to professional liability coverage that may be required by the board.

**38(2) Failure to fulfill requirements**

If a registrant fails to fulfill the requirements of subsection (1) the notation of specialty entered into the register in relation to his or her name will be removed from the register.

**APPEAL**

**39 Appeal to Board**

**39(1)** An applicant whose application for registration as a naturopathic doctor is not approved by the registrar or the board as appropriate to the circumstances, or whose application is approved subject to conditions may appeal the registrar's decision to the board.

**39(2) Notice**

An appeal is to be made by filing a written notice of appeal with the board within 30 days after the person receives notice from the registrar of the decision. This notice must specify the reasons for the appeal.

**39(3) Hearing**

On receiving a notice of appeal, the board shall schedule a hearing, which must be held within 90 days after it receives the notice. The board shall give the applicant a written notice of the date, time and place of the hearing.

**39(4) Right to appear**

An applicant who appeals a decision under this section is entitled to appear with legal counsel and make representations to the board at the hearing.

**40 Decision of the Board**

**40(1)** The board shall decide the appeal within 90 days after the hearing and may make any decisions the registrar could have made.

**40(2) Notice of decision of appeal**

Within 30 days after deciding the appeal the board shall give the applicant written notice of its decision.

**41 Appeal to Court**

**41(1)** An applicant may appeal a decision of the board made under section 39 to the court by filing a notice of appeal within 30 days after receiving notice of the board's decision.

**41(2) Powers of Court on Appeal**

On hearing an appeal, the court may

(a) make any decision that in its opinion should have been made; or

(b) refer the matter back to the board for further consideration in accordance with any direction of the court.

**CANCELLATION OF REGISTRATION**

**42 Registration may be Cancelled**

**42(1) Registration may be cancelled due to fraud**

If the registrar is satisfied on reasonable grounds that a person's registration has been obtained by means of a false or fraudulent representation or declaration, the registrar shall report the matter to the board and the board may direct the registrar to cancel the registrant's certificate of registration. The registrar shall then cancel the certificate of registration and give the person and his or her employer, partner or associate, if any, written notice of that fact.

**42(2) Notice that registration may be cancelled if conviction**

If a registrant has been convicted of an offence that is relevant to his or her suitability to practice, the board must notify the registrant that it may cancel his or her certificate of registration and that he or she may make representations to the board with legal counsel.

**42(3) Registration may be cancelled if conviction**

The board may direct the registrar to cancel the certificate of registration of a person who has been convicted of an offence that is relevant to his or her suitability to practice and the registrar shall give the person and his or her employer, partner or associate, if any, written notice of any cancellation.

**43 Appeal**

A person whose certificate of registration is cancelled under this section may appeal the cancellation to the court in which case section 41 applies.

## REGISTRATION RENEWAL

### 44 **Renewal of Registration**

Each registrant must renew registration with the Association at such time or times as required by the board.

### 45 **Eligibility for Renewal**

#### 45(1) **Eligibility for renewal of registration**

An applicant for renewal of registration as a naturopathic doctor must submit the following to the registrar:

- (a) a completed application for renewal;
- (b) any information that the board may require in the form and within the time set by the board;
- (c) the applicable application renewal and/or registration fee;
- (d) any other outstanding fee, fine, debt or levy owed to the Association;
- (e) proof that he or she has fulfilled the continuing competency requirements pursuant to sections 48 and 51.

- 45(2) An applicant who is eligible to be registered under this section shall be so registered upon receipt by the registrar of proof that the applicant meets the liability insurance requirements of section 56.

## EXAMINATIONS

### 46 **Conduct of Examinations**

#### 46(1) **Examinations to be approved by the board**

All examinations required to be taken under these regulations must be prepared by or under the direction of, or recommended by, the examination committee and approved by the board.

#### 46(2) **Duties of examination committee**

The examination committee must

- (a) determine the time and place for the holding of an examination, designate invigilators and determine the procedures for the conduct of the examinations,
- (b) review the results of the examination for each applicant and make a determination as to whether or not that applicant has successfully completed the examination, and
- (c) notify the board in writing of the results of the examination as soon as is practicable.

#### 46(3) **Registrar to notify applicant**

The registrar must notify the applicant of the results of the examination as soon as is practicable.

## CONTINUING COMPETENCY

### 47 **Continuing Competency Period**

A continuing competency period is two (2) years.

### 48 **Registrants Must Fulfill Requirements**

- 48(1) A full registrant must successfully complete, within each continuing competency period, at least 40 hours of continuing education as determined by the board.

#### 48(2) **Approval of Courses Required**

The continuing competency committee must approve the continuing education courses taken to meet the required number of continuing education hours under this section.

### 49 **Requirements to Maintain Notation of Specialty**

If a notation of specialty in an aspect of practice has been entered into the register under section 35 for a registrant, the registrant must successfully complete, over the continuing competency period, the continuing competency requirements as determined by the board.

### 50 **Requirements to maintain notation of certification**

If a notation of certification in an aspect of practice has been entered into the register under section 30 for a registrant, the registrant must successfully complete, over the continuing education period, the continuing competency requirements as determined by the board.

### 51 **Reporting**

As part of the continuing competency program a registrant must provide to the continuing competency committee prior to the date set by the continuing competency committee one or more of the following components as directed by the committee;

- (a) a self-assessment;
- (b) a learning plan;

- (c) a list of continuing education hours and activities undertaken and appended with supporting documentation.
- (d) proof that he or she has, as a registered naturopathic doctor, provided a minimum of 1200 hours of patient care in the three year period prior to the above date set by the continuing competency committee;
- (e) proof of current certification in standardized first aid training as determined by the board.

## **52 Periodic Evaluation**

- 52(1)** One or more members of the continuing competency committee may conduct practice visits and may, for the purpose of assessing continuing competency, select registrants for a practice visit based on criteria developed by the continuing competency committee and approved by the board.
- 52(2) Remedial action**  
If the results of an assessment under this section are unsatisfactory the competency committee may:
- (a) refer the matter to the complaints committee under Part 5 of the regulations;
  - (b) refer the matter to the registrar.

## **DEFAULT IN RENEWAL REQUIREMENTS**

### **53 Requirements to be Fulfilled by Every Registrant**

The renewal of registration requirements shall be fulfilled by each registrant, whether or not the member is a resident of Manitoba.

### **54 Default Results in Cancellation of Registration**

In the event that a registrant is in default of fulfilling the renewal requirements pursuant to section 45 the registrant's registration shall be cancelled and the matter shall be referred to the board.

## **55 Reinstatement**

### **55(1) Reinstatement following remedy of default**

A former full registrant or former non-practicing registrant whose registration was cancelled by reason only of a failure to renew his or her registration in accordance with section 45 may be reinstated as a full registrant or non-practicing registrant, as applicable, if he or she

- (a) has provided evidence satisfactory to the registrar of having completed any requirements under section 45 as if he or she were still a registrant, and
- (b) has delivered to the registrar
  - (i) a signed application for reinstatement,
  - (ii) the applicable registration renewal fee;
  - (iii) any other outstanding penalty, fee, fine, debt or levy owed to the Association,
  - (iv) the applicable reinstatement fee.

### **55(2) Reinstatement upon evidence of undue hardship**

Despite subsection (1)(b)(iv), the registrar may reinstate an applicant under subsection (1) and waive any applicable reinstatement fee if the applicant provides evidence satisfactory to the board that he or she was unable to comply with subsection 45 (1) (c) for reasons of undue hardship.

### **55(3) Restoration of notation of specialty**

Any notation of specialty in relation to the name of a successful applicant under subsection (1) that was removed from the register under section 38 may be restored by the registrar if the applicant pays any applicable restoration fee(s) and provides proof that he or she has fulfilled the continuing competency requirements pursuant to section 49.

### **55(4) Restoration of notation of certification**

Any notation of certification in relation to the name of a successful applicant under subsection (1) that was removed from the register under section 33 may be restored by the registrar if the applicant pays any applicable restoration fee(s) and provides proof that he or she has fulfilled the continuing competency requirements pursuant to section 50.

### **55(5) Restoration of notation if undue hardship**

Despite subsections (3) and (4), the registrar may restore the applicant's notation(s) of specialty under subsection (3) and/or notation(s) of certification under subsection (4) and waive any applicable restoration fee(s) if the applicant provides evidence satisfactory to the board that he or she was unable to comply with section 38(1) (a) and/or 33 (1) (a) for reasons of undue hardship.

## **LIABILITY INSURANCE**

### **56 Professional Liability Coverage**

- 56(1)** Every registrant, other than a non-practicing registrant, must possess and maintain professional liability coverage that extends to all areas of the registrant's practice through a policy of professional liability insurance issued by a company licensed to carry on business in that province, that provides coverage of at least \$2,000,000.00.

**56(2) Evidence of liability coverage must be available for inspection**

A registrant, other than a non-practicing registrant, must keep available in his or her office, for inspection by the Association, evidence that he or she is in compliance with subsection (1).

**LIMITATIONS ON USE OF TITLES**

**57 Limitations on the Use of Titles**

**57(1) Limits and conditions on the use of the term “certified”**

A registrant must not use the term “certified” in association with his or her practice of naturopathic medicine

(a) except in relation to an aspect of practice determined to be a certification pursuant to section 30, and

(b) unless a notation of certification in that aspect of practice is entered into the register in relation to the registrant’s name under section 30.

**57(2) Limits and conditions on the use of the term “specializing in” or “specialist”**

A registrant must not use the terms “specializing in” or “specialist” in association with his or her practice of naturopathic medicine

(a) except in relation to an area of practice determined by the board to be a specialty pursuant to section 34, and

(b) unless a notation of specialty is entered into the register in relation to the registrant’s name under section 35.

**57(3) Limitation for non-practicing registrants**

A non-practicing registrant must not use the term “registered” or a title reservation under the Act except in conjunction with the term “non-practicing”.

**57(4) Limitation for temporary registrants**

A temporary registrant must not use the term “registered” or any title reservation under the Act except in conjunction with the term “temporary”.

**PART 5**

**COMPLAINTS**

**58 Definitions**

The following definitions apply in this Part,

"conduct" includes an act or omission. (\*conduite+)

"investigated registrant" means a registered member or a former registered member who is the subject of a complaint, or an investigation or review, or whose conduct is the subject of a hearing under this Part. (\*membre faisant l'objet de l'enquête+)

**COMPLAINTS COMMITTEE**

**59 Complaints Committee**

**59(1) The board must appoint a complaints committee consisting of**

(a) a registrant who is to be the chair of the committee;

(b) one or more registrants and public representatives as appointed from time to time.

**Members of the board cannot be members of the complaints committee.**

**59(2) Public representatives**

At least 1/3 of the persons appointed to the complaints committee must be public representatives.

**59(3) Naturopathic doctors**

A majority of the persons appointed to the complaints committee must be naturopathic doctors.

**60(1) Complaints against members**

Any person may make a complaint in writing to the registrar about the conduct of a registrant or former registrant, and the complaint must be dealt with in accordance with this Part.

**60(2) Complaints against former members**

If, after a registrant's registration is cancelled, suspended or not renewed under the Act or this regulation,

(a) a complaint is made about the former registrant; and

(b) the complaint relates to conduct occurring before the cancellation, suspension or non renewal occurred;

the complaint may, despite the cancellation, suspension or non renewal, be dealt with within five years from the date of the cancellation or non renewal as if the former registrant's registration were still in effect.

**61 Referral to Complaints Committee**

The registrar must refer to the complaints committee

- (a) a complaint made under section 61; and
- (b) any other matter that the registrar considers appropriate.

**62 Power of Complaints Committee**

**62(1) Informal resolution**

On referral of a complaint or other matter to the complaints committee, the complaints committee may attempt to resolve it informally, if the committee considers informal resolution to be appropriate.

**62(2) Investigation**

The complaints committee may direct that an investigation into the conduct of the registrant be held and may appoint an investigator to conduct the investigation if:

- a) Informal resolution of a complaint has been attempted and the complaint is not resolved to the complainant's satisfaction; or
- b) in any other circumstance the committee considers it appropriate to do so.

**62(3) Records and information**

An investigator appointed under subsection (2) may

- (a) require the investigated registrant or any other registrant to produce to the investigator any records in his or her possession or under his or her control that may be relevant to the investigation;
- (b) require the investigated registrant or any other registrant to be interviewed for the purpose of the investigation; and
- (c) direct an inspection or audit of the practice of the investigated registrant.

**62(4) Warrant to enter and investigate**

A justice, upon being satisfied by information on oath that

- (a) an investigator has been refused entry to any premises or place to carry out an investigation under section 62; or
  - (b) there are reasonable grounds to believe that
    - i) an investigator will be refused entry to any premises or place to carry out an investigation under section 62; or
    - ii) if an investigator were to be refused entry to any premises or place to carry out an investigation under section 62, delaying the investigation in order to obtain a warrant on the basis of the refusal could be detrimental to the investigation;
- may at any time issue a warrant authorizing the investigator and any other person named in the warrant to enter the premises or place and carry out an investigation under section 62.

**62(5) Investigation of other matters**

The investigator may investigate any other matter related to the professional conduct or the skill in practice of the registrant that arises in the course of the investigation.

**62(6) Report to complaints committee**

On concluding the investigation, the investigator must report his or her findings to the complaints committee.

**DECISION OF COMPLAINTS COMMITTEE**

**63 Decision of Complaints Committee**

**63(1) The complaints committee may, after review or investigation,**

- (a) direct that the matter be referred, in whole or in part, to the inquiry committee;
- (b) direct that the matter not be referred to the inquiry committee;
- (c) accept the voluntary surrender of the investigated registrant's registration;
- (d) censure the investigated registrant if
  - (i) at least one member of the committee has met with the investigated registrant and the investigated registrant has agreed to accept the censure, and
  - (ii) the committee has determined that no action is to be taken against the investigated registrant other than the censure;
- (e) refer the matter to mediation if the committee determines that the complaint is strictly a matter of concern to the complainant and the investigated registrant, and both parties agree to mediation;
- (f) enter into an agreement with the investigated registrant that provides for one or more of the following:
  - (i) assessing the investigated registrant's capacity or fitness to practice naturopathic medicine,
  - (ii) counseling or treatment of the investigated registrant,
  - (iii) monitoring or supervising the investigated registrant's practice of naturopathic medicine
  - (iv) requiring the investigated registrant to complete a specified course of studies by way of remedial training,
  - (v) placing conditions on the investigated registrant's right to practice naturopathic medicine ; or
  - (g) take any other action that it considers appropriate in the circumstances and that is not inconsistent with or contrary to the Act or the regulations under the Act.

**63(2) Matter not resolved by mediation**

If a matter referred for mediation under clause (1)(e) cannot be resolved, it must be referred back to the complaints committee, which may make any other decision under subsection (1) that it considers appropriate.

**63(3) Decision served on investigated registrant and complainant**

The complaints committee must serve on the investigated registrant and the complainant a written notice setting out its decision and the reasons for the decision.

**63(4) Hearing not required**

Except as required by clause (1)(d), the complaints committee is not required to hold a hearing or give any person an opportunity to appear or to make formal submissions before making a decision under this section.

**64 Conditions on Right to Practice**

**64(1)** If the complaints committee enters into an agreement with an investigated registrant for conditions on the investigated registrant's right to practice naturopathic medicine under subclause 55 (1)(f)(v), those conditions may include the conditions referred to in section 67.

**64(2) Costs of monitoring compliance**

The complaints committee may order the investigated registrant to pay all or part of the costs incurred by the Association in monitoring compliance with conditions imposed on an investigated registrant's right to practice naturopathic medicine under an agreement entered into under subclause 63(1)(f)(v), or all or part of the costs incurred by the Association in monitoring or supervising the investigated registrant's practice under an agreement entered into under subclause 62(1)(f)(iii).

**CENSURE**

**65 Personal Appearance**

**65(1)** The complaints committee may require an investigated registrant who is censured under clause 63(1) (d) to appear personally to be censured before the committee.

**65(2) Publication of censure**

The complaints committee may publish the fact that an investigated registrant has been censured, and publication may include the member's name and a description of the circumstances that led to the censure.

**VOLUNTARY SURRENDER OF REGISTRATION**

**66 Voluntary surrender of registration**

**66(1)** If the complaints committee accepts a voluntary surrender of an investigated registrant's registration under clause 63(1)(c), it may direct the investigated registrant to do one or more of the following to the satisfaction of any person or committee that the complaints committee may determine, before the investigated registrant's right to practice naturopathic medicine may be reinstated:

- (a) obtain counseling or treatment;
- (b) complete a specified course of studies;
- (c) obtain supervised experience.

**66(2) Costs of monitoring compliance**

The complaints committee may direct the investigated registrant to pay any costs incurred by the Association in monitoring compliance with a direction given under subsection (1).

**67 Conditions on Reinstatement**

A voluntary surrender remains in effect until the complaints committee is satisfied that the conduct or complaint that was the subject of the investigation has been resolved, at which time the complaints committee may impose conditions on the investigated registrant's entitlement to practice naturopathic medicine, including conditions that the investigated registrant do one or more of the following:

- (a) limit his or her practice;
  - (b) practice under supervision;
  - (c) not engage in sole practice;
  - (d) permit periodic audits of his or her practice;
  - (e) permit periodic audits of records;
  - (f) report to the committee or the registrar on specific matters;
  - (g) comply with any other conditions that the committee considers appropriate in the circumstances;
- and may order the investigated registrant to pay all or any part of the costs incurred by the association in monitoring compliance with those conditions.

**APPEAL BY COMPLAINANT**

## **68 Appeal by Complainant to Board**

**68(1)** When the complaints committee makes a decision under clause 63(1) (b), (c), (d), (f) or (g), the complainant may appeal the decision to the board.

### **68(2) Notice**

An appeal is to be made by mailing a written notice of appeal to the registrar within 30 days after the date the complainant is notified of the complaints committee decision under subsection 63(3).

### **68(3) Power on appeal**

On an appeal under this section, the board must do one or more of the following:

- (a) make any decision that in its opinion ought to have been made by the complaints committee;
- (b) quash, vary or confirm the decision of the complaints committee;
- (c) refer the matter back to the complaints committee for further consideration in accordance with any direction that the board may make.

### **68(4) Notice of decision**

The board must give the investigated registrant and the complainant a written notice setting out its decision and the reasons for the decision.

### **68(5) Hearing not required**

The board is not required to hold a hearing or to give any person an opportunity to appear or to make oral submissions before making a decision under this section, but it must give the investigated registrant and the complainant an opportunity to make a written submission.

## **MISCELLANEOUS**

### **69 Referral to Inquiry Committee**

Despite any other action it may have taken, with the exception of a censure, the complaints committee may at any time refer the conduct or complaint that was the subject of the investigation to the inquiry committee.

### **70 Disclosure of Information to Authorities**

Despite any other provision of this regulation, the complaints committee may disclose to a law enforcement authority any information respecting possible criminal activity on the part of an investigated registrant that is obtained during an investigation into the investigated registrant's conduct.

## **INQUIRY COMMITTEE**

### **71 Inquiry Committee**

**71(1)** The board must appoint an inquiry committee consisting of

- (a) a registrant who is to be the chair of the committee;
  - (b) one or more registrants and public representatives as appointed from time to time.
- Members of the board cannot be members of the inquiry committee.

### **71(2) Public representatives**

At least 1/3 of the persons appointed to the inquiry committee must be public representatives.

### **71(3) Naturopathic doctors**

A majority of the persons appointed to the inquiry committee must be naturopathic doctors.

## **72 Selection of Inquiry Committee**

### **72(1) Exclusion from inquiry committee**

No person may continue to sit as a member of the inquiry committee who has taken part in the review or investigation of what is to be the subject matter of the inquiry committee's hearing.

### **72(2) Effect of member being unable to continue**

If a hearing has begun and a member of the inquiry committee is unable to continue to sit as a member, the inquiry committee may complete the hearing if the requirements of this section continue to be met. In the event that the requirements of this section are no longer met, the board may appoint a new member to the inquiry committee, and the inquiry committee may complete the hearing.

## **HEARING**

## **73 Hearing**

**73(1)** When a complaint is referred to the inquiry committee, it must hold a hearing.

### **73(2) Date of hearing**

A hearing must begin within 120 days after the date on which the matter is referred to the inquiry committee, unless the investigated registrant consents in writing to a later date or unless the investigated member has caused substantial delay.

### **73(3) Notice of hearing**

At least 30 days before the date of the hearing, the registrar must serve a notice of hearing on the investigated registrant and the complainant stating the date, time and place of the hearing and identifying the complaint or matter about which the hearing will be held.

### **73(4) Public notice of hearing**

The registrar may issue a public notice of the hearing in any manner he or she considers appropriate, but the notice must not include the name of the investigated registrant.

## **74 Right to Appear and be Represented**

**74(1)** The Association and the investigated registrant may appear and be represented by legal counsel at a hearing, and the inquiry committee may have legal counsel to assist it.

### **74(2) Adjournments**

The chair of the inquiry committee may adjourn a hearing from time to time.

### **74(3) Recording of evidence**

The oral evidence given at a hearing must be recorded.

## **75 Documentary Evidence**

### **75(1) Member may examine documentary evidence**

Before the day of the hearing, an investigated registrant must be given opportunity to examine any written or documentary evidence that will be produced and any report the contents of which will be given in evidence at the hearing.

### **75(2) Member to provide documentary evidence**

If the investigated registrant intends to rely on any written or documentary evidence or any report at the hearing, he or she must provide a copy of that evidence or report to the Association at least seven days before the hearing.

### **75(3) Evidence of expert without report**

If either the investigated registrant or the Association intends to call an expert as a witness at the hearing and there is no report from the expert, a summary of the expert's intended evidence, including his or her findings, opinions and conclusions, must be provided to the other party before the day of the hearing.

### **75(4) Failure to provide summary**

If the summary is not provided in accordance with subsection (3), the expert may testify at the hearing only with the leave of the inquiry committee.

## **76 Investigation of other matters**

The inquiry committee may investigate and hear any other matter concerning the conduct of the investigated registrant that arises in the course of its proceedings. In that event, the inquiry committee must declare its intention to investigate the further matter and permit the investigated registrant sufficient opportunity to prepare a response.

## **77 Hearing open to public**

**77(1)** Except as otherwise provided in this section, a hearing of the inquiry committee must be open to the public, but there must be no reporting in the media of anything that would identify the investigated registrant, including the registrant's name, the business name of the registrant's practice or partnership, or the location of practice, unless and until the inquiry committee makes a finding under section 81.

### **77(2) Request for a private hearing**

The investigated registrant or the Association may request that the hearing or any part of it be held in private.

### **77(3) When private hearing may be held**

When a request is made under subsection (2), the inquiry committee may make an order excluding the public from the hearing or any part of it or directing that the investigated registrant, the complainant, or any witness be identified only by initials, if the inquiry committee is satisfied that:

(a) matters involving public security may be disclosed;

- (b) financial or personal or other matters may be disclosed at the hearing that are of such a nature that the desirability of avoiding public disclosure of those matters in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that meetings be open to the public;
- (c) a person involved in a criminal proceeding or a civil suit or proceeding may be prejudiced; or
- (d) the safety of a person may be jeopardized.

**77(4) Reasons for excluding the public to be available**

The inquiry committee must ensure that any order it makes under subsection (3) and its reasons are either given orally at the hearing or are available to the public in writing.

**78 Evidence**

**78(1)** At a hearing, the oral evidence of witnesses must be taken on oath or affirmation, and the parties must have the right to cross examine witnesses and call evidence in defence and reply.

**78(2) Power to administer oaths and affirmations**

For the purpose of an investigation or hearing under this regulation, the registrar and the chair of the inquiry committee have the power to administer oaths and affirmations.

**79 Witnesses**

**79(1)** Any person, other than the investigated registrant, who in the opinion of the inquiry committee has knowledge of the complaint or matter being heard is a compellable witness in any proceeding before the inquiry committee.

**79(2) Notice to attend and produce records**

The attendance of witnesses before the inquiry committee and the production of records may be enforced by a notice issued by the registrar requiring the witness to attend and stating the date, time and place at which the witness is to attend and the records, if any, that the witness is required to produce.

**79(3) Registrar to provide notices**

On the written request of the investigated registrant or his or her counsel or agent, the registrar must provide any notices that the investigated registrant requires for the attendance of witnesses or the production of records.

**79(4) Witness fees**

A witness, other than the investigated registrant, who has been served with a notice to attend or a notice for production under this section, is entitled to be paid the same fees in the same manner as a witness in an action in the court.

**79(5) Failure to attend or give evidence**

Proceedings for civil contempt of court may be brought against a witness

- (a) who fails to attend before the inquiry committee in compliance with a notice to attend;
- (b) who fails to produce any records in compliance with a notice to produce them; or
- (c) who refuses to be sworn or to affirm or to answer any question he or she is directed to answer by the inquiry committee.

**80 Hearing in Absence of Investigated Registrant**

The inquiry committee, on proof of service on the investigated registrant of the notice of hearing, may

- (a) proceed with the hearing in the absence of the investigated registrant or his or her agent; and
- (b) act, decide or report on the matter being heard in the same way as if the investigated registrant were in attendance.

**DECISION OF INQUIRY COMMITTEE**

**81 Findings of Inquiry Committee**

If, at the conclusion of a hearing, the inquiry committee finds that the investigated registrant

- (a) is guilty of professional misconduct;
- (b) has contravened the Act or the regulations, by laws, code of ethics, standards of practice or competency profiles of the association;
- (c) has been found guilty of an offence that is relevant to the investigated registrant's suitability to practise;
- (d) has displayed a lack of knowledge or lack of skill or judgment in the practice of naturopathic medicine;
- (e) has demonstrated an incapacity or unfitness to practise naturopathic medicine;
- (f) is suffering from an ailment that might, if the member continues to practise, constitute a danger to the public; or
- (g) is guilty of conduct unbecoming a registrant; it must deal with the investigated registrant in accordance with this regulation.

**82(1) Orders of inquiry committee**

If the inquiry committee makes any of the findings described in section 81, it may make one or more of the following orders:

- (a) reprimand the investigated registrant;

- (b) suspend the investigated registrant's certificate of registration for a stated period;
- (c) suspend the investigated registrant's certificate of registration until he or she has completed a specified course of studies or supervised practical experience, or both, to the satisfaction of any person or committee that the inquiry committee may determine;
- (d) accept, in place of the suspension of the certificate of registration, the investigated registrant's undertaking to limit his or her practice;
- (e) impose conditions on the investigated registrant's entitlement to practise naturopathic medicine, including conditions that he or she
  - (i) practise under supervision,
  - (ii) permit periodic inspections of his or her practice,
  - (iii) permit periodic audits of records,
  - (iv) report on specified matters to any person or committee that the inquiry committee may determine, and
  - (v) not engage in sole practice;
- (f) require the investigated registrant to satisfy a person or committee that the inquiry committee may determine that a disability or addiction can be or has been overcome, and suspend the investigated registrant's certificate of registration until the person or committee is satisfied;
- (g) require the investigated registrant to take counselling or treatment;
- (h) direct the investigated registrant to waive, reduce or repay money paid to the investigated registrant that, in the opinion of the inquiry committee, was unjustified for any reason;
- (i) cancel the investigated registrant's certificate of registration.

**82(2) Inquiry committee may consider censure**

To assist the inquiry committee in making an order under this section, the inquiry committee may be advised of any censure or order previously issued to the investigated registrant and the circumstances under which it was issued.

**82(3) Ancillary orders**

The inquiry committee may make any ancillary order that is appropriate or required in connection with an order mentioned in subsection (1) or may make any other order that it considers appropriate in the circumstances, including an order that

- (a) a further or new investigation be held into any matter; or
- (b) an inquiry committee be convened to hear a complaint without an investigation.

**82(4) Costs when conditions imposed**

If the inquiry committee imposes conditions on an investigated registrant's entitlement to practise naturopathic medicine under clause (1) (e), it may also order the member to pay all or any part of the costs incurred by the Association in monitoring compliance with those conditions.

**82(5) Contravention of order**

If the board is satisfied that an investigated registrant has contravened an order made under subsection (1), it may, without a further hearing, cancel the investigated registrant's certificate of registration.

**83 Costs and Fines**

**83(1)** The inquiry committee may, in addition to or instead of dealing with the investigated registrant's conduct in accordance with section 82, order that the investigated registrant pay to the Association, within the time set by the order,

- (a) all or part of the costs of any investigation, hearing and/or appeal;
- (b) a fine not exceeding \$10,000.; or
- (c) both the costs under clause (a) and the fine under clause (b).

**83(2) Nature of costs**

The costs referred to in subsection (1) may include, but are not limited to,

- (a) all disbursements incurred by the Association, including
  - (i) fees and expenses for experts, investigators and auditors whose reports or attendances were reasonably necessary for the investigation or hearing,
  - (ii) fees, travel costs and reasonable expenses of any witnesses required to appear at the hearing,
  - (iii) fees for retaining a reporter and preparing transcripts of the proceedings, and
  - (iv) costs of service of documents, long distance telephone and facsimile charges, courier delivery charges and similar miscellaneous expenses;
- (b) payments made to members of the inquiry committee or the complaints committee; and
- (c) costs incurred by the Association in providing counsel for the Association and the inquiry committee, whether or not counsel is employed by the Association.

**83(3) Failure to pay costs and fines by time ordered**

If the investigated registrant is ordered to pay a fine or costs or both under subsection (1), or under subsection 82(4), and fails to pay within the time ordered, the registrar may cancel his or her certificate of registration until payment is made.

**83(4) Filing of order**

The Association may file an order under subsection (1) in the court, and on the order being filed it may be enforced in the same manner as a judgment of the court.

**84 Written Decision**

**84(1)** Within 90 days following the completion of a hearing, the inquiry committee must make a written decision on the matter consisting of the reasons for its decision and a statement of any order made by it.

**84(2) Decision forwarded to registrar**

The inquiry committee must forward to the registrar

- (a) the decision; and
- (b) any record of the proceedings and all exhibits and documents.

**84(3) Service of decision**

On receiving the decision and record, the registrar must serve a copy on the investigated registrant and the complainant.

**84(4) Copies of transcript**

The investigated registrant may examine the record of the proceedings before the inquiry committee, and is entitled to receive, on payment of the cost of providing it, a transcript of the oral evidence given before the inquiry committee.

**85 Publication of Decision**

**85(1)** Despite the fact that any proceeding or part of a proceeding under this Part may have been held in private, the Association must, after the decision and any order has been served on the investigated registrant, publish the circumstances relevant to the findings and any order of the inquiry committee. If the inquiry committee makes an order against the investigated registrant under section 82, it may order that the investigated registrant's name be published.

**APPEAL TO COURT**

**86 Appeal to the Court**

**86(1)** An investigated registrant in respect of whom a finding or order is made by the inquiry committee under section 81, 82 or 83 may appeal the finding or order to the court.

**86(2) Commencement of appeal**

An appeal must be commenced

- (a) by filing a notice of appeal; and
  - (b) by giving a copy of the notice of appeal to the registrar;
- within 30 days after the date on which the decision of the inquiry committee is served on the investigated registrant.

**86(3) Appeal on the record**

An appeal must be founded on the record of the hearing before the inquiry committee and the decision of the inquiry committee.

**87 Powers of the Court on Appeal**

On hearing the appeal, the court may

- (a) make any finding or order that in its opinion ought to have been made;
- (b) quash, vary or confirm the decision of the inquiry committee or any part of it; or
- (c) refer the matter back to the inquiry committee for further consideration in accordance with any direction of the court.

**88 Stay Pending Appeal**

The decision and any order of the inquiry committee remains in effect pending an appeal unless the court, on application, stays the decision and any order pending the appeal.

**REINSTATEMENT**

**89 Reinstatement**

**89(1)** A person whose registration has been cancelled under this part must apply to the board for reinstatement under this section. The application must include all relevant information and documentation concerning the cancellation of the person's registration, and any other information required by the board.

**89(2)** The board may, on application by a person whose registration has been cancelled under this part, direct the registrar to reinstate the person's name in the register, subject to any conditions that the board may impose, and may order the person to pay any costs arising from the imposition of such conditions.

## PART 6

### GENERAL PROVISIONS

#### **90 Fiscal Affairs and Audits**

**90(1)** The board may

- (a) borrow money upon the credit of the association;
- (b) limit or increase the amount to be borrowed;
- (c) issue bonds, debentures or other securities of the association;
- (d) pledge or sell such bonds, debentures or other securities for such sums and at such prices as may be deemed expedient;
- (e) mortgage, hypothecate, charge or pledge all or any of the real and personal property of the association to secure any such bonds, debentures, other securities or any money borrowed or any other liability of the association;
- (f) give indemnities to any member of the board or other person who has undertaken or is about to undertake any liability on behalf of the association to secure such member of the board or other person against loss by giving him or her a mortgage or charge upon the whole or any part of the real or personal property of the association by way of security; or
- (g) authorize any member of the board, officer of the association, employee of the association or other person whether connected with the association or not to sign, execute and give on behalf of the association all documents, agreements and promises necessary or desirable for the purposes of this subsection.

#### **90(2) Delegation**

The board may from time to time by resolution delegate to the president and the registrar or to any two members of the board or officers of the association (including the president or the registrar) all or any of the powers conferred on the board by subsection (1) to the full extent thereof or such lesser extent as the board may in any resolution provide.

#### **90(3) Delegation does not affect borrowing powers**

The powers conferred under subsection (2) are in addition to and not in substitution for any powers to borrow money for the purposes of the association possessed by the board or the officers independently of a borrowing by law.

#### **90(4) Safety deposit box**

The association may maintain a safety deposit box with a bank, credit union or other financial institution approved by the board, and any two of the treasurer, president and the registrar is to have access to it at all times.

#### **90(5) Audit or Review of Association Accounts**

The following provisions apply to association accounts:

(a) once a year as soon as possible after the end of the fiscal year, the accounts of the association must be examined, and the correctness of the statements of receipts and disbursements ascertained

By

(i) a qualified accountant,  
(ii) a qualified firm of accountants, or  
(iii) a pairing of any two members (excludes members of the board) of the association that has been appointed as auditor of the association;

(b) the auditor must be appointed by the board at the annual meeting of the board at remuneration approved by the board; (c) the auditor holds office until the next annual meeting of the board and is eligible for re-appointment; (d) any vacancy in the office of auditor may be filled by the board.

#### **90(6) Fiscal year**

The fiscal year of the association ends on October 31 in each year or on such other date as the board may from time to time prescribe.

#### **91 Authentication of deeds and documents**

**91(1)** All deeds, contracts and agreements executed on behalf of the Association must be in such form and contain such powers, conditions, covenants, clauses and agreements as the board determines, and must be signed by the president or vice president, and by the registrar.

#### **91(2) Cheques, orders for payment and bills of exchange**

All cheques or orders for payment must be signed by any two of the president, vice president, registrar and treasurer. Bills of exchange lodged with banks for collection may be drawn on behalf of the Association by the president, vice president, registrar or treasurer.

#### **91(3) Endorsement of cheques, etc.**

Cheques or other negotiable instruments to be deposited with banks for collection and requiring the endorsement of the Association may be endorsed on its behalf by the president, vice president, registrar or treasurer.

#### **91(4) Depositing of association's money**

All money belonging to the Association must be deposited with such bank, credit union or other financial institution approved by the board, and every receipt given by the Association for money paid to the Association and bearing the name of the registrar or treasurer is an effectual discharge for the money stated in the receipt.

**91(5) Securities**

Securities must be purchased or sold on the authorization of the board. The authorization must be signed by one member of the board together with the treasurer.

**92 Rules of Order**

The proceedings at all meetings of the Association, the board and committees are to be governed by the Act and the regulations of the Association, supplemented by such other rules or procedure as may from time to time be determined by the board or the committee chairperson or vice chairperson.

**93 Amendments of Regulations**

**93(1) Every amendment to the regulations of the Association must be introduced either**

- (a) by notice of motion given at a meeting of the board which must set out the substance of the proposed amendment and come up for consideration at the next meeting of the board; or
- (b) by notice in writing containing in full the provisions of the proposed amendment and enclosed with the notice calling the meeting of the board at which the proposed amendment will be dealt with, mailed to each member of the board at least 14 days before the date of the meeting.

**93(2) Voting on motion to amend**

The board may at any time amend or revoke any regulation; but no such amendment or revocation has effect until it is published in one issue of the *The Manitoba Gazette*.

**94 Protection from liability**

No action or proceeding may be brought against the Association, the board, the registrar, a person conducting an investigation or a member of a committee established under the Act or the regulations, or any employee, officer or person acting on the instructions of any of them, for anything done or not done, or for any neglect,

- (a) in the performance or intended performance of a duty under the Act or the regulations; or
  - (b) in the exercise or intended exercise of a power under the Act or the regulations;
- unless the person was acting in bad faith.

**PART 7**

**TRANSITIONAL, REVIEW AND REPEAL**

**TRANSITIONAL**

**95 "Former Regulation" Defined**

In this section, "former Regulation" means The Regulations of the Board of Naturopaths published in the *Manitoba Gazette* on June 11, 1977, Vol. 107, No. 24

**96 Certification Continued**

An individual who is a registered Naturopathic Doctor under The Naturopathic Act and who has a certification recognized by the Board on the day this Regulation comes into force is entitled, upon application to the registrar and payment of the appropriate fee, to have a notation of that certification entered into the register in relation to his or her name, and to maintain that notation until October 31, 2013. Thereafter, the individual must satisfy the requirements of paragraph 30(3)(a) and the requirements of subsection 33(1) in order to maintain the notation of any certification in the register.

**97 Registration Continued**

An individual who is a registered Naturopathic Doctor under The Naturopathic Act on the day this Regulation comes into force is deemed to be a registrant until October 31, 2013, notwithstanding the fact that the individual has not fulfilled the continuing competency requirements of paragraphs 51(d) and 51(e). Thereafter, the individual must fulfill the continuing competency requirements set out in those paragraphs as directed by the committee.

**REGULATION REVIEW**

**98 Review of Regulation**

Not later than five years following the day this regulation comes into force, the Association must

- (a) review the effectiveness of the operation of this regulation, and in so doing, consult with such persons affected by the regulation as the Association considers appropriate; and
- (b) if it considers it advisable, amend or repeal this regulation.

## **REPEAL**

### **99 Repeal**

The Regulations of the Board of Naturopaths published in the *Manitoba Gazette* on June 11, 1977 are repealed.