

NEW BRUNSWICK SOCIETY OF
MEDICAL LABORATORY TECHNOLOGISTS

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**NEW BRUNSWICK SOCIETY OF MEDICAL
LABORATORY TECHNOLOGISTS
BYLAWS**

INTERPRETATION

In these bylaws and in any rules made by the Board, unless the context otherwise requires:

“Act” means the Medical Laboratory Technology Act;

“CSMLS” means the Canadian Society for Medical Laboratory Science;

“Society” means the New Brunswick Society of Medical Laboratory Technologists;

“Board” means the Board of the Society constituted under section 4 of the Act;

“medical laboratory technologist” means a person whose name is entered in the register as a medical laboratory technologist;

“medical laboratory technology” means the performance of laboratory investigations relating to the diagnosis, treatment and prevention of disease and the evaluation of their technical validity, on specimens taken from the human body;

“member” means a medical laboratory technologist and any person whose name is entered in the register, temporary register or in any of the rosters established and maintained pursuant to the Act, the bylaws and rules;

“prescribed” means prescribed by bylaws or rules made under the Act by the Board;

“register” means the register kept pursuant to paragraph 10(1)(a) of the Act;

“Registrar” means the person holding the office of Registrar under subsection 9(2) of the Act;

“registration” means the entry of the name of a person in the register;

“rosters” means the rosters kept pursuant to paragraph 10(1)(d) of the Act;

“rule” means a rule made by the Board pursuant to section 6 of the Act;

“specialist register” means the register kept pursuant to paragraph 10(1)(c) of the Act;

“temporary register” means the register kept pursuant to paragraph 10(1)(b) of the Act;

Any words importing the singular number shall include the plural and vice versa and words importing the masculine gender shall include the feminine and neuter genders and vice versa wherever the context so requires.

Any words used in these bylaws or in the rules which are defined in the Act shall have the meaning set out therein.

ARTICLE I - HEAD OFFICE AND FISCAL YEAR

- 1.01 The head office of the Society shall be at such place as may be determined by the Board from time to time by rule. All notifications, notices, correspondence and any other directions shall be made to the Society or the Board at the head office.
- 1.02 The fiscal year of the Society shall terminate on the 31st day of December in each year, which date may be changed from time to time by a resolution of the Board.

ARTICLE II - SEAL

- 2.01 The seal of the Society shall be such seal as is adopted by the Board by resolution from time to time.
- 2.02 The executive director shall have custody of the seal of the Society.
- 2.03 Authorized officers and directors as set out in the rules may affix the seal of the Society to documents.

ARTICLE III - REGISTRATION AND MEMBERSHIP

3.01 MEMBERSHIP

There shall be the following nine categories of membership in the Society:

- (a) medical laboratory technologists, certified
- (b) medical laboratory technologists, non-certified
- (c) temporary members
- (d) specialist members
- (e) retired members
- (f) inactive members
- (g) student members
- (h) associate members
- (i) courtesy members

MEDICAL LABORATORY TECHNOLOGISTS

- A. medical laboratory technologist members shall be those persons certified by the CSMLS and in good standing with the CSMLS at the RT General or RT Subject level or persons qualified under article 4.01 A 1(b) and whose names are entered in the register and who have complied with the requirements of and have paid the fees set out in the bylaws and the rules. Notwithstanding the other sections of the bylaws, medical laboratory technologists certified by CSMLS at the RT Subject level shall only practice medical laboratory technology in the subjects or fields in which they are certified by CSMLS.
- B. medical laboratory technologist members certified shall be entitled, subject to the bylaws and the rules, to:
 - 1. receive notice of, attend and participate in meetings of the Society, and to receive copies of any regular bulletins or publications issued by the Society;
 - 2. upon election or appointment hold office and to nominate persons to hold office in the Society;
 - 3. upon election or appointment, serve on committees of the Society;
 - 4. membership in the Canadian Society for Medical Laboratory Science;
 - 5. to use the designation “medical laboratory technologist” or the abbreviation “MLT”;
 - 6. the right to vote; and
 - 7. full membership rights.

MEDICAL LABORATORY TECHNOLOGISTS NON-CERTIFIED

- A. medical laboratory technologist member non-certified shall be those persons licensed by a regulatory body in another Canadian jurisdiction immediately prior to application for licensure in New Brunswick, and are in good standing with the regulatory body but who are not certified by CSMLS. notwithstanding the other sections of the bylaws, a medical laboratory technologist licensed by a regulatory body to practice medical laboratory technology in another Canadian jurisdiction immediately prior to application for licensure in New Brunswick, shall only practice medical laboratory technology in the subject or field in which they were licensed to practice by that regulatory body. Any other restrictions associated with the license from the previous regulatory body shall apply to the license issued by the NBSMLT.

- B. medical laboratory technologist member non-certified shall be entitled subject to the rules and bylaws, to:
1. receive notice of, attend and participate in meetings of the Society, and to receive copies of any regular bulletins or publications issued by the Society;
 2. upon election or appointment hold office and to nominate persons to hold office in the Society;
 3. upon election or appointment, serve on committees of the Society;
 4. membership in the Canadian society for medical laboratory science;
 5. to use the designation “medical laboratory technologist” or the abbreviation “MLT”;
 6. the right to vote; and
 7. full membership rights.

3.04

TEMPORARY MEMBERS

- A. Temporary members shall be those persons whose names are entered in the temporary register and have complied with the requirements of and have paid the fees set out in the bylaws and rules.
- B. Temporary members shall be entitled to practice as medical laboratory technologists subject to the bylaws and the rules. Temporary members shall not be entitled to the rights set out in article 3.02 B.
- C. Temporary registration shall be issued and renewed at such intervals and subject to such conditions, limitations and restrictions as may be set out in the rules. Temporary members certified by CSMLS at the RT Subject level shall only practice Medical Laboratory Technology in the subjects or fields in which they are certified by CSMLS.
- D. No person shall be entitled to temporary registration for a period exceeding 18 months.

3.05

SPECIALIST MEDICAL LABORATORY TECHNOLOGISTS

- A. The Society adopts the specialist medical laboratory technologists categories certified by the CSMLS at the ART and FCSMLS levels and shall enter in the specialists register the names of the medical laboratory technologists having such CSMLS certification and who have complied with the requirements of and have paid fees set out in the bylaws and the rules.

- B. Specialist medical laboratory technologists shall be entitled, subject to the bylaws and the rules, to the same rights and be subject to the same requirements for registration and renewal of registration as those of medical laboratory technologists and shall only carry out specialized practice in the fields in which they are certified by CSMLS.

3.06

RETIRED MEMBERS

- A. Retired members shall be those former registered members who have retired from the practice of medical laboratory technology whose names are entered in the roster of retired members and who have complied with the requirements of the bylaws and the rules and have paid any fees established by the Board.
- B. Retired members shall be entitled to use the designation “Medical Laboratory Technologist Retired” or “MLT Ret.”, upon election or appointment to serve on committees of the Society, to receive copies of any regular bulletins or publications issued by the Society, and to receive notice of and attend meetings but shall have no voting or other rights.

3.07

INACTIVE MEMBERS

- A. An inactive member is a certified member in good standing who is not working in a situation which requires the application of knowledge of medical laboratory technology and who has complied with the requirements of the Bylaws and rules and has paid any fees established by the Board.
- B. Inactive members shall be entitled to receive copies of any regular bulletins or publications issued by the Society, to serve on committees of the Society and to receive notice of and attend meetings but shall have no voting or other rights.

3.08

STUDENT MEMBERS

- A. A student member shall be enrolled in an accredited or approved training program leading to CSMLS certification.
- B. Student members shall be entitled to receive copies of any regular bulletins or publications issued by the Society, to serve on committees of the Society and to receive notice of and attend meetings but shall have no voting or other rights.

3.09

ASSOCIATE MEMBERS

- A. Associate members shall be those persons certified by the CSMLS at the MLA level and who have complied with the requirements of and have paid the fees set out in the bylaws and rules.
- B. Associate members shall be entitled, subject to the bylaws and rules, to:
 - 1. receive notice of, attend and participate in meetings of the Society, and to receive copies of any regular bulletins or publications issued by the Society;
 - 2. use the designation of “medical laboratory assistant” or the abbreviation “MLA”;
 - 3. have no voting or other rights.

3.10

COURTESY MEMBERS

- A. Courtesy membership shall be extended to eligible applicants to allow temporary use of the protected title as set out in the rules

ARTICLE IV - TERMS OF MEMBERSHIP

4.01

GENERAL REQUIREMENTS FOR FIRST REGISTRATION

- A. No one shall have his or her name entered in the register or temporary register unless:
 - 1. such person
 - (a) has completed a medical laboratory technology education program accredited by an approved accreditation body or approved by the CSMLS and is eligible to obtain CSMLS certification at the RT General or RT Subject levels; or
 - (b) was a person who at the commencement of the Act on May 9, 1991, was employed as a medical laboratory technologist in New Brunswick or was employed as a medical laboratory technologist in New Brunswick at any time within three years preceding that date.
 - (c) has been licensed by a regulatory body in another Canadian jurisdiction immediately prior to application for licensure in New Brunswick, and is in good standing with the regulatory body, but who has not been certified by CSMLS.

- i) the results of any complaint or disciplinary proceeding initiated against the license in another jurisdiction prior to the application for membership to the NBSMLT shall be applied to the NBSMLT license.
 - 2. such person is a new entry into the Province with RT certification granted by the CSMLS; a graduate from an accredited or approved medical laboratory technology program; a CSMLS certified and CSMLS currently registered medical laboratory technologist from another province in Canada who requests temporary membership for a limited period in response to a nationally declared emergency disaster in New Brunswick, a person referred to in 4.01 A.1.(c). In disciplines where the CSMLS does not offer certification, the Admissions Committee will consider applicants with an RT General, RT Subject, or BSCMLS with courses in the said discipline; all such applicants must meet the requirement of article 4.03 B.1;
 - 3. such person is of good character;
 - 4. such person has paid all applicable fees required by the bylaws and the rules; and
 - 5. such person has satisfied all of the requirements for registration or temporary registration set out in the bylaws or rules.
- B. Graduates of non-Canadian programs in medical laboratory technology may apply for membership in the Society only after having their qualifications assessed by the CSMLS for Canadian certification equivalency in medical laboratory technology. Such persons shall also be subject to article 4.01(A)(3), 4.01(A)(4) and 4.01(A)(5).
 - C. Except in response to a nationally declared emergency in New Brunswick there shall be a minimum waiting period of one (1) month to investigate character, competence and education.

4.02

RESIGNATION AND REAPPLICATION

- A. Any member may resign as a member of the Society by delivering a written resignation to the Registrar prior to the expiry of his or her membership.

- B. Any former member who has resigned or whose membership has lapsed for nonpayment of fees may reapply for registration, temporary registration or membership upon payment of such fees as may be set out in the rules or be established by the Board and subject to compliance with all other requirements for renewal of registration, temporary registration or membership.
- C. Members of the Society shall be in good standing only so long as their membership fees have been paid in full.

4.03

RENEWAL OF REGISTRATION

- A. Registration and membership shall be renewed annually in accordance with the bylaws and the rules.
- B. Unless otherwise provided by the rules, no person shall be eligible for renewal of registration as a medical laboratory technologist unless he or she
 - 1. presents evidence, satisfactory to the Registrar of 750 hours of active practice of medical laboratory technology as defined in the rules while registered with the Society or with the jurisdiction in which such practice occurred, during the three calendar years preceding such application, and such active practice meets the criteria and requirements set out in the rules; or
 - 2. has completed a medical laboratory technology program in accordance with the bylaws and rules within the five calendar years preceding such application; or
 - 3. has completed a refresher course as may be approved or required by the rules within the five calendar years preceding such application; or
 - 4. meets the requirements for renewal of registration set out in the rules in respect of persons who are enrolled in or have completed health related post-secondary programs.
 - 5. Commencing January 1, 2009, meets the requirements of a professional development program approved by the Board and as set out in the rules, administered by the Registrar, and such program shall include components respecting:
 - (a) A self-reporting process whereby a member once every three (3) years shall provide to the Registrar such forms, documents, information or evidence as the Registrar may request in respect of the applicant's participation in the professional development program, in accordance with the procedures set out in the rules;

- (b) Assessment of the information provided by members to ensure compliance with the professional development program as set out in the rules; and
 - (c) Issuance of a professional development certificate confirming compliance with the professional development program, which certificate shall be valid for a period of three (3) years.

- C. Applicants who apply for renewal of registration as medical laboratory technologists and who do not meet the requirements of article 4.03(B) shall complete such relevant profession specific refresher course as may be approved or required by the rules before becoming eligible for renewal of registration. Subject by approval of the Registrar

- D. Changes in educational requirements for initial registration which may be made
 - (a) shall not affect the eligibility for renewal of registration;
 - (b) shall not restrict the right to practice; and
 - (c) shall not restrict the eligibility for refresher programs offered or approved by the Society

of any person who was at any time a medical laboratory technologist registered with the Society.

- E. Applicants who apply for renewal of registration for 2009 or later who do not meet the professional development requirements referred to in paragraph 4.03B.5. shall be issued a temporary registration for a period of three (3) months during which the member shall only be eligible to practice under the supervision of a registered member, and failing compliance within the 3 months with the professional development program requirements, the registration of the member shall expire.

- F. All information obtained relating to the participation in the professional development program by a member shall be confidential and used only for the purposes of:
 - (a) ensuring compliance with the professional development program;
 - (b) determining the member's eligibility for renewal of registration or temporary registration.

ARTICLE V - FEES

- 5.01 Annual membership fees shall be paid at the Head Office of the Society on or before December 31st in each year and annual membership fees received after this date shall not be accepted until late filing fees in amounts to be set by the Board from time to time are paid. Annual membership fees shall be accompanied by a completed electronic Registration Form in such form as may be approved by the Board from time to time.
- 5.02 The annual membership fees for medical laboratory technologists shall be approved by the membership at an annual or special meeting by a resolution submitted by the Board.
- 5.03 The Board may from time to time determine all other fees, dues and assessments for all other matters, including annual fees for other categories of membership and initial admission or registration fees payable by any category of membership, by an ordinary resolution of the Board.
- 5.04 If a member has not filed the required Registration Form together with the applicable annual fee by January 1st in any year, together with all late filing fees due, the name of the member shall be struck from the register or the applicable roster. In the case of registered or temporary members, the Registrar shall forthwith send a notice to the member's employer, if known, notifying the employer that the member is no longer entitled to practice as a medical laboratory technologist or to hold himself out as such.
- 5.05 Membership in the association shall expire on January 1st in each year, unless renewed prior to that date and each person whose membership has expired shall not be entitled to any of the rights and privileges of a member.
- 5.06 To accommodate the movement of medical laboratory technologists within Canada, no application fee shall be levied from any CSMLS certified and currently CSMLS registered medical laboratory technologists, or a person referred to in 4.01 A.1.(c), applying for membership in the Society.
- 5.07 To accommodate the movement of medical laboratory technologists within Canada and to promote the welfare of the public, no registration fee shall be levied on applications for temporary membership by out-of-province CSMLS certified practicing medical laboratory technologists currently registered with the CSMLS and invited to practice medical laboratory technology for a specified period in response to a nationally declared emergency or disaster in New Brunswick.

ARTICLE VI - BOARD

6.01 COMPOSITION OF THE BOARD

The Board shall consist of eight persons as follows:

- A. the president, president-elect and past president;
- B. four (4) Directors from across New Brunswick;
- C. a lay person appointed in accordance with the Act by the Lieutenant-Governor in Council to represent the public.

6.02 Each director shall be at least nineteen years of age and, other than the lay director, shall be a medical laboratory technologist.

6.03 Each Director shall reside or work within the province of New Brunswick.

6.04 The term of office of the lay director shall be two years with a maximum of three terms.

6.05 Subject to article 6.07 the term of office for each Director shall be two (2) years with three (3) Directors being appointed each year.

6.06 A member of the Board may hold only one (1) Board position at a time.

- 6.07 A. If a vacancy on the Board occurs in a position held by a Director, the Board executive shall fill such vacancy.
- B. If any other vacancy on the Board occurs, the president shall appoint a replacement conditional on the approval of the Board.
- C. Any person appointed to fill a vacancy shall hold office until his successor, whether appointed or elected, commences his term of office.

6.08 If a Director is unable to attend a Board meeting, the Academy represented by that Director may appoint another medical laboratory technologist who is a member of the Academy executive to serve at the Board meeting as an alternate. The alternate shall be entitled to all the rights and privileges of a director including voting privileges.

6.09 Regular meetings of the Board shall be held at such time and place as may be determined by the president.

6.10 Written notice of all meetings of the Board shall be forwarded to each director not less than three (3) days before the day of the meeting. A notice of special meeting shall state the purposes for which the meeting is being called.

- 6.11 A majority of the Board constitutes a quorum for the transaction of any business.
- 6.12 The president, with the approval of the Board may invite other individuals to take part in discussions on pertinent business at any meeting of the Board.
- 6.13 In addition to the authority and procedures set out under section 38 of the Act, the president may at his or her discretion cause a vote to be taken by mail on any matter. The ballot setting out the question to be voted on shall be sent to each member of the Board at least ten (10) days prior to the last day set for counting the votes. All questions voted on by mail shall be decided by a majority vote. In the event that a quorum has not voted, the motion, matter or question shall be deemed to have been defeated.
- 6.14 The Board shall at each annual meeting of the Society present the audited financial statements of the Society for the preceding year.
- 6.15 The Board, executive committee or any committee of the Board or Society may conduct business by telephone or other communication facilities when necessary or desirable provided that a notice of meeting by telephone or other communication facilities has been given in accordance with the provisions of these bylaws or such notice has been waived. The minutes of any action, decision, order or determination taken or made by a meeting held by telephone or other communication facilities shall be made part of the minutes of the Board, executive committee or committee as the case may be.
- 6.16 Pursuant to section 6 and paragraph 5(1)(O) of the Act the Board may by resolution make, amend or repeal rules regulating any aspect, subject or matter of the business and affairs of the Society and the practice of medical laboratory technology as may be governed by bylaw, including such aspects, subjects or matters described in paragraphs 5(1)(a) - (n) inclusive, (p) and (q) of the Act and any such rules shall be valid, binding and effective from the date of the resolution of the Board until amended or repealed by an ordinary resolution at an annual, or special or general meeting of the Society called for the purpose of considering the same.
- 6.17 Bylaws shall be made, and amended and repealed in accordance with the provisions of the Act. No motion for the repeal or amendment of a rule at the instance of a member pursuant to the Act shall be considered at an annual, special, general or other meeting of the Society unless a Notice of Motion in writing signed by the proponents of the motion and setting out the exact wording of the proposed motion has been given to the Society no later than sixty days prior to the date of the meeting at which the motion is to be considered. Such Notice of Motion shall be forwarded to the members by the Society at least twenty-five days prior to the meeting at which it is to be considered.
- 6.18 The officers of the Society shall be the president, the president-elect, the past president, the executive director and the registrar.

ARTICLE VII – ELECTIONS

- 7.01 The president-elect shall be elected by mail ballot in accordance with the procedures set out in the rules. Each voting member shall have one vote.
- 7.02 Notice of the date on which mail ballots are to be mailed to members together with a call for nominations shall be forwarded to each voting member at least ninety (90) days prior to such date.
- 7.03 The Nominating Committee shall be responsible for seeking candidates who will allow their names to stand as nominees. Each nominee must consent in writing to his or her nomination before the nomination can be accepted.
- 7.04 In addition to the nominations submitted by the nominating committee, nominations may be submitted over the signatures of two (2) voting members, one of whom shall act as the proposer and the other as a seconder. The nominee must consent in writing to his or her nomination. Nominations must reach the Chair of the Nominating Committee at least thirty (30) days before the date the mail ballots are to be mailed to voting members. If only one person is nominated for the position of president-elect by the date the mail ballots are to be mailed to voting members, that person is elected as president-elect.
- 7.05 The Nominating Committee shall determine whether each nomination complies with the bylaws.
- 7.06 The Chair of the Nominating Committee shall prepare the slate of nominations and the form of the mail ballots.
- 7.07 All elections to office shall be by plurality vote.
- 7.08 In the event of a tie vote, the president will cast the deciding vote.

ARTICLE VIII - TERMS OF OFFICE AND DUTIES OF OFFICERS

- 8.01 The president shall be the chief executive officer of the Society and shall be responsible to the membership for the efficient functioning of the Society and for the maintenance of proper procedures and protocol of the Board and committees of the Society.
- 8.02 The president shall preside at all meetings of members, at all meetings of the Board and at all functions of the Society.
- 8.03 Unless otherwise specifically excluded the president shall be an ex-officio non- voting member of all other boards and committees except the Nominating Committee.
- 8.04 The president, president-elect, registrar and executive director shall constitute the executive committee of the Board.
- 8.05 The term of office for the president shall be one (1) year with all duties and responsibilities commencing on January 1st following completion of his term of office as president-elect.
- 8.06 The president-elect shall serve for three (3) consecutive terms commencing on January 1st following his election, as the president-elect, president and past- president successively.
- 8.07 The president-elect shall succeed the president and in the absence of or inability of the president to act the president-elect shall assume the duties and responsibilities of the president.
- 8.08 In addition to the executive director and the executive staff, the Board shall appoint annually at least one (1) and not more than three (3) Board members as signing officers.
- 8.09 The executive director shall have all accounts audited at the end of each fiscal year and he or she shall submit the audited financial statements to the Board for presentation at the next Annual General Meeting.
- 8.10 The executive director shall be responsible for all Society monies and investments and shall submit to the Board for review all loans and investments at least once each year.
- 8.11 The Directors shall be the liaison officers between the Society and the members.
- 8.12 The Board shall appoint annually the Chairs of the Standing Committees except the Nominating Committee and such other chairs or officials as may be deemed necessary to the proper functioning of the Society.
- 8.13 All officers and officials acting on behalf of the Society, upon direction from the Board, shall be entitled to be reimbursed for authorized expenses incurred during their term of office.

ARTICLE IX - DUTIES OF REGISTRAR

- 9.01 The Registrar shall be responsible for ensuring that registration requirements as set forth in the Act, bylaws and rules have been met and are maintained.
- 9.02 The Registrar shall collect all fees required pursuant to the bylaws and rules.
- 9.03 The Registrar shall keep all registers and rosters up to date as well as all other necessary records.
- 9.04 The Registrar shall remove or cause to be removed from the registers or one or more of the rosters the name of any person who fails to meet or maintain the qualifications and standards for entry in the registers or rosters.
- 9.05 The Registrar shall issue or cause to be issued annually a certificate of registration to persons whose names are entered in the register, in such form as may be approved by the Board.
- 9.06 The Registrar shall immediately upon receipt of the complaint against a member deliver the complaint to the Chair of the Complaints Committee and provide a copy to the member.
- 9.07 When served with a notice of appeal under the Act, the Registrar shall obtain a transcript or such record as exists of the evidence presented to the committee, person or body from whom the appeal is taken and shall prepare and present to the Board a record on appeal consisting of the transcript or such other record as exists, all exhibits and the order or other documents evidencing the decision being appealed.
- 9.08 The Registrar shall provide the appellant and any other person entitled by the Act, bylaws or rules to participate in the appeal with a copy of the record on appeal upon payment of the costs and disbursements of producing such copies.
- 9.09 The Registrar shall perform such other duties as may be required by the Board.

ARTICLE X - COMMITTEES

- 10.01 The following categories of committees are hereby established:
- A. standing,
 - B. advisory,
 - C. special, and
 - D. consultative.
- 10.02 The standing committees shall be:
- A. Legislation Committee (Chair appointed by the Board)
 - B. Nominating Committee (comprised of Directors of the Board and the past president who shall be the Chair)
 - C. Admissions Committee (Chair appointed by the Board)
 - D. Complaints Committee (Chair appointed by the Board)
 - E. Discipline Committee (Chair appointed by the Board)
 - F. Professional Practice and Regulation Committee (Chair appointed by the Board)
- 10.03 The advisory committees shall be:
- Awards and Grants Committee (Chair elected by members of the committee)
- 10.04 The Board may appoint special committees as it from time to time deems necessary.
- 10.05 Except as otherwise provided in the bylaws the Board, at its meeting immediately preceding or immediately following the annual general meeting each year, shall appoint the members of each of the committees as it may deem advisable.
- 10.06 Unless a contrary intention appears in the bylaws the Board may, from time to time, appoint additional members to any committee.
- 10.07 The members of the advisory committees may, in addition to the medical laboratory technologists appointed by the Board, include members of other associations and the public.

10.08 The consultative committees shall be:

- A. Public Relations
- B. Continuing Education

10.09 The quorum for all committees is a majority.

ARTICLE XI - MEDICAL LABORATORY TECHNOLOGY

EDUCATION COURSES AND PROGRAMS

11.01 To qualify for approval, schools and programs of medical laboratory technology shall be accredited by an approved accreditation body.

ARTICLE XII – DISCIPLINE

12.01 COMPLAINTS COMMITTEE

The Complaints Committee shall be composed of

- A. Five medical laboratory technologists, one of whom shall be a past member of the Board. Two members of the Complaints Committee must be proficient in both the English and the French languages.
- B. Two persons, who are not members of the Society, one of whom shall be proficient in the French language.

12.02 A. The Board shall appoint a Chair of the Complaints Committee for a term of office of three years and the Chair shall name a Vice-Chair for a term of three years from among the other medical laboratory technologist members of the Complaints Committee to serve in place of the Chair in the event of the Chair's absence or inability to act at any time.

- B. The Board shall appoint the members of the Complaints Committee, other than the Chair, from a list of persons nominated by the Society for terms of three years provided that one-half of the first Committee shall be appointed for initial terms of two years and no member shall be a director of the Society or a member of the Discipline Committee.

- C. In the event of any vacancy on the Complaints Committee, the Board shall fill the vacancy forthwith.

- 12.03 Upon receiving a written complaint, the Chair of the Complaints Committee shall:
- A. Appoint a panel of three members of the Committee to consider and investigate the complaint. Each panel shall consist of the Chair or the Vice-Chair, one medical laboratory technologist and one person who is not a member of the Society.
 - B. Cause the Registrar
 - 1. to notify the member in writing that a complaint has been received by the Committee and that an investigation is being conducted;
 - 2. forward a copy of the complaint to the member against whom the complaint is made and request that the member state his language of preference;
 - 3. notify the member's employer, if known, that a complaint has been lodged against the member;
 - 4. conduct a preliminary investigation, request and obtain such information as he or she considers necessary for the purposes of the Committee and prepare and forward to the Committee and the member against whom the complaint is made, a report of such investigation and such report may consist of the documents received in respect of the complaint;
 - 5. upon completion of the preliminary investigation, call a meeting of the Complaints Committee and notify the member of the date of the first meeting of the Complaints Committee in accordance with the provisions of paragraph 24(11)(c) of the Act.
- 12.04 Each panel shall constitute a quorum and shall act for, carry out and exercise all the duties and powers of the Complaints Committee.
- 12.05 After the Complaints Committee has made a determination pursuant to subsection 24(12) of the Act, the Committee shall forward to the Board, the member against whom the complaint has been made, the complainant and the member's employer a report of its determination, signed by the members of the Committee concurring therein.
- 12.06 If the Complaints Committee has referred a complaint to the Discipline Committee, it shall submit all evidence and documents submitted to it together with the report described in article 12.03 B 4 to the Discipline Committee.

12.07

DISCIPLINE COMMITTEE

The Discipline Committee (hereinafter referred to as the “Committee”) shall be composed of:

- A. Three (3) medical laboratory technologists each having at least 5 years medical laboratory technology experience and being proficient in the French language;
- B. Four (4) medical laboratory technologists each having at least 5 years medical laboratory technology experience and being proficient in the English language;
- C. A Chair and a Vice-Chair who shall be medical laboratory technologists each having at least 5 years medical laboratory technology experience and one of whom shall be proficient in both the French and English languages;
- D. Three persons who are not members of the Society and:
 - 1. one of whom is proficient in the French language;
 - 2. one of whom is proficient in the English language;
 - 3. one of whom is proficient in both the French and English languages.

12.08

A. The Board shall appoint a Chair of the Committee for a term of office of three years and a Vice-Chair for a term of three years to serve in the place of the Chair in the event of the Chair’s absence or inability to act at any time.

B. The Board shall appoint the members of the Committee, other than the Chair and Vice-Chair, and the Committee members referred to in article 12.11D from a list of persons nominated by the Academies of the Society. The members shall be appointed for terms of three years, provided one- half of the first Committee shall be appointed for initial terms of two years.

C. The Committee members referred to in article 12.11D shall be appointed in accordance with subsection 25(2) of the Act.

D. In the event of a vacancy on the Committee, the Board shall fill that vacancy forthwith.

12.09

Upon receiving a complaint, the Chair of the Discipline Committee, shall:

- A.
 - 1. appoint a panel of four members of the Committee to consider and investigate the complaint. Each panel shall consist of the Chair or Vice-Chair, two medical laboratory technologists and one person who is not a member of the Society.

2. In appointing a panel, each Chair shall consider the following factors:
 - (a) the immediate geographic area in which the member against whom the complaint was made resides, for the purpose, to the extent practicable, of appointing members of the panel who do not reside in the same area;
 - (b) the language preference of the member against whom the complaint was made; and
 - (c) the similarity of the length of medical laboratory technology experience of the panel members with that of the medical laboratory technologist against whom the complaint has been made.

B. cause the Registrar to:

1. notify the member in writing that a complaint has been received by the Committee and that an investigation is being conducted;
2. request and obtain such information as the Registrar considers necessary for the purposes of the Committee and prepare and deliver to the Committee such information; and
3. upon completion of such preliminary matters deemed necessary by the Registrar, set a date for the first hearing of the Committee and notify the member of the said date in accordance with the provisions of paragraph 27(1)(e) of the Act.

12.10 When the Discipline Committee has made a determination or order under subsection 25(8) of the Act, the Committee shall forward to the Board, the member against whom the complaint has been made, the complainant and the member's employer, a report of its determination or order, signed by the members of the Committee concurring therein.

12.11 Each panel of the Committee shall constitute a quorum and shall act for, carry out and exercise all the duties and powers of the Committee.

12.12 A. If the Committee makes an order pursuant to paragraphs 25(7) (b), (c) or (d) of the Act, a copy thereof shall, whether made prior to or after the commencement of the first hearing the Committee, be mailed forthwith to the member against whom the order is made

B. Both the complainant and the member against whom a complaint is made have the right to be represented at any hearing of the Discipline Committee by legal counsel, at their own expense.

C. The Committee shall make such record of the evidence presented to it in such a manner and form as it deems expedient.

D. It is the duty of the member against whom a complaint is made to appear at all hearings but in the event of non-attendance the Committee, upon proof of mailing the notice of the hearing to the last known address of the person to whom it was directed, may proceed in the same way as though the member were in attendance.

12.13 REINSTATEMENT

A. Applications for reinstatement of registration or membership and for removal or alteration of conditions, restrictions or limitations imposed on a member's registration, membership or practice (hereinafter collectively referred to as "sanctions") shall be considered by the Discipline Committee or a panel thereof, where the sanctions were originally ordered by the Discipline Committee or by the Board or the Court following a hearing of the Discipline Committee.

B. The Discipline Committee shall make such investigations and conduct such hearings it deems necessary for the consideration of applications provided for in article 12.13 A.

C. A panel of the Discipline Committee appointed to consider an application under article 12.13 A shall be appointed in the manner set out in article 12.09 A with such modifications as are necessary to ensure that no member of a panel appointed to consider that application has participated in a previous discipline proceeding respecting the applicant.

12.14 No application pursuant to article 12.13 A may be made to the Discipline Committee within twelve months from the date on which the member's registration, membership or right to practice was revoked or suspended or subjected to conditions, restrictions or limitations or within twelve months from the date of the determination of any previous application under article 12.13 A.

12.15 The Discipline Committee shall determine its own rules of procedure with respect to applications under article 12.13 A.

12.16 A. The Discipline Committee shall not consider any application under article 12.13 A unless:

1. the application is in writing and signed by the applicant;
2. the application sets out the grounds of the application, the remedy or order sought and the remedial measures taken by the applicant;
3. the applicant has paid all fees prescribed by the Board; and
4. the applicant has complied with any requirements set out in the rules with respect to such applications.

- B. When the Discipline Committee has made a decision, order or determination with respect to an application under article 12.13 A, the Committee shall forward to the Board and the applicant a copy of its decision, order or determination signed by the members of the Committee concurring therein.

ARTICLE XIII - MEETINGS

- 13.01 The annual general meeting shall be a general meeting of members of the Society, held at such time and place as may be determined by the Board, for the purpose of receiving the financial statements and reports and for the transaction of such other business as may be properly brought before it.
- 13.02 Notice of the annual general meeting of the Society, together with the agenda for the meeting shall be sent to members at their last known address not less than thirty (30) days prior to the meeting.
- 13.03 A special meeting shall be a general meeting of the members which may be called at any time by the president with the approval of the Board, or upon the written request of at least five (5) percent of the voting members of the Society for the purpose of considering a specified and urgent matter of business which cannot be delayed until an annual general meeting lest it affect the best interests and welfare of the Society.
- 13.04 Notice of a special meeting of the Society together with notice of the purpose of the meeting shall be sent to the members at their last known address not less than fifteen (15) days prior to the meeting. The date, time and place shall be at the discretion of the Board. Failure to give such notice shall not invalidate such meeting or any business transacted thereat.
- 13.05 The majority of the members registered to vote at annual and special meetings shall constitute a quorum provided that at least fifteen (15) members register to vote.
- 13.06 The president may at his or her discretion, cause a vote to be taken by mail on any matter. The ballot setting out the question to be voted upon shall be sent to all voting members of the Society at least ten (10) days prior to the last day set for counting the votes. All questions, other than elections, voted on by mail shall be decided by a majority of votes cast. The quorum for a mail vote other than elections shall be 50 votes. In the event that a quorum has not voted, the matter or question in issue shall be deemed to have been defeated.

ARTICLE XIV - VOTING

- 14.01 The eligibility of any member to vote at any general meeting or by mail ballot shall be in accordance with the provisions of bylaws and rules.
- 14.02 In the event of a tie vote at any meeting, the presiding officer may cast the deciding vote.

ARTICLE XV - PARLIAMENTARY AUTHORITY

- 15.01 Except as otherwise provided for in these bylaws the proceedings of meetings shall be conducted according to the latest edition of Robert's Rules of Order.

ARTICLE XVI - EDITORIAL CHANGES

- 16.01 Whenever amendments are made to bylaws, consequential editorial changes may be made by the Board to the bylaws or rules as required.

ARTICLE XVII – APPENDIX 1

APPENDIX 1

