



**BY-LAWS**

**Manitoba Professional Acupuncture Association  
(MPAA)**

**Approved by the Membership at AGM December 17, 2017**

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**PART 1**  
**DEFINITIONS**

**Definitions**

The following definitions shall apply to all parts of these By-Laws:

- 1.1 “Acupuncturist” means a person who meets criteria as a Registered Member in the MPAA;
- 1.2 “Association” means the Manitoba Professional Acupuncture Association;
- 1.3 “Board” means the Board of Directors of the Manitoba Professional Acupuncture Association;
- 1.4 “By-Laws” means the By-Laws of the Manitoba Professional Acupuncture Association;
- 1.5 “Committee” means a committee established under Manitoba Professional Acupuncture Association By-Laws;
- 1.6 “Continuing Education” means the continuing education program as established in the By-Laws, and administered by the MPAA Board of Directors;
- 1.7 “General Meeting” means an Annual General Meeting and/or Special General Meetings of the MPAA;
- 1.8 “MPAA” means the Manitoba Professional Acupuncture Association;
- 1.9 “Non-Registered Member” means an individual who holds membership with the Association, is in good standing, and meets all criteria for membership in one of the following membership categories - Student Member or Non-Practicing Member - as prescribed in these By-Laws.
- 1.10 “Register” means the list of Member’s information maintained by the Board of Directors.
- 1.11 “Registered Member” means an individual registered and in good standing with the Association, and meets all criteria for the membership category Registered Member as prescribed in these By-Laws;
- 1.12 “Regulated Health Professional” means an individual who is registered with a Regulatory College that will be represented by the upcoming Regulated Health Professions Act of Manitoba.
- 1.13 “Special General Meeting” means any General Meeting of the Association other than an Annual General Meeting;

**PART 2**  
**MEMBERSHIP**

**2.1 Membership**

Membership in the Association shall consist of all members of the Association who maintain their membership in good standing.

**2.2 Good Standing**

A Member in good standing is: up to date in the payment of all fees, dues or levies of the Association; and not suspended or cancelled pursuant to the By-Laws.

**2.3 Categories of Membership**

There shall be both registered and non-registered categories of membership for the profession of acupuncture.

The following registered membership categories are established in the Association:

- (a) Registered Member

The following non-Registered Membership categories are established in the Association:

- (a) Student Member
- (b) Non-Practicing Member

**Registered Member**

The category of membership in the Association designated as Registered Member may be granted to a person who meets one of the following criteria:

- (a) Passed the MPAA Entrance Acupuncture Exam or PAN-Canadian Exam in a regulated province AND completed minimum 3 years of a Traditional Chinese Medicine acupuncture program from an educational institution in Canada or other country, approved by MPAA.

OR

- (b) Passed MPAA Entrance Acupuncture Exam AND is a Regulated Health Professional with certified acupuncture training from institution approved by MPAA.

OR

- (c) Currently holds valid registration as a Registered Acupuncturist in a regulated province in Canada or has government issued license to practice Traditional Chinese medicine in another country

AND also meets the following criteria:

- (d) Fulfills requirements for continuing education as prescribed in these By-Laws
- (e) Has completed MPAA safety course

(f) Fees, dues or levies for the Association be paid in full; and

(g) Complete the MPAA application or annual renewal forms.

### **Non-Registered Member**

Non-registered members do not meet criteria for registered membership, and include the following membership categories:

#### **a) Student Member**

A Student Member is an individual who is currently in a Traditional Chinese Medicine acupuncture training program, but does not meet criteria for Registered Membership, and:

- i. Has paid in full all fees, dues or levies for the Association; and
- ii. Completed the MPAA application or annual renewal forms.

#### **b) Non-Practicing Member**

A Non-Practicing Member is an individual who is not currently engaged in active professional acupuncture practice, and meets the following criteria:

- i. Previously was a Registered who has submitted a written request to the Board of Directors to change their membership status from Registered to Non-Practicing member;
- ii. Has chosen to not practice acupuncture with any other acupuncture organization in the Province of Manitoba;
- iii. Meets requirements for continuing education as prescribed in these By-Laws;
- iv. Has paid in full all fees, dues or levies for the Association; and
- v. Completed the MPAA application or annual renewal forms.

**2.4 Transfer to Registered Member Category from any other Membership Category**

To transfer to the Registered Member category from any other membership category, the Member shall make written Application to the Board of Directors, pay the appropriate fees, dues or levies and must meet the requirements for Registered Member as described in these By-Laws.

**2.5 Continuity of Membership**

Any person who was a Registered Member with the Association and practicing acupuncture prior to the most recent amendment to these By-Laws, shall continue to be a Registered Member with the Association, upon continuous payment of the prescribed fee, even if the person does not otherwise fulfill the membership criteria for the Registered Member category as set out in these By-Laws. The Member shall be subject to all other provisions of these By-Laws as applicable.

**2.6 Annual Membership Renewal**

- (a) All Members must submit a completed application and fees for membership renewal for the upcoming year by the last working date prior to, or on, November 1<sup>st</sup> of each year. Any application submitted past November 1<sup>st</sup> might be subject to an additional late fee as determined by the Board of Directors. The expiry date of the annual certificate shall be October 31<sup>st</sup> of each year.
- (b) Upon receipt of an application for renewal of an annual certificate, the Board of Directors must, as soon as possible, consider the application, make a decision, and notify the applicant of the decision.
- (c) Persons who have not renewed their membership will hold no privileges in the Association.

**2.7 Cancellation of Membership**

Membership in the Association may be cancelled:

- (a) By the Member submitting a signed request for cancellation to the Board of Directors. Such cancellation shall be effective upon the date of acceptance by the Board of Directors, or upon a date as specified by the Board of Directors, provided that all indebtedness of the Member to the Association has been paid in full. Membership fees are non-refundable.
- (b) Upon a resolution by, or pursuant to a policy of, the Board of Directors, for the default of the payment of any fee, penalty, cost, dues or levy payable to the Association under these By-Laws, and such cancellation shall be effective upon the date of the resolution by the Board of Directors, or the date set out in such policy cancelling the membership unless another date is specified by the Board of Directors;

## 2.8 **Suspension of Membership**

Membership in the Association may be suspended,

(a) Upon the recommendation of the Conduct and Competency Committee pending the outcome of proceedings by the Conduct and Competency Committee with respect to the Member's conduct;

(b) As a result of disciplinary action;

(c) Upon the recommendation of the Registration Committee after the conclusion of the Registration Committee's inquiry or review into the practice of the particular Member or pursuant to a MPAA policy.

## 2.9 **Approval, Refusal or Deferral – Registered Members**

If the Board of Directors approves, refuses or defers an application for the reinstatement of a former Registered Member's membership, the Board of Directors must advise the applicant of the decision in writing, and provide reasons for the decision.

## 2.10 **PRIVILEGES OF MEMBERSHIP**

### (a) Use of Title

Registered Members may use the title Registered Acupuncturist (R.Ac.) until such time that the Province of Manitoba regulates the profession of acupuncture. Non-Registered Members may not use the title Registered Acupuncturist (R.Ac.)

### (b) Attend General Meetings

All members of the Association are entitled to attend and participate in discussions at General Meetings of the Association.

### (c) Vote

Only Registered Members in good standing may vote on matters affecting the Association.

### (d) Receive Publications

All members of the Association are entitled to receive the Association's publications and all other regular mailings or communications of the Association.

### (e) Membership of the Board of Directors

Only Registered Members are entitled to be elected to fill a voting position on the Board of Directors.

(f) Membership of the Conduct and Competency Committee

The majority of Members on the Conduct and Competency Committee must be Members in good standing in the Registered Member category.

(g) Membership of Registration Committee

Only Members in good standing in the Registered Member category are entitled to be appointed to the Registration Committee.

**PART 3**  
**THE BOARD OF DIRECTORS**

**3.1 Board Of Directors has Powers of the Association**

The Board of Directors shall manage and conduct the activities of the Association, exercise the rights, powers and privileges and carry out the duties of the Association in the name of and on behalf of the Association.

**3.2 Composition of Board of Directors**

The Board of Directors shall consist of a minimum of 7 members and a maximum of 9 members of the Association. All Board members must be Registered Members of the Association, and in good standing.

**3.3 Quorum**

A quorum of the Board shall be reached when a majority of the Board members are attending a meeting of the Board. Quorum must be attained to transact any business of the Association. A quorum of Board members may exercise all the powers of the Board, regardless of a vacancy among the Board of Directors.

**3.4 Election and Term**

The election of Board members shall take place at each Annual General Meeting of the Association. Each Board member shall be elected for a two-year term. Approximately half of the directors shall be elected each year. All Board members shall be eligible for re-election if they so choose. The election of Board members shall be by ordinary resolution of the members. If an election of the Board members is not held at the proper time, the incumbent Board members shall continue in office until their successors are elected. No election or appointment of a person as a Board member shall be effective unless:

- (a) the person consents in writing to act as a Board member before the election or appointment or within ten (10) days thereafter, or
- (b) the person was present at the meeting when elected or appointed and accepted at that meeting to act as a Board member.



**3.5 Voting Procedure**

The chairperson of the Nominations Committee must supervise and administer all Board Committee elections and may establish procedures, consistent with these By-Laws for that purpose.

**3.6 Vacancy**

Where a vacancy occurs on the Board of Directors, the Board may appoint a person to fill that position for the remainder of the term.

**3.7 Removal from Board of Directors**

The Members of the Association may, by special resolution at a General Meeting, remove any Board member from Board of Directors. A vacancy created by the removal of a Board member may be filled at the General Meeting.

**3.8 Place of Meetings**

Board meetings may be held at any place.

**3.9 Calling of Meetings**

Board Meetings shall be held at least once every three (3) months and may be called upon 48 hours notice in writing or by telephone by either the President or any two Board members of the Association. Any Board meeting may be held at any place and time without such notice if all the Board members are present or if a quorum is present and those Board members who are absent have given their consent to the holding of the meeting in writing either before or within five (5) days of the meeting. Any resolution passed or proceeding or action taken at such meeting shall be as valid and effectual as if it had been passed or taken at a meeting duly called. Notice of any meeting or any irregularity in any meeting or in the notice thereof may be waived by any Board member.

**3.10 President**

The President shall:

(a) Be a Registered Member;

(b) Be present as chair of all meetings of Board of Directors;

(c) Oversee the operation and performance of the Association;

(d) Act in accordance with the requirements of his or her office in carrying out the duties and responsibilities of the Board.

(e) Automatically succeed to the office of Past-President at the expiry of the term for a maximum duration of 1 year;

(f) Sign all Certificates of Membership jointly with any one member of the Board;

(g) Act as a signing officer on cheques and other documents as required by the Board;  
and

(h) Be limited to a maximum of two (2) consecutive two-year terms.

**3.11 Vice President**

The Vice President shall:

(a) Be a Registered Member;

(b) Attend all designated meetings of the Board;

(c) In the absence or disability of the President, or if the President requests, perform the duties and exercise the powers of the President; and

(d) Act as a signing officer on cheques and other documents as required by the Board.

**3.12 Treasurer**

The Treasurer shall:

(a) Be a Registered Member;

(b) Report to the Board when required to do so by the Board;

(c) Receive or designate a receiver of all monies paid to the Association and deposit same in a chartered bank or credit union designated by the Board;

(d) Keep a record of or designate a record keeper of all Association income received and all expenses paid in accordance with generally accepted accounting practices;

(e) Pay or designate payment of all legitimate liabilities and expenses of the Association except as otherwise directed by the Board;

(f) Perform all of the related duties as prescribed by the Board from time to time.

(g) Report to the Association at the Annual General Meeting;

(h) At the end of each fiscal year, provide financial information in a form and manner satisfactory to the Association;

(i) Attend all designated meetings of the Board;

**3.13 Secretary**

The Secretary shall:

- (a) Be a Registered Member;
- (b) Report to the Board when required to do so by the Board;
- (c) Attend all designated meetings of the Board;
- (d) Take minutes of the meetings of the Board of Directors, and send minutes to each member of the Board of Directors after each meeting of the Board;
- (e) Maintain communication between membership and the Board;

**PART 4**  
**DUTIES OF THE BOARD OF DIRECTORS**

**4.1 Keep Minutes**

The Board shall cause minutes to be kept of its proceedings and Meetings, which shall be kept in the office of the Association

**4.2 Signing Authority**

The Board of Directors shall determine, by resolution, which persons shall sign cheques, drafts, and other instruments and documents.

**4.3 Keep Accounts**

The Board shall cause proper books of accounts to be kept in respect of all sums of money received and expended by the Association.

**4.4 Pay Accounts**

The Board is entitled to make use of all revenues received from membership fees and other sources to carry out the affairs and activities of the Association.

**4.5 Prepare Financial Records**

The Board shall cause to be prepared proper accounts relating to all monies of the Association for each Annual General Meeting.

**4.6 Maintain Insurance**

The Board shall at all times keep and maintain in force:

4.6.1 Physical damage insurance on assets of the Association to the full replacement value thereof without deduction for depreciation;

4.6.2 General liability insurance insuring the Association, the Board of Directors and employees of the Association in an amount deemed sufficient by the Board.

**4.7 Approve Programs**

Board shall establish and maintain, for the purposes of registration, a register of approved education programs.

**4.8 Prescribe Forms**

The Board may prescribe the forms required for membership, membership renewal and for an annual Certificate of Membership, and any other forms or documents that may be required for the purposes of By-Laws or Association policies.

**PART 5  
REGISTER**

**5.1. Register**

The Board of Directors shall maintain a Register of Membership for each of the membership categories. Each Member shall provide to the Board all required information, and shall advise the Board of any changes to their information.

**5.2 Required Information of Registered Members**

The Register of the Registered Members of the Association must contain the following information:

- (a) The full name of the Member; maiden/other names of the person, as applicable; The Member's date of birth, mailing address, applicable phone numbers, email addresses and other contact information;
- (b) The Member's unique registration number;
- (c) The date of initial registration;
- (d) Any conditions imposed on the Member's annual certificate, The status of the Member's annual certificate, including whether it is suspended, or cancelled;
- (e) Registration numbers if registered with any other professional organizations specified by the board committee;
- (f) Any education programs related to the Member's practice that a Member has taken in addition to the required program;
- (g) Information required for the Continuing Education Program;

**5.3 Required Information of Associate and Non-Practicing Members**

- (a) The full name of the Member; maiden/other names of the person, as applicable; The Member's date of birth, mailing address, applicable phone numbers, email addresses and other contact information;
- (b) Date of initial membership;

**5.5 Student Member**

- (a) The full name of the Member; maiden/other names of the person, as applicable; The Member's date of birth, mailing address, applicable phone numbers, email addresses and other contact information;
- (b) Date of initial membership;
- (c) Academic institution and anticipated year of graduation.

**5.6 Form of Register**

The register shall be maintained in a written form or by means of an electronic record or otherwise.

**5.7 Amending Information**

No information on the Register may be altered, amended, deleted or added to, except in accordance with the direction of the Board of Directors.

**PART 6  
OBLIGATIONS OF MEMBERSHIP**

**6.1 Comply with By-Laws**

Each Member shall comply with these By-Laws.

**6.2 Pay Fees**

Each Member shall pay to the Association all fees, dues and levies assessed on the Member together with any penalties or interest for late payment as may be approved or as established in these By-Laws.

**6.3 Provide Information for Register**

Each Member shall provide to the Association any required information for the Register for that Member.

**6.4 Maintain Information**

Each Member shall advise the Board of any changes to the Member's address, phone number, or change of legal name within 30 (thirty) days of such change.

**6.5 Member Discipline**

A Member may be disciplined for failing to comply with the By-Laws, Standards of Practice, Code of Ethics, and such other codes, guidelines, policies, practices and procedures in place from time to time. Any discipline of a member shall be in accordance with the Discipline Process, which shall set out the procedure for investigating complaints, hearing allegations, and making appeals to the Board of Directors. The Discipline Process shall also set out the occasions when the disciplinary measures of a warning, a reprimand, a suspension, probation, terms, conditions, and limitations or an expulsion can be imposed. The Discipline Process shall be established and may be amended from time to time by the Board of Directors by resolution.

**6.6 Ethical and Professional Conduct**

Members shall at all times conduct themselves in accordance with the Code of Ethics and Standards of Practice.

**PART 7  
DUTIES AND POWERS OF THE ASSOCIATION**

**7.1 Head Office**

The head office of the Association shall be located within the city in which the Provincial Legislature sits. The Board of Directors shall determine the premises occupied by the Association.

**7.2 Annual General Meeting**

The Association shall hold an Annual General Meeting at least once in each fiscal year.

**7.3 Fiscal Year**

The fiscal year of the Association shall be from November 1<sup>st</sup> to October 31<sup>st</sup> in the following calendar year.

**7.4 Special General Meeting**

The Association shall hold a Special General Meeting when required pursuant to the provisions in these By-Laws.

**7.5 Retain Valuable Documents**

The Association shall at all times keep and maintain for the benefit of the Association, copies of all documents, agreements, certificates, approvals and valuable documents.

**7.6 Obey Regulation and By-Laws**

The Association is obliged to follow all laws and regulations in the jurisdictions that it does business, in executing its duties and by-laws.

**7.7 Enforce By-Laws**

The Association may do all things reasonably necessary for the enforcement of the By-Laws and for the government, management and conduct of the Association's affairs.

**7.8 Enforce Code of Ethics and Standards of Practice**

The Association must establish, maintain and enforce a Code of Ethics and Standards of Practice.

**7.9 Annual Report**

The Association shall submit to Members an annual report on the matters of the business and affairs of the Association. The Annual Report shall be submitted to the membership at the Annual General Meeting of each year.

**7.10 Collect Fees**

The Association shall collect and receive all fees, dues and levies assessed and paid by the Members.

**7.11 Pay Accounts**

The Association is entitled to make use of all revenues received from membership fees and other sources to carry out the affairs and activities of the Association.

**7.12 Benefit Programs**

The Association may provide awards and establish scholarships, fellowships or any other educational incentive or benefit program considered appropriate on behalf of the Association.

**7.13 Seal of the Association**

The Association shall have a seal, which shall have inscribed thereon "Manitoba Professional Acupuncture Association". The seal shall be kept in the custody of the Board on behalf of the Association.

**7.14 Signing Authority**

The Association shall have at least two persons, authorized by the Board to sign contracts, documents, cheques, or any instruments in writing requiring the signature of authorized officers of the Association.

**7.15 Information Dissemination**

The Association may maintain a website, publish a newsletter and distribute any other material to Members and other persons.

**PART 8  
FEES, DUES AND LEVIES**

**8.1 Fees**

(a) Fees for registration application fees, annual certificates for all membership categories, and late penalty fees shall be set by the Board of Directors.

(b) The Board shall create policies regarding extending the time for a registrant to pay the fees on such terms and conditions that the Board deems appropriate.

**8.2 Determine Fees**

The Board shall determine the fees and publish any changes to fees sixty (60) days prior to the renewal date.

(a) Registration Application Fees – A fee shall be assessed and charged for investigation, processing and registration for every person that applies for registration. A fee may be charged each time that an individual applies for registration or requests a review of a refused application

(b) Annual Membership Fees – Annual membership fees shall be assessed annually or upon renewal of the annual membership. A fee may be charged for a review of an annual membership issued subject to conditions, suspended, or refused by the Registration Committee.

(c) Other Fees – Additional registration or annual membership fees for specific situations may be assessed if done so pursuant to a policy adopted by the Board.

(d) A fee structure to accommodate new graduates may be established by Board.



**8.3**            **Failure to Pay Fees**

Members shall pay all fees, due and levies.

(a) The Board may refuse registration, may suspend or may cancel the membership and/or annual certificate of any Registered Member who does not pay their annual fees or any special assessment when due.

(b) Members who have not paid their annual membership fees by October 31<sup>st</sup> in any year or who default on any other fees, dues or levies shall be given notice that their registration and annual certificate shall be cancelled if the fees plus penalties and interest are not paid within thirty days of the notice being sent.

**8.4**            **Penalty for Late Payment**

(a) There shall be a penalty for late payment of fees, dues or levies in the amount determined by the Board.

(b) The Board may also assess a reasonable rate of interest on the outstanding balance which shall not exceed the prime rate of interest of the Bank of Canada averaged while the balance is outstanding.

**8.5**            **NSF Cheques**

(a) The Board shall have the authority to collect charge back fees for NSF cheques.

(b) After an NSF, a member must pay in the form of a certified cheque or money order received by the Association within fifteen (15) days of notification.

(c) Failure to remit replacement fees will be considered late payment and penalties will be applied.

**8.6**            **No Refund**

No Member is entitled to a refund of fees, dues or levies of any type for any reason, unless approved by the Board.

**PART 9**  
**GENERAL MEETINGS OF THE ASSOCIATION**

**9.1**            **Annual General Meeting**

An Annual General Meeting of the Members of the Association shall be held at a time and place chosen by the Board of Directors.

**9.2 Notice of Annual General Meeting**

Members of the Association shall be provided with notice of the Annual General Meeting at least twenty-one (21) days in advance of the meeting by sending notification to the Members by mail or electronic means at their last known address.

**9.3 Order of Business at Annual General Meeting**

The order of business at an Annual General Meeting shall generally include:

- (a) If the President and the Vice-Presidents of the Council shall be absent, the election of the Chairperson of the Meeting;
- (b) Call to order by the Chairperson;
- (c) Approval of agenda;
- (d) Approval of minutes of the previous General Meeting;
- (e) Report of the President;
- (f) Report of the Treasurer;
- (g) Committee reports;
- (h) Report of Nominations Committee and voting in of new Board members;
- (i) Adjournment of Annual General Meeting.

**PART 10  
COMMITTEES**

**10.1 Registration Committee**

The Registration Committee may, at the Board's request, review an application for registration or renewal of an annual membership, may cancel an annual membership if satisfied that the applicant has not met conditions and may undertake any other powers or duties given to it by Board of Directors.

- (a) Composition: The Registration Committee shall be composed of not less than one member, the majority of whom must be Registered Members in good standing;
- (b) Term: Members of the Registration committee shall serve for a maximum three (3) year term, renewable as required.

**10.2 Conduct and Competency Committee**

The Conduct and Competency Committee is established to hear, investigate and remediate complaints received by the Association from the public, insurance

companies and/or Members, according to the Complaints and Discipline Policies set up by the Association.

(a) Composition: The Conduct and Competency Committee shall be composed of no less than two registered members in good standing who have practiced in the profession for at least five years;

(b) Term: The members of the Conduct and Competency Committee shall serve for a maximum three (3) year term, renewable as required.

### **10.3 Examination Committee**

The Examination committee shall oversee all aspects of the Acupuncture Examination process including the development and implementation of entry level examination for registration purposes.

(a) Composition: The Examination Committee shall be composed of not fewer than three (3) members, the majority of whom must be Registered Members in good standing.

(b) Term: The members of the Examination Committee shall serve for a maximum three (3) year term, renewable as required.

### **10.4 Nomination Committee**

The Nomination Committee is in charge of filling vacancies on the Board of Directors and Committees. This committee will notify members of vacancies on the Board, ask for nominations to the Board of Directors by the membership, interview nominees to the Board of Directors, notify the Board of Directors of a slate of Board candidates, all in advance of the Annual General Meeting.

### **10.5 Special Committees**

The Board of Directors may create a special working committee or committees consisting of appointed Members in good standing, and others as required, from time to time.