

**NEW BRUNSWICK CHIROPRACTORS' ASSOCIATION
BY-LAWS UNDER THE
CHIROPRACTORS' ACT, 1997
As of September 26, 2009**

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(Amendments October 13, 2001 included)
(Amendments September 27, 2002 included)
(Amendments October 28, 2005 included)
(Amendments September 26, 2009 included)

DEFINITIONS

1 In these by-laws

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

“CCA” means the Canadian Chiropractic Association;

“College” means the Canadian Memorial Chiropractic College;

2 All other words or expressions have the same meaning as in the Act.

HEAD OFFICE

3(1) The head office of the Association shall be the same as the business office of the Secretary of the Association for the time being, or such other place as the Board may from time to time determine.

3(2) The head office shall be open the same hours as the practice of the Secretary.

SEAL

4(1) The seal of the Association shall be in the form embossed in Appendix “A”.

4(2) The Secretary shall have custody of the seal of the Association, which shall be used at the discretion of the Board for official business.

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OFFICERS

5 The Past-President, or in the absence of the Past-President, the President, or in the absence of the President, the Vice-President, shall preside as Chairperson at all meetings of the Association and the Board.

6 The Secretary shall

- (a) attend all meetings of the Association and the Board,
- (b) keep the minutes of the proceedings of the Association and the Board,
- (c) conduct the correspondence of the Association and the Board,
- (d) manage the office of the Association, and
- (e) perform all other duties assigned by these by-laws or by the Board, or which are incidental to the office of Secretary.

7 The Treasurer shall

- (a) receive all money payable to the Association,
- (b) hold or invest the money of the Association subject to the order of the Board,
- (c) make a report at the Annual General Meeting of the Association, or at such other times as required by the Board, of all revenues and expenditures during the last fiscal year of the Association,
- (d) keep the records and other documents of the Association and the Board relating to financial matters, including proper books of account in which shall be entered all revenues and expenditures, and
- (e) perform all other duties assigned by these by-laws or the Board, or which are incidental to the office of Treasurer.

8(1) All money of the Association shall be deposited in a chartered bank or trust company authorized by the Board.

8(2) The signing officers for the accounts of the Association shall be such persons designated from time to time by the Board.

9 The Board or the Executive Committee may appoint legal counsel to act on behalf of the Association.

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CLASSES OF MEMBERS

Active Member

10 A member who practises on a full time basis or in excess of that required by a semi-retired member may be registered as an active member.

Senior Active Member

10.1 Subject to the approval of the Board, an active member who

(a) has practiced 35 years or longer in Canada, of which a minimum of twenty five years was in New Brunswick, and

(b) is 65 years of age or older,

may be registered as a Senior Active Member.

Semi-Retired Member

11 Subject to the approval of the Board, a member who

(a) has practised for thirty years, the last ten consecutive years of which were in New Brunswick,

(b) practises twelve hours or less per week,

(c) administers not more than fifty treatments per week, and

(d) provides to the Board annually a statutory declaration confirming (a), (b) and (c),

may be registered as a semi-retired member.

Retired Member

12 Subject to approval of the Board, a member who

(a) has been in practice for a minimum of ten years in New Brunswick,

(b) undertakes to discontinue practice,

(c) has paid all outstanding fees or other obligations to the Association, and

(d) is otherwise a member in good standing,

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may be registered as a retired member.

Member of Distinction

13 Subject to the approval of the Board, a member who

- (a) has practised in New Brunswick for at least thirty-five years,
- (b) has served the Association in the capacity of an elected or appointed position for a period of not less than fifteen years,
- (c) is at least sixty-five years of age, and
- (d) continues to practise either as an active member or a semi-retired member,

may be registered as a member of distinction.

Special Members-Practising and Non-practising

14(1) Subject to the approval of the Board, a member who

- (a) is a member in good standing, and
- (b) administers not more than fifty treatments per week, and
- (c) provides to the Board annually a statutory declaration confirming (b),

may be registered as a special practising member. Continuing Education hours must be maintained as well as any other requirements that the Board requests.

14(2) Subject to the approval of the Board, a member who

- (a) is a member in good standing, and
- (b) is unable to practice Chiropractic,

may be registered as a special non-practising member for a period of up to one year. The leave may be extended at the discretion of the Board. Continued Education hours must be maintained as well as any other requirements that the Board requests. After two years in this category, the member must successfully complete the CCEB recertification examination in order to be registered as a practicing member.

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14(3) In approving registration under subsections (1) and (2), the Board may impose such conditions as it considers reasonable, including

- (a) the period during which such registration may continue,
- (b) a provision for the repayment of fees, and
- (c) in the case of subsection (2), the terms under which the member may be reregistered as a practising member.

Temporary Member

15(1) Subject to subsection (3), a person who

- (a) provides proof of membership in good standing in a chiropractic association in another province or territory of Canada,
- (b) provides proof of liability insurance in an amount approved by the Board, and
- (c) who has paid the prescribed fee,

may be registered as a temporary member.

15(2) An application under subsection (1) shall be filed with the Admissions Committee Chair and shall

- (a) specify the name of the member in whose office the applicant wishes to practise,
- (b) contain the applicant's undertaking not to otherwise engage in practise in New Brunswick, and
- (c) provide such additional information as the Board may require, except information which is confidential under a doctor-patient relationship.

15(3) If the Board is satisfied that

- (a) a similar application by a member of the Association for admission for temporary membership in the jurisdiction in which the applicant practises is likely to be granted, and
- (b) because of extraordinary circumstances, necessity or other good cause, the application ought to be granted,

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the Board may, in its absolute discretion, grant the applicant temporary membership for such period and on such terms as it may specify.

16(1) Subject to subsection (2), all classes of members have full voting rights and the right to hold office in the Association.

16(2) Persons registered as temporary members, special non-practising members, and retired members, may attend general meetings of the Association but have no right to vote or hold office in the Association.

REGISTER OF MEMBERS

17 The register maintained by the Secretary under subsection 21(1) of the Act shall

- (a) list alphabetically all members authorized to practise in accordance with their class of membership,
- (b) indicate the first date of registration to practise in New Brunswick, and
- (c) indicate the date a certificate was issued under subsection 21(6) of the Act.

APPLICATION AND REGISTRATION PROCEDURE

18(1) An application for registration under section 17 of the Act shall be filed with the “Chairperson of the Admissions Committee Chair”, and shall include

- a) a completed application in Form 1,
- b) proof of Canadian citizenship (birth certificate or passport) or a valid permit entitling the applicant to work in Canada,
- c) payment of the prescribed application fee,
- d) payment of any other applicable fees,
- e) any other information as may be required by the Board from time to time, and
- f) a criminal record search from the RCMP in the form provided by it and satisfactory to the Board.

18(2) In addition to the information required under subsection (1), the applicant shall cause to be sent to the Admissions Committee Chair

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- (a) certified transcript from the Canadian Federation of Chiropractic Regulatory and Educational Accrediting Boards (CFCREAB) accredited college confirming receipt of a Doctorate of Chiropractic degree,
- (b) certified transcripts from the Canadian Chiropractic Examination Board confirming passing the examinations, or that the applicant is in the process of writing one or two supplementals, and
- (c) letters of references from two responsible persons verifying the good moral and ethical behaviour of the applicant for not less than five years prior to the date of application.

18(3) If an applicant who is approved for registration fails to become a member of the Association within three months of such approval, the applicant shall

- a) provide a further and updated criminal record search as required by paragraph 19(1)(f)
- b) if a member in another province or territory of Canada, an updated record of good standing
or
- c) any other information that the Board may require.

19(1) The file of an applicant maintained by the Association is the property of the Association.

19(2) Application fees are not refundable

19(3) Should any information contained in any application be found to be false or misleading, the Board has the right to refuse the application and any subsequent applications made by the applicant.

20 Before beginning active practice in New Brunswick, a successful applicant must provide proof to the Association of having obtained professional liability coverage through the Canadian Chiropractic Protective Association, or proof of other professional liability coverage which is equivalent to or better.

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

21(1) A person qualified to practise chiropractic in another province or territory of Canada may apply to practise in New Brunswick if that person

- (a) subject to subsections (2) and (3), has been engaged in active practice in one or more of the other provinces or territories immediately preceding application for

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registration,

(b) is a member in good standing authorized to practise chiropractic in the last jurisdiction in which the applicant practised prior to application,

(c) has fulfilled application requirements in the current or most recent jurisdiction in which the applicant practised equal to or greater than those required by the Association, and

(d) provides proof satisfactory to the Admissions Committee of having professional liability coverage through the Canadian Chiropractic Protective Association, or proof of other professional liability coverage which is equivalent or better.

21(2) A person registered to practise chiropractic in another province or territory of Canada who has not been engaged in active practice in that jurisdiction for at least *two* years immediately preceding application, shall successfully complete any examinations as required by the Board.

21(3) Notwithstanding subsection (2), and subject to such conditions as it may impose, the Board may waive all or part of the requirement for registration under this section, or may require the applicant to successfully complete a refresher training course approved by the Board, which course shall not be less than a one term equivalency at an accredited chiropractic college.

21(4) An application under this section shall be filed with the Admissions Committee Chair in Form 2 and shall include

(a) the particulars of the applicant's qualifications to practice chiropractic in the other jurisdiction and of the applicant's practice, and

(b) whether the applicant has ever been convicted of a criminal offence and, if so, the particulars of the offence.

21(5) In an application under this section the applicant shall cause to be sent to the Admissions Committee Chair, or shall attach to the application a certificate of good standing from the governing body of every association or equivalent professional organization under which the applicant has practised chiropractic since first registered to practise, including whether any disciplinary action has ever been taken against the applicant in relation to the practise of chiropractic, and if so, the particulars of the disciplinary action.

21(6) The information contained in an application under this section shall be certified by the applicant as correct.

21(7) Should any information contained in an application be found to be false or misleading, the Board has the right to refuse the application and any subsequent applications

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REGISTRATION OF CHIROPRACTORS FROM OUTSIDE CANADA

22(1) A person qualified to practise chiropractic in a jurisdiction outside of Canada may apply to practise in New Brunswick if that person

(a) has graduated from a chiropractic college or university accredited by the Canadian Federation of Chiropractic Regulatory and Educational Accrediting Boards (CFCREAB).

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

(c) successfully passes the examinations set by the Canadian Chiropractic Examining Board and any other examinations as the Board may require,

(d) is a member in good standing authorized to practise chiropractic in the last jurisdiction in which the applicant practised prior to application,

(e) has fulfilled application requirements in the most recent jurisdiction in which the applicant practised equal to or greater than those required by the Association,

(f) provides proof satisfactory to the Admissions Committee of having professional liability coverage through the Canadian Chiropractic Protective Association, or proof of other professional liability coverage which is equivalent or better, and

(g) complies with all other requirements of the Act and by-laws.

22(2) An application under this section shall be filed with the Admissions Committee Chair in Form 3 and shall include

(a) the particulars of the applicant's registration to practise chiropractic in the other jurisdiction and of the applicant's practice, and

(b) whether the applicant has ever been convicted of a criminal offence and, if so, the particulars of the offence.

22(3) In an application under this section the applicant shall cause to be sent to the Admissions Committee Chair, or shall attach to the application a certificate of good standing from the governing body of every association or equivalent professional organization under which the applicant has practiced chiropractic since first registered to practise, including whether any disciplinary action has ever been taken against the applicant in relation to the practice of chiropractic, and if so, the particulars of the disciplinary action.

22(4) The information contained in an application under this section shall be certified by the applicant as correct.

22(5) A person registered to practice chiropractic in a jurisdiction outside of Canada who has

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successfully completed the Canadian Chiropractic Board Examinations, but has not been engaged in active practice in that jurisdiction for the two years immediately preceding application, shall successfully complete any examination(s) or refresher training courses as required by the Board.

REGISTRATION OF FORMER MEMBERS OF THE ASSOCIATION

23(1) In this section “former member” means a person who ceased to be a practicing chiropractor by reason of having resigned or being deemed to have resigned from the Association, or whose registration has been revoked or suspended.

23(2) To qualify for registration as a practicing chiropractor, a former member shall

- (a) pay to the Association all fees in arrears at the time of ceasing to be a member,
- (b) successfully pass such courses and examinations as the Board may require,
- (c) if the former member has been engaged in the practice of chiropractic outside New Brunswick, be in good standing as a chiropractor entitled to practise chiropractic in the jurisdiction in which the person practised immediately preceding application for registration,
- (d) proof satisfactory to the Admission Committee of having obtained professional liability coverage through the Canadian Chiropractic Protective Association, or proof of other professional liability coverage which is equivalent to or better, and
- (e) comply with all other conditions which the Board considers necessary.

23(3) Notwithstanding paragraph (2)(a), the Board, for cause established to its satisfaction, may waive all or part of any fees in respect of which the former member was in arrears at the time of ceasing to be a member.

23(4) An application for registration under this section shall be filed with the Admissions Committee Chair in Form 4 and shall include

- (a) particulars of the occupation and residence of the applicant since ceasing to be a member, and
- (b) whether the applicant has ever been convicted of a criminal offence and, if so, the particulars of the offence.

23(5) Where the applicant was engaged in the practice of chiropractic outside New Brunswick, the applicant shall cause to be sent to the Admissions Committee Chair or attach to the application, a

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certificate of good standing from the governing body of every chiropractic association or equivalent professional organization under which the applicant has practised chiropractic since ceasing to be a member, including reference as to whether any disciplinary action has been taken against the applicant in relation to the practice of chiropractic while under any other association or organization and, if so, the particulars of any such disciplinary action.

EXAMINATIONS

24 (a) The Examining Committee shall inform the Admissions Committee of the results of all examinations.

(b) a minimum grade of eighty-five percent is necessary to pass the jurisprudence examination.

25 The Admissions Committee, upon being satisfied that the applicant is qualified to practise chiropractic in accordance with the Act and by-laws, shall inform the Board of the successful completion of the application and examination procedures.

26 In the event an applicant does not successfully complete the examinations, the Examining Committee may, at its discretion, request that additional educational upgrading be completed prior to the applicant being allowed to take the examinations again.

27 An applicant for registration under section 17 of the Act

(a) who has not practised as a chiropractor for at least *two* years immediately preceding the date of application for registration, or

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

may be required to successfully complete a refresher training course approved by the Board and supervised by the Examining Committee before being registered.

28 A successful applicant may not be registered to practise in New Brunswick until the applicant has complied with all other requirements of the Act and by-laws.

REVIEW OF EXAMINATION RESULTS

29(1) A person who fails examinations taken under section 16 of the Act may request a review of the results by an independent team of examiners.

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29(2) A request under subsection (1) shall

(a) be in writing to the Secretary within twenty-one days of receipt by the person of the results, and

(b) be accompanied by the prescribed fee which may not be refundable.

29(3) The results of a review under this section shall be communicated immediately in writing to the person requesting the review and to the Admissions Committee.

CONTINUING EDUCATION

30(1) The Board shall appoint a Continuing Education Committee consisting of three members, one of whom shall be appointed chairperson.

30(2) The chairperson and one member shall be appointed for a term of two years and one member for a term of one year, and thereafter all appointments to the Committee shall be for a term of two years.

31(1) All members shall attend a minimum of twenty-four credit hours of approved continuing education seminars in each two year period, the first two year period commencing the first day of October, 2009.

31(2) Each seminar that qualifies for one credit hour shall be not less than one hour in length.

31(3) The twenty-four credit hours required under subsection (1) shall be approved by the Continuing Education Committee, and will include topics approved by the Canadian Federation of Chiropractic Regulatory and Educational Accrediting Boards (CFCREAB), post-graduate courses recognized by the Canadian Federation of Chiropractic Regulatory and Educational Accrediting Boards (CFCREAB), and topics described in subsection (4).

31(4) The following topics may be considered as appropriate to meet the requirements for continuing education credits; programs in basic, clinical and chiropractic sciences and arts, research, health planning, institutional protocol, insurance practices and procedures, peer review, industrial practices, forensic practices, insurance consultation, labour relations, patient counselling, philosophy of chiropractic and chiropractic principles.

31(5) Credit hours cannot be banked or used in a period other than the two year period in which the credit hours were obtained.

31(6) Notwithstanding Subsection (5), seminars that are allotted segmental seminar hours or modular seminar hours,(i.e. Diplomat programs), and exceed the requirement in Subsection (1), may be carried forward into the subsequent two year period upon the approval of the Continuing Education Committee.

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32(1) If a seminar has not been approved in advance by the Continuing Education Committee, a member wishing to obtain a credit shall submit to the Committee an application for approval in Form 5 in advance of the seminar.

32(2) In approving a continuing education seminar, the Continuing Education Committee may consider the following

- (a) the exact length of the seminar, including scheduled coffee and meal breaks,
- (b) a summary of the seminar's educational content and relevance to chiropractic science, practice or principle,
- (c) the curriculum vitae of the speakers,
- (d) whether attendance records are kept at the seminar and forwarded to the Committee, and
- (e) whether the seminar falls within the topics described in subsections 32(3) and (4).

32(3) Approval of a topic for a continuing education seminar is in the sole discretion of the Committee.

32(4) A member shall prove compliance with subsection 32(1) by submitting to the Committee written acknowledgement from the sponsors of the approved seminars confirming the date and subject matter of the seminar, the length of the seminar and that such member was in attendance.

32(5) The final submission of acknowledgements under subsection (4) for each two year period shall be received by the Continuing Education Committee no later than October 31 of that two year time period.

32(6) A person applying for registration with the Association during a two year time period, or who is registered as a member within the two year period, may be required by the Continuing Education Committee to acquire a portion of the twenty hours of continuing education credits.

33(1) Subject to subsection (2), registration of a member who has not complied with subsection 32(1) shall not be renewed in the next ensuing renewal period.

33(2) A member who has not complied with subsection 32(1) may apply in writing to the Board giving

- (a) the reasons for not complying with subsection 32(1),
- (b) a description of the seminars taken in the relevant two year period,

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- (c) the number of credit hours obtained,
- (d) proof of the credit hours obtained, and
- (e) a proposal of how the member intends to obtain credit for the outstanding hours.

33(3) If satisfied that the member was unable to comply with subsection 32(1) because of extraordinary reasons, the Board may grant an extension of time in which the member must complete the credit hours.

33(4) An extension of time under subsection (3) does not relieve the member from complying with subsection 32(1) for the two year period during which the extension is granted.

33(5) If the member fails to obtain the outstanding credits during the period of extension under subsection (3), the member's registration shall not be renewed in the next ensuing renewal period.

PEER REVIEW

34(1) There shall be a Peer Review Committee consisting of a chairperson and at least two other members of the Association.

34(2) The lay representative on the board may be included as an additional member of the Committee.

34(3) The chairperson of the Committee shall appoint two members of the Committee to conduct a review as required.

35(1) A peer review of each member shall be scheduled and carried out by the association at a time and in a manner determined by the Board and shall include but not be limited to a review of:

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

35(2) Notwithstanding subsection (1), a peer review of each new member shall be carried out within the first year of that member's practice.

36(1) Members shall be notified of a peer review not less than sixty days before the date of the

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review.

36(2) A member who, for good cause, is unable to be present on the date appointed under subsection (1) shall provide a written explanation to the peer review Committee as soon as such reason is known to the member.

36(3) Members shall be present and available to be questioned during the review, unless excused by the Committee.

36(4) It is professional misconduct, subject to disciplinary action, for a member to refuse to cooperate with the Committee.

RESIGNATION

37(1) A member may resign from the Association by giving the Secretary a resignation in writing.

37(2) A resignation is not effective until it is accepted by the Board.

37(3) In accepting or rejecting a resignation, the Board may impose whatever conditions are in its opinion necessary to secure any money owing to the Association and to assure that all obligations of the member under the Act or these by-laws are fulfilled.

37(4) A member who fails to pay fees to the Association for two consecutive years is deemed to have resigned from the Association.

APPLICATION AND EXAMINATION FEES

38 The following application fees and examination fees shall apply

- (a) on application for registration under subsection 16 and 17(1) of the Act, \$250.00,
- (b) for a review of the results of examinations under section 29 of these by-laws, \$200.00,
- (c) Upon recommendation of eligibility of an applicant, annual dues and membership fees (prorated) are due and payable, upon which time a certificate of registration will be issued.
- (d) on application by a professional corporation for a permit under section 24 of the Act, \$200.00,
- (e) on submission of a Statement of Particulars by a professional corporation under subsection 63(2) of these by-laws, \$50.00,

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ANNUAL FEES

39 The annual fees payable under section 22 of the Act, approved by the members at an Annual General Meeting, are set out in Appendix “B” to these by-laws.

40 The annual fees for a temporary registration or permit is a direct ratio of the time authorized to practise chiropractic in New Brunswick to the total annual fees under Schedule “A”.

41 The Board may collect membership fees for the Canadian Chiropractic Association, Canadian Memorial Chiropractic College and any other affiliate of the Canadian Chiropractic Association.

42(1) Upon payment of the required annual fees, the Secretary shall issue a Certificate of Registration to a member in a form prescribed by the Board, provided that such must contain the name of the practising chiropractor, the year for which the certificate is in effect, the number of the certificate, and the signature of the President and Vice-President for the year in which the certificate is first issued, and the seal of the Association.

42(2) Upon payment of the required annual fees, the Secretary shall issue a permit to a professional corporation in a form prescribed by the Board, provided that such must contain the name of the professional corporation, the year for which the permit is in effect, the number of the permit, and the signature of the President and Vice-President for the year in which the permit is first issued, and the seal of the Association.

MEETINGS OF THE BOARD OF DIRECTORS

43(1) Regular meetings of the Board shall be held at such times and places as decided by resolution of the Board.

43(2) In case of urgency, or in the absence of a resolution of the Board fixing the next meeting, the President, or in the absence of the President, the Vice-President may fix the time and place of the meeting.

43(3) The Secretary shall send by mail, facsimile transmission, or other electronic means acceptable to the Board, a notice of every meeting of the Board, together with an agenda, to each Board member at least seven days before the date of the meeting, or in case of urgency, by telephone or facsimile transmission three days before the meeting.

43(4) Meetings of the Board, and voting at meetings, may be by conference telephone, video conference, or other electronic means acceptable to the Board, provided such can be administered so as to assure accuracy of any vote taken at the meeting.

43(5) No unintentional error or omission in giving notice shall invalidate the meeting or any business transacted as a result.

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ANNUAL GENERAL MEETING

44(1) The Annual General Meeting of the Association shall be held at a time and place decided by resolution of the Board.

44(2) The Secretary shall give members written notice of the Annual General Meeting, together with an agenda, specifying the place, day and time of the Meeting, by ordinary mail sent not less than thirty days before the Meeting.

44(3) No unintentional error or omission in giving notice shall invalidate the meeting or any business transacted as a result.

44(4) The order of proceedings at the Annual General Meeting, unless otherwise decided by vote of the meeting, shall be

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

44(5) In the event there is not a quorum of thirty percent of members at an annual meeting as required by subsection 8(2) of the Act, the meeting shall be convened as a Board meeting in order to enable the transaction of business.

44(6) In a meeting conducted under subsection (5), all members present who are not members of the Board shall be allowed to participate in discussions and shall be members of the Board for the purposes of the meeting and entitled to vote.

44(7) Decisions made in a meeting under subsections (5) and (6) shall be binding on the members of the Association, subject only to ratification, if required, at the next Annual General Meeting, or a special meeting called for that purpose.

44(8) For the purpose of voting on any new By-Law or amendment to existing ones during an

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Annual General Meeting, acceptable methods of voting include: in-person, by ballots received by regular postal mail or e-mail.

SPECIAL GENERAL MEETINGS

45(1) Special general meetings of the Association for the transaction of any business may be called at any time

(a) by the Board, the President, or in the absence of the President, the Vice-President, or

(b) by a written request signed by at least thirty percent of voting members of the Association filed with the Secretary.

45(2) Where a request for a special general meeting of the Association is made under paragraph (1)(b), the Secretary shall notify the President, or in the President's absence, the Vice-President, and a special general meeting shall be called.

45(3) The Secretary shall give members written notice of the special general meeting, together with an agenda, specifying the place, day and time of the meeting, by ordinary mail sent not less than thirty days before the meeting.

45(4) No unintentional error or omission in giving notice shall invalidate the meeting or any business transacted as a result.

45(5) Thirty percent of members shall constitute a quorum for the transaction of business at a special general meeting.

45(6) For the purpose of voting on any new By-Law or amendment to existing ones during an Annual General Meeting, acceptable methods of voting include: in-person, by ballots received by regular postal mail or e-mail.

ELECTION OF BOARD AND OFFICERS

46(1) Each year, six months in advance of the date for the Annual General Meeting, the President shall appoint two members as the Nominating Committee.

46(2) The Nominating Committee shall name

(a) a slate of officers consisting of a President, Vice-President, Secretary and

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Treasurer,

(b) one Board member, and

(c) representatives of the Association to the CCA and College

for presentation to the Annual General Meeting.

46(3) The names of persons nominated under subsection (2) shall be submitted to the Secretary in time for inclusion with the notice calling the Annual General Meeting under subsection 43(2).

46(4) To be eligible for election to the Board, a nominee must

(a) be a registered member in good standing of the Association,

(b) be engaged in the active practise of chiropractic in New Brunswick at the time of election, and

(c) be nominated in accordance with the provisions of these by-laws.

47(1) In addition to the members nominated under subsection 44(2) other members may be nominated at the Annual General Meeting, in which case there shall be a secret ballot vote for the election of the position for which additional nominations are made.

47(2) Nominations under subsection (1) shall be made by two members in good standing on the verbal consent of the member nominated, if present, or the written consent, if not present at the meeting.

47(3) For the positions for which no additional nominations are made, the nominees for those positions shall be confirmed by resolution of the meeting.

48(1) Subject to subsection (2), all officers and directors shall hold office for two years starting immediately following election.

48(2) In the first year following the coming into force of these by-laws, the President, Vice-President and Treasurer shall be elected for a term of one year and the Secretary and Board members for a term of two years, and thereafter all officers and directors for a term of two years.

48(3) Members who serve as officers or directors may be re-elected for the same or a different position.

49 In the event that a member of the Board fails, without sufficient reason, to attend meetings

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of the Board or the Executive Committee, to an extent not acceptable to other members of the Board, the Board may name another member of the Association to replace that member until the next Annual General Meeting.

REMUNERATION OF DIRECTORS AND COMMITTEE MEMBERS

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

REPRESENTATIVES TO THE CCA AND COLLEGE

51 A representative of the Association to the CCA shall be elected at the Annual General Meeting for a two year term.

52 A representative of the Association to the College shall be elected at the Annual General Meeting for a two year term.

53 The representatives to the CCA and the College may attend and participate in Board meetings, but are not entitled to vote.

ETHICS, PROFESSIONAL CONDUCT AND GUIDELINES

54 The Association adopts as part of these by-laws The Canadian Chiropractic Code of Ethics and Clinical Guidelines for Chiropractic Practice In Canada by the CCA, as amended from time to time, except where inconsistent with these by-laws.

DISCIPLINARY PROCEDURES

55 A notice of hearing under subsection 38(3) of the Act shall be in Form 6.

56 A summons to witness under subsection 45(1) of the Act shall be in Form 7.

PROFESSIONAL LIABILITY INSURANCE

57(1) Every member who engages in the practice of chiropractic shall at all times maintain

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professional liability insurance coverage as provided by the CCA from time to time, or such other coverage as acceptable to the Association.

57(2) Upon renewal of registration in each year a member shall provide proof of professional liability insurance coverage in good standing.

57(3) It is professional misconduct for a member who is engaged in the practice of chiropractic not to maintain professional liability insurance coverage in good standing at all times.

RECORDS AND ACCOUNTS OF THE ASSOCIATION

58 Subject to section 57, all records and accounts of the Association are subject to inspection by members in good standing at any time during normal business hours at the location where they are kept.

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

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

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

BORROWING

60 The Board has no authority to borrow money on behalf of the Association without the prior approval of the members given at an annual general meeting or a special meeting called for that purpose.

RECOMMENDED FEE SCHEDULE

61 A suggested up-to-date fee schedule for Chiropractic services in New Brunswick can be obtained from the Association's secretary or the office.

PROFESSIONAL CORPORATIONS

62(1) The Secretary shall maintain a Professional Corporations Register containing the following

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information with respect to each professional corporation holding a permit under the Act

- (a) the name and head office, or registered office, of each professional corporation,
- (b) the registration number given to the corporation,
- (c) the date of issuance of the permit, and
- (d) the respective dates of the renewal of the permit.

62(2) The Secretary shall prepare such other records with respect to the professional corporation as may be directed by the Board.

63(1) An applicant for a permit under section 24 of the Act shall file with the Secretary

- (a) a completed application in Form 8,
- (b) a copy of the corporation's certificate of incorporation, including articles of the corporation,
- (c) a current certificate of status for the corporation under the New Brunswick Business Corporations Act, and
- (d) payment of the application fee.

63(2) Every professional corporation shall inform the Secretary of any change in the particulars set out in the application filed under subsection (1) by providing to the Secretary a Statement of Particulars in Form 9 within fifteen days of any such change. The Statement of Particulars shall be accompanied by a filing fee in the prescribed amount.

64 When the Secretary is satisfied that the applicant has complied with the Act and by-laws, the Secretary may issue a permit in Form 10 or refer the application to the Board for consideration under subsections 24(4) and (5) of the Act.

65(1) Every professional corporation that wishes to have its permit renewed for the following calendar year shall furnish to the Secretary on or before the first day of December in each year

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

65(2) The Secretary shall renew an annual permit to a professional corporation in Form 10 upon being satisfied that the corporation has complied with subsection (1) and is otherwise in compliance

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with the Act and by-laws.

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

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

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

FORMS

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

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Amended October 2005

adding 10.1, amend 16(1) & adding 16(2), adding 19(3), amend 20 and add 20(3), add 21, amend 22(2), Add new paragraph 23(1)(a) as follows and reletter paragraphs 23(1)(a) to (g) and amend 23(1)(a)(now 23(1)(b) and 23(1)(b) [now 23(1)(c)]), add 23(5), amend 25, amend 28, add section 34.1 & 34.2 & 34.3

Amended September 26, 2009

Add “as of *date*” below heading. *Rationale:* This would easily indicate most recent version of by-laws.

Remove italics in section 10.1, 16(1), 16(2), 19(3), 20(1), 20(2), 20(3), 21, 23(1)(a)-(c), 23(5), 25(a)(b), 34.1(1) to 34.3(4)

Change 15(2) to read “...shall be filed with the Admissions Committee Chair...” from “...shall be filed with the Secretary...”

Change “in” in 14(2)(b) to “is” to correct typo.

Remove quotations from section 19(1), (2), 22(4), 22(5), 23(2), 23(3), 24(4), 24(5) “Chairperson of the Admissions Committee” and change to Admissions Committee Chair.

Remove underscore in 19(1) e) “and”, f), 23(1)(b) “two”, (f) “and”, 28(b) “two”

Change all references from Council on Chiropractic Education Canada, Inc. to Canadian Federation of Chiropractic Regulatory and Educational Accrediting Boards (CFCREAB or the “Federation”) in 19(2) (a), 23(1)(a), 32(3)

Strike section under 19(3)(c) “an applicant who is waiting his/her eligibility...New Brunswick Chiropractic Association Board Examinations.” *Rationale:* NBCA board exams no longer exist.

Remove italics in section 22(2) “any examinations as required by the New Brunswick Board” and strike New Brunswick. *Rationale:* consistent with text.

Change 32(1) to read “All members shall attend a minimum of twenty-four credit hours of approved continuing education seminars in each two year period...” from “All members who practice chiropractic shall attend a minimum of twenty credit hours of approved continuing education seminars in each two year period...” *Rationale:* More consistent with other provinces. Also, almost every seminar is 12 credit hours.

Remove quotations from 32(6) Committee.

Remove capital “T” from 33(2) the Continuing Education Committee.

Remove line space between 34(2) (d) and (e).

Change 35(4) to read “A member who fails to pay fees to the Association for two consecutive years is deemed to have resigned from the Association.” from “...five consecutive years...” *Rationale:* five years is too long.

Strike “...but shall not be less than twenty-five percent of such fees” in section 38. *Rationale:* this condition is rarely met.

Change section 49 to read “A representative of the Association to the CCA shall be elected at the Annual General Meeting for a two year term.” Strike “when the term expires.”

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Change section 50 to read “A representative of the Association to the College shall be elected at the Annual General Meeting for a two year term.” Strike the second “for a two year term.” *Rationale:* Housekeeping

RECOMMENDED FEE SCHEDULE: Change 59(1) to read “A suggested up-to-date fee schedule for chiropractic services in New Brunswick can be obtained from the Association’s secretary or office” and delete 59(2) & (3).
Rationale: Keeps the information in By-laws consistent and less subject to change.

Delete extra spacing between sections 58 and 59, 59(3) and 60(1).

New By-Law under Annual General and Special General Meetings:

42(8) For the purpose of voting on approval of By-Laws at an Annual General Meeting, acceptable methods of voting shall include: in-person, by ballots received by regular or electronic mail, or faxed directly to the Association’s office. *Rationale:* Over the past few years, attendance at AGMs did not meet the stated 66% quorum required in the Association’s Act to approve amended By-Laws.

43(5) For the purpose of voting on approval of By-Laws at a Special General Meetings, acceptable methods of voting shall include: in-person, by ballots received by regular or electronic mail, or faxed directly to the Association’s office. *Rationale:* Over the past few years, attendance at AGMs did not meet the stated 66% quorum required in the Association’s Act to approve amended By-Laws.

Membership Categories:

- Delete “**Associate Member**” category. *Rationale:* Implementation of the new “Agreement on Internal Trade” (AIT) and free mobility by the Federal Government as of April 1, 2009 rendered this category meaningless.
- Change “**Special Member-Practicing**” category 14(1) to: Subject to the approval of the Board, a member who
 - a) Is a member in good standing,
 - b) Practices twelve hours or less per week,
 - c) Administers not more than thirty-five treatments per week, and
 - d) Provides to the Board annually a statutory declaration confirming b) and c),
 may be registered as a special practicing member . Continuing Education hours must be maintained as well as any other requirements that the Board requests. *Rationale:* Without minimal practice this category allows a member to stay on the Association’s roster without adequate practice of chiropractic and for an indefinite period which may expose the public to unnecessary risk. New definition would accommodate members who are coming back after a period of illness or following a locum who would like to ease into regular practice by working part-time with Board’s approval. Members in this category must be willing to open their books for auditing if the Board decides to do so as declared in d) above.
- Change “**Special Member Non-practicing**” category 14(2) to: Subject to the approval of the Board, a member who,
 - a) is a member in good standing, and
 - b) is unable to practice chiropractic
 may be registered as a special non-practicing member for a period of up to one year. The leave may be extended at the discretion of the Board. Continuing Education hours must be maintained as well as any other requirements that the Board requests. After two years in this category, the member must successfully complete the CCEB recertification examination in order to be registered as a practicing member. *Rationale:* This definition allows for a short leave of absence from practice (such as: maternity leave, illness, compassionate reasons, sabbatical, etc.) without major requirements upon returning to practice.

Strike “associate members” in **17(2)**. *Rationale:* Category no longer exists.