

NEWFOUNDLAND AND LABRADOR COLLEGE OF PHYSIOTHERAPISTS
BYLAWS

NEWFOUNDLAND AND LABRADOR COLLEGE OF PHYSIOTHERAPISTS

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**Part I
By-laws**

1. These by-laws may be cited as the Newfoundland and Labrador College of Physiotherapists' By-laws.
2. References in this document to the Act, Regulations and By-laws refer to the *Physiotherapy Act, 2006*; the *Physiotherapy Regulations, 2007* and the *By-laws* incorporated herein, made pursuant to the *Physiotherapy Act, 2006*.
3. New bylaws or changes may be enacted by Council in accordance with Section 8 of the Act and when so enacted a copy shall be sent to the Minister for the Minister's records and made available for the public.

**Part II
Definitions**

4. In these *By-laws*,

"college" means The Newfoundland and Labrador College of Physiotherapists;

"council" means the council of the college referred to in Section 4 of the Act;

"minister" means the minister appointed under the *Executive Council Act* to administer the Act;

"physiotherapist" means a person who practises physiotherapy;

"physiotherapy" means the application of professional physical therapy in the assessment and treatment of the human body in order to obtain, regain or maintain optimal function by the use of suitable therapeutic methods, including mobilization, manipulation and the use of physical agents;

"register" means the register of members of the college maintained under section 14;

"registrar" means the registrar of the The Newfoundland and Labrador College of Physiotherapists;

"member" means a registered member in good standing who is a physiotherapist licensed under Section 12 of the *Act*;

"council member" means an elected or appointed member of council;

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“elected council member” means a council member elected from and by registered physiotherapists;

“appointed council member” means a council member appointed under Section 5 of the Act.

**Part III
Council**

Council Members

5. The composition of Council, including the number of elected members and appointed members and the terms of office, including limitations of elected members and appointed members in accordance to Section 4 of the Act.
6. The Registrar who is appointed by Council shall not vote on a matter before Council, it's Executive Committee or another committee of Council in accordance to Section 7 of the Act.

Election of Council Members

7. Election of Council members takes place at the Annual General meeting of the College.
8. The newly elected Council members shall take office immediately following the Annual General Meeting at which the election results were proclaimed.
9. A call for nominations is sent to registered physiotherapists to arrive at least thirty (30) days prior to the Annual General Meeting of the College.
10. Nominations shall proceed as follows:
 - a) A Nominations Committee may be struck by Council at least 30 days prior to the AGM to receive nominees.
 - b) The Nomination Committee will comprise of a minimum of two members including the Vice Chairperson and another Council member determined by Council.
 - c) The Vice Chairperson or other designated council member will chair the Nominations Committee.
 - d) Nominees will be announced at the Annual General Meeting.
11. Voting shall proceed as follows:
 - a) Voting for Council members shall take place at the Annual General Meeting in the form of a secret ballot.
 - b) Registered active and inactive physiotherapists shall be eligible to vote for all

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nominees.

- c) The Registrar/Executive Director shall act as returning officer for the elections.
- d) Ballots shall be opened by the returning officer in the presence of one or more scrutineers appointed by Council.
- e) The results of the election will be announced immediately following the election at the Annual General Meeting.
- f) The original ballots and written record of the results of the voting shall be kept in the custody of the Registrar for a period of six months after the Annual General Meeting.

Term of Office

- 12. Elected members of Council shall serve a term of three years, which shall commence at the end of the Annual General Meeting at which the results of the election were proclaimed.
- 13. A council member whose term of office terminates or expires is eligible for re-election or re-appointment except for a person who has served on Council for three successive terms, until a twelve month period elapses from the end of the year he or she was last a member.
- 14. The office of a council member, whether that member is elected or appointed, shall become vacant if that member:
 - a) dies
 - b) resigns by written notice to Council, in the case of an elected member; or by written notice to the Minister, in the case of an appointed member
 - c) is absent without reasonable excuse for more than two consecutive meetings of Council and with the affirmative vote of two thirds of the remaining members of Council, in the case of appointed members, subject to the approval of the Minister
 - d) ceases to be a registered physiotherapist, in the case of an elected member
 - e) no longer resides in the province, in the case of an elected member
 - f) has the appointment revoked by the Minister pursuant to Section 5(6) of the Act, in the case of an appointed member
 - g) becomes incapacitated such that he or she is unable to conduct the business of the college
 - h) is recalled by two thirds of the College members, in the case of an elected member.

Vacancies of Council Members

- 15. Where a vacancy occurs among the elected membership of Council, the remaining members of Council shall appoint another member of the College as a member of

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Council, and the replacement member shall hold office until the next annual general meeting Section 4(4) of the Act.

16. Where a vacancy occurs in the appointed membership of Council, the Minister shall appoint a person to fill the vacancy. Where the terms of office of an appointed member expires, the person may continue to be a member of council until re-appointed or replaced.
17. The exercise of the powers of Council shall not be impaired by reason of a vacancy in its membership.
18. If it is later discovered that there was some defect in the election or appointment of a person purporting to be a member of Council, all acts performed by Council will be as valid and effectual as if that defect had not existed.

Powers of Council

19. The Chair shall perform all duties incident to the office of Chair and shall have other powers and duties as may from time to time be assigned to the Chair by Council.
20. The Vice-Chair shall be vested with all powers and shall perform all the duties of the Chair in the absence of the Chair. The Vice-Chair shall also have such other powers and duties as may from time to time be assigned to the Vice-Chair by Council.

Executive Director-Registrar

21. Council shall appoint the Executive Director-Registrar of the College for such term of office and on such conditions as Council may deem advisable.
22. Employment contracts between the Executive Director-Registrar and Council, which shall include payment of the Executive Director-Registrar for his/her duties, shall be negotiated by Council.
23. The Executive Director-Registrar shall:
 - a) attend all meetings of Council, the Executive Committee and the College;
 - b) distribute, review and keep all minutes of meetings of Council and the College and its committees;
 - c) maintain records of Council and College meetings in the College office;
 - d) maintain electronic record of incoming monies, issue receipts;
 - e) delegate clerical work to office staff if available;
 - f) generate computer financial statements as requested by Council;
 - g) keep a register of each registration category of physiotherapists, clinics and categories of physiotherapy auxiliaries;
 - h) issue all certificates and licenses;
 - i) be responsible for all regular correspondence of the Council and the College;
 - j) represent Council at meetings with other provincial physiotherapy regulatory authorities and other external stakeholders and committees;
 - k) act as Director on the Board of Directors of the Canadian Alliance of Physiotherapy Regulators;

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- l) be responsible to Council for the management and operation of the College office.

Executive Committee

Executive Committee Members

- 24. The Executive Committee is comprised of officers of Council that shall consist of:
 - a) The Chairperson
 - b) The Vice-Chair
 - c) The Treasurer
 - d) The Registrar/Executive Director, non voting member
- 25. The election of Officers shall take place at the first regular meeting of Council following the Annual General Meeting and are elected by Council from elected Council members by open vote or secret ballot if requested by any member of Council.

Executive Committee Term of Office

- 26. The term of office for Executive Committee members shall be for one year and may be renewed.

Executive Committee Vacancies

- 27. An office of the Executive Committee shall become vacant if the member:
 - a) resigns by notice in writing to the Council
 - b) ceases to be a member of Council.
- 28. Where a vacancy occurs in an office of the Executive Committee, Council may elect another member of Council to fill the vacancy, and the replacement member shall hold office for the remainder of the term of the vacating member, unless the term of office of the replacement member is earlier terminated pursuant to Section 14 of these bylaws.
- 29. Where a vacancy occurs in the Chair, the Vice Chair shall be appointed Chair and hold office for the remainder of the term of the vacating member, unless the term is earlier terminated pursuant Section 14 of these bylaws.
- 30. Where a vacancy occurs in the office of the Chair, and the Vice Chair is unable to fill the vacancy, Council may elect another member of Council to fill the vacancy, and the replacement member shall hold office for the remainder of the term of the vacating member, unless the term of office of the replacement member is earlier terminated pursuant to Section 14 of these bylaws.
- 31. When the Vice Chair assumes the office of Chair in accordance with Section 29 of these bylaws, the vacancy in the office of Vice-Chair shall be filled in accordance with Section 28 of these bylaws.

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32. The exercise of powers of the Executive Committee shall not be impaired by reason of a vacancy in its membership, provided there remain two elected members to exercise such powers.
33. If it is later discovered that there was some defect in the election or appointment of a person purporting to be a member of the Executive Committee, all acts of the Executive Committee shall be as valid and effectual as if that defect had not existed.

Powers of Executive Committee

34. The Executive Committee shall consider and take action upon all matters delegated to it by Council, and all matters which require attention between meetings of Council.
35. In taking action pursuant to Section 34 of these bylaws, the Executive Committee may exercise all the powers of Council subject to any restrictions imposed by resolution of Council or by the Act, the regulations or these bylaws.
36. All acts of the Executive Committee shall, if within the scope of its authority, be effective as the acts of Council unless and until amended or rescinded by Council.

**Part IV
Meetings**

Council Meetings

37. Council will meet not fewer than four times in a calendar year at such times and places as it may determine.
38. Council may meet at additional times and places as determined by Council.
39. Council members are notified of the council meeting at least fourteen days prior to each regular meeting. Notice may be made by telephone, facsimile or other electronic means.
40. The Chair may call emergency meetings of Council. Council members are notified of such meetings not less than 48 hours before the date of the meeting. Notice may be made by telephone, facsimile or other electronic means.
41. A majority of Council members may call a special meeting of Council. Council members are notified of such meetings not less than 72 hours before the time fixed for the meeting, stipulating the business to be conducted at such a meeting. Notice may be made by telephone, facsimile or other electronic means.
42. The Chair shall preside at all meetings of Council. The Chair shall regulate the order of such meetings and shall decide all questions of order.

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43. All meetings of Council will observe Robert's Rules of Order in addition to the following:
 - a) all meetings shall be called to order as soon after the hour of the meeting as a quorum is present;
 - b) the Chair may cancel a meeting if there is not a quorum present within thirty minutes after the meeting was due to commence;
 - c) a motion must be seconded to be eligible for discussion and voting. If a motion is not seconded, it is not up for discussion;
 - d) The Chair's decision on a point of order shall be final.
44. At a meeting of Council, if a quorum is present, a majority of Council members present and entitled to vote shall decide upon the matters proposed, and the Chair shall have a second and deciding vote in the case of a tie.
45. All meetings of Council may be held by use of teleconference or equivalent simultaneous audio or audiovisual means, and in such event, the members participating in such meetings shall be deemed for all purposes to be present at the meeting.
46. A resolution signed by all the Council members entitled to attend meetings of Council shall have the same force and effect as a resolution duly passed at a regularly convened meeting of Council.

College Meetings

47. A meeting of the College may be held by use of teleconference or equivalent simultaneous audio or audiovisual means, and in such event, the members participating in such meetings shall be deemed for all purposes to be present at the meeting.
48. At a meeting of the College, if a quorum is present, a majority of members present and entitled to vote shall decide upon the matters proposed, and the Chair shall have a casting vote in the case of a tie.
49. All meetings of the College will observe the following rules of order:
 - a) all meetings shall be called to order as soon after the hour of the meeting as a quorum is present
 - b) the Chair may cancel a meeting if there is not a quorum present within thirty minutes after the meeting was due to commence
 - c) a motion must be seconded to be eligible for discussion and voting. If a motion is not seconded, it is not up for discussion.
 - d) the Chair's decision on a point of order shall be final.
50. Notice of Annual General Meetings and Special General Meetings must be provided at least thirty (30) days prior to the meeting to registered members to the address occurring in the database, and such notice will contain the particulars of business to be transacted at the meeting.

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Annual General Meeting

51. An Annual General Meeting of the College shall be held each year at such a time and place as may be decided by Council.
52. Only physiotherapists registered pursuant to Section 9 of the Act, whose registration is not conditional, temporary, cancelled or suspended, are entitled to vote at General Meetings of the College.
53. A quorum for the Annual General Meeting is ten (10) registered members of the College who are entitled to vote.
54. In addition to election of Council members, the College ratifies an auditor and a solicitor, by majority vote of members present at the AGM.
55. The Treasurer may propose an Auditor or a firm of auditors, who shall be a Chartered Accountant or a firm of chartered accountants for ratification at the AGM.
56. The Auditor shall examine all accounts, books, and securities of the College and shall submit a statement of the affairs and financial position of the College, which shall be presented by the Treasurer at the Annual General Meeting of the College.
57. Council may propose a solicitor for ratification at the AGM.

Special Meetings

58. Special General Meetings of the College may be called to deal with a specific matter. Only those matters specified will be considered at such a meeting.

Meetings of the Executive Committee (PRC)

57. The Executive Committee shall meet at the call of the Chair, who will preside at all meetings at which (s)he is present. Meetings may also be held at the request of the majority of the Executive Committee.
58. At meetings of the Executive Committee
 - a) a majority of the members of the Executive Committee will constitute a quorum;
 - b) if there is a quorum present, a majority of the members of the Executive Committee present and entitled to vote shall decide upon the matter proposed, and in the event of an equality of votes, the motion shall be considered lost.

Part V
Committees and other Appointments

59. Council shall appoint any and all committees it considers necessary from time to time for the successful operation of the College.
60. Subject to the Act, the Regulations and these bylaws, such committees shall serve for a mandate and term as specified in the committee's Terms of Reference as established by Council, or as approved by Council.
61. Council shall name the Chair from the names of each committee appointed, unless otherwise specified in the Terms of Reference.
62. The only remuneration to be paid to the members of committees appointed under this section shall be reimbursement expenses as per policy.
63. Council may appoint Assistant Registrars, Inspectors and such agents as it deems appropriate from time to time to assist the business of the College.

Part VI
Fees

64. All registration fees, unless otherwise specifically provided, are due and payable before February 1st in each calendar year.
65. A late fee for renewal of registration after the due date shall be enforced in addition to the annual renewal fee.
66. Registration fees shall be decided by Council. A current list of fees will be maintained in policy and updated as required.

Part VII
Registration

Registers

67. The Registrar shall establish and maintain the following registers:
 - a) an annual register of registered physiotherapists
 - b) an annual register of physiotherapy clinics and of the person(s) in whose name(s) the clinic is registered
 - c) a listing of current Physiotherapy Auxiliaries may be kept.
68. The Register of Registered Physiotherapists shall contain each member's:
 - a) registration number
 - b) proper name

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- c) date of registration
 - d) fee paid
 - e) category of registration
69. The Registrar/Executive Director shall maintain a database of registered Physiotherapists as prescribed by Council.
70. A listing of Physiotherapy Auxiliaries may be maintained and updated on an annual basis.
71. The Register of Clinics shall contain each clinic's:
- a) business name
 - b) corporate name and number
 - c) date of registration and
 - d) fee paid.
72. The Clinic data on file includes:
- a) name of the Clinic;
 - b) mailing address, contact information, contact person;
 - c) names, addresses and positions of all shareholders, directors, partners or individual owners of the clinic;
 - d) current corporate certificate of good standing;
 - e) proof of clinic malpractice insurance satisfactory to Council;
 - f) names of physiotherapists and physiotherapy auxiliaries employed in the clinic;
 - g) signed statement affirming compliance with professional standards for physiotherapy set by Council.
73. The Registrar may at the request of the public and subject to payment of a fee, verify to that person any fact or matter appearing in a register, as per privacy legislation.
74. A physiotherapist who intends to change his or her place of employment for more than 30 consecutive days shall notify the College in writing within 7 days of the change.

Categories of Registration

Active Registration

75. Applicants for registration as a physiotherapist who comply with all the requirements for Active registration will be granted "Active" registration and may practice physiotherapy without restriction.
76. Applicants, from schools of Physiotherapy approved by Council, are those that meet the standards of the Canadian Alliance of Physiotherapy Regulators credentialing services in accordance to Section 4 of the Regulations.
77. The Competency Examination approved by Council is the Physiotherapy Competency Examination (PCE) administered by the Canadian Alliance of Physiotherapy Regulators.

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78. The amount of malpractice insurance coverage required for registered physiotherapists actively practising physiotherapy is the minimum amount provided through the Canadian Physiotherapy Association.
79. The course of clinical practice approved by Council meets the requirements of the Canadian Alliance of Physiotherapy Regulators credentialing services.
80. The Certificate of Conduct acceptable to Council is one provided by an official policing authority in the location where the applicant resides or previously resided.
81. A letter of good standing from a physiotherapy regulatory organization should provide the following information:
 - a) the initial and expiry dates and duration of registration with the regulatory authority;
 - b) the standing with the regulatory jurisdiction in which the applicant was registered;
 - c) the number of practice hours recorded in the jurisdiction in the past 5 years.
82. Letters of good standing are required from all jurisdictions in which the applicant was registered in the past five (5) years.
83. The minimum number of practice hours required are those negotiated with other Canadian Colleges of Physiotherapy as contained in the current labour mobility agreement, as revised from time to time.

Conditional Registration

84. A person granted conditional registration may practice in accordance with the Mentorship program approved by Council.
85. When a Conditional Registrant fails to demonstrate entry level competency at a sitting of the PCE, the conditions on his or her registration will be reviewed and further conditions may be placed on his or her registration as deemed appropriate by the Membership Committee.
86. The failed PCE candidate will be required to register for the next sitting of the PCE.
87. The Membership Committee may be convened to assess the candidate's individual circumstances and make recommendations to the Registrar.
88. The Registrar may accept the recommendations of the Membership Committee in accordance with the Terms of Reference of the Membership Committee.
89. Revisions to the conditions of Conditional Registration, for failed PCE Candidates or if practice issues arise, may include:
 - the registrant report to the Registrar details of his or her remediation plan
 - the Mentor report to the Registrar on the performance of the conditional registrant on a regular basis;
 - the Mentor perform occasional reviews of the registrant's clinical files

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- the Mentor regularly reviews and may co-sign clinical notes;

Temporary Registration

90. A person granted temporary registration may practice within the scope of practice and on those terms and conditions approved by Council.
91. A temporary registration can be issued for up to one month, with the option of being renewable monthly for up to three months.
92. A temporary registrant shall not serve as a member of council, sit on college committees or be entitled to vote.

Inactive Registration

93. A person may be granted an inactive registration where the requirements for Active registration are met, excluding the requirement of CPA membership.
94. An inactive registrant may use the designation of physiotherapist
95. An inactive registrant shall not practice physiotherapy.
96. An inactive registrant may serve as a member on Council or be appointed to college committees.

Annual Renewal of Registration

97. The registration year shall expire on
 - a) February 28th or in a leap year February 29th or
 - b) on the effective date of cancellation or suspension of the certificate of registration, whichever occurs first.
98. Physiotherapists who hold current registration and comply with requirements for renewal laid out in regulations and who:
 - a) complete the annual Renewal of Registration form;
 - b) have practised the required hours in the previous 5 years;
 - c) meet the continuing competency requirements;
 - d) have current appropriate professional liability insurance;
 - e) are current CPA members, except inactive members;
 - f) pay the annual renewal fee

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g) do not have suspension or cancellation of registration

will have their registration renewed.

99. A Certificate of Registration and membership card are provided to those physiotherapists who meet the requirements for renewal of registration.

Part VIII
Code of Ethics and Professional Misconduct

100. A physiotherapist shall comply with the Code of Ethics for Physiotherapists as approved by Council. (see Appendix III).

101. A physiotherapist shall practice in accordance with the Core Standards of Practice for Physiotherapists as approved by Council. (See Appendix IV).

102. Physiotherapists shall comply with the advertising guidelines as identified in the Standards of Practice (See Appendix IV).

Part IX
Continuing Competence

103. Professional Competence of members is ensured by the Continuing Competence Program as approved by Council. (See Appendix V).

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Appendix I

Fees

Registration Fees

1. The annual registration fee for a physiotherapist in either Active and Conditional categories shall be: \$325
2. The registration fee for a physiotherapist applying for registration after the fourth month and before the eighth month shall be: \$248
3. The registration fee for a physiotherapist applying for registration after the eighth month and before the expiry date shall be: \$165
4. The registration fee for a physiotherapist who will be working for 3 months or less shall be: \$100.00
5. The registration fee for a physiotherapist applying for an Inactive registration shall be: \$55
6. The registration fee for a physiotherapist applying for a Temporary Registration shall be: \$50 for up to one month, renewable monthly to a maximum of 3 months.
7. The fee for a physiotherapist's renewal of registration after the due date shall be: \$100 in addition to the annual renewal fee.
8. Clinic registration fees shall be: \$100.

Special Fees

9. Duplicate service fees: \$25
10. Non-compliance with 7 day notification fee: \$25

Appendix II

Expense Claims

Reimbursement of Expenses

1. The following guidelines will apply for reimbursement of expenses:

- a) All expense claims must be submitted to the Treasurer, supported by receipts and signed by the person submitting the claim;
- b) Expense claims outside of these guidelines require prior approval of Council or of the Executive Committee on authority by Council;
- c) Airfare expenses will be reimbursed based on standard economy rates;
- d) Reimbursement for taxis, airport buses, subways, shuttles used in the performance of NLCP business, is allowed as incurred, with receipts;
- e) Auto rental, limited to the smallest vehicle and availability when it is the most cost effective means of transportation, may be reimbursed. Rental and gasoline expenses will be reimbursed with receipts;
- f) The use of personal automobile will be reimbursed at a rate consistent with that negotiated between public service physiotherapists and Treasury Board. Parking expenses will be reimbursed with receipts;
- g) Hotel expenses will be reimbursed based on standard economy room rates. Personal incidental expenses, such as mini-bar charges, laundry, in-room movies and personal telephone calls are the responsibility of the individual.
- h) Maximum meal expenses payable, including gratuities will be the actual up to a maximum of \$50 a day, (*Breakfast \$8; Lunch \$12; Dinner \$30*) - without receipts. Members are not reimbursed for meals supplied by the Council or for meals purchased instead of meals provided by Council.
- i) Miscellaneous expenses such as telephone calls, photocopying, supplies and postage incurred on behalf of NLCP will be reimbursed upon submission of receipts;
- j) Per diems will be paid only to persons approved to attend meetings of the Canadian Alliance of Physiotherapy Regulators, meetings of the Complaints Authorization Committee or to members of the Disciplinary panel for attendance at adjudication tribunals;

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- k) When necessary or appropriate, expenses can be paid in advance by Council with the approval *of the Treasurer*;
- l) An honorarium equivalent to the current active registration fee will be paid to Council members who attend 60% of Council meetings in a year which will commence following the Annual General Meeting.
- m) A maximum of \$100/day payment would be made for volunteers who miss paid income. A note of verification would be required from the employer.
- n) Council members, Disciplinary Panel members, Committee members and persons attending pre-approved meetings as a representative of the College or on pre-approved College business will be reimbursed for transportation, accommodation, meals and services that meet reasonable and adequate standards for convenience, safety and comfort. Such reimbursement shall be made on the basis of actual expenses incurred up to the allowable limits as outlined in approved policy and upon submission of receipts.

Appendix III

Code of Ethics

The Council has by resolution adopted the Code of Ethical Conduct for Physiotherapists in Canada published and distributed by the Canadian Alliance of Physiotherapy Regulators (CAPR) and the Canadian Physiotherapy Association (CPA).



CAPR-and-CPA-Code
-of-Conduct-for-circu

Professional Misconduct and Conduct Unbecoming of a Physiotherapist Definitions

1. Professional Misconduct

The Code of Ethical Conduct governing the practice of physiotherapy in the province shall include the following definition of “*professional misconduct*” for the purpose of consideration of a complaint and the institution of disciplinary proceedings. “*Professional misconduct*” shall refer to conduct while actually engaged in the practice of physiotherapy and shall include but not limited to the following which are considered acts of professional misconduct:

The Practice of the Profession and Care of and Relationship with Clients/Patients/Residents

1. Breach of the Code of Ethical Conduct for Physiotherapists approved by the Council
2. Failure to abide by the terms, conditions, or limitations on the member's certificate of registration.
3. Contravening a standard of practice of the profession or failing to maintain the standard of practice of the profession.
4. Doing anything to a client for a therapeutic, preventative, palliative, diagnostic, cosmetic, or other health-related purpose in a situation in which a consent is required by law, without such a consent
5. Abusing a client verbally, physically, psychologically, emotionally, or sexually.
6. Practicing the profession while the member's ability to do so is impaired by any substance.
7. Practicing physiotherapy while not covered by a policy of professional liability insurance acceptable to the NLCP

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8. Discontinuing professional services contrary to the terms of an agreement between the member and a contracting agency or a hospital without reasonable cause.
9. Discontinuing professional services that are needed unless,
 - a. The client requests the discontinuation,
 - b. Alternative services are arranged,
 - c. The client is given a reasonable opportunity to arrange alternative services,
 - d. Services to the client have been discontinued without consultation with the member,
 - e. The client can no longer meet agreed upon terms of payment, and all reasonable attempts on the part of the member to facilitate such payment have been unsuccessful,
 - f. The client has been given reasonable opportunity to achieve set client goals, or
 - g. In the reasonably held opinion of the physiotherapist, the client has engaged in abusive behaviour toward the physiotherapist or toward another physiotherapist or staff member of the physiotherapist
10. Practicing the profession while the member is in a conflict of interest.
11. Giving information about a client to a person other than the client or his or her authorized representative except with the consent of the client or his or her authorized representative or as required or allowed by law
12. Breaching an agreement with a client relating to professional services for the client or fees for such services.
13. Failing to reveal the exact nature of a treatment provided by the member following a client's request to do so.
14. Failing to refer a client to a regulated health professional when the member recognizes or should have recognized an abnormality or condition which indicates such a referral.
15. Continuing treatment of a client where it is no longer indicated or treatment has ceased to be effective or providing unnecessary treatment.

Representations About Members And Their Qualifications

16. Inappropriately using a term, title, or designation in respect of the member's practice.
17. Using a term, title or designation indicating or implying a specialization in the profession.
18. Practicing the profession using a name other than the member's name as entered in the register.

Record Keeping and Reports

19. Failing to keep records in accordance with the standards of the profession.
20. Falsifying a record relating to the member's practice.
21. Failing, without reasonable cause, to provide a report or certificate relating to an assessment or intervention performed by the member, within a reasonable time, to the client or his or her authorized representative after

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a client or his or her authorized representative has requested such a report or certificate.

22. Signing or issuing, in the member's professional capacity a document that the member knows, or ought to have known, contains a false or misleading statement.

Business Practices

23. Submitting an account or charge for services that the member knows is false or misleading.
24. Failing to advise the client of the fee to be charged or any penalties for late payment prior to providing a service.
25. Charging a fee that is excessive in relation to the service provided.
26. Offering or giving a reduction for prompt payment of an account.
27. Failing to itemize an account for professional services,
 - a. if requested to do so by the client or the person or agency who is to pay, in whole or in part, for the services, or
 - b. if the account includes items that are purchased on behalf of clients.
28. Selling or assigning any debt owed to the member for professional services. This does not include the use of credit cards to pay for professional services.

Miscellaneous Matters

29. Contravening the Physiotherapy Act, 2006, Chapter P-13.1, or the regulations under either of that Act.
30. Contravening a federal, provincial or territorial law, a municipal by-law or a by-law or rule of a hospital if,
 - a. The purpose of the law, by-law or rule is to protect the public health, or
 - b. The contravention is relevant to the member's suitability to practice.
31. Influencing a client to change his or her will or other testamentary instrument to provide a benefit to the member.
32. Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional.
33. Misappropriating property from a client or workplace.
34. Failing to inform the member's employer of the member's inability to accept responsibility in those areas where specific training is required or where the member does not feel competent to function without supervision.
35. Failing to comply with an order of a disciplinary panel or an order of the Council.
36. Failing to appear before a panel of the Complaints Authorization Committee to be cautioned.
37. Failing to co-operate in a Council investigation.

38. Directly or indirectly benefiting from the practice of physiotherapy while the member's certificate of registration is suspended unless full disclosure is made by the member to the Council of the nature of the benefit to be obtained and prior approval is obtained from the Council.
 39. Failing to supervise an assistant appropriately or in accordance with the regulations under the Act.
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2. Conduct Unbecoming Physiotherapist

The Code of Ethical Conduct governing the practice of physiotherapy in the province shall include the following definition of “*conduct unbecoming a physiotherapist*” for the purpose of consideration of a complaint and the institution of disciplinary proceedings. “Conduct unbecoming a physiotherapist” shall refer to conduct not in the course of the practice of the profession and shall include but not be limited to the following:

1. Where a member has been convicted of an offence pursuant to the Criminal Code of Canada the disciplinary committee (Complaints Authorization Committee) may, by such notice as it prescribes, require the member to attend a hearing to establish why the member should not be subject to disciplinary action.
2. Where a member has been convicted of an offence pursuant to the Narcotics Control Act of Canada the disciplinary committee may, by such notice as it prescribes, require the member to attend a hearing to establish why the member should not be subject to disciplinary action.

Appendix IV



Core-Standards-of-Pr
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Appendix V

Current Continuing Competency Program document