

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

Disclaimer

The information contained in this document is confidential, privileged and only for the information of the intended recipient(s) and may not be used, published or redistributed without the prior written consent of the Massage Therapy Association of Manitoba (MTAM)

This Regulation Workbook has been completed at the request of Manitoba Health, Seniors & Active Living by the Massage Therapy Association of Manitoba (MTAM) in conjunction with the Natural Health Practitioners of Canada (NHPC), together representing the majority of Massage Therapists in the province of Manitoba.

In 2016, the MTAM, together with colleagues from other associations submitted a report to the then Minister of Health, Seniors & Active Living, answering questions and outlining key agreements that were requested to be worked out to assist in the process to build a Regulatory College in Manitoba: [Summary of the REPORT](#).

This workbook uses those key agreements as they have stood the test of time and changes in the profession.

It is understood the intent of this workbook is not to be the fulsome regulation, but rather to assemble key information to assist policy makers. There will be opportunity for more discussion on sections that are not already pre-defined by the RHPA with all industry stakeholders.

We acknowledge that much of the workbook is already outlined per the Act, and any additions or information has been kept to the pertinent aspects of policy related to the profession.

We hope our work here gives policy makers a strong guideline for the additional discussion required for a final regulation for the profession of Massage Therapy in Manitoba.

Thank you for the opportunity to assist,

Tricia Weidenbacher

Executive Director

Massage Therapy Association of Manitoba

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

IMPORTANT NOTES

The following notes may have effect on the regulation policy and are considered relevant for any policy maker or a transition council to consider as they embark on creating a final version. They are current as of the date of submission and given the time frame currently outlined by the government for the policy work to begin, will need to be updated:

- Current education programs for massage therapy vary greatly across Canada and curriculum is not necessarily linked directly to the current massage therapy regulatory bodies, hence at the submission of this workbook, it is felt that independent examination of new registrants is the most effective and fair way to confirm readiness to practise.
- Some education stakeholders in Canada are working towards a system of accreditation but regardless of the success to implement and manage this program, it is clear that educators are aware that a baseline education for massage therapy is required to ensure entry-to-practice competency.
- In other health care professions, the process toward registration and licensing will include graduate members who work with mentors/qualified professionals and are given a limited scope of practice under the registry for a specific duration of time. In these cases, the mentorship has been made a part of the qualifying process. There are no formal programs like this in massage therapy, and as education for massage therapy varies so much across Canada, this class of membership was not considered an option in this workbook.
- The current massage therapy regulatory bodies through the Federation of Massage Therapy Regulatory Authorities of Canada (FOMTRAC) have created an [entry-to-practice competency document](#) for educators to follow to prepare students to pass the regulatory examinations. Educators in unregulated parts of the country currently self-select to follow these competencies as a baseline to build their curriculums. We feel this document is important to use in Manitoba to ensure consistency across Canada, and while not perfect, it is a good baseline at which to begin.
- Manitoba has a highly competitive Association situation. Wherein most provinces there are one or two associations representing Massage Therapists, here we have five and their intrinsic interconnection is greater in the absence of a Regulatory body for the profession. We encourage Manitoba Health, Seniors and Active Living to take a leadership role in managing all stakeholders as required to complete the regulatory policy.

REGULATION WORKBOOK
Guideline for General Regulation under the
Regulated Health Professions Act

Regulated Health Professions Act
REGULATION WORKBOOK

Manitoba Health, Seniors and Active Living
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REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

INTRODUCTION

The Regulated Health Professions Act (RHPA) was proclaimed into force effective January 1, 2014. In order to transition to regulation under the RHPA, each regulated health profession will require two regulations:

1. A Practice Regulation made by the Lieutenant Governor in Council that is profession specific and includes:
 - Scope of Practice Statement for the profession
 - authorized reserved acts for the profession

2. A College General Regulation made by the College Council and approved by the Lieutenant Governor in Council which, among other things, includes:
 - registration and certificate of practice requirements
 - requirements / conditions that may be applicable to performing a reserved act
 - requirements for the delegation of reserved acts
 - continuing competency program requirements
 - standards of practice for the profession

This document is a policy “workbook” for regulators to help write a policy draft of their College General Regulation and assemble the information required for the Practice Regulation relating to their profession. This information will be used to prepare legal drafts of the regulations, in close consultation with each profession.

The General Regulation is a College regulation enacted by the College itself (and then approved by the Lieutenant Governor in Council). It deals with such matters as membership classes, registration, conditions placed on the performance of reserved acts (if applicable), and continuing competence programs.

This workbook has been developed to assist Health Profession Regulatory Colleges in preparing a policy draft of their College General Regulation. This policy draft will inform the legal drafting of the College General Regulation. The workbook includes instructions for completion of each of the sections as well as the standardized provisions that are to be included in the General Regulations of all Colleges.

As it is expected that the majority of Colleges will follow the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation as a “template” for their policy draft of their College General Regulation with modifications that are appropriate to each profession, this workbook is generally based on that Regulation.

NOTE: When a modification from the “template” language in this workbook is contemplated by a college, the college should contact the Legislative Unit, Manitoba Health Seniors and Active Living to discuss the proposed change

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

It is expected that the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation will also be a useful reference for Colleges in terms of the level of detail required in the General regulation, the organization of the regulation and the language. It can be found at the following address:

http://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=192/2013

The professions of registered psychiatric nursing and licensed practical nursing should reference the College of Registered Nurses of Manitoba General Regulation in preparing the policy draft of their College General Regulation with modifications that are appropriate to each profession. Some portions of the Regulation may also be a useful reference for other Colleges. The Regulation can be found at the following address:

http://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=114/2017

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

GENERAL REGULATION

Definitions – Overview

Every regulation contains a definition section that lists, in alphabetical order, definitions of terms used in the regulation. However, definitions that are restricted in their application to a section, part, division or other portion of an act may be at the beginning of that section, part, division or other portion.

While legal drafters with the Department of Justice will make determinations as to which terms require defining, there are a number of common definitions that will be contained in each regulation and these are listed below. Other definitions required will depend on the content of the regulation, including the membership classes of the College.

All regulations will also be required to include a general provision setting out when a member is considered to be “competent to practice”. This provision is set out below.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

Definitions

"**Act**" means *The Regulated Health Professions Act*.

"**adult abuse registry check**" means an adult abuse registry check under *The Adult Abuse Registry Act*.

"**approved**" means approved by the council except when the approval is indicated to be given by the registrar.

"**child abuse registry check**" means a child abuse registry check under *The Child and Family Services Act*.

"**college**" means the College of Massage Therapy of Manitoba.

"**continuing competency program**" means the continuing competency program described in SECTION REFERENCE.

"**continuing competency requirements**" means the continuing competency requirements set out in ____.

"**council**" means the council of the college.

"**criminal record check**" means a record, including a vulnerable sector search, obtained from a law enforcement agency about a person stating

- (a) whether the person has any conviction or outstanding charge awaiting court disposition under any federal, provincial, or territorial enactment; and
- (b) the details of any conviction or charge.

"**full member**" means a massage therapist who is registered in the full class of regulated members.

"**massage therapy education program**" means an education program that is a prerequisite for registration in the **full** massage therapist membership class.

"**member**" means a person registered as a member of the college.

"**non-practising member**" means a massage therapist who is registered in the non-practising class of regulated members.

"**practice audit**" means a practice audit under Part 9 of the Act.

"**professional practice**" means the practice of registered massage therapy as those terms are described in the Practice of Massage Therapy Regulation.

"**provisional member**" a massage therapist who is registered in the provisional class of regulated members.

"**registered massage therapist**" means an individual entered on the register of massage therapists.

"**registered massage therapist entry-to-practice examination**" means an examination of the competencies required to engage in the practice of massage therapy that is a prerequisite for registration in the full massage therapist membership class.

"**restricted purpose member**" means a massage therapist who is registered in the restricted purpose class of regulated members.

"**satisfactory**" means satisfactory to the registrar.

Competent to practise

For the purpose of this regulation, a member is considered to be competent to engage in professional practice of massage therapy, if the member has the requisite knowledge, skill and judgment to perform the act or service.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

MEMBERSHIP

Overview

In this Part of the General regulation, the membership classes are to be established and described. This includes the registration requirements for each class that are in addition to those set out in the Act.

The membership classes must be appropriate to each regulated profession. Please review the provisions in both the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation and College of Registered Nurses of Manitoba General Regulation for examples of membership classes.

Classes could include different categories, such as advanced practice, provisional or other categories appropriate to your profession. This can include regulated associate members, if any. All professions are required to have a membership class to enable temporary registration of individuals who are registered/licenced in another jurisdiction for limited purposes such as

- (i) to conduct a training course or clinical presentation related to professional practice,*
- (ii) to conduct or engage in a research program related to the professional practice,*
- (iii) to demonstrate equipment or techniques to be used in clinical care related to professional practice,*
- (iv) to engage in professional practice for a specific purpose.*

In this Part of the General regulation, information that must be kept on a College's register respecting members in addition to that specified in section 28 of the Act is set out. The information on the College's register that must be made available to the public in addition to the information required to be made available to the public in section 28 is also set out. A College regulation must include the minimum requirements below for additional information that must be kept on the register of the College and the additional information on the register that must be made available to the public.

A College regulation must include the minimum registration requirements outlined below for full practicing members of the College. However, a College may propose to require the submission of additional information for certain classes. In relation to some classes such as a class used for temporary registration, a College may exempt applicants for certain classes – based on the purpose or duration of registration - from some of the registration requirements. The regulation must also include the provisions set out below under the heading "Continuing Obligations" respecting updating the information submitted for registration, including a requirement to submit updated criminal record, adult abuse registry and child abuse registry checks at intervals appropriate to the profession, which must not be less than every 5 years.

The regulation may place restrictions on certain classes of registration where appropriate for the profession. For example, the length of time that an individual may be registered in the class which enables temporary registration may have a maximum time period for this registration. If a College has a membership class for new graduates, there may be a maximum time period for this registration, members may be required to complete certain actions such as successful completion of a national examination within a specified timeframe, and/or members may be required to have a mentor or practice under supervision. Examples of the above and other such requirements can be found in both the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation and College of Registered Nurses of Manitoba General Regulation.

A College regulation will also be required to include the provision respecting labour mobility set out below.

The requirements that must be met in order for a member to transition to a different membership class must also be set out. For example, this may include transition from a full regulated member to a non-practicing member or from a graduate member to a full regulated member, etc. Examples of such requirements can be found in both the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation and College of Registered Nurses of Manitoba General Regulation.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

Registers and Membership Classes

NOTE: The membership classes are to be referred to and described in table format (see section 2.2 of the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation for an example of how the tables are to be completed):

Regulated members

The regulated membership classes are set out in the following table:

Register	Membership Class
<i>massage therapists (regulated members)</i>	<i>full</i>
	<i>provisional</i>
	<i>restricted purpose</i>
	<i>non-practicing</i>

Regulated associate members (if applicable)

The regulated associate membership classes are set out in the following table:

Register	Membership Class
<i>none</i>	

The description of each class is as follows:

Membership Class	Description
<i>full</i>	<i>a regulated member who is eligible to be issued a certificate of practice</i>
<i>provisional</i>	<i>a regulated member who is eligible to be issued a certificate of practice but who must also undergo a period of assessment before being eligible to be a full member</i>
<i>restricted purpose</i>	<i>a regulated member who is eligible to be issued a certificate of practice for an authorized restricted purpose and a limited time period</i>
<i>non-practising</i>	<i>a regulated member who is not currently engaged in professional practice, but who intends to become so engaged at a later date</i>

Register Information

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

A register must contain the information set out in subsection 28(1) or (2) of the Act, as the case may be. The register must also contain the following information for each member:

- (a) the registration date;
- (b) the name of the educational institution from which the member graduated and the graduation date;
- (c) if applicable, the course or courses of instruction that the member was required to complete and the completion date;
- (d) if applicable, the date of each subsequent registration of the member in another membership class;
- (e) any cancellation of a member's certificate of practice as permitted under section 48 or 49 of the Act;
- (f) any voluntary surrender of the member's certificate of practice accepted under section 102 of the Act and, if applicable, any direction given under section 105 of the Act to the member that he or she do one or more of the following to the satisfaction of a specified person or committee before the member's certificate may be reinstated:
 - (i) take counselling or receive treatment,
 - (ii) complete a specified course of studies,
 - (iii) obtain supervised experience under a restricted certificate of practice issued for that purpose;
- (g) any undertaking from or agreement with a member, including an undertaking accepted under section 102 of the Act, that provides for one or more of the following:
 - (i) an assessment of the member's capacity or fitness to practice the regulated health profession,
 - (ii) counselling or treatment of the member,
 - (iii) monitoring or supervision of the member's practice,
 - (iv) completion by the member of a specified course of studies by way of remedial training,
 - (v) the placement of one or more conditions on the member's right to engage in professional practice, which may include the conditions relating to reinstatement set out in section 106 of the Act;
- (h) any suspension of a member's registration or certificate of practice as permitted by section 110 or subsection 127(3) of the Act.
- (k) any suspension of the member's registration or certificate of practice as permitted by section 110 or subsection 127(3) of the Act;
- (l) the name of the facility or location at which the member primarily practises registered massage therapy

Public Information

Subsections 28(3) and (4) of the Act set out what information is to be made available to the public. In addition, the following information must be made available to the public during normal business hours:

- (a) the information described in clauses _____ to _____;
- (b) the information about the cancellation described in clause _____ under Register Information, if the member has not had his or her certificate of practice reinstated or been issued a new certificate of practice;
- (c) the information described in clause (f) under Register information, if the censure was accepted by the member in the current calendar year or the 10 previous calendar years;
- (d) the information about a voluntary surrender described in clause (g) (other than any directions), if the member has not had his or her certificate of practice reinstated or been issued a new certificate of practice;
- (e) the information described in subclause (h)(v), if the undertaking or agreement is in effect;
- (f) the information described in clause (i) — not including information about the provision under which the member was suspended or reasons for the suspension — if the suspension is in effect.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

Contents of application

SECTION# - A person who wishes to be registered as a member must submit the following to the registrar:

1. A signed application in the approved form.
2. The fees provided for in the by-laws.
3. Satisfactory proof of identity and current legal name.
4. Evidence of good standing in each jurisdiction in Canada or elsewhere in which he or she is or has been registered or licensed to practise registered **massage therapy**.
5. A satisfactory criminal record check, a satisfactory child abuse registry check and a satisfactory adult abuse registry check.
6. In the case of a person applying to be registered as a regulated member, evidence that he or she meets the requirements for registration set out in
 - (a) subsection 32(1) of the Act and the membership class for which he or she is applying.
 - (b) section ____ and
 - (c) section ____, ____, ____ or depending on the membership class for which he or she is applying.
7. Information as to whether
 - (a) the person is the subject of a current investigation or proceeding relating to the applicant's suitability to practise a health profession in Canada or elsewhere;
 - (b) the person is or has been the subject of a finding of conduct unbecoming, or professional misconduct or incompetence related to the practice of a health profession, in Canada or elsewhere;
 - (c) the person is or has been the subject of a finding of professional negligence or malpractice in Canada or elsewhere;
 - (d) the person has any current conditions, or had previous conditions, placed on his or her ability to practise a health profession in Canada or elsewhere;
 - (e) the person is or has been the subject of a denial of an application to practise a health profession in Canada or elsewhere; and
 - (f) the person has outstanding charges in respect of an offence that is relevant to the person's suitability to practise a health profession.
8. Any other information requested by the registrar, including information pertaining to the criminal record check, child abuse registry check or adult abuse registry check provided by the applicant.

SECTION (SUB) - To apply for registration in another membership class on another sub-register or to convert a membership to another class, a member must submit to the registrar the following:

1. A signed application in the approved form.
2. The fees provided for in the by-laws.
3. Evidence that the member meets the requirements for registration in the other membership class.
4. Any other information requested by the registrar.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

Registration requirements – regulated members

SECTION - For the purpose of clause 32(1)(g) of the Act, an applicant for registration in the full massage therapist membership class must establish

- (a) that the applicant has successfully completed one of the following:
 - (i) an approved massage therapy education program in Manitoba,
 - (ii) a massage therapy education program in any other jurisdiction in Canada that the council considers to be comparable to an approved massage therapy education program in Manitoba,
 - (iii) a massage therapy education program outside Canada that the council considers to be comparable to an approved massage therapy education program in Manitoba;

NOTE: A College must review the issue of language proficiency in terms of English/French fluency criteria. However, Colleges may require all members to have a certain level of English fluency appropriate to their profession.

- (b) that the applicant meets the English language proficiency criteria established by the council;
- (c) that the applicant has passed the registered massage therapist entry-to-practice examination within the period established by the council;
- (d) establish that he or she does not have a physical or mental condition or disorder, including an addiction to alcohol or drugs, that may impair his or her ability to engage in professional practice in a safe and effective manner, and that makes it desirable in the public interest that he or she not engage in professional practice;
- (e) establish that his or her past and present conduct affords reasonable grounds for the belief that the applicant will engage in professional practice competently and with decency, integrity and honesty and in accordance with the law; and
- (f) be legally entitled to work in Canada.

Additional registration requirements for full membership

These requirements are in addition to the requirements in subsection 32(1) of the Act.

SECTION (SUB) - An applicant who establishes under subclause ____ that he or she has successfully completed a massage therapy education program in any other jurisdiction in Canada (other than Manitoba) that the council considers to be comparable to a massage therapy education program in Manitoba must also establish that the applicant was registered in good standing in the jurisdiction in which he or she completed that massage therapy education program.

SECTION (SUB) - An applicant who establishes under subclause ____ that he or she has successfully completed a massage therapy education program in any other jurisdiction in Canada (other than Manitoba) that the council considers to be comparable to a massage therapy education program in Manitoba must also

- (a) establish that the applicant was registered in good standing in the jurisdiction in which he or she completed that massage therapy education program;
- (b) if required by the registrar, establish that the applicant has successfully completed an approved prior learning assessment; and
- (c) if required by the registrar, establish that the applicant has successfully completed a course of instruction as a result of the assessment under clause (b).

SECTION (SUB) - An applicant for registration as a full member may also be required to establish either one of the following:

- (a) he or she is registered as a provisional member and has received notice under subsection ____ from the registrar that the assessment requirements have been met;

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

(b) he or she practised in another regulated jurisdiction as a registered or licensed massage therapist, as the case may be, for at least **500 hours** in the three years before the application date.

Additional registration requirements for provisional membership

SECTION (SUB) - An applicant for registration as a provisional member must also establish either one of the following:

- (a) he or she graduated from an approved education program within three years before the application date;
- (b) he or she successfully completed an **approved refresher education course or examination** within three years before the application date.

Additional registration requirements for restricted purpose membership

SECTION (SUB) - An applicant for registration as a restricted purpose member must also

- (a) establish that he or she is registered or licensed as a full, massage therapist in good standing in another jurisdiction in Canada or elsewhere;
- (b) establish that he or she practised in that jurisdiction as a massage therapist for at least **500 hours** in the three years before the application date; and
- (c) give the registrar a signed declaration that he or she will have direct client contact only for one or more of the following purposes
 - (i) to conduct a training course or clinical presentation related to professional practice,
 - (ii) to conduct or engage in a research program related to the professional practice,
 - (iii) to demonstrate equipment or techniques to be used in clinical care related to professional practice,
 - (iv) to engage in professional practice for any other approved purpose

Additional registration requirements for non-practising membership

SECTION (SUB) - An applicant for registration as a non-practising member must also

- (a) establish that he or she was registered as a full member in good standing immediately before applying for registration as a non-practising member; and
- (b) give the registrar a signed declaration that he or she
 - (i) does not intend, at the time of applying for membership, to engage in professional practice in Manitoba as a non-practising member, but does intend to do so at a later date, and
 - (ii) will participate in the continuing competency program for non-practising members under (section reference) or depending on the membership class for which he or she is applying.

Labour mobility

For greater certainty, subsection 32(3) of the Act applies to sections _____.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

NOTE: the applicable sections in the labour mobility provision will be filled in when the legal draft of the regulation is completed. Colleges are not required to complete this.

Limitations/Requirements applicable to specific classes of members

Note: Any additional limitations/requirements applicable to specific categories of members must be specified. As noted above, this may for example include limiting the length of time that an individual may be registered in the class which enables temporary registration may have a maximum time period for this registration. If a College has a membership class for new graduates, there may be a maximum time period for this registration, members may be required to complete certain actions such as successful completion of a national examination within a specified timeframe, and/or members may be required to have a mentor or practice under supervision.

PROVISIONAL MEMBERSHIP

Membership period

(1) Subject to subsection ____, a person may be registered as a provisional member for a period of at least six months but not more than 12 months.

(2) Despite subsection (1), the registrar may extend that period for up to an additional 24 months if

(a) the member applies in writing for an extension before the initial time period referred to in subsection (1) expires and sets out the reasons for the extension request; and

(b) either one of the following occurs:

(i) the registrar determines that there are exceptional or extenuating circumstances that merit an extension,

(ii) the registrar determines that the member is unable to successfully complete the assessment requirements to the registrar's satisfaction, the member agrees to participate in an additional plan to remedy the deficiencies, and the registrar approves that plan.

(3) The extension may be made subject to any conditions that the registrar considers advisable.

(4) The registrar must

(a) promptly give the provisional member written notice of his or her determination under this section; and

(b) if the requested extension is not granted or is granted subject to conditions, give the provisional member written reasons for making that determination and advise the provisional member of the right to appeal the decision to the council.

Written assessment plan

(1) A provisional member must submit an assessment plan (in the approved form) to the registrar within 30 days after the provisional member receives his or her certificate of practice.

(2) The provisional member must meet the requirements of the assessment plan during the membership period.

Activities to be completed

(1) To establish his or her competency to engage in professional practice, a provisional member must complete at complete at a set of activities approved by the registrar.

(2) The provisional member must complete the activities at regular intervals throughout the assessment period.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

(3) The provisional member must complete the activities in each clinical setting in which the provisional member intends to practise as a full member.

Interim evaluation report

At the registrar's request, a provisional member and his or her mentor, when applicable, must complete one or more interim evaluation reports in the approved form and submit them to the registrar.

Final evaluation report

(1) At the end of the assessment period, a provisional member must complete the final evaluation report in the approved form and submit it to the registrar.

(2) After reviewing a final evaluation report, the registrar must notify the provisional member in writing whether the assessment requirements have been met.

(3) A provisional member who is notified that the assessment requirements have not been met may appeal that decision to the council. Sections 38 and 39 of the Act apply with necessary changes.

Time period to apply for full membership

SECTION (SUB) - If a provisional member wishes to apply to become a full member, he or she must do so within 90 days after receiving the registrar's notice under section ____ that the member has successfully completed the assessment requirements.

SECTION (SUB) - If the provisional member does not apply within the 90-day period, his or her provisional membership is cancelled under section ____.

SECTION (SUB) - Despite subsection (2), the provisional member may request an extension of the time period for applying to be a full member if

- (a) the member applies in writing for an extension before the 90-day period expires and sets out the reasons for the extension request; and
- (b) the registrar determines that there are exceptional or extenuating circumstances that merit an extension.

Cancellation

SECTION (SUB) - A provisional member's registration is cancelled if either of the following occurs:

- (a) he or she does not satisfactorily complete the assessment program within the 12-month membership period or extended time period, if granted;
- (b) he or she satisfactorily completes the assessment program within the applicable time period but does not apply to become a full member within the time period specified in or extended under section ____.

RESTRICTED PURPOSE MEMBERSHIP

Membership period

A person may be registered as a restricted purpose member for a period of not more than 12 consecutive months.

Cancellation

The registrar may cancel a restricted purpose member's registration

- (a) at the end of the 12-month membership period;
- (b) before the 12-month membership period ends when the registrar receives written notice from the member that the purpose or purposes for which the registration was granted have been fulfilled; or

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

(c) when the member has ceased to be registered as a full, practising massage therapist in good standing in another jurisdiction in Canada or elsewhere.

Changing Membership Classes

As noted above, the requirements that must be met in order for a member to transition to a different membership class must also be set out. For example, this may include transition from a full regulated member to a non-practising member or from a graduate member to a full regulated member, etc. Examples of such requirements can be found in sections 2.25 to 2.30 of the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation.

Provisional member becoming full member

SECTION (SUB) - A provisional member is entitled to become a full member if he or she

- (a) applies in the approved form within the time period specified in section ____.
- (b) pays the fee provided for in the by-laws; and
- (c) establishes that he or she meets the requirement in clause ____.

Non-practising member becoming full member

SECTION (SUB) - (1) - A non-practising member is entitled to become a full member if he or she

- (a) applies in the approved form;
- (b) pays the fee provided for in the by-laws; and
- (c) establishes that he or she has met the continuing competency requirements for non-practising members in Part ____.

SECTION (SUB) - (2) - If the non-practising member has been such a member for three or more years before the application date, he or she must meet, at the registrar's discretion, either one or both of the following re-entry to practice requirements:

- (a) the member must undergo a period of mentorship;
- (b) the member must successfully complete any approved examinations, tests, assessment, training or education that the registrar considers necessary to determine that the member is competent to engage in professional practice.

This is in addition to the requirements set out in subsection (1).

Full member becoming non-practising member

SECTION (SUB) - (1) - A full member is entitled to become a non-practising member if he or she

- (a) applies in the approved form before he or she ceases to practise;
- (b) pays the fee provided for in the by-laws; and
- (c) gives the registrar a signed declaration that he or she
 - (i) intends, at the time of applying, to return to professional practice in Manitoba at a later date,
 - (ii) will not engage in professional practice in Manitoba while registered as a non-practising member, and

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

(iii) will participate in the continuing competency program for non-practising members under Part 6.

Restricted purpose member becoming full member

SECTION (SUB) - (1) - A restricted purpose member who wishes to become a full member must apply for provisional membership or, if he or she meets the requirement in clause ____, full membership.

Continuing Obligations

Obligation to submit information if there has been a change

If there is a change in the information provided by a regulated member (when the member applied for registration), the member must promptly submit the new information to the registrar.

Checks to be provided (at least) every five years

A member must provide the registrar with a satisfactory child abuse registry check and a satisfactory adult abuse registry check every **five years** after he or she is registered. (*Note: this must be at least every 5 years.*)

Registrar may request additional checks

If at any time the registrar receives information that causes the registrar to believe that the member may pose a risk to the public or may be unable to engage in professional practice, the registrar may require the member to provide an additional satisfactory criminal record check or child abuse registry check or adult abuse registry check.

Additional Registration Requirements

Note: Any additional registration requirements for specific categories of members must be specified in the Regulation. See sections 2.7 to 2.11 of the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation for examples.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

PRACTICE

Overview

This Part provides for certificates of practice, the use of authorized titles and abbreviations and the requirement for professional liability insurance.

A certificate of registration does not entitle a member to engage in professional practice. To do so, a member must also hold a certificate of practice.

The regulation must provide that an applicant for a certificate of practice must provide/establish the information listed below.

The certificate of practice may provide for, by notation, the field(s) of practice of a member.

Under the Act a certificate of practice must include any conditions imposed on a member's practice. The regulation for the profession may specify conditions for the issue of a certificate of practice. As an example, a regulation may provide that graduate members may only practice if assigned a mentor or under direct supervision or that a specified class of membership may only practice in certain practice settings or with prescribed patient populations. See the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation and College of Registered Nurses of Manitoba General Regulation for additional examples.

*Sections 48 to 52 of the Act set out the circumstances in which a practice certificate may be cancelled. In addition to these requirements, **the College regulation must provide that a practice certificate is cancelled upon cancellation of the member's registration. It may also include additional circumstances in which practice certificates are cancelled.** For example, in relation to the class used for the purposes of temporary registration for specific circumstances, the regulation may provide that the practice certificate is cancelled when the purpose for which it was issued has been completed or if the temporary member ceases to be licensed in another jurisdiction. See the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation or College of Registered Nurses of Manitoba General Regulation for additional examples.*

A College regulation will also be required to include the provision respecting labour mobility set out below.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

Certificate of practice

Overview

A certificate of registration does not entitle a member to engage in professional practice. To do so, a member must also hold a certificate of practice. This Part supplements the requirements in the Act for a certificate of practice.

This Part also deals with authorized titles and abbreviations and the requirement for professional liability insurance.

Certificate of practice

A non-practising member who wishes to obtain a certificate of practice must first change his or her membership class in accordance with section ____.

Requirements for issuing certificate of practice

For the purpose of clause 40(1)(e) of the Act, an applicant must provide the following information to the registrar in the approved form:

- (a) a satisfactory criminal record check, a satisfactory child abuse registry check and a satisfactory adult abuse registry check;
- (b) evidence that he or she meets the requirements for a certificate of practice set out in subsection 40(1) of the Act and of the regulation;
- (c) information as to whether
 - (i) the person is the subject of a current investigation or proceeding relating to the applicant's suitability to practise a health profession in Canada or elsewhere,
 - (ii) the person is or has been the subject of a finding of conduct unbecoming, or professional misconduct or incompetence related to the practice of a health profession, in Canada or elsewhere,
 - (iii) the person is or has been the subject of a finding of professional negligence or malpractice in Canada or elsewhere,
 - (iv) the person has any current conditions or had any previous conditions placed on his or her ability to practise a health profession in Canada or elsewhere,
 - (v) the person is or has been the subject of a denial of an application to practise a health profession in Canada or elsewhere, and
 - (vi) the person has outstanding charges in respect of an offence that is relevant to the person's suitability to practise a health profession;
- (d) any other information requested by the registrar, including information pertaining to the criminal record check, child abuse registry check or adult abuse registry check provided by the applicant.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

For the purpose of clause 40(1)(f) of the Act, the applicant must establish

- (a) that he or she does not have a physical or mental condition or disorder, including an addiction to alcohol or drugs, that may impair his or her ability to engage in professional practice in a safe and effective manner, and that makes it desirable in the public interest that he or she not engage in professional practice;
- (b) that his or her past and present conduct affords reasonable grounds for the belief that the applicant will engage in professional practice competently and with decency, integrity and honesty and in accordance with the law; and
- (c) that he or she has not been convicted of an offence that is relevant to his or her suitability to engage in professional practice.

Expiry of certificate

SECTION (SUB) - Subject to subsection 46(3) of the Act, a certificate of practice is valid from the date it is issued or renewed until December 31 of the year for which it is issued or renewed.

SECTION (SUB) - Despite subsection (1), a certificate of practice is no longer valid if the full, provisional or restricted purpose member ceases to be registered as such a member.

Cancellation

SECTION (SUB) - A provisional member's certificate of practice may be cancelled at any time during the year for the following reasons:

- (a) there is no assessment plan in place within the agreed upon time period;
- (b) when applicable, a designated the mentor is unable or unwilling to continue acting as a mentor and an agreement with another mentor has not been entered into within 60 days after the mentor has ceased to act.

SECTION (SUB) - The registrar may cancel a restricted purpose member's certificate of practice

- (a) before the 12-month membership period ends if the registrar receives written notice from the member that the purpose or purposes for which the registration was granted have been fulfilled; or
- (b) if the member has ceased to be registered as a full, practising massage therapist in good standing in another jurisdiction in Canada or elsewhere.

Note: As noted above, the College regulation may include additional circumstances in which practice certificates are cancelled. For example, in relation to the class used for the purposes of temporary registration for specific circumstances, the regulation may provide that the practice certificate is cancelled when the purpose for which it was issued has been completed or if the temporary member ceases to be licensed in another jurisdiction. See section 3.5 of the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation for examples.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

Surrender of certificate

When a member's certificate of practice is cancelled, the person must promptly surrender the certificate to the registrar. For other provisions about cancellation of a certificate of practice, see sections 48 to 52 of the Act.

Renewal requirements

SECTION (SUB) - For the purpose of clause 46(1)(c) of the Act, the requirements for renewal of a certificate of practice are as follows:

- (a) the applicant meets the requirements under subsection 40(1) of the Act and section ____ of this regulation;
- (b) the applicant meets the continuing competency requirements under Part ____;
- (c) subject to subsection ____, an applicant who is a full member engages in professional practice and has provided a minimum of 500 hours of direct client care within the scope of practice of the profession within the previous three years.

SECTION (SUB) - An applicant who is a full member must provide evidence that he or she meets the requirement in clause ____ with his or her application to renew a certificate of practice that is effective as of January 1, 201_ and every renewal application after that.

SECTION (SUB) - If an applicant fails to meet a requirement of clause ____ or ____ of subsection (2), the registrar may

- (a) require the applicant to meet either one or both of the following:
 - (i) undergo a period of mentorship,
 - (ii) successfully complete any approved examinations, tests, assessment, training or education that the registrar considers necessary to establish that the member is competent to engage in professional practice; and
- (b) renew his or her certificate of practice subject to any conditions that the registrar considers advisable.

SECTION (SUB) - If the registrar renews the certificate of practice of an applicant who fails to meet the requirements of clause ____, the certificate must be subject to any conditions that the Continuing Competency Committee has directed the registrar to impose under subsection ____ for the period specified under subsection ____, or, if part of that period has elapsed, for the remaining portion of the period. These conditions are in addition to any requirements or conditions that may be imposed under subsection (3).

Labour mobility

Sections (TBD As below)_____ are subject to the obligations of the college under subsection 3(1) of *The Labour Mobility Act*.

NOTE: the applicable sections in the labour mobility provision will be filled in when the legal draft of the regulation is completed. Colleges are not required to complete this.

Conditions

NOTE: As noted above, under the Act a certificate of practice must include any conditions imposed on a member's practice. The regulation for the profession may specify conditions for the issue of a certificate of practice. As an example, a regulation may provide that graduate members may only practice if assigned a mentor or under direct supervision or that a specified class of membership may only practice in certain practice settings or with prescribed patient populations. See section 3.8 of the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation for an example of this.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

Conditions on certificate of practice

It is a condition of each provisional member's certificate of practice that he or she must fulfill all registration obligations within the time period given.

It is a condition of each restricted purpose member's certificate of practice that he or she engage in professional practice (including the performance of reserved acts and specialized health care services) only as authorized by the registrar.

Change in information

A member who holds a valid certificate of practice must promptly submit any change in the information provided to the registrar for the issuance of a certificate of practice.

Additional checks

If at any time the registrar receives information that causes the registrar to believe that a member may pose a risk to the public or may be unable to engage in the practice of registered massage therapy, the registrar may require the member to provide an additional satisfactory criminal record check, child abuse registry check or adult abuse registry check.

The registrar may request additional information respecting the criminal record check, child abuse registry check or adult abuse registry check provided by a member.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

Titles

Overview

Protected professional titles are to be set out in the regulation, and their use is authorized in the regulations. For some professions, only certain categories of members may use certain titles. For others, all members may use all of the protected titles. If the former is applicable, the College regulation should include a table as set out below. In the latter situation, the regulation can specify that “A member of any class may use the following titles...”

Only the persons specifically referenced in section 78 of the RHPA may use the title of “doctor”, “surgeon” or “physician” or variation or abbreviation of any of them or an equivalent in another language.

A College must also consider whether there will be any other requirements in relation to the use or titles by its members such as:

- A non-practising member must include the term “(Non-Practising)”, or its equivalent in another language immediately after the applicable title or abbreviation*
- An inactive or retired member must include the term “(Inactive)” or the abbreviation “Inact” or the term “(Retired)” or the abbreviation “(Ret.)”, as the case may be or their equivalent in another language, immediately after the applicable title or abbreviation.*

See the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation and College of Registered Nurses of Manitoba General Regulation for additional examples.

Titles and abbreviations

While engaged in the practice of massage therapy, a member who is registered in the class listed in the first column of the following table and who holds a valid certificate of practice is entitled to use the title and abbreviation set out opposite in the second column:

Membership Class	Title
<i>full</i>	Registered Massage Therapist Remedial Massage Therapist Abbreviation: RMT
	Licensed Massage Therapist Abbreviation: LMT
	Massage Therapist Abbreviation: MT
	Registered Massage Practitioner Abbreviation: RMP
	Massage Practitioner Abbreviation: MP

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

<i>restricted purpose</i>	Registered Massage Therapist (Restricted Purpose) Regulated Massage Therapist (Restricted Purpose) Remedial Massage Therapist (Restricted Purpose) Abbreviation: RMT (Restricted Purpose) Massage Therapist (Restricted Purpose) Abbreviation: MT (Restricted Purpose) Registered Massage Practitioner (Restricted Purpose) Massage Practitioner (Restricted Purpose)
<i>non-practising</i>	Registered Massage Therapist (non-practising) Regulated Massage Therapist (non-practising) Remedial Massage Therapist (non-practising) Abbreviation: RMT (non-practising) Massage Therapist (non-practising) Abbreviation: MT (non-practising) Registered Massage Practitioner (non-practising) Massage Practitioner (non-practising)

No person other than a person who is registered as a massage therapist shall use any of the titles or abbreviations listed in subsection _____ or a variation of any of those titles and abbreviations, alone, or in combination with other words, in a manner that states or implies that the person is a massage therapist.

Only a regulated member who holds a valid certificate of practice is entitled to use the term "licensed" or a variation or abbreviation of it or its equivalent in another language to describe his or her professional practice.

Indicating membership class

When using a title or abbreviation or both, the following members must also indicate their class of membership:

1. A non-practising member must include the term "(Non-Practising)", or its equivalent in another language, immediately after the applicable title or abbreviation.
2. A restricted purpose member must include the term "(Restricted Purpose)", or its equivalent in another language, immediately after the applicable title or abbreviation.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

Insurance

Overview

Members are required to be covered by professional liability protection or insurance. This insurance can be obtained by members directly or through their employer. The minimum amount of insurance required must be set out in the regulation. The basic provisions to be included in a College regulation respecting insurance are set out below. Where appropriate to a profession, there may be different minimum amounts of insurance required for different classes of members.

Insurance

SECTION (SUB) - A regulated member who holds a certificate of practice must

- (a) be covered by liability insurance of an approved type to a minimum of **\$2 million** for each occurrence or claim; and
- (b) promptly notify the registrar if he or she is no longer covered by the required liability insurance.

SECTION (SUB) - If the regulated member is no longer covered by the required liability insurance, his or her certificate of practice is cancelled. At the time of notifying the registrar under clause _____, the member must also promptly surrender the certificate of practice to the registrar.

Obligation to submit information if there has been a change

SECTION (SUB) - If there is a change in the information provided by a regulated member under clause _____(b), (c) or (d), the member must promptly submit the new information to the registrar.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

RESERVED ACTS

Overview

The performance of reserved acts is authorized in the profession specific Practice Regulation made by the Lieutenant Governor in Council. Some professions may have a limited list of one or two authorized activities.

Other professions will have a more extensive and complex set of authorizations. See the document entitled “The Regulated Health Professions Act Overview and Guidance Document” for the submission requirements respecting reserved acts.

The regulation will contain any conditions, supervision and delegation requirements relating to the performance of reserved acts.

Also, if relevant, the regulation will address which categories of members can perform the act. For example, a particular reserved act may be an area of advanced practice for a small group of members or a class of membership may be authorized to perform the reserved act with “additional education” and/or in “specified facilities”. The performance of a reserved act may also be restricted to a specific practice setting or required to be performed only in collaboration or after consultation with another health professional.

The regulation must also include the provisions respecting the performance of reserved acts set out below.

If members of a College are going to be permitted to delegate the performance of reserved acts or accept the delegation of reserved acts, the regulation must provide for the delegation of reserved acts, including specifying which reserved acts may be delegated by a member or which reserved acts may be delegated to a member. The minimum standard provisions for delegations are set out below. The authority to delegate or accept the delegation of a reserved act may be limited to specific classes of members if appropriate for the profession or the regulation may provide that different classes of members may delegate or accept the delegation of different reserved acts.

Where appropriate to a profession, the delegation provisions may also provide for additional requirements respecting delegation such as a requirement for a written delegation agreement (See the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation for an example of this).

Performing reserved acts

A member may perform a reserved act only if the member is legally permitted and competent to perform it and it is safe and appropriate for the procedure being performed.

Comply with policies

A member must comply with any policy respecting the performance of a reserved act that is in place in the practice setting where the member performs that act if

- (a) the member has been made aware of the policy; and
- (b) the policy is not inconsistent with the Act or the college’s regulations, by-laws, directions or code of ethics

Delegation of a reserved act

A member may delegate the performance of a reserved act to a person referred to in section 6 of the Act only if the member

- (a) is legally permitted and competent to perform the reserved act being delegated;
- (b) is satisfied on reasonable grounds that the person accepting the delegation is competent to perform the reserved act;
- (c) is satisfied on reasonable grounds that it is safe and appropriate for the person accepting the delegation to perform the reserved act; and
- (d) is readily available for consultation while the person accepting the delegation performs the reserved act.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

NOTE: the regulation must either list the reserved acts that can be delegated or list the act that cannot be delegated

For the purpose of subsection (1) (above), the following reserved acts can be delegated:

- (i)
- (ii)
- (ii)
-

OR

For the purpose of subsection (1) (above), the following reserved acts cannot be delegated:

- (i)
- (ii)
- (iii)
-

For the purpose of this section, a person is considered to be competent to perform a reserved act referred to in this section if he or she has the requisite knowledge, skill and judgment to perform the act.

A delegation to perform a reserved act referred to in this section may not be further delegated.

Accepting a delegated reserved act

A member may accept a delegation of the performance of a reserved act only if

- (a) the person who makes the delegation
 - (i) is a member of another regulated health profession,
 - (ii) is legally permitted and competent to perform the reserved act being delegated, and
 - (iii) is available for consultation during the performance of the reserved act by the regulated member under the delegation; and
- (b) the member who accepts the delegation
 - (i) holds a valid certificate of practice,
 - (ii) is competent to perform the reserved act, and
 - (iii) is satisfied on reasonable grounds that it is safe and appropriate to perform the reserved act.

NOTE: the regulation must list the reserved acts that can be accepted or not accepted through delegation:

For the purpose of subsection (1) (above), the following reserved acts can be accepted:

- (i)
- (ii)
- (ii)
-

OR

For the purpose of subsection (1) (above), the following reserved acts cannot be accepted:

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

RESERVED ACTS (PROPOSED FOR DISCUSSION)

Overview

SECTION(SUB) - This Part sets out which reserved acts may be performed by a member of a membership class and under what conditions. It also includes the rules for supervision of students. The reserved acts that form part of the scope of practice of registered massage therapy are set out in the Practice of Massage Therapy Regulation.)

Definitions

3.2 The following definitions apply in this Part.

"acupuncture" refers to the stimulation of certain points on the body by the insertion of needles for the purpose of pain management or relief. It involves inserting acupuncture needles at particular body points based on anatomical location, Traditional Chinese Medicine, and/or neurophysiological principles.

"additional approved education" means a course, program of study, training or other structured process that meets the approved criteria by the council and whose purpose is to provide a member with the competency to perform a reserved act.

"**Dry needling therapy**" refers to the stimulation of contracted muscle tissue, adherent scars, or fascia by the insertion of acupuncture needles for the purpose of pain management or relief.

"registered massage therapist" means a person who is registered in the full massage therapist membership class and who holds a valid certificate of practice.

Performing a reserved act

A member may perform a reserved act only if the member is legally permitted and competent to perform it and it is safe and appropriate for the procedure being performed.

Reserved act — massage therapist

If a registered massage therapist has completed additional approved education, a registered massage therapist may perform a procedure on tissue below the dermis for the following purposes:

- (a) to prevent or modify the perception of pain
- (b) to alter physiological functions.

Practice setting policies

A member must comply with any policy respecting the performance of a reserved act that is in place in the practice setting where the member performs that act if

- (a) the member has been made aware of the policy; and
- (b) the policy is not inconsistent with the Act or the college's regulations, by-laws, practice directions or code of ethics.

Transitional

A full member is exempt from the requirement in clause ___ if the member establishes, to the registrar's satisfaction, that he or she

- (a) has the training and experience necessary to competently perform the specialized health care service; and
- (b) has provided that service as a regular part of his or her professional practice before the day this section comes into force.

This section expires one year after it comes into force.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

Supervision

Overview

If members of the profession are to be authorized to supervise the performance of reserved acts by others such as students, clause 5(1)(c) of the Act requires that this authority be set out in the regulation.

As appropriate to the profession, the regulation must state the level of supervision to be exercised and under what circumstances. This could include situations where the supervisor must be physically present (direct supervision) or available for consultation.

See the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation for an example of supervision provisions.

SUPERVISION

Supervising students

SECTION (SUB) (1) - A full member may supervise the performance of a reserved act by an individual who is enrolled in an approved massage therapy education program only if the member

- (a) is legally permitted and competent to perform the reserved act; and
- (b) has at least one year of experience in performing that reserved act.

SECTION (SUB) - (2) The supervisor must be physically present and available to assist during the individual's performance of the reserved act.

Supervising full members

SECTION (SUB) - (1) As part of his or her training to become eligible for to provide the reserved act health care service only if he or she is supervised while doing so by a person who meets the requirements of this section.

SECTION (SUB) - (2) A person may supervise a full member who provides a specialized health care service if that person is either

- (a) a full member who has been approved by the registrar; or
- (b) another health care professional who is legally permitted and competent to perform the service.

SECTION (SUB) - (3) The supervisor must be physically present and available to assist during the member's performance of the reserved act health care service.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

STANDARDS OF PRACTICE

Overview

*The standards of practice must appropriately reflect the nature of practice of each profession. The regulation can contain provisions that apply to practitioners who are **employees as well as additional provisions for practitioners who are self-employed.***

The RHPA permits a college to incorporate by reference a “standards of practice” document that it has itself created. This allows the college flexibility to change the standards as required without needing a regulatory change each time it does so. This standards of practice document must be developed before the regulation is finalized so it can be appropriately referenced in the regulations.

Incorporation by reference

In addition to this regulation, a member must comply with those standards established and published by the college entitled “Standards of Practice of _____”, as amended by council from time to time.

However, core standards must be included in the regulation rather than the standards of practice document. See the document entitled “The Regulated Health Professions Act Overview and Guidance Document” for more detailed information on the standards that are to be included in the College regulation. A significant core standard relates to “Collaborative Care”. This is set out below.

See the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation or College of Registered Nurses of Manitoba General Regulation for examples of other core standards.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

STANDARDS OF PRACTICE

Professional practice obligations

SECTION (SUB) - A member may engage in professional practice only if the member is legally permitted and competent to do so and only

- (a) in an environment that is appropriate, safe and sanitary; and
- (b) by effective and respectful communication with clients, including
 - (i) communicating with a client about his or her care in a timely manner, and
 - (ii) having sufficient dialogue with the client about his or her condition, the nature of the treatment and the treatment options, including the risks, benefits and efficacy of the options, to enable informed decision-making on the part of the client.

Client-centred practice

SECTION (SUB) - A member may engage in the practice of registered massage therapy only if the member is legally permitted, competent and fit to do so. A member must acknowledge his or her limitations in skill, knowledge and judgment and must ensure that he or she practises massage therapy within those limitations.

SECTION (SUB) - The practice of massage therapy encompasses a number of domains, such as clinical practice, education, administration and research.

SECTION (SUB) - When engaging in the practice of massage therapy, a member must apply, as a framework, the massage therapy protocol which is the systematic approach to the practice that encompasses all steps taken by the member in planning for the needs of his or her client, including assessment, planning, implementation and evaluation.

SECTION (SUB) - The principles of client-centred practice in a clinical practice setting also apply to the practice of registered massage therapy in the other domains such as education, administration and research.

SECTION (SUB) - When engaging in the practice of registered massage therapy in a clinical practice setting, a member must provide massage therapy care that includes

- (a) an assessment to determine the needs and circumstances of the client;
- (b) a care or treatment plan with the client or his or her representative and any other person who the client wishes to involve, which takes into account the client's needs, circumstances, preferences, values, abilities and culture;
- (c) an evaluation of the outcomes of the care or treatment plan and the modification or discontinuance of the care or treatment plan as required and as discussed with the client or his or her representative;
- (d) sufficient and timely communication with the client or his or her representative that takes into account the client's needs, circumstances, understanding and use of health information and enables the client or his or her representative to make informed decisions about his or her health care;
- (e) a referral of the client to another member or health care professional when appropriate; and
- (f) support for the client in self-management of their health care by way of the provision of information, resources and referrals to enable informed decision making by the client or his or her representative.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

Assessment of client needs

SECTION (SUB) - Before treating a client, a member must

- (a) perform an assessment of the client to determine the client's needs, including performing or reviewing any screening and other tests required; and
- (b) prepare a treatment plan for the client.

SECTION (SUB) - The results of the assessment and the treatment plan must be recorded or included in the client's record.

Treatment plans

SECTION (SUB) - A member must prepare a client's treatment plan

- (a) by involving the client, any representative of the client, and any other person the client wishes to involve; and
- (b) as circumstances require, by working collaboratively with other health care professionals and others who provide care to the client to provide comprehensive care and avoid duplication of services.

SECTION (SUB) - The treatment plan must

- (a) be based on the member's assessment of the client;
- (b) respond to the client's needs and goals for treatment; and
- (c) respect the client's culture, preferences and values.

Collaborative Care

SECTION (SUB) - When a member is involved in providing for the health care of a client, the member must

- (a) work collaboratively and cooperatively with clients, families and other health care providers in providing for the health care of the client and communicate effectively and appropriately with them;
- (b) ensure that he or she understands the member's role and the role of the other health care providers in providing for the health care of the client;
- (c) explain to the client or his or her representative the member's role and responsibility;
- (d) comply with any collaborative care policies in place at the practice setting where the member and other health care providers are providing for the health care of the client;
- (e) give his or her full name and designation of membership class to the client, his or her representative, and any other person involved in the client's health care;
- (f) treat other health care providers with respect; and
- (g) recognize the skill, knowledge, judgment, and roles of others involved in the client's care.

SECTION (SUB) - A member must document on the client's record the massage therapy provided by the member with enough information for another member or health care professional to be sufficiently informed of the care provided.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

Treatment of clients

SECTION (SUB) - A member must

- (a) base the treatment of a client on the client's treatment plan;
- (b) monitor and evaluate the effectiveness of treatment and the client's response to it, and modify or discontinue the treatment plan and treatment, as required;
- (c) when necessary, involve or collaborate with other health care professionals and others providing care to the client;
- (d) refer the client to another health care professional when treatment or care is beyond the member's scope of professional practice or competence; and
- (e) when necessary, provide the client and any other appropriate person with relevant information about self-management of treatment

SECTION (SUB) - The member must document in the client's record the treatment provided to the client and the client's response to the treatment.

Ongoing evaluation

SECTION (SUB) - A member must

- (a) discuss with his or her client, and any representative of the client, changes to treatment, and, when required, prepare a revised treatment plan;
- (b) as required, communicate the results of a client's evaluation with other health care professionals; and
- (c) document, date, and sign the findings of any evaluation of the client, including changes to the treatment plan, and record the evaluation and changes to the treatment plan in the client's record.

Equipment

SECTION (SUB) - A member must ensure that equipment used in his or her professional practice is

- (a) fit for the purpose for which it is used; and
- (b) maintained in good repair and in sound operating condition.

SECTION (SUB) - A member is responsible for the proper decontamination, cleaning, disinfection and sterilization of multiple-use equipment before use or reuse.

Discontinuing treatment

SECTION (SUB) - A member must discontinue a client's treatment

- (a) when the client's goals or expected outcomes are attained;
- (b) if the client declines continued treatment;
- (c) if the client is unable to continue receiving treatment; or
- (d) if the member determines that there is no therapeutic benefit to continuing treatment.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

SECTION (SUB) - A member may discontinue treatment if

- (a) the client does not comply with the member's policies about attending appointments or payment of fees; or
- (b) the client is physically, sexually or verbally abusive to the member or to others.

Client records

SECTION (SUB) - A member must appropriately document the provision of client care in a record specific to each client.

SECTION (SUB) - A client's record must be retained by the regulated member having last custody of it for at least 10 years after the date of the last entry on the record, and client records of minors must be retained for at least 10 years after the date the minor becomes 18 years old.

SECTION (SUB) - If a client or his or her authorized representative requests that a copy of the client's records be transferred to another regulated member or to a health care professional, the member must ensure that the request is complied with as promptly as required in the circumstances but no later than 30 days after the member receives the request.

SECTION (SUB) - A reasonable transfer fee may be approved by the council. A member may charge that fee in respect of approved transfers.

SECTION (SUB) - The obligations under this section are in addition to any other requirements relating to client records under the Act, The Personal Health Information Act, and any other enactment, by-law, standard of practice, code of ethics and practice direction with which a member must comply.

Notice when closing or leaving practice

SECTION (SUB) - A member must give his or her clients and the college at least 30 days' written notice of the member's intention to close or change the location of his or her practice, cease to engage in or take a leave of absence from his or her professional practice.

SECTION (SUB) - The notice must include information about where the client records are to be located and how copies of the records can be obtained from or transferred to another regulated member, health care professional, or trustee under The Personal Health Information Act in Manitoba.

SECTION (SUB) - The registrar may waive or vary the requirements under this section in exceptional or extenuating circumstances.

SECTION (SUB) - This section does not apply if the client records are maintained by a trustee who employed or engaged the regulated member in his or her professional practice.

SECTION (SUB) - This section does not apply if the member engages in professional practice as an employee or independent contractor and the client records are transferred to a regulated member, or another health care professional, who is either an employee of the same employer, or engaged by the same person, at the same practice location and with the same telephone number as that member.

Storing, accessing and disposing of client records

SECTION (SUB) - A member who closes or changes the location of his or her practice or ceases to engage in or takes a leave of absence from professional practice must

- (a) ensure the secure storage of any client records for the remainder of the retention period required by subsection
- (b) and, as required, ensure the destruction of the information in accordance with The Personal Health Information Act;

(b) either

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

(i) ensure that clients will have a reasonable opportunity to obtain copies of their records as required under The Personal Health Information Act, or

(ii) transfer the records to another regulated member, health care professional or a trustee under The Personal Health Information Act, as required by subsection 5.9(3) and under The Personal Health Information Act; and

(c) give the college

(i) a copy of the notice provided to clients,

(ii) information about how the notice was provided to clients, and

(iii) a description of the arrangements that have been made for protecting, securely storing or disposing, or accessing client records.

SECTION (SUB) - The obligations under this section are in addition to any other requirements relating to client records under the Act, The Personal Health Information Act, and any other enactment, by-law, standard of practice, code of ethics and practice direction with which a member must comply.

Practice directions

SECTION (SUB) - Nothing in this Part limits or restricts the council from issuing practice directions under section 85 of the Act to enhance, explain, add to or guide members with respect to the subject matters described in this regulation or any other subject matter relevant to professional practice.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

CONTINUING COMPETENCY

Overview

Colleges are to list continuing education requirements. The hours of continuing competency activities required must also be listed - except in the circumstance where only a self-directed learning approach is utilized (in accordance with professional standards). The following are sample provisions respecting continuing competency. Where appropriate certain classes of members may be exempted from the continuing competency requirements such as members of the class used for temporary short-term registration for specific purposes. There may also be different continuing competency requirements for different classes of members if appropriate for a profession.

See the College of Audiologists and Speech-Language Pathologists of Manitoba General Regulation or College of Registered Nurses of Manitoba General Regulation for examples of continuing competency requirements.

Overview

SECTION (SUB) - Subsection 87(1) of the Act requires the council to establish a continuing competency program to maintain the competency of members and to enhance the practice of massage therapy.

Definitions

SECTION (SUB) - The following definitions apply in this Part.

"Continuing Competency Committee" means the committee established by the council under section ____.

"self-assessment form" means the self-assessment form issued by the Continuing Competency Committee.

Continuing Competency Committee

A continuing competency committee is established comprised of at least six individuals who meet the eligibility criteria established by the council. At least 1/3 of the individuals must be public representatives.

SECTION (SUB) - The Continuing Competency Committee must

- (a) administer the continuing competency program, including issuing the self-assessment form;
- (b) identify measures that promote continuing competency and continuing quality improvement in the provision of massage therapy health care;
- (c) submit an annual report to the council that includes information about the continuing competency program and the participation of regulated members in the program and any other information that the council requests; and
- (d) perform any other activities related to continuing competency as requested by the council.

Requirement to comply

SECTION (SUB) - A regulated member must participate in the continuing competency program as required by this Part.

SECTION (SUB) - Despite subsection (1), this Part does not apply to a restricted purpose member.

Continuing competency program

SECTION (SUB) - The continuing competency program for regulated members consists of

- (a) a self-assessment process;
- (b) continuing competency activities.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

Continuing competency activities

SECTION (SUB) - In a **three-year period, a regulated member must complete 36 credit hours** of continuing competency activities that meet approved requirements to develop or maintain competency in his or her practice. The activities may include the following:

- (a) attendance at conferences, conventions, workshops and lectures related to professional practice that meet approved requirements or are specifically recommended to all members by the Continuing Competency Committee;
- (b) participation as a student or lecturer of university and college courses relating to his or her professional practice;
- (c) writing articles for professional publications that meet approved requirements;
- (d) any other approved activities.

Self-assessment process

SECTION (SUB) - Each year, a regulated member must complete the approved self-assessment form.

SECTION (SUB) - On request, the regulated member must submit the completed form to the Continuing Competency Committee or the registrar.

Records

SECTION (SUB) - A regulated member must maintain records of the following:

- (a) each completed self-assessment form for the current year and the previous two years;
- (b) a record of each continuing competency activity completed within the current year and the previous two years.

On request, the regulated member must submit copies of the records to the Continuing Competency Committee or the registrar.

Oral or written test may be required

SECTION (SUB) - The Continuing Competency Committee may require a regulated member to take an oral or written test related to the regulated member's practice.

Practice audit

SECTION (SUB) - For the purpose of the continuing competency program, a full member may be required to undergo a practice audit in the following circumstances:

- (a) the member is randomly selected by the Continuing Competency Committee;
- (b) the member fails to complete the number of hours of continuing competency activities as required by ____ or ____;
- (c) the member fails to submit a completed self-assessment form as required by section ____;
- (d) the member fails to maintain records as required by section ____.

SECTION (SUB) - The practice auditor must assess the full member's practice and prepare a report and recommendations respecting the member's competency to practice with or without conditions or with directions as permitted by sections ____ and _____. The auditor must then submit the report and recommendations to the Continuing Competency Committee and provide the member with a copy of it.

What may the committee do after receiving a report?

SECTION (SUB) - After receiving an audit report, the Continuing Competency Committee may decide that no

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

further action is required. Or if it finds that the full member has deficiencies in his or her competency, the committee may direct the member to

- (a) complete an approved refresher course to its satisfaction;
- (b) acquire equipment that, in the committee's opinion, is usual or necessary to engage in professional practice; or
- (c) take any other action that it considers necessary to address the deficiencies in the member's practice.

SECTION (SUB) - The Continuing Competency Committee may also direct an auditor to conduct a follow-up review of the full member's competency.

SECTION (SUB) - The full member must report to the Continuing Competency Committee about his or her progression as required by the committee.

Imposing conditions on certificate of practice_____. If the Continuing Competency Committee is of the opinion that the full member has not remedied the deficiencies in his or her competency, it may direct the registrar to impose conditions on the member's certificate of practice for a period of up to six months, and the registrar must comply with the direction.

SECTION (SUB) - Before directing the registrar to do so, the Continuing Competency Committee must give the full member

- (a) written notice of its intention to give the direction;
- (b) copies of all reports and documents considered by the committee in deciding to give the direction; and
- (c) at least 30 days to make written submissions to the committee.

SECTION (SUB) - A full member may appeal the decision to impose conditions on the member's certificate of practice. Sections 38 and 39 of the Act apply, with necessary changes, to an appeal under this section.

SECTION (SUB) - The Continuing Competency Committee may direct the registrar to remove the imposed conditions before the end of the specified period if the committee is satisfied that the full member's competency is no longer deficient.

SECTION (SUB) - If, by the end of the specified period, the full member has failed to satisfy the Continuing Competency Committee that his or her competency is no longer deficient, the registrar may refer the matter to the complaints investigation committee under clause 91(2)(b) of the Act. The referral is deemed to be a complaint for the purpose of Part 8 of the Act.

Report conduct to registrar

SECTION (SUB) - The Continuing Competency Committee may report to the registrar that the conduct of a regulated member may constitute conduct about which a finding could be made under subsection 124(2) of the Act.

SECTION (SUB) - If the Continuing Competency Committee makes a report referred to in subsection (1), it must take no further action under this Part in respect of the regulated member's conduct.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

HEALTH PROFESSION CORPORATIONS

Overview

Part 5 of the Act deals with health profession corporations. This Part supplements the requirements relating to permits, the record and the naming of health profession corporations. Under the Act, only regulated members may be permitted to establish a health profession corporation.

Regulated associate members cannot establish a health profession corporation. The following are provisions that can be included in the College regulation in this area. All Colleges are required to permit the establishment of health profession in accordance with the Act. The regulation may restrict which classes of regulated members may establish health profession corporations.

Restricted to full members

The only members who are permitted to establish health profession corporations **are full members.**

Health profession corporation permit

Subsection 60(1) of the Act sets out the requirements for the issuance of a health profession corporation permit. For the purpose of clause 60(1)(i) of the Act, a corporation must file with the registrar

- (a) a copy of the articles of incorporation and any articles of amendment, continuance or amalgamation;
- (b) a current status certificate issued under *The Corporations Act*; and
- (c) a copy of the most recent annual report filed under *The Corporations Act*.

Additional contents of record

The record of health profession corporations must contain the information set out in subsection 73(3) of the Act. The record must also contain the following applicable information for each health profession corporation:

- (a) the corporation's address, telephone number, fax number and e-mail address;
- (b) the time period during which the corporation's permit is valid;
- (c) information about any suspension or cancellation of the corporation's permit or alternative action taken under section 66 of the Act, including any conditions placed on the permit.

Name of health profession corporation

A health profession corporation's name must not refer to an individual who is not a full member/registered member.

Name removed from record

When a health profession corporation's permit is cancelled, the registrar must remove the corporation's name from the record of health profession corporations.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

PRACTITIONER PROFILES

Overview

Colleges whose members may be chosen by the public to provide health services to them must establish online profiles of their members unless otherwise approved. This does not apply to profession in which members are not specifically chosen by the public but rather are assigned to provide health services to them, e.g. in a health care facility or in a laboratory. The following are the minimum requirements for profiles.

1. A practitioner profile must be made available to the public through the Internet or through telephone access, or by both of those means. On request, the council may also, at its discretion, make a written copy of a practitioner profile available.
2. Information to be noted on the profile:
 - (a) the member's current name as shown on the applicable register;
 - (b) date of registration in any current class of membership;
 - (c) the date of the member's initial registration in Manitoba;
 - (d) the member's current area(s) of practice;
 - (e) whether the member holds a current certificate of practice or if it has been cancelled;
 - (f) any censure accepted by the member under of the Act
 - (g) any voluntary surrender of the member's certificate of practice if the member has not had his or her certificate of practice reinstated or has not been issued a new certificate of practice;
 - (h) any undertaking or agreement by a member that provides for one or more of the following:
 - (i) an assessment of the member's capacity or fitness to practise,
 - (ii) counselling or treatment of the member,
 - (iii) the monitoring or supervision of the member's practice,
 - (iv) the completion by the member of a specified course of studies by way of remedial training,
 - (v) the placement of any conditions on the member's right to engage in practice
 - (i) any suspension of a member's registration or certificate of practice;
 - (j) the telephone number at the location where the member primarily conducts his or her practice,
 - (k) the current address at which the member primarily conducts his or her practice,
 - (l) the date and a brief description of any final disciplinary action taken against the member within the past 10 years or going forward by the body named in the profile as regulating the profession that the member is or has been legally authorized to practise, whether in Manitoba or elsewhere, and whether the member has initiated an appeal respecting the disciplinary action;
 - (m) any current *restrictions, terms or conditions* imposed on the member's certificate of registration or certificate of practice
 - (n) the date of any malpractice court judgment issued against the member by a court in Canada within the past 10 years, the name of the issuing court, and whether the member has initiated an appeal respecting the malpractice judgment;

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

- (o) a description of
 - (i) any offence under
 - (A) the *Criminal Code* (Canada),
 - (B) the *Controlled Drugs and Substances Act* (Canada),
 - (C) the *Food and Drugs Act* (Canada), or
 - (ii) any offence under the laws of a jurisdiction outside Canada that is similar to one described in subclause (i), of which the member has been convicted within the past 10 years, if the council determines that the conviction is relevant to the member's competence or to the safe practice of massage therapy;
- 3. If the council includes information in a member's profile about final disciplinary action taken against him or her, it must not do so before the earliest of the following dates:
 - (a) the date on which any right the member has to appeal the disciplinary action expires;
 - (b) the date on which the member initiates an appeal respecting the disciplinary action;
 - (c) the date on which the member waives his or her right to appeal the disciplinary action.
- 4. The council must not include any information about a malpractice court judgment in a member's profile until any period available to the member to appeal the judgment has expired.
- 5. A member must provide to the registrar complete and accurate information about the member relating to each category of information specified in subsection _____ at the time required by the registrar and in a satisfactory form.
- 6. If, for any reason, information in a member's profile becomes inaccurate or incomplete, the member must, within 30 days, provide accurate and complete information to the registrar in a satisfactory form.
- 7. Within 30 days after receiving a copy of his or her profile under as required by the Act, the member may dispute the factual accuracy of any information in it by submitting to the registrar
 - (a) a written statement detailing the basis of the dispute; and
 - (b) any other information that the member considers relevant to the dispute.
- 8. A member must not willfully provide false, inaccurate or incomplete information.

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

MISCELLANEOUS

Professional misconduct fines

Overview

Under the Act, when dealing with the investigated member's conduct the panel appointed by an inquiry committee may order the member to pay to the college, within the time period set in the order, all or part of the costs of the investigation, hearing and appeal. In addition, the panel can order the payment of a fine not exceeding the amount that is set out in the column of the table of professional misconduct fines in the Act (reproduced below) that is specified for the college, by regulation, for each finding of professional misconduct.

Professional misconduct fines

Column ____ of the table of professional misconduct fines in Schedule 1 of the Act is specified for the purposes of clause 127(1)(b) of the Act.

Professional Misconduct Fines Table in Schedule 1 of the RHPA

	Column1	Column2	Column3
maximum fine for each finding of professional misconduct	\$1,000	\$5,000	\$10,000
maximum fine (aggregate amount) for all findings of professional misconduct arising out of a hearing	\$5,000	\$25,000	\$50,000

REGULATION WORKBOOK

Guideline for General Regulation under the Regulated Health Professions Act

ASSEMBLED INFORMATION FOR THE PRACTICE REGULATION FOR MASSAGE THERAPY IN MANITOBA

A Practice Regulation made by the Lieutenant Governor in Council that is profession specific and includes:

- Scope of Practice Statement for the profession
- authorized reserved acts for the profession

As part of the Federal of Massage Therapy Regulatory Authorities of Canada (FOMTRAC), is very pleased to release an update of the *Inter-jurisdictional Practice Competencies and Performance Indicators for Massage Therapists at Entry-to-Practice (PCs/Pis)*. FOMTRAC members include the College of Massage Therapists of British Columbia, College of Massage Therapists of New Brunswick, College of Massage Therapists of Newfoundland and Labrador, and the College of Massage Therapists of Ontario.

The PC/Pis define the minimum expectations for newly-registered Massage Therapists in provinces where Massage Therapy is regulated. The PCs/Pis are a benchmark to help ensure members of the public receive effective, safe, and ethical care.

<https://www.cmto.com/about-the-profession/interjurisdictional-practice-competencies-and-performance-indicators/>

Scope of Practice

The practice of Massage Therapy is the assessment of the soft tissue and joints of the body and the treatment and prevention of physical dysfunction and pain of the soft tissue and joints by manipulation to develop, maintain, rehabilitate or augment physical function, or relieve pain. (*Massage Therapy Act, 1991*).

<https://www.cmto.com/about-the-profession/standards-of-practice/>

“Scope of practice” refers to the activities that RMTs are educated and authorized to perform, which is established through the legislated definition of “massage therapy” in section 1 of the *Massage Therapists Regulation*:

“**massage therapy**” means the health profession in which a person provides, for the purposes of developing, maintaining, rehabilitating or augmenting physical function, or relieving pain or promoting health, the services of

- a. assessment of soft tissue and joints of the body, and
- b. treatment and prevention of physical dysfunction, injury, pain and disorders of soft tissue and joints of the body by manipulation, mobilization and other manual methods.

<https://www.cmtbc.ca/registrants/resources-for-registrants/scope-of-practice/>