



## **Membership Requirement – Vulnerable Sector Check Policy**

### Purpose:

- To establish policy and procedure surrounding the Membership Requirement to maintain a current Vulnerable Sector check in accordance with CMMOTA Bylaws 3.5.1.1.4., 3.5.1.2.4., 3.5.1.3.2., 3.5.1.4.2., 3.5.1.5.2, 3.5.1.6.5., 3.5.1.7.4., 3.6.2.2., and 3.6.2.3., 3.6.2.4., and 3.6.2.5..

### Policy:

1. All Full Massage Therapist, Full Manual Osteopathic Therapist, Associate Massage Therapist, Registered Massage Therapist, and Spa Therapist Members are responsible to maintain a Vulnerable Sector Check (VSC) that has been completed within a three (3) year time frame.
2. All Full Massage Therapist, Full Manual Osteopathic Therapist, Associate Massage Therapist, Registered Massage Therapist, and Spa Therapist Members in Nova Scotia are responsible to maintain a VSC that has been completed within a one (1) year time frame.
3. Student Massage Therapist Members and Student Manual Osteopathic Therapist members are responsible to maintain a VSC that has been completed within a three (3) year time frame only if they have also obtained professional liability insurance through the Association's insurance broker.
4. Student Massage Therapist Members and Student Manual Osteopathic Therapist members in Nova Scotia are responsible to maintain a VSC that has been completed within a one (1) year time frame only if they have also obtained professional liability insurance through the Association's insurance broker.
5. A new VSC must have been completed within the previous ninety (90) days to be considered valid.
6. Administration shall notify Members requiring a new VSC by email to the last known e-mail address of the member of their pending expiration of their existing VSC three (3) months prior to the three (3) year anniversary of the creation of the VSC.
7. Administration shall notify Members in Nova Scotia requiring a new VSC by email to the last known address of the member of their pending expiration of their existing VSC three (3) months prior to the one (1) year anniversary of the creation of the VSC.
8. Members shall be responsible to pay for (if required) and obtain a new VSC prior to the three (3) year anniversary of their current VSC.
9. Members in Nova Scotia shall be responsible to pay for (if required) and obtain a new VSC prior to the one (1) year anniversary of their current VSC.
10. A new VSC must have a completion date not older than ninety (90) days in order to be accepted by the Association.



11. Members shall be responsible to submit a new VSC to the CMMOTA office via email, or hard paper copy before the three (3) year anniversary of the creation of the current VSC.
12. Members in Nova Scotia shall be responsible to submit a new VSC to the CMMOTA office via email, or hard paper copy before the one (1) year anniversary of the creation of the current VSC.
13. If any VSC is returned with new information that has been added in the previous five (5) year period, then a fingerprint VSC and a full legal disclosure (details surrounding the peace bond(s), restraining order(s), charge(s), or conviction(s)), or Sworn Declaration and a full legal disclosure, or Sworn Declaration and a copy of the Transcripts from the Court shall be required, unless the information is only in relation to a Driving Under the Influence (DUI) charge.
14. If any VSC is returned with information that has been added more than five (5) years before the VSC was completed, then a fingerprint VSC and/or Sworn Declaration and/or a full legal disclosure (details surrounding the peace bond(s), restraining order(s), charge(s), or conviction(s)) and/or a copy of the Transcripts from the Court may be required, at the discretion of the Executive Director.
15. If, after receiving any VSC, the CMMOTA administration deems it necessary that a new VSC needs to have a fingerprint VSC, and/or Sworn Declaration, and/or ~~and~~ a full legal disclosure (details surrounding the peace bond(s), restraining order(s), charge(s), or conviction(s)), and/or a copy of the Transcripts from the Court, then the Member shall, at the discretion of the Executive Director, be granted an extension of up to six (6) months to obtain and submit the requested documents. A receipt must be submitted within 2 weeks (14 days) of the request showing that the fingerprinting or sworn declaration or full legal disclosure or a copy of the Transcripts from the Court is in process. The Executive Director shall provide a reasonable deadline date for such information to be submitted by the member.
  - a. In cases where a standard VSC is provided which contains only an "Adverse Information located on police record management system", or likewise, under the information to disclose section of the VSC, no further action on the part of the Association is required.
16. If, after receiving any VSC from a member, the CMMOTA administration becomes aware of any violation of CMMOTA Bylaw 3.6.2.4., 3.6.2.5., 3.6.2.6., or 3.6.2.8., then the matter shall be referred to the Executive Director to carry out the necessary complaint reporting under CMMOTA's *Discipline for Complaints Policy*
17. If a fingerprint VSC, or Sworn Declaration, or full legal disclosure, or a copy of the Transcripts from the Court is required, it must be produced by a membership applicant or member applying for re-instatement before membership status is granted with the Association.
18. If after receiving a standard VSC, or a fingerprint VSC, or Sworn Declaration, or a copy of the Transcripts from the Court from a membership applicant or member applying for re-instatement, the CMMOTA administration becomes aware of any



- violation of CMMOTA Bylaw 3.6.2.4., 3.6.2.5., 3.6.2.6., or 3.6.2.8., then the matter shall be referred to the Executive Director to carry out a Vulnerable Sector Check Formal Review process, in accordance with CMMOTA's *Vulnerable Sector Check Formal Review Policy*. This review must be completed before membership is issued to determine if the applicant is eligible for membership or not.
19. If a fingerprint VSC and/or Sworn Declaration and/or Disclosure of Criminal Record provides additional details listed in the information section which was not contained in the VSC, then at the discretion of the Executive Director, a member may be required to produce a new fingerprint VSC and/or Sworn Declaration on a more frequent basis (not less than yearly) until no new information has been provided for a period of ten (10) years, or until the record is returned clean, whichever is shorter. The Executive Director shall provide a reasonable deadline date for such information to be submitted by the member.
  20. Administration may, if a fingerprint VSC was previously required, upgrade the standard three (3) year VSC requirement to either a Sworn Declaration or fingerprint VSC at the discretion of the Executive Director.
  21. Administration may, for members from Nova Scotia, if a fingerprint VSC was previously required, upgrade the standard one (1) year VSC requirement to either a Sworn Declaration or fingerprint VSC at the discretion of the Executive Director.
  22. If after receiving a fingerprint VSC and/or Sworn Declaration, the CMMOTA administration becomes aware of any violation of CMMOTA Bylaw 3.6.2.4., 3.6.2.5., 3.6.2.6., or 3.6.2.8., then the matter shall be referred to the Executive Director to carry out the necessary complaint reporting under CMMOTA's *Discipline for Complaints Policy*.
  23. If a Member does not submit the required VSC prior to the three (3) year anniversary of the creation of the current VSC, then Administration shall follow CMMOTA's *Discipline for Non-Compliance regarding Vulnerable Sector Check Policy*.
  24. If a Member in Nova Scotia does not submit the required VSC prior to the one (1) year anniversary of the creation of the current VSC, then Administration shall follow CMMOTA's *Discipline for Non-Compliance regarding Vulnerable Sector Check Policy*.
  25. If a Member does not submit a required fingerprint VSC and/or Sworn Declaration and/or Legal Disclosure of peace bond(s), restraining order(s), charge(s), or conviction(s) by the deadline supplied by Administration under sections 15, and 19 of this policy then Administration shall follow CMMOTA's *Discipline for Non-Compliance regarding Vulnerable Sector Check Policy*.

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