



## BYLAWS

### British Columbia College of Social Workers

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## Definitions

### 1. In these bylaws

"**Act**" means the *Social Workers Act*;

"**applicant**" means a person who applies for registration pursuant to the Act and these bylaws;

"**appointed board member**" means a person appointed to the board under section 4(3)(b) of the Act;

"**board**" means the board of the British Columbia College of Social Workers;

"**chair**" means the member of the board elected under section 12;

"**college**" means the British Columbia College of Social Workers established under section 2(1) of the Act;

"**deliver**" with reference to a notice or other document includes mailing to or leaving with a person or depositing in a person's mailbox or receptacle at the person's residence or place of business;

"**elected board member**" means a person elected to the board under section 4(3)(a) of the Act;

"**examination**" means a theoretical examination, given orally or in writing, or a practical examination, or any combination of these, and includes a supplemental examination and a section of an examination if the examination is required to be taken in a series of sections;

"**fiscal year**" means calendar year;

"**in good standing**" means, in respect of an applicant or a registrant

(a) the registration of the registrant is not under suspension or cancelled;

(b) the registrant's authorization to practise social work is not otherwise restricted or limited by any terms, limits or conditions established under Part 3 of the Act or the equivalent thereof in another jurisdiction;

"**personal information**" means "personal information" as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;

"**record**" means a "record" as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;

"**registrant**" means a person registered as a social worker in accordance with the Act and these bylaws;

"**respondent**" means a registrant or former registrant named in a citation issued under section 31 of the Act;

"**special resolution**" means a resolution which requires a  $\frac{3}{4}$  vote of those persons present and eligible to vote at a meeting;

"**standards of practice**" means the standards of practice, limits or conditions for the practice of social work established by the board and include the college's standards of professional conduct and competence;

"**vice-chair**" means the vice-chair of the board elected under section 12.

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## PART 1 COLLEGE BOARD, COMMITTEES AND PANELS

### Composition of the board

2. Following the first election referred to in section 4 of the Act, the board consists of eight elected board members, who are registered and in good standing to engage in the practice of social work, and four appointed board members.

### Voting eligibility

3. The following classes of registrants are eligible to vote in an election:
  - (1) Registered – Full
  - (2) Registered – Provisional
  - (3) Registered – Clinical
  - (4) Registered – Non-practising

### Election eligibility

4. Any full or clinical registrant is eligible for election to the board if the registrant
  - (1) is currently registered and in good standing to engage in the practice of social work;
  - (2) at the time of election, has been actively engaged in the practice of social work for at least one out of the last five years;
  - (3) has at least three years of experience in the practice of social work;
  - (4) has paid all monies due pursuant to the bylaws;
  - (5) has not been the subject of a finding of professional misconduct, incompetence or incapacity in the two years preceding the date of the election;
  - (6) has not had his or her registration revoked or suspended in the two years preceding the date of the election for any reason other than the non-payment of fees; and
  - (7) does not have registration that is subject to a term, condition, or limitation imposed under Part 3 of the Act.

### Notice of election

5. (1) The registrar must notify every registrant of an election by delivering notice at least 90 days prior to the date of the election.
  - (2) The notice must contain information about the nomination procedure and the election procedure.
  - (3) The accidental omission to deliver notice of an election to, or the non-receipt of such a notice by, any registrant, board member or committee member entitled to receive notice does not invalidate the election, any proceedings in relation thereto, or the results thereof.

### Nomination procedure

6. (1) Any registrant may nominate for office a maximum of two registrants for each vacant or soon-to-be vacant position by delivering such nomination and election to the registrar, together with a letter of consent from the person nominated, at least 60 days prior to the date of the election.
  - (2) A person nominated under subsection (1) must declare in writing that he or she will observe the provisions of the Act, and the procedures related to the election and the conduct of the election.
  - (3) The registrar must disqualify any nominee who is not eligible.

### Election procedure

7. (1) The registrar must supervise and administer all board elections and may establish procedures consistent with these bylaws, for that purpose.
  - (2) The registrar must prepare and deliver to each registrant an election ballot not less than 30 days prior to the date of the election.

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- (3) Each registrant will be entitled to one ballot and may vote in favour of one candidate for each vacant position to be elected on such ballot.
- (4) The registrar must not count a ballot unless it is received by the registrar at least 15 days prior to the date of the election and is contained in an envelope on which the registrant's name and signature appears.
- (5) The persons receiving the most votes on the return of the ballots are elected.
- (6) In the case of a tie vote, the registrar must select the successful candidate by random draw.
- (7) The registrar may determine any dispute or irregularity with respect to any nomination, ballot or election.
- (8) Where the number of persons nominated under section 6 is less than or equal to the number of positions at the close of nominations, the nominees are elected by acclamation.
- (9) The registrar must use Schedule A to certify newly elected members of the board pursuant to section 5 of the Act.

## **Terms of office**

8. (1) The term of office for an elected board member is two years.
- (2) An elected board member may serve a maximum of three consecutive terms.
- (3) An elected board member may resign at any time by delivering a notice in writing to the registrar and the resignation is effective upon receipt by the registrar.

## **Removal of elected board member**

9. (1) An elected board member ceases to hold office if he or she ceases to be a registrant in good standing.
- (2) An elected board member may be removed by special resolution at a general meeting called by the board in accordance with section 31 or called by the registrants in accordance with section 32.

## **Vacancy**

10. Any vacancy of an elected board position may be filled by a registrant selected by the board for the remainder of the term for that position by special resolution of the board.

## **Remuneration of board and committee members**

11. A board or committee member
  - (1) may be paid an honorarium for time spent on business of the college; and
  - (2) shall be reimbursed by the college for reasonable expenses necessarily incurred in connection with the business of the college.

## **Chair and vice-chair**

12. (1) The members of the board must elect a chair and a vice-chair by a majority vote for a one year term.
- (2) The chair must
  - (a) preside at all meetings of the college and board, but does not become a member of a committee unless specifically appointed by the board to a particular committee;
  - (b) sign all certificates, diplomas and other instruments executed on behalf of the college as required;
  - (c) sign the minutes of each meeting after they are approved by the board; and
  - (d) act generally in accordance with the requirements of the office of the chair for the proper carrying out of the duties of the board.
- (3) The vice-chair will perform the duties of the chair in the absence of the chair.

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- (4) In the absence of both the chair and the vice-chair, an acting chair for a board meeting must be elected by a majority vote of the board members present.

## Board meetings

13. (1) The board will meet at least four times in each fiscal year after having provided reasonable notice of board meetings to registrants.
- (2) The chair or any three board members may require the registrar to call a meeting of the board.
- (3) Members of the public may request of the registrar the following:
  - (a) details of the time and place of a board meeting;
  - (b) a copy of the agenda;
  - (c) a copy of the approved minutes of any preceding meeting; andupon receipt of such a request, the registrar will comply with the same within a reasonable period of time.
- (4) Subject to subsection (5), meetings of the board are open to registrants and to the public.
- (5) The board may exclude any person from any part of a meeting if it is satisfied that
  - (a) financial or personal or other matters may be disclosed and the public interest in the disclosure is outweighed by the privacy interests of the individuals involved;
  - (b) a person involved in a criminal proceeding or civil suit or proceeding may be prejudiced;
  - (c) personnel matters or property acquisitions will be discussed;
  - (d) the contents of examinations will be discussed;
  - (e) communications with the Office of the Ombudsman or the Office of the Representative for Children and Youth will be discussed;
  - (f) information or instructions may be given to or advice may be sought or opinions received or discussed from legal counsel for the board, hearing panels, or committees; or
  - (g) the person is acting in such a way as to prevent the board from conducting the meeting.
- (6) When the board excludes any person from a part of a meeting the board will note its reasons for doing so in the minutes of the meeting.
- (7) The registrar is responsible for ensuring that minutes are taken at each meeting and retained on file.
- (8) A majority of the board constitutes a quorum.
- (9) No resolution proposed at a meeting need be seconded and the chair of a meeting may move or propose a resolution.
- (10) In case of an equality of votes, the chair shall not have a casting or second vote in addition to the vote to which he or she is entitled as a board member and the proposed resolution shall not pass.
- (11) The board may conduct business in person or by mail, electronic means, facsimile, telephone or video conference.
- (12) Except as otherwise provided in the Act or these bylaws, the most recent edition of *Robert's Rules of Order* governs the procedures at meetings of the board.

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## **Extraordinary board meetings**

14. Despite section 13(1) the registrar or the chair may call a meeting of the board without providing notice to the registrants where necessary to conduct urgent business.

## **Registration committee**

15. (1) The registration committee is established consisting of five members appointed by the board in accordance with section 21(8).
- (2) The registration committee may recommend to the board that a specified social work education program be added to, or removed from the list of programs approved by the board.

## **Registration appeals committee**

16. The registration appeals committee is established consisting of three to five members appointed by the board in accordance with section 21(8).

## **Inquiry committee**

17. (1) The inquiry committee is established consisting of five members appointed by the board in accordance with section 21(8).
- (2) The inquiry committee must include at least three board members, at least one of whom must be an appointed board member.
- (3) The board must not appoint a person to be a member of the inquiry committee and the discipline committee at the same time.

## **Discipline committee**

18. (1) The discipline committee is established consisting of five board members appointed by the board, in accordance with section 21(8), and one of whom must be an appointed board member.
- (2) No member of the discipline committee may participate in the hearing of a matter in which he or she was involved as a member of the inquiry committee.
- (3) The discipline committee may meet in panels of three persons to be appointed by the chair of the committee.
- (4) All members of a panel constitute a quorum.

## **Quality assurance committee**

19. (1) The quality assurance committee is established consisting of six members appointed by the board in accordance with section 21(8).
- (2) The quality assurance committee must include at least one appointed board member.
- (3) The quality assurance committee may
  - (a) review the standards of practice so as to enhance the quality of practice and to reduce incompetent, impaired or unethical practice among registrants;
  - (b) establish and maintain a quality assurance program to promote high standards of practice among registrants; and
  - (c) recommend requirements to the board for approval.
- (4) For a program established under subsection (3)(b) the quality assurance committee must
  - (a) establish criteria for continuing professional development activities that meet the program requirements;
  - (b) identify the maximum number of hours a registrant may submit for credit in each cycle or over a series of cycles in relation to types of continuing professional development activities that meet the criteria established under subparagraph (a);

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- (c) establish requirements, guidelines and tools to assist registrants in
  - (i) identifying continuing professional development activities that meet the criteria established under subparagraph (a); and
  - (ii) recording and reporting professional development activities.
- (5) For a program established under subsection 3(b) the quality assurance committee may
  - (a) establish criteria for auditing compliance with the quality assurance program.
- (6) The quality assurance committee may determine:
  - (a) non-compliance with the program; or
  - (b) compliance including compliance due to special or extraordinary circumstances.
- (7) The committee must provide reasons in writing for a decision made with respect to determinations of non-compliance.
- (8) Where a registrant submits a false or misleading declaration or information the quality assurance committee must make a report in writing to the inquiry committee.
- (9) The quality assurance committee may enter into an agreement with the consent of a registrant for the purpose of ensuring minimum practice standards.

## **Finance committee**

- 20. (1) The finance committee is established consisting of at least three board members appointed by the board in accordance with section 21(8).
- (2) The finance committee is responsible for
  - (a) managing the board's system of financial administration, including
    - (i) accounting practices and systems, including classification of accounts, internal control and auditing systems;
    - (ii) financial planning;
    - (iii) budgetary control;
    - (iv) ensuring the safekeeping of board assets, including assets held in trust;
    - (v) managing college revenues, including receipt, recording and control of funds and deposit to accounts maintained by the board;
  - (b) advising the board on the needs of the board in regard to financial administration, and the financial implications of board decisions; and
  - (c) developing, establishing and administering, for the approval of the board, financial policies, systems and procedures essential to the financial administration of the board.

## **Committees**

- 21. (1) A person appointed to a committee established under these bylaws
  - (a) must serve a term determined by the board not exceeding one year; and
  - (b) is eligible for reappointment to a maximum of six years.
- (2) The board may remove a committee member by a majority vote of the board.

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- (3) The board will designate a committee chair from among the members of a committee.
- (4) In the absence of the committee chair and, if one is designated, the committee vice-chair, an acting chair for a committee meeting must be elected by majority vote of the committee members present.
- (5) Each committee annually will submit a report of its activities to the board for inclusion in the annual report.
- (6) A majority of a committee constitutes a quorum.
- (7) Committees may conduct meetings in person or by mail, electronic means, facsimile, telephone or video conference.
- (8) For the purposes of board appointments to committees, the term “**member**” includes registrants and board members but does not include the chair of the board unless he or she is appointed to a committee by the board. “Member” does not include the registrar.

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## PART 2 COLLEGE ADMINISTRATION

### Seal

22. (1) The board will approve a seal for the college.
- (2) The seal of the college is affixed, by those persons designated by the board, to all certificates of registration and such other documents as the board may direct by resolution.

### Registrar

23. (1) In addition to the registrar's duties under the Act the registrar shall:
  - (a) be responsible for the funds of the college and make deposits in a chartered bank, trust company, or credit union designated by the board;
  - (b) at each meeting of the board, submit a report of all revenues and expenditures since the last meeting, unless otherwise directed by the board;
  - (c) submit a report to the annual meeting of the college;
  - (d) ensure that minutes are taken at each meeting and retained on file;
  - (e) submit a financial statement to the auditor as soon as possible after the end of each fiscal year; and
  - (f) keep the records and seal of the college and perform such other duties as required by the board.
- (2) When the annual financial statement for the college has been certified by the auditor in writing, the registrar must mail a copy thereof to each registrant not later than 120 days following the end of the fiscal year.
- (3) The registrar may attend every committee meeting of the college as a non-voting staff member.
- (4) In the event of the office of the registrar being vacant, the board shall make a temporary appointment until a successor is appointed by the board.

### Fees

24. The fees payable to the college for applications for registration, annual registration, and reinstatement of registration are set forth in Schedule B.

### Banking

25. The board may establish and maintain such accounts with a chartered bank, trust company or credit union as it determines are necessary from time to time.

### Borrowing powers

26. The board may raise funds or borrow money in any manner it determines in order to carry out the purposes of the college.

### Investments

27. The board may invest funds in any investments authorized under section 15.1 and section 15.2 of the *Trustee Act* in the name of the college and may change those investments.

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## **Auditor**

28. (1) The board must appoint a chartered accountant or a certified general accountant to be the auditor.
- (2) The registrar must submit the financial statement to the auditor within 60 days of the end of the fiscal year.
- (3) A copy of the auditor's report must be included in the annual report.

## **Legal counsel**

29. The board, a hearing panel, or a committee may retain legal counsel for the purpose of assisting the board, hearing panel, or committee in carrying out any power or duty under the Act, or these bylaws.

## **General meetings**

30. (1) A general meeting of the registrants must be held in British Columbia at a time and place determined by the board.
- (2) The first annual general meeting of the registrants must be held not more than 18 months after the date the bylaws are approved by the minister and after that an annual general meeting must be held at least once in every calendar year and not more than 15 months after the holding of the last preceding annual general meeting.
- (3) The following matters must be considered at an annual general meeting
  - (a) financial statements;
  - (b) the report of the board; and
  - (c) the report of the auditor, if any.
- (4) Every general meeting, other than an annual general meeting, is an extraordinary general meeting.
- (5) The board may convene an extraordinary general meeting by resolution of the board.
- (6) A written resolution signed by all board members is valid and binding and of the same effect as if such resolution had been duly passed at a meeting of the board.

## **Notice of general meetings**

31. (1) The board must deliver notice of an annual or extraordinary general meeting to every registrant at least 30 days prior to the meeting.
- (2) Notice of a general meeting must include
  - (a) the place, day and time of the meeting;
  - (b) the general nature of the business to be considered at the meeting;
  - (c) any resolutions proposed by the board; and
  - (d) any resolution proposed by the registrants under section 32.
- (3) The accidental omission to deliver notice of a meeting to, or the non-receipt of a notice by, any registrant or board member entitled to receive notice of a general meeting, does not invalidate proceedings at that meeting.

## **Resolution proposed by registrants**

32. (1) Any 25 registrants may deliver a written notice to the registrar at least 60 days prior to the date of an annual or extraordinary general meeting requesting the introduction of a resolution regarding the removal of a board member.
- (2) On receipt of a notice specified in subsection (1) and at least 14 days prior to the date of that meeting, the registrar must deliver a notice and a copy of the resolution to each registrant.

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## **Proceedings at general meetings**

33. (1) A quorum is 21 registrants.
- (2) No business, other than the adjournment or termination of the meeting, may be conducted at a general meeting at a time when a quorum is not present.
- (3) If at any time during a general meeting there ceases to be a quorum present, business then in progress shall be suspended until there is a quorum present.
- (4) If within 30 minutes from the time appointed for the commencement of a general meeting or from any time during a general meeting when a quorum is not present, the meeting must be adjourned.
- (5) In the absence of both the chair and the vice-chair of the board, an acting chair for a meeting must be elected by a majority vote of the registrants present.
- (6) A general meeting may be adjourned from time to time and from place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (7) When a meeting is adjourned in accordance with subsection (4) or by motion, notice of the rescheduled meeting must be delivered as in the case of the original meeting.
- (8) No motion proposed at a meeting need be seconded and the chair of a meeting may propose a motion.
- (9) A registrant present at a meeting is entitled to one vote and the chair of the meeting, where the chair is a registrant, is entitled to one vote.
- (10) Voting must be conducted by ballot.
- (11) In case of a tie vote, the proposed resolution must not pass.
- (12) Except as these bylaws otherwise provide the most recent edition of *Robert's Rules of Order* governs the procedures at an annual or extraordinary general meeting.

## **Notice to public members**

34. Every notice or mailing to the general membership of the college must be provided to appointed board members.

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## PART 3 COLLEGE RECORDS

### Body responsible for administering the *Freedom of Information and Protection of Privacy Act*.

35. (1) The registrar is the "head" of the board for the purposes of the *Freedom of Information and Protection of Privacy Act*.
- (2) The registrar may authorize a deputy registrar, a person employed by the board or a person who has contracted to perform services for the board to perform any duty or exercise any function of the registrar that arises under the *Freedom of Information and Protection of Privacy Act*.
- (3) Disclosure of personal information
  - (a) In this section, "**third party**" includes a client and a complainant;
  - (b) For the purposes of Part 3 and section 62 of these bylaws, the board, the registrar, or any committee which releases information must not disclose personal information in the report or part of the report if the disclosure would be an unreasonable invasion of a third party's personal privacy under section 22(2) to (4) of the *Freedom of Information and Protection of Privacy Act*.

### Protection of personal information

36. (1) The board will ensure that the collection, use, and disclosure of personal information occurs in accordance with the *Freedom of Information and Protection of Privacy Act*.
- (2) The board will ensure that, where personal information is sent to any person or service organization for processing, storage or destruction, the Privacy Protection Schedule will be used as published from time to time by the ministry charged with the administration of the *Freedom of Information and Protection of Privacy Act*.

### Disclosure of annual report

37. The board must make available a copy of the annual report to every registrant and to any person on request.

### Disclosure of registration status

38. Where the board or the registrar receives an inquiry about the registration status of a person, the registrar must disclose, in addition to the matters required by section 12 of the Act
  - (1) whether or not the person is a registrant or a former registrant;
  - (2) whether or not the discipline committee has ever issued an order relating to the person under section 34(4) of the Act and the details of the order;
  - (3) whether or not the person has ever signed a consent order of the discipline committee under section 32 of the Act; and
  - (4) the details of a consent order pertaining to a change in the person's registration status or a restriction on the practice of the profession of the registrant.

### Manner of disposal of college records containing personal information

39. The board must ensure that a college record containing personal information is disposed of only by
  - (1) effectively destroying a physical record by utilizing a shredder or by complete burning;
  - (2) destroying information recorded or stored by electronic methods on tapes, disks or cassettes in a manner that ensures that the information cannot be reconstructed;
  - (3) returning the record to the person the information pertains to; or
  - (4) returning the record to the registrant who compiled the information.

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## PART 4 REGISTRATION

### Classes of registrants

40. The following classes of registrants are established:

- (1) full registration;
- (2) clinical registration;
- (3) provisional registration;
- (4) non-practising registration; and
- (5) temporary registration.

### Application for registration

40.1 (1) Where a person making application for registration meets all of the requirements set out in section 41(1) or (2) the applicant must provide:

- (a) a completed application in a form approved by the registrar;
- (b) a signed statement in the form set out in Schedule C of these bylaws;
- (c) satisfactory evidence of the good character of the person consistent with the responsibilities and standards expected of a registrant:
  - (i) two letters of reference; and
  - (ii) any other evidence required by the registration committee;
- (d) an up to date resume or similar document;
- (e) evidence of completing the required number of hours of social work experience as specified in section 41(1)(b);
- (f) the application fee listed in Schedule B of these bylaws;
- (g) a transcript, notarized copy, or other satisfactory evidence of his or her degree:
  - (i) in the event that the applicant's degree is from an institution outside of North America, cause a basic report from a credential evaluation service determined by the registration committee to be delivered to the College;
- (h) proof of identity in the form of at least one piece of government issued identification with a picture of the applicant, and one other piece of identification:
  - (i) if the name of the person on any document submitted is different than that on the identification evidence satisfactory to the registrar that the applicant changed their legal name;
- (i) a signed criminal record check authorization form as required by law;
- (j) any other police information checks required by the board;
- (k) where a police information check or other criminal record check indicates charges or evidence of one or more criminal convictions the applicant must
  - (i) provide a written explanation of the circumstances leading to the charges; and

- (ii) provide a signed authorization for the registrar to confirm the information with a law enforcement agency, court or registry;
  - (l) evidence of language proficiency as determined by the registration committee;
  - (m) any information required for registration for any examinations required under section 41(1)(d).
- (2) The registrar will issue to an applicant an authorization for an exam required under section 41(1)(d) where a person complies with 40.1(1)(a) through (m).
- (3) Where the applicant has written an examination for the purpose of licensure in social work in another jurisdiction:
- (a) cause a score report with a passing score from an examination required by the board to be delivered to the College; and
  - (b) a score report delivered under subsection (3)(a) will only be accepted if the applicant
    - (i) is currently registered as a social worker; and
    - (ii) section 44.1 applies to a person making an application who is non-practising.

### **Application for registration without a social work degree**

- 40.2 (1) A person making application for registration without a social work degree must
- (a) comply with the requirements in section 40.1(1)(a) through (m);
  - (b) meet the requirements set out in section 41(2); and
    - (i) provide a completed education supplemental document in a form approved by the registrar; and
    - (ii) cause a practice experience assessment form completed by a supervisor to be submitted to the College.

### **Application for provisional registration**

- 40.3 (1) A person making an application for provisional registration must
- (a) comply with the requirements in section 40.1(1)(a) through (m);
  - (b) meet all of the requirements set out in section 41(1)(a) and (b); and
  - (c) submit a provisional application form.

### **Full registration**

41. (1) For the purposes of section 9(1)(h) of the Act, the requirements for full registration are
- (a) graduation from an academic program approved by the board with
    - (i) a baccalaureate, master's, or doctoral degree in social work; or
    - (ii) a credential in social work equivalent to an undergraduate or postgraduate baccalaureate, master's, or doctoral degree in social work;
  - (b) a minimum of 700 hours of social work experience which meets standards approved by the board; and

- (d) successful completion of the examinations required by the board.
- (2) An applicant who does not meet the requirements established in subsection (1) may be granted full registration if the applicant
  - (a) has a minimum of a baccalaureate degree in a related field and a combination of knowledge, skills and abilities which are found by the registration committee to be substantially equivalent to the requirement established in subsection (1) (a), and has provided evidence satisfactory to the registration committee of such knowledge, skills and abilities, and evidence satisfactory to the registration committee that the applicant is the person named therein;
  - (b) has successfully completed any upgrading program(s) required by the registration committee; and
  - (c) has successfully completed any examination required by the board.
- (3) An applicant may be granted full registration if the applicant
  - (a) is registered in good standing with a regulatory body in another Canadian jurisdiction as, in the opinion of the board, the equivalent of a full registrant, and has provided evidence satisfactory to the registrar of such registration and that the applicant is the person named therein; and
  - (b) meets the requirements established in section 40.1(1)(a) through (l).
- (4) A full registrant may practice social work as defined in the Act, but may not undertake clinical social work.

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## Clinical registration

42. (1) A registered clinical social worker may practice social work as defined in the Act, and may undertake “**clinical social work**” which means the application of
- (a) social work knowledge and theories; and
  - (b) the independent use of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, in the assessment, diagnosis, treatment and prevention of mental, emotional and behavioural disorders and conditions, for the sole purpose of providing psychosocial intervention to enhance personal, interpersonal and social functioning.
- (2) For the purposes of section 9(1)(h) of the Act, the requirements for clinical registration are
- (a) graduation from an academic program approved by the board with a master's degree or doctoral degree in social work;
  - (b) a course of study in each of the following clinical content areas:
    - (i) human development and behaviour from a biopsychosocial perspective;
    - (ii) assessment and diagnosis based on the understanding and use of diagnostic criteria and evidence-based screening and assessment tools that are standardized and validated; and
    - (iii) psychotherapy and clinical practice including evidence-based approaches;
  - (c) a minimum of 3000 hours of supervised clinical social work experience after having obtained a degree referred to in paragraph (a);
  - (d) references from two individuals satisfactory to the board
    - (i) each of whom is a registered social worker, a psychiatrist or other physician, or a registered psychologist;
    - (ii) each of whom has knowledge of the applicant's clinical practice; and
    - (iii) one of whom has directly supervised the applicant's clinical practice, if available;
  - (e) satisfactory evidence of the good character of the person consistent with the responsibilities of a registrant and the standards expected of a registrant;
  - (f) successful completion of the clinical examination approved by the board;
  - (g) language proficiency requirement as determined by the board from time to time; and
  - (h) receipt by the registrar of
    - (i) a signed application for clinical registration in a form approved by the registrar;
    - (ii) the application fee approved by the board;
    - (iii) a transcript, notarized copy, or satisfactory evidence of his or her degree and evidence that he or she is the person named therein;
    - (iv) a signed statement in Schedule C;
    - (v) required fees for registration;

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- (vi) a signed criminal record check authorization form required by law and other criminal record checks required by the board; and
- (vii) evidence of insurance against liability for negligence in an amount of at least \$2,000,000 per occurrence.

## **Provisional registration**

43. (1) An applicant who meets all the requirements established under section 41(1)(a) and (b) but has not met the requirement in 41(1)(c) may be granted provisional registration by the registrar where the registrar has received a completed application made under section 40.1(1) through (m).
- (2) Provisional registration granted under subsection (1) is for a period of one year.
- (3) Provisional registration may be extended for a period of up to one additional year when the applicant has taken an examination required by the board not less than twice in the first year of registration in this class.
- (4) A provisional registrant who fails to complete the conditions for full registration shall cease to be registered.
- (5) A provisional registrant may only represent himself or herself as a provisional registrant.
- (6) A provisional registrant may only practice social work under supervision.
- (7) A provisional registrant may practice social work as defined in the Act, except;
- (a) a provisional registrant must not engage in independent private practice; and
  - (b) may not undertake clinical social work as defined by these bylaws.

## **Non-practising registration**

44. (1) A full or clinical registrant may be granted non-practising registration by the registrar where the registrant has delivered to the registrar
- (a) a signed application for non-practising registration in a form approved by the registrar;
  - (b) the application fee approved by the board; and
  - (c) a signed statement that he or she will not practise social work while registered under this section.
- (2) A non-practising registrant will not practise social work and may only represent himself or herself as a non-practising registrant.

## **Returning to full registration from non-practising registration**

- 44.1 (1) A non-practising registrant may be granted full or clinical registration by the registrar where the registrant has delivered to the registrar
- (a) a signed application for full or clinical registration in the form approved by the registrar; and
  - (b) a continuing professional development plan.
- (2) A registrant who applies to change from non-practising registration to full or clinical registration and has been in the non-practising class must arrange for and receive mentoring or supervision as follows
- (a) between one and two years registration in the non-practising class, not less than 6 hours mentoring or supervision within the first 3 months of return to practice;

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- (b) between two and three years registration in the non-practising class, not less than 12 hours mentoring or supervision within the first 4 months of return to practice;
- (c) between three and four years registration in the non-practising class, not less than 18 hours mentoring or supervision within the first 5 months of return to practice;
- (d) between four and five years registration in the non-practising class, not less than 24 hours mentoring or supervision within the first 6 months of return to practice; and

- (3) A registrant who applies to change from non-practising registration to full or clinical registration and has been registered in the non-practising class for five or more years must complete the licensure examination as determined by the board under section 41(1)(d) of the bylaws.
- (4) A non-practising registrant who is granted registration in the full or clinical class must complete the requirements established
  - (a) in section 54(1)(a) on a prorated basis; and
  - (b) in section 54(1)(b) on a non-prorated basis.

## **Temporary registration**

- 45. (1) An applicant may be granted temporary registration by the registrar for a period of up to 90 days where the applicant
  - (a) is a registrant in good standing of a regulatory body governing the practice of social work in a jurisdiction approved by the board, and meets the requirements set out in section 41(1)(a); and
  - (b) has delivered to the registrar
    - (i) a signed application for temporary registration in a form approved by the registrar;
    - (ii) the application fee approved by the board;
    - (iii) confirmation of his or her registration status in a regulatory body specified in paragraph (a) and evidence satisfactory to the registrar that he or she is the person named therein;
    - (iv) a signed statement in Schedule C; and
    - (v) a signed criminal record check authorization form required by law and other criminal record checks required by the board.
- (2) The registration of a person who has been granted temporary registration under subsection (1) may be renewed by the registrar once for an additional period of up to 90 days.
- (3) A temporary registrant may only represent himself or herself as a temporary registrant.
- (4) A temporary registrant may practise social work as if he or she were a full registrant, subject to any terms, limits or conditions imposed by the registration committee on the practice of temporary registrants as a class.
- (5) A temporary registrant may practice social work as defined in the Act, but may not undertake clinical social work.

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## **Specialist certificates**

- 46. (1) The registrar may issue specialist certificates to registered social workers to certify competence according to standards of competence set by the board, in specialized areas of practice to be established by the board from time to time.
- (2) An applicant for a specialist certificate must meet the standards of competence for that specialty.
- (3) A registrant to whom a specialist certificate has been issued may use the title "specialist" or a similar designation suggesting a recognized special status in any marketing for the specialty covered by the certificate.

## **Certificate of registration**

- 47. (1) The registrar will issue a certificate in Schedule D to any person who is granted registration and the certificate must contain the limitations or conditions permitted by the Act, the Regulations, or these bylaws.
- (2) Registration is for one year, unless otherwise provided for on the membership card.

## **Examinations**

48. (1) Any examination for registration required under the Act shall be administered to applicants often enough to meet the reasonable needs of applicants for registration. The board shall be ultimately responsible for determining the content and subject matter of each examination and the time, place, and dates of administration of the examination. If applicable, the board may confer with and rely upon the expertise of an examination entity in making such determinations.
- (2) The examination shall be prepared to measure the competence of the applicant to engage in the relevant practice of social work. The board may employ, cooperate, and contract with any organization or consultant in the preparation, administration and grading of an examination, but shall retain the sole discretion and responsibility for determining which applicants have successfully passed such an examination.

## **Review of registrar's decision**

49. (1) The registrar has the authority to grant registration.
- (2) All applications for registration are sent to the registrar.
- (3) If the registrar does not grant registration because the registrar is not satisfied the applicant is qualified to be a registrant under the requirements for registration established under these bylaws, the registrar may deliver the application to the registration committee and provide notice to the applicant.
- (4) The registration committee shall review the registrar's decision made under subsection (3) in accordance with section 14 of the Act.

## **Registration renewal**

50. (1) To be eligible for a renewal of registration, all registrants except for honorary registrants, are required to
  - (a) apply to the registrar;
  - (b) pay the registration renewal fee approved by the board;
  - (c) pay any other outstanding fee, debt or levy owed to the board;
  - (d) attest that he or she is in compliance with the Act, and is in compliance with any limits or conditions imposed under these bylaws;
  - (e) provide proof of having completed the requirements of the quality assurance program under Part 5; and
  - (f) provide a signed criminal record check authorization form required by law and other criminal record checks required by the board.

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- (2) Notice of the fees must be delivered to each registrant no later than November 30 and must describe the consequences of late payment and non-payment of fees.
- (3) Each registrant must pay to the board the registration renewal fee on or before January 31.
- (4) The annual registration renewal fee may be paid in advance instalments where approved by the board.
- (5) On payment of the registration renewal fee, and any arrears, the registrar must issue to the registrant making payment a receipt and may issue a card indicating proof of registration.
- (6) Where a registrant fails to pay a registration renewal fee on or before January 31, such a registrant ceases to be registered.
- (7) Notwithstanding compliance with these bylaws, registrants are not entitled to renew their registration unless they have filed with their application, proof of having met the continuing competency requirements established by the quality assurance committee and approved by the board.

## **Quality assurance program requirement for renewal**

- 50.1(1) Each registrant must submit a report in the form determined by the quality assurance committee and complete a statutory declaration stating compliance with the college's quality assurance program on a schedule determined by the quality assurance committee and may submit the report by electronic means.
- (2) The status of a registrant on the public register who fails to report or complete requirements on or before the deadline established in section 54.2(2) will reflect that the registrant is not in good standing.
- (3) The requirements for reinstatement as established in section 51 shall apply to a registrant who does not complete the requirements of the quality assurance program.

## **Reinstatement following non-payment of fees**

51. (1) A former registrant who ceased to be registered by reason only of a failure to renew his or her registration is eligible for reinstatement by the board where the former registrant
  - (a) applies for reinstatement in the form required by the registration committee not later than 3 months following the expiry of his or her registration;
  - (b) is not in contravention of the Act, or these bylaws;
  - (c) pays the registration renewal fee;
  - (d) pays a reinstatement fee in an amount equal to 35 percent of the registrant's annual registration renewal fee, and
  - (e) completes and reports any outstanding requirements of the continuing professional development program.
- (2) Despite subsection (1), the board may reinstate a person without charging any reinstatement fee where the person is able to demonstrate that he or she was unable to comply with section 50 for reasons of undue hardship.

## **Reapplication**

52. An applicant may reapply for registration after the expiration of one year from the date at which the college's refusal to register is final.

## **Notification of change of registration information**

53. A registrant must immediately notify the registrar in writing of any change of address, name or any other registration information previously provided to the registrar, as follows:

- (1) Practice Address

A registrant must advise the registrar of the address of all of the registrant's places of practice of social work and inform the registrar immediately of a change of any of the registrant's places of practice of social work.

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- (2) Residential Address

A registrant who ceases to have a place of practice of social work separate from the registrant's residence must provide the following information to the registrar immediately:

- (a) the address of the registrant's residence;
    - (b) any change in the address of the registrant's residence; and
    - (c) on return to practice, employment or other business, the addresses of the registrant's place of practice of social work.

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## PART 5 QUALITY ASSURANCE

### Quality assurance program

54. (1) Each registrant in the full, clinical, or provisional class shall complete
- (a) 37 hours of continuing professional development activities; and
  - (b) 3 hours of continuing professional development activities related to ethical conduct and ethical decision making.
- (2) The annual requirement established in subsection (1) does not apply to a registrant in the year of registration following successful completion of an examination approved by the board.
- (3) The requirements of the quality assurance program in subsection (1)(a) will apply on a pro-rated basis to a person granted registration who is not required to complete an examination.

### Standards for continuing professional development

- 54.1(1) In satisfying the annual requirement established in subsection (1), a registrant may engage in a broad range of continuing professional development activities related but not limited to: direct, private, clinical, administration, education, research, management and other areas of practice, provided those continuing professional development activities meet the criteria established by the quality assurance committee under section 19(4)(a).
- (2) The following standards apply to the college's quality assurance program.
- (a) Standard 1: Plan continuing professional development activities that will enhance the quality of practice and delivery of services.
  - (b) Standard 2: Undertake continuing professional development activities that enhance social work ethical conduct.
  - (c) Standard 3: Actively seek and participate in a range of continuing professional development activities that maintain and advance professional skills and knowledge within current or future scopes of practice.
  - (d) Standard 4: Seek to ensure that continuing professional development activities promote positive outcomes for recipients.
  - (e) Standard 5: Accurately maintain an up-to-date record of continuing professional development activities as part of ongoing professional development.
  - (f) Standard 6: Accurately report completion of continuing professional development activities to the college in a timely manner.
  - (g) Standard 7: Upon request provide the college with documentation as part of any auditing and review process.
- (3) Each registrant must meet standards 1 through 6 in satisfying the annual requirement established in subsection 1.

### Annual requirement

- 54.2 (1) The continuing professional development cycle begins on November 1 of the year following registration with the college.
- (2) Registrants are required to record and report continuing professional development activities with the college not later than October 31 of each year.

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- (3) No hours may be carried over from one cycle to another.

### **Continuing professional development information and records**

- 54.3 (1) A registrant must retain all records relating to a continuing professional development activity for not less than 5 years.
- (2) Upon receiving a request for information or records relating to continuing professional development from the quality assurance committee, a registrant must send the committee his or her response within 30 days.

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## PART 6 INSPECTIONS, INQUIRIES AND DISCIPLINE

### Inspections

55. An inspector must not observe a registrant while the registrant is providing a service to a client except where
  - (1) the consent of the client being treated has been obtained in advance; or
  - (2) the service is being provided in a public setting.

### Investigations by inquiry committee

56. (1) The inquiry committee must notify a registrant who is the subject of an investigation and any complainant of the disposition of the investigation and any action taken under section 27(4) of the Act.
- (2) Before proposing any action under section 30 of the Act, the inquiry committee may review all previous complaints and disciplinary matters involving the registrant to be satisfied that the proposed undertaking or agreement is appropriate in the circumstances.

### Complaint resolution agreements

57. (1) In this section, "**complaint resolution agreement**" means the record of an undertaking or agreement given under section 30 of the Act for the purposes of resolving a complaint.
- (2) A complaint resolution agreement must
  - (a) include any consent to a reprimand or to any other action made by the registrant under section 30 of the Act;
  - (b) include any undertaking made by the registrant under section 30 of the Act;
  - (c) specify the length of time that an undertaking specified in paragraph (b) is binding on the registrant;
  - (d) specify the procedure that the registrant may follow to be released from an undertaking specified in paragraph (b); and
  - (e) specify which terms of the complaint resolution agreement may be disclosed to the public subject to section 37 of the Act.

### Citation for disciplinary hearing

58. (1) On the direction of the inquiry committee, the registrar may join one or more complaints or other matters which are to be the subject of a discipline hearing in one citation as appropriate in the circumstances.
- (2) On the direction of a panel of the discipline committee, the registrar may sever one or more complaints or other matters which are to be the subject of a discipline hearing as appropriate in the circumstances.
- (3) On the direction of a panel of the discipline committee, the registrar may amend a citation issued under section 31 of the Act.
- (4) Where a citation is amended under subsection (3) prior to a discipline hearing, the amended citation must be delivered to the respondent by personal service or sent by regular mail to the respondent at the last known address for the person recorded as required in or pursuant to section 12(2) of the Act not fewer than 14 days before the date of the hearing.
- (5) Where a citation is amended under subsection (3) prior to a discipline hearing, and the amended citation changes the date, time or place of the hearing, the registrar must notify any complainant of the amendment not fewer than 14 days before the date of the hearing.
- (6) The discipline committee may hold a hearing in relation to a citation containing one or more matters directed against one or more registrants at the same time.

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## **Consent orders**

59. (1) In this section, "consent order" means the record of an undertaking or agreement given under section 32 of the Act for the purposes of resolving a complaint.
- (2) A consent order must
- (a) include any consent to a reprimand or to any other action made by the registrant under section 32 of the Act;
  - (b) include any undertaking made by the registrant under section 32 of the Act;
  - (c) specify the length of time that an undertaking specified in paragraph (b) is binding on the registrant; and
  - (d) specify the procedure that the registrant may follow to be released from an undertaking specified in paragraph (b).

## **Hearings of discipline committee**

60. (1) No person may sit on the discipline committee while a member of the inquiry committee.
- (2) No member of the discipline committee may sit on a panel hearing a matter in which she or he was involved as a member of the inquiry committee.
- (3) Information about the date, time and subject matter of the hearing will be provided to any person on request and posted on the college website.
- (4) The discipline committee must provide notice by registered mail or by personal service to a person who is required to attend a hearing under section 33(9) of the Act in the form set out in Schedule E.
- (5) At a hearing of the discipline committee
- (a) the testimony of witnesses must be taken on oath, which may be administered by any member of the discipline committee; and
  - (b) the college and the respondent have the right to cross examine witnesses and to call evidence in reply.
- (6) Subject to subsection (7) evidence is not admissible at a hearing of the discipline committee unless, at least 14 days before the hearing, the party intending to introduce the evidence provides the other party with
- (a) in the case of documentary evidence, an opportunity to inspect the document;
  - (b) in the case of expert testimony
    - (i) the name and qualifications of the expert;
    - (ii) a copy of any written report the expert has prepared respecting the matter; and
    - (iii) a written summary of the evidence the expert will present at the hearing if the expert did not prepare a written report in respect of the matter; and
  - (c) in the case of testimony of a witness who is not an expert, the name of that witness and an outline of their anticipated evidence.
- (7) The discipline committee may
- (a) grant an adjournment of a hearing;
  - (b) allow the introduction of evidence that is not admissible under subsection (6); or
  - (c) make any other direction it considers appropriate if the discipline committee is satisfied that this is necessary to ensure that the legitimate interests of a party will not be unduly prejudiced.

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- (8) All discipline hearings shall be recorded and any person may obtain, at that person's expense, a transcript of any part of the hearing which that person was entitled to attend.
- (9) In making an order to be imposed on a registrant under section 34(4) of the Act, the discipline committee must, after making a determination on the facts, consider a previous relevant disciplinary decision regarding the registrant or an undertaking or consent to a reprimand given by the registrant under section 30 or 32 of the Act.

## Misconduct and incompetence defined

61. For the purpose of these bylaws and the Act

- (1) "misconduct" includes:
  - (a) conviction for a criminal offence, the nature of which is relevant to the registered social worker's suitability to practise social work or which may reasonably be expected to bring the profession of social work into disrepute; or
  - (b) contravening, while engaged in the practice of social work, an act or regulation or rule made under any act designed to protect the health of the public; or
  - (c) conduct considered by the board to be contrary to the best interests of the individuals, groups, or communities served; or
  - (d) engaging in the practice of social work while the ability to do so is impaired by alcohol, a drug, illness or other dysfunction; or
  - (e) giving information concerning a client or any professional services performed for a client to any other person without the consent of the client, unless required to do so by law; or
  - (f) failure to provide within a reasonable time and without cause, any report requested by a client, or an authorized agent of the client, in respect of services performed; or
  - (g) charging a fee that is excessive in relation to the services performed; or
  - (h) charging a fee for services not performed; or
  - (i) providing an unnecessary service; or
  - (j) receiving or conferring a rebate, fee or other benefit by reason of the referral of a client from or to another person; or
  - (k) failure to properly supervise a person who provides a service and who is under the professional responsibility of the registered social worker; or
  - (l) failure to comply with the Act or these bylaws; or
  - (m) using a term, title, listing or designation other than one authorized under the Act or another Act; or
  - (n) failure to reply within 30 days to any written request for information from the board or its members, officers, employees, or agents; or
  - (o) misrepresentation in applying for registration or renewal as a registered social worker; or
  - (p) permitting, counselling or assisting any person who is not a registered social worker to represent himself or herself as a registered social worker; or
  - (q) announcing or holding out that the registered social worker has special qualifications that are not possessed by the registered social worker; or
  - (r) making a record or signing or issuing a certificate, report, account or similar document that the registered social worker knows or ought to know is false, misleading or otherwise improper; or
  - (s) publishing, displaying, distributing, using or listing or permitting, directly or indirectly, the publication, display, distribution, use or listing of any advertisement related to the practice of social work that, is false or misleading to prospective clients, makes claims of special skills that are not supported by the education or training of the registered social worker, or discredits the profession of social work; or

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- (t) committing an act of sexual misconduct; or
  - (u) failing to comply with an agreement pursuant to section 30 of the Act previously enforced and failing to comply with any undertaking, consent order or mediated settlement pursuant to these Act; or
  - (v) any other conduct which the discipline committee considers could reasonably be expected to bring the profession of social work into disrepute; or
  - (w) any other failure to comply with the code of ethics or standards of practice as approved by the board from time to time.
- (2) "**incompetence**" means:
- (a) a lack of knowledge, skill, or judgment, or disregard for the welfare of a client or the public of such nature or extent as to demonstrate that the registrant is unfit to carry out one or more of the responsibilities of a registrant; or
  - (b) a failure to comply with standards of practice established by the board from time to time.

### **Notice of disciplinary decision**

62. (1) At the conclusion of a disciplinary proceeding, the board must, within a reasonable time, advise every registrant of
- (a) the name of the respondent;
  - (b) the facts of the case;
  - (c) the reasons for the decision; and
  - (d) the disposition of the case, including the nature of any limitation or suspension, and the date it is in effect.
- (2) Where disciplinary proceedings result in the limitation, suspension, or termination of a registrant's practice, the registrar must notify
- (a) the regulatory bodies for social work in every other Canadian jurisdiction;
  - (b) the registrant's employer;
  - (c) on request, any regulatory body in any other jurisdiction;
  - (d) any other individual or organization as directed by board policy; and
  - (e) the public on the college website.
- (3) The board may order that the information listed in subsection (1) be included in the online registry.
- (4) Disclosure of personal information
- (a) In this section, "**third party**" includes a client and a complainant;
  - (b) For the purposes of section 62 of these bylaws, the board, the registrar, or any committee which releases information must not disclose personal information in the report or part of the report if the disclosure would be an unreasonable invasion of a third party's personal privacy under section 22 (2) to (4) of the *Freedom of Information and Protection of Privacy Act*.

### **Registrant under suspension**

63. (1) During any period of suspension from practice, a registrant shall
- (a) not hold themselves out as being a registrant;
  - (b) not hold office in the college;
  - (c) not make appointments for clients or prospective clients;

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- (d) not contact or communicate with clients or prospective clients except for the following purposes
    - (i) to advise clients or prospective clients of the fact and duration of the suspension;
    - (ii) to advise employers of the suspension; or
    - (iii) to advise a client or a prospective client that another registrant will continue to operate in the suspended registrant's place, or to refer the client to another registrant in good standing;
  - (e) remove from their premises and the building in which the premises are located, their name and any sign relating to their practice;
  - (f) display a notice of suspension, in a form and in an area approved by the registrar, which states the duration of the suspension;
  - (g) immediately surrender to the registrar their practice certificate;
  - (h) pay any fee or special assessment required by the college when due in order to remain a member; and
  - (i) not be entitled to a refund of the annual fee for the portion of the suspension or of any special assessment that the member has paid.
- (2) During the period of suspension, a suspended registrant may permit another registrant in good standing to practise within the suspended member's office, provided that the suspended member complies with the provisions of subsection (1).
- (3) Any communication under subsection (1)(d) may be made in writing in a form approved in advance by the registrar, or by employing office staff, an answering service or other telephonic device specifically for this purpose.

## Fines

64. The maximum amount of a fine that may be ordered by the discipline committee under section 34(4)(e) of the Act is \$35,000.

## Costs

65. (1) If following a hearing under section 33 of the Act the discipline committee dismisses a complaint under section 34(1)(a) of the Act, the committee may, pursuant to section 34 of the Act, require the college to pay to the registrant up to 50 percent of the actual costs incurred by the registrant, subject to the following limitations:
- (a) costs may only be awarded in respect of matters covered by the tariff of costs set out in Schedule F; and
  - (b) costs awarded must not exceed the amount set out for that expense in Schedule F.
- (2) If following a hearing under section 33 the discipline committee makes an order pursuant to section 34(4) of the Act, the committee may, pursuant to section 34(6) of the Act, require the registrant to pay to the college costs incurred by the inquiry committee and the discipline committee, subject to the following limitations:
- (a) costs may only be awarded in respect of matters covered by the tariff of costs set out in Schedule F; and
  - (b) costs awarded must not exceed the amount set out for that expense in Schedule F.
- (3) If a written proposal given to the inquiry committee pursuant to section 32(1) of the Act is accepted by the inquiry committee under the terms of the consent agreement given pursuant to section 32(1)(c) of the Act, subject to the following limitations:
- (a) costs may only be awarded in respect of matters covered by the tariff of costs set out in Schedule F; and
  - (b) costs awarded must not exceed the amount set out for that expense in Schedule F.

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## PART 7 GENERAL

### Codes of ethics and standards of practice

66. (1) The board may establish and approve Standards of Practice and a Code of Ethics.
- (2) Board members and officers must at all times conduct themselves in a manner that is in keeping with the public interest and the ethical standards of the profession.
- (3) Registrants must at all times conduct their practice in a manner that is in keeping with the ethical standards of the profession.
- (4) Registrants, board members and officers must conduct themselves in accordance with the Code of Ethics and Standards of Practice.
- (5) Registrants must take reasonable steps to ensure that other registrants, assistants, students, and non-registrants employed by or supervised by the registrant, are aware of and act in accordance with the requirements of the Code of Ethics and Standards of Practice so far as these apply to those persons.

### Protection of personal information

67. Registrants must ensure that their practices are in compliance with the applicable legislation regarding protection of personal information.

### Liability insurance

68. All private practice registrants must ensure that they and their employees are insured against liability for negligence in an amount of at least \$1,000,000 per occurrence.

### Marketing

69. (1) In this part,
  - "**advertisement**" means the use of space or time in a public medium, or the use of a commercial publication such as a brochure or handbill, to communicate with the general public, or a segment thereof, for the purpose of promoting professional services or enhancing the image of the advertiser;
  - "**marketing**" includes
    - (a) an advertisement;
    - (b) any publication or communication in any medium with any client, prospective client or the public generally in the nature of an advertisement, promotional activity or material, a listing in a directory, a public appearance or any other means by which professional services are promoted; and
    - (c) contact with a prospective client initiated by or under the discretion of a registrant.
- (2) Any marketing undertaken or authorized by a registrant in respect of his or her professional services must not be
  - (a) false;
  - (b) inaccurate;
  - (c) reasonably expected to mislead the public;
  - (d) unverifiable; or
  - (e) contrary to the public interest in the practice of social work.

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- (3) Marketing violates subsection (2) if it
- (a) is calculated or likely to take advantage of the weakened state, either physical, mental or emotional, of the recipient or intended recipient;
  - (b) is likely to create in the mind of the recipient or intended recipient an unjustified expectation about the results which the registrant can achieve;
  - (c) implies that the registrant can obtain results
    - (i) not achievable by other registrants;
    - (ii) by improperly influencing a public body or official, or any corporation, agency or person having any interest in the welfare of the recipient;
    - (iii) by any other improper means; or
  - (d) compares the quality of services provided with those provided by
    - (i) another registrant;
    - (ii) a person authorized to provide social services under another enactment; or
    - (iii) another social service or health profession.
- (4) A registrant must not
- (a) state publicly that he or she speaks on behalf of the board unless he or she has been expressly authorized by the board to state the official position of the board; or
  - (b) endorse or lend himself or herself as a social worker to the advertisement of any property, investment or service for sale to the public unless such property, investment or service relates directly to the profession.
- (5) A registrant who, in any advertisement, includes a statement of fees for a specific service
- (a) must ensure that the statement sufficiently describes the fees and services so as to enable the recipient or intended recipient to understand the nature and extent of the services to be provided and the cost to the client; and
  - (b) must not in the advertisement compare the fees charged by the registrant with those charged by another registrant.
- (6) Unless otherwise authorized by the Act, these bylaws, or the board, a registrant
- (a) must not use the title "specialist" or any similar designation suggesting a recognized special status or accreditation on any letterhead or business card or in any other marketing; and
  - (b) must take all reasonable steps to discourage the use, in relation to the registrant by another person, of the title "specialist" or any similar designation suggesting a recognized special status or accreditation in any marketing.
- (7) A registrant must retain for one year after the date of publication or broadcast of any advertisement or brochure, and must provide to the board upon request
- (a) a copy of any such publication;
  - (b) a recording of any such broadcast made by use of any electronic media, including radio, television and microwave transmission; and
  - (c) a written record of when and where the publication or broadcast was made.
- (8) It is the duty of the registrant, when called upon by the discipline committee, inquiry committee, or the board to do so, to verify the statements made in his or her marketing.
- (9) Registrants who limit their practices to certain branches or areas of the profession may state in any marketing the branch or area to which the practice is restricted.

## **Electronic submission and signing of documents**

70. A form or other document submitted by an applicant, registrant or other person via electronic means is considered to be signed on the day it is submitted

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## SCHEDULE A – CERTIFICATE OF ELECTION

Certificate No.

The Registrar of the British Columbia College of Social Workers hereby certifies that

\_\_\_\_\_ of \_\_\_\_\_, in the Province of British Columbia,

has been elected as a member of the Board of the College in accordance with the *Social Workers Act*.

The term of the office as a member of the Board of the College

will commence on \_\_\_\_\_ in the year of \_\_\_\_\_

and terminate on \_\_\_\_\_ in the year of \_\_\_\_\_.

GIVEN under the seal of the Board at Vancouver, British Columbia,

this day of \_\_\_\_\_

Signature: \_\_\_\_\_

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## **SCHEDULE B – FEES**

### **British Columbia College of Social Workers**

#### **Application Fees**

Applicants for registration must pay to the college an application for registration fee in the following amounts for:

Full Registration .....	\$120.00
Clinical Registration .....	\$120.00
Transfer from Full to Clinical .....	\$ no fee

#### **Annual Registration Fees**

Each registrant must pay to the College an annual registration fee on or before January 31, in the following amounts for:

New Graduates <sup>1</sup> (year of graduation from a social work program and the following year) .....	\$200.00
Full Registration <sup>1</sup> .....	\$ 255.00
Clinical Registration <sup>1</sup> .....	\$ 255.00
Provisional Registration <sup>1</sup> .....	\$ 200.00
Non-practising Registration.....	\$ 63.00
Temporary Registration.....	\$ 00.00
Transfer from Full/Clinical to Non-practising.....	\$ pro-rated
Transfer from Non-practising to Full/Clinical .....	\$ pro-rated

#### **Reinstatement Fees**

35% of annual registration fee

<sup>1</sup>The annual registration fee is pro-rated the first year.

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## **SCHEDULE C – APPLICATION STATEMENT**

CANADA, PROVINCE OF BRITISH COLUMBIA, IN THE MATTER OF AN APPLICATION FOR REGISTRATION WITH THE BRITISH COLUMBIA COLLEGE OF SOCIAL WORKERS

I, \_\_\_\_\_, of (address) \_\_\_\_\_ do solemnly declare that:

I have not been convicted in Canada or elsewhere of any offence that, if committed by a person registered under the *Social Workers Act*, would constitute unprofessional conduct or conduct unbecoming a person registered under these bylaws except as follows:

My past conduct does not demonstrate any pattern of incompetence or untrustworthiness which would make registration contrary to the public interest.

I am a person of good character.

My entitlement to practise social work has not been limited, restricted or subject to conditions in any jurisdiction at any time except as follows:

At the present time, no investigation, review or proceeding is taking place in any jurisdiction which could result in the suspension or cancellation of my authorization to practise social work in that jurisdiction except as follows:

I have read the *Social Workers Act* of British Columbia and the bylaws of the British Columbia College of Social Workers made pursuant to that Act.

I will practise at all times in compliance with the *Social Workers Act* of British Columbia and the bylaws of the British Columbia College of Social Workers made pursuant to that Act.

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Signature of Applicant

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## **SCHEDULE D – CERTIFICATE OF REGISTRATION**

This is to certify that

[name]

has met all the requirements for registration as a registered social worker  
and is now duly registered as such in the Province of British Columbia

As witness our Common Seal

Issued:

Reg. No.:

Issued under the *Social Workers Act*

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## **SCHEDULE E – ORDER TO ATTEND HEARING**

IN THE MATTER OF THE BRITISH COLUMBIA COLLEGE OF SOCIAL WORKERS  
and

IN THE MATTER OF A HEARING PURSUANT TO  
Section 33 OF THE SOCIAL WORKERS ACT  
INTO THE CONDUCT OF [ ]

ORDER

TO:

TAKE NOTICE that you are required to attend to testify as a witness at the time, date and place set out below, pursuant to the provisions of section 33 (9) of the *Social Workers Act*. You are also required to bring with you all documents in your possession or power relating to the matters in question in this proceeding.

Please note the provisions of the *Social Workers Act* and the bylaws of the British Columbia College of Social Workers reproduced on the back of this Order.

TIME:

DATE:

PLACE:

Dated:

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Member, Discipline Committee  
responsible for the conduct of the hearing

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## **SCHEDULE F – TARIFF OF COSTS**

for expenses incurred for investigations  
and in the preparation for and conduct of hearings

### **Interpretation**

1 In this Tariff:

- (1) “process” means the drawing, filing, service or delivery of a document and any amendment to it or particulars of it, but does not include an application made with respect to the process or any part of the process.
- (2) “tribunal” means the discipline committee or a panel of the discipline committee.

### **Scale of costs**

- 2 (1) Where a tribunal has made an order for costs, it may fix the scale, from Scale 1 to 3 in subsection (2), under which the costs will be assessed, and may order that one or more steps in the proceeding be assessed under a different scale from that fixed for other steps.
- (2) In fixing the scale of costs the tribunal shall have regard to the following principles:
  - (a) Scale 1 is for matters of little difficulty;
  - (b) Scale 2 is for matters of ordinary difficulty or complexity;
  - (c) Scale 3 is for matters of more than ordinary difficulty or complexity.
- (3) In fixing the appropriate scale under which costs will be assessed, the tribunal may take into account the following:
  - (a) whether a difficult issue of law, fact or construction is involved;
  - (b) whether an issue is of importance to a class or body of persons, or is of general interest;
  - (c) whether the result of the proceeding effectively determines the rights and obligations as between the parties beyond the relief that was actually granted or denied.
- (4) Where an order for costs has been made, or where, on a settlement, payment of assessed costs has been agreed to, but no scale has been fixed or agreed to, then the costs shall be assessed under Scale 2, unless a party, on application, obtains an order of the tribunal that the costs be assessed under another scale.
- (5) Where costs may be assessed without order or agreement, the scale of costs shall be fixed by the tribunal upon the assessment.

### **Value of Units**

- 3 (1) The value for each unit allowed on an assessment is as follows:
  - (a) Scale 1 = \$40 for each unit;
  - (b) Scale 2 = \$80 for each unit;
  - (c) Scale 3 = \$120 for each unit.
- (2) Where maximum and minimum numbers of units are provided for in an Item in the Tariff, the tribunal has the discretion to allow a number within that range of units.
- (3) In assessing costs where the Tariff indicates a range of units, the tribunal shall have regard to the following principles:
  - (a) one unit is for matters upon which little time should ordinarily have been spent;
  - (b) the maximum number of units is for matters upon which a great deal of time should ordinarily have been spent.

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## **Per Diem Rates**

- 4 (1) Where in a Tariff Item a number of units is allowed for each day but the time spent during a day is not more than 4 hours, only 1/2 of the number of units shall be allowed for that day.
- (2) Where in a Tariff Item a number of units is allowed for each day but the time spent during a day is more than 8 hours, the number of units allowed for that day shall be increased by 1/2 of the number.
- (3) Where in a Tariff Item a number of units is allowed for preparation for an attendance but the time spent on the attendance is not more than 4 hours, only 1/2 of the number of units for preparation shall be allowed.
- (4) Where in the Tariff units may be allowed for preparation for an activity, the tribunal may allow units for preparation for an activity that does not take place or is adjourned up to the maximum allowable for one day.

## **Offer to Settle Bill of Costs**

- 5 (1) A party to an assessment may deliver to another party an offer to settle the amount of the bill of costs and, after the assessment has been completed, may produce the offer to the tribunal, and the tribunal shall determine whether the offer should have been accepted and, if so, may disallow items of the Tariff which relate to the assessment to the party presenting the bill, and:
  - (a) allow, by way of set off, items of the Tariff which relate to the assessment to the party making the offer; or
  - (b) allow double the value of items of the Tariff which relate to the assessment to the party presenting the bill and making the offer.

## **Disbursements**

- 6 In addition to the Tariff, actual reasonable disbursements are recoverable.

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TARIFF		
Item	Description	Units
1.	<b>Instructions and Investigations</b> Correspondence, conferences, instructions, investigations or negotiations by a party relating to a proceeding, whether before or after commencement, for which provision is not made elsewhere in this Tariff	Minimum 1 Maximum 20
2.	<b>Initiating Complaint</b> Review and consideration of letter of complaint or other documentation initiating complaint and any reports submitted regarding the complaint	Minimum 1 Maximum 10
3.	<b>Initiating Process in Respect of Citation</b> All process for which provision is not made elsewhere in this Tariff for commencing a proceeding	Minimum 1 Maximum 5
4.	<b>Disclosure</b> All processes associated with obtaining or providing disclosure of evidence, including documents	Minimum 1 Maximum 10
5.	<b>Pre Discipline Committee Hearing Applications</b> Preparation for a pre discipline committee hearing application, for each day of hearing where the hearing is commenced (a) where unopposed; (b) where opposed	2 3
6.	<b>Pre Discipline Committee Hearing Application</b> For each day of attendance: (a) where unopposed; (b) where opposed	4 7
7.	<b>Discipline Committee Hearing</b> Preparation for hearing for each day of hearing	5
8.	Attendance at discipline committee hearing for each day	10
9.	Process for making admission of facts	Minimum 1 Maximum 10
10.	<b>Pre-Hearing Conferences</b> Preparation for attendance at a pre-hearing conference for each day of attendance	Minimum 1 Maximum 3
11.	Attendance at Pre-Hearing Conference for each day	Minimum 1 Maximum 5
12.	Preparation of written argument where requested by the tribunal	Minimum 1 Maximum 10
13.	Attendance at the hearing where party is ready to proceed and when hearing not commenced	3
14.	Settlement of Costs	Minimum 1 Maximum 5
15.	Settlement of Order	Minimum 1 Maximum 3
16.	Process relating to the tribunal signing the Order	Minimum 1 Maximum 3
17.	Negotiations, including mediation, and process for settlement, or dismissal of any proceeding if settled or dismissed as a result of negotiations	Minimum 1 Maximum 10

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<b>DISBURSEMENTS</b>		
<b>Item</b>	<b>Including, but not limited to....</b>	<b>Costs</b>
1.	Photocopying	\$0.15 per page
2.	Binding costs	Actual Reasonable
3.	Hearing Room Expenses	Actual Reasonable
4.	Court Recorder and/or other expenses related to producing a record of the proceedings	Actual Reasonable
5.	Expert Witness Fees	Actual Reasonable
6.	Long Distance Telephone Charges	Actual Reasonable
7.	Delivery Costs	Actual Reasonable
8.	Courier	Actual Reasonable
9.	Service Fees, Subpoenas, Citations, etc.	Actual Reasonable
10.	Traveling and subsistence expenses for tribunal members and witnesses	Actual Reasonable

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## Table of Changes

This section is provided for convenience and is not part of the Bylaws of the College.

April 9, 2013: Amended by motion of the Board pursuant to Section 8(2) of the Social Workers Act SBC 2008, ch 31

Section 33(1):

Prior to Amendment – (1) A quorum is 45 registrants.

As Amended – (1) A quorum is 21 registrants.

August 23, 2013: Amendments as approved by the Minister

By adding to section 19:

- (4) For a program established under subsection (3)(b) the quality assurance committee must
  - (a) establish criteria for continuing professional development activities that meet the program requirements;
  - (b) identify the maximum number of hours a registrant may submit for credit in each cycle or over a series of cycles in relation to types of continuing professional development activities that meet the criteria established under subparagraph (a);
  - (c) establish requirements, guidelines and tools to assist registrants in
    - (i) identifying continuing professional development activities that meet the criteria established under subparagraph (a); and
    - (ii) recording and reporting professional development activities.
- (5) For a program established under subsection 3(b) the quality assurance committee may
  - (a) establish criteria for auditing compliance with the quality assurance program.
- (6) The quality assurance committee may determine:
  - (a) non-compliance with the program; or
  - (b) compliance including compliance due to special or extraordinary circumstances.
- (7) The committee must provide reasons in writing for a decision made with respect to determinations of non-compliance.
- (8) Where a registrant submits a false or misleading declaration or information the quality assurance committee must make a report in writing to the inquiry committee.
- (9) The quality assurance committee may enter into an agreement with the consent of a registrant for the purpose of ensuring minimum practice standards.

By adding a new section 44.1

- 44.1 (1) A non-practising registrant may be granted full or clinical registration by the registrar where the registrant has delivered to the registrar
  - (a) a signed application for full or clinical registration in the form approved by the registrar; and
  - (b) a continuing professional development plan.
- (5) A registrant who applies to change from non-practising registration to full or clinical registration and has been in the non-practising class must arrange for and receive mentoring or supervision as follows

- (a) between one and two years registration in the non-practising class, not less than 6 hours mentoring or supervision within the first 3 months of return to practice;
  - (b) between two and three years registration in the non-practising class, not less than 12 hours mentoring or supervision within the first 4 months of return to practice;
  - (c) between three and four years registration in the non-practising class, not less than 18 hours mentoring or supervision within the first 5 months of return to practice;
  - (d) between four and five years registration in the non-practising class, not less than 24 hours mentoring or supervision within the first 6 months of return to practice; and
- (6) A registrant who applies to change from non-practising registration to full or clinical registration and has been registered in the non-practising class for five or more years must complete the licensure examination as determined by the board under section 41(1)(d) of the bylaws.
- (7) A non-practising registrant who is granted registration in the full or clinical class must complete the requirements established
- (a) in section 54(1)(a) on a prorated basis; and
  - (b) in section 54(1)(b) on a non-prorated basis.

December 2016: Amendments as approved by the Minister

Section 40 is amended by deleting the words “(6) honorary registration”

By adding section 40.1, 40.2, and 40.3:

- 40.1 (1) *Where a person making application for registration meets all of the requirements set out in section 41(1) or (2) the applicant must provide*
- (a) *a completed application in a form approved by the registrar;*
  - (b) *a signed statement in the form set out in Schedule C of these bylaws;*
  - (c) *satisfactory evidence of the good character of the person consistent with the responsibilities and standards expected of a registrant:*
    - (i) *two letters of reference; and*
    - (ii) *any other evidence required by the registration committee;*
  - (d) *an up to date resume or similar document;*
  - (e) *evidence of completing the required number of hours of social work experience as specified in section 41(1)(b);*
  - (f) *the application fee listed in Schedule B of these bylaws;*
  - (g) *a transcript, notarized copy, or other satisfactory evidence of his or her degree;*
    - (i) *in the event that the applicant's degree is from an institution outside of North America, cause a basic report from a credential evaluation*

- service determined by the registration committee to be delivered to the College;
- (h) proof of identity in the form of at least one piece of government issued identification with a picture of the applicant, and one other piece of identification;
- (i) if the name of the person on any document submitted is different than that on the identification evidence satisfactory to the registrar that the applicant changed their legal name;
- (i) a signed criminal record check authorization form as required by law;
- (j) any other police information checks required by the board;
- (k) where a police information check or other criminal record check indicates charges or evidence of one or more criminal convictions the applicant must
- (i) provide a written explanation of the circumstances leading to the charges; and
- (ii) provide a signed authorization for the registrar to confirm the information with a law enforcement agency, court or registry;
- (l) evidence of language proficiency as determined by the registration committee;
- (m) any information required for registration for any examinations required under section 41(1)(d).
- (2) The registrar will issue to an applicant an authorization for an exam required under section 41(1)(d) where a person complies with 40.1(1)(a) through (m).
- (3) Where the applicant has written an examination for the purpose of licensure in social work in another jurisdiction;
- (a) cause a score report with a passing score from an examination required by the board to be delivered to the College; and
- (b) a score report delivered under subsection (3)(a) will only be accepted if the applicant
- (i) is currently registered as a social worker; and
- (ii) section 44.1 applies to a person making an application who is non-practising.
- 40.2 (1) A person making application for registration without a social work degree must
- (a) comply with the requirements in section 40.1(1)(a) through (m);
- (b) meet the requirements set out in section 41(2); and
- (i) provide a completed education supplemental document in a form approved by the registrar; and

- (ii) cause a practice experience assessment form completed by a supervisor to be submitted to the College.
- 40.3 (1) A person making an application for provisional registration must
- (a) comply with the requirements in section 40.1(1)(a) through (m);
    - (b) meet all of the requirements set out in section 41(1)(a) and (b); and
    - (c) submit a provisional application form.

Section 41(1) is amended as follows:

- a. Subsection (c) is repealed;
- b. Subsection (e) is repealed;
- c. Subsection (f), in its entirety, is repealed.

Section 41(2)(b) is repealed and replaced with "has successfully completed any upgrading program(s) required by the registration committee; and"

Section 41(2)(c) is repealed and replaced with "*has successfully completed any examinations required by the board.*"

Section 41(3)(b) is amended by deleting the words "subsection (1)(c), (e), and (f)." and replacing those words with "section 40.1(1)(a) through (l)."

Section 43(1) is amended by deleting the words "where the applicant has" and replacing those words with "where the registrar has received a completed application made under section 40.1(1) through (m)."

Section 43 (1)(a) is repealed

Section 43 (1) (b) in its entirety is repealed

Section 43 (2) through (5) are repealed and replace with:

- (2) *Provisional registration granted under subsection (1) is for a period of one year.*
- (3) *Provisional registration may be extended for a period of up to one additional year when the applicant has taken an examination required by the board not less than twice in the first year of registration in this class.*
- (4) *A provisional registrant who fails to complete the conditions for full registration shall cease to be registered.*
- (5) *A provisional registrant may only represent himself or herself as a provisional registrant.*
- (6) *A provisional registrant may only practice social work under general supervision.*
- (7) *A provisional registrant may practice social work as defined in the Act, except;*
  - (a) *a provisional registrant must not engage in independent private practice; and*
  - (b) *may not undertake clinical social work as defined by these bylaws.*

Section 46 (1) and (2) are repealed.

By adding to part 7 General

*Electronic submission and signing of documents*

70. *A form or other document submitted by an applicant, registrant or other person via electronic means is considered to be signed on the day it is submitted*

By amending Schedule B by changing the fee for provisional registration from \$255.00 to \$200.00