



College of Traditional Chinese Medicine  
Practitioners and Acupuncturists of Ontario

Ordre des praticiens en médecine traditionnelle  
chinoise et des acupuncteurs de l'Ontario

# Council Meeting

**Wednesday, June 15, 2022**

**Thursday, June 16, 2022**



***Excerpt from the Regulated Health Professions Act, 1991***

***Schedule 2  
Health Professions Procedural Code***

**Duty of College**

- 2.1 It is the duty of the College to work in consultation with the Minister to ensure, as a matter of public interest, that the people of Ontario have access to adequate numbers of qualified, skilled and competent regulated health professionals. 2008, c. 18, s. 1.

**Objects of College**

3. (1) The College has the following objects:
1. To regulate the practice of the profession and to govern the members in accordance with the health profession Act, this Code and the Regulated Health Professions Act, 1991 and the regulations and by-laws.
  2. To develop, establish and maintain standards of qualification for persons to be issued certificates of registration.
  3. To develop, establish and maintain programs and standards of practice to assure the quality of the practice of the profession.
  4. To develop, establish and maintain standards of knowledge and skill and programs to promote continuing evaluation, competence and improvement among the members.
  - 4.1 To develop, in collaboration and consultation with other Colleges, standards of knowledge, skill and judgment relating to the performance of controlled acts common among health professions to enhance interprofessional collaboration, while respecting the unique character of individual health professions and their members.
  5. To develop, establish and maintain standards of professional ethics for the members.
  6. To develop, establish and maintain programs to assist individuals to exercise their rights under this Code and the Regulated Health Professions Act, 1991.
  7. To administer the health profession Act, this Code and the Regulated Health Professions Act, 1991 as it relates to the profession and to perform the other duties and exercise the other powers that are imposed or conferred on the College.
  8. To promote and enhance relations between the College and its members, other health profession colleges, key stakeholders, and the public.
  9. To promote inter-professional collaboration with other health profession colleges.
  10. To develop, establish, and maintain standards and programs to promote the ability of members to respond to changes in practice environments, advances in technology and other emerging issues.

**Duty**

11. Any other objects relating to human health care that the Council considers desirable. 1991, c. 18, Sched. 2, s. 3 (1); 2007, c. 10, Sched. M, s. 18; 2009, c. 26, s. 24 (11).
- (2) In carrying out its objects, the College has a duty to serve and protect the public interest. 1991, c. 18, Sched. 2, s. 3 (2).

## **SCHEDULE 1 TO THE BY-LAWS**

### **Code of Conduct for Members of the Council and All Committees**

1. This Schedule applies to members of the Council and of all committees of the College.
2. Council and Committee Members must, at all times, maintain high standards of integrity, honesty and loyalty when discharging their College duties. They must act in the best interest of the College. They shall:
  - a. be familiar and comply with the provisions of the RHPA, its regulations and the Code, the Act, its regulations, and the By-Laws and policies of the College;
  - b. promote the public interest in his/her contributions and in all discussions and decision making;
  - c. direct all activities toward fulfilling the College's objects as specified in legislation;
  - d. diligently take part in committee work and actively serve on committees as appointed by the Council;
  - e. regularly attend meetings on time and participate constructively in discussions;
  - f. offer opinions and express views on matters before the College, Council and committee, when appropriate;
  - g. participate in all deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of members on Council and committees;
  - h. uphold the decisions made by a majority of Council and committees, regardless of the level of prior individual disagreement;
  - i. place the interests of the College, Council and committee above all other interests;
  - j. avoid and, where that is not possible, declare any appearance of or actual conflicts of interest;
  - k. refrain from including or referencing Council or committee positions held at the College in any personal or business promotional materials, advertisements and business cards.
  - l. preserve confidentiality of all information before Council or committee unless disclosure has been authorized by Council or otherwise exempted under s. 36(1) of the RHPA;
  - m. refrain from communicating to Members, including other Council or Committee Members, on statutory committees regarding registration, complaints, reports, investigations, disciplinary or fitness to practice proceedings which could be perceived as an attempt to influence a statutory decision or a breach of confidentiality, unless he or she is a member of the panel or, where there is no panel, of the statutory committee dealing with the matter;
  - n. respect the boundaries of staff whose role is not to report to or work for individual Council or Committee Members;
  - o. be respectful of others and not engage in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment; and
  - p. regularly evaluate his or her individual performance, and that of the collective to assure continuous improvement.

### **PROVISION 11.16 OF THE BY-LAWS - Language of Meetings**

Meetings of the Council and Committees shall be conducted in English.



## **SCHEDULE 2 TO THE BY-LAWS**

### **Rules of Order of the Council**

1. In this Schedule, "Member" means a Member of the Council.
2. Each agenda topic will be introduced briefly by the person or committee representative raising it. Members may ask questions of clarification, then the person introducing the matter shall make a motion and another Member must second the motion before it can be debated.
3. When any Member wishes to speak, he or she shall so indicate by raising his or her hand and shall address the presiding officer and confine himself or herself to the matter under discussion.
4. Staff persons and consultants with expertise in a matter may be permitted by the presiding officer to answer specific questions about the matter.
5. Observers at a Council meeting are not allowed to speak to a matter that is under debate.
6. A Member may not speak again on the debate of a matter until every other Member of Council who wishes to speak to it has been given an opportunity to do so. The only exception is that the person introducing the matter or a staff person may answer questions about the matter. Members will not speak to a matter more than twice without the permission of the chair.
7. No Member may speak longer than five minutes upon any motion except with the permission of Council.
8. When a motion is under debate, no other motion can be made except to amend it, to postpone it, to put the motion to a vote, to adjourn the debate or the Council meeting or to refer the motion to a committee.
9. A motion to amend the motion then under debate shall be disposed of first. Only one motion to amend the motion under debate can be made at a time.
10. When it appears to the presiding officer that the debate in a matter has concluded, when Council has passed a motion to vote on the motion or when the time allocated to the debate of the matter has concluded, the presiding officer shall put the motion to a vote.
11. When a matter is being voted on, no Member shall enter or leave the Council room, and no further debate is permitted.
12. No Member is entitled to vote upon any motion in which he or she has a conflict of interest, and the vote of any Member so interested will be disallowed.
13. Any motion decided by the Council shall not be re-introduced during the same session except by a two-thirds vote of the Council then present.
14. Whenever the presiding officer is of the opinion that a motion offered to the Council is contrary to these rules or the By-Laws, he or she shall rule the motion out of order and give his or her reasons for doing so.
15. The presiding officer shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council without debate.
16. The above rules may be relaxed by the chair if it appears that greater informality is beneficial in the particular circumstances unless the Council requires strict adherence.
17. Members are not permitted to discuss a matter with observers while it is being debated.

18. Members shall turn off cell phones during Council meetings and, except during a break in the meeting, shall not use a cell phone, blackberry or other electronic device. Laptops shall only be used during Council meetings to review materials related to the matter under debate (e.g., electronic copies of background documents) and to make personal notes of the debate.
19. Members are to be silent while others are speaking.
20. In all cases not provided for in these rules or by other rules of Council, the current edition of Robert's Rules of Order shall be followed so far as they may be applicable.
21. These rules shall apply, with necessary modifications, to meetings conducted by teleconference or any other electronic means permitted by the By-Laws, including audio or teleconference.

### **SCHEDULE 3 TO THE BY-LAWS - Code of Ethics for Registered Members**

#### **Code of Ethics for Registered Members**

All registered members of the College shall strive to attain the ideals identified in the College's Code of Ethics. The College's Code of Ethics for registered members is as follows:

##### **1. General Responsibility**

- Practise within the scope of TCM practice and abide by the laws of the jurisdiction;
- Maintain high competence (i.e., skills, knowledge and judgment) at all times;
- Practise professionally, honestly and with integrity;
- Respect the authority of the College and uphold the principles of self-regulation;
- Place the health and care of patients above personal gain.

##### **2. Responsibility to Patients**

- Recognize that the primary duty of a practitioner is the health and well-being of their patients;
- Respect a patient's value, needs, dignity and choices;
- Provide care to patients regardless of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability;
- Listen and explain to patients the available treatment options, and their goal, risks, effectiveness and cost. Provide the best treatment plan to the patient after the patient understands his or her options;
- Provide timely and quality care that is consistent with the standards of the profession;
- Provide the best care to patients, recognizing one's own limitations and referring patients to other practitioners, or other health care providers when the level of care needed is beyond one's competence;
- Being honest and fair when charging fees for services and any products or prescriptions;
- Protect patients from unsafe, incompetent and unethical care;
- Respect the physical, emotional or financial integrity of patients;
- Protect the privacy and confidentiality of the health information of patients.

### 3. Responsibility to Oneself and the Profession

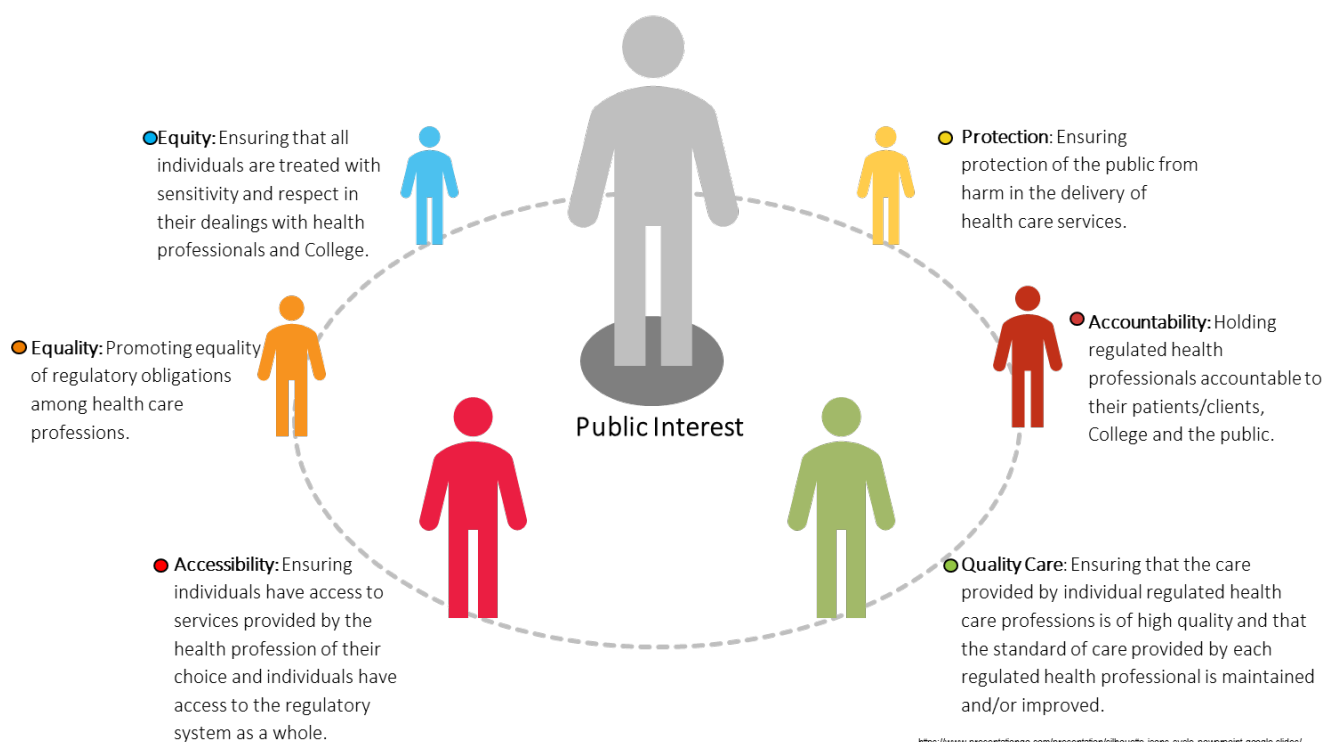
- Acknowledge the limitation of one's knowledge, skills and judgment;
- State one's qualification and experience honestly and fairly;
- Continually upgrade one's knowledge, skills and judgment to improve one's services to patients;
- Respect other health professionals and members of the TCM profession;
- Refrain from passing judgment on the services of another health professional or another member of the TCM profession, except when required in the interest of the patient and after obtaining appropriate information;
- Collaborate with other members of the TCM profession and with other health professionals in the interest of the patient and the public;
- Be transparent and timely in providing information to patients, or a third party when requested or authorized by the patient or by law;
- Contribute to the ongoing development of TCM practices and pass on one's knowledge and skills to others;
- Uphold the honour and dignity of the TCM profession.

### 4. Responsibility to the Public

- Contribute to improving the standards of health care in general;
- Contribute in matters of public health, health education, environmental protection and legislation issues that affect the quality of care to the public;
- Offer help in emergency situations, if appropriate;
- Promote and enhance inter-professional collaboration;
- Represent the profession well.

# PUBLIC INTEREST

## in the context of the College Performance Measurement Framework



### Decision Making Tool for Council

It is the mandate of the College to regulate the profession of traditional Chinese medicine and acupuncture in the public interest. As such, all decision made by Council must uphold the public interest. Below are a series of considerations for Council members to help guide their decision-making process. Council members should consider each question prior to making any policy decision.

1. The proposed policy is related to the practice of traditional Chinese medicine and acupuncture.
2. The proposed policy falls within the College's statutory mandate in that it reflects a government directive or the duty, object of the College.
3. The proposed policy is related to the public interest.
4. The proposed policy is supported by the College's strategic plan, mission or goals.
5. The proposed policy impacts on: a) health care system, b) patients, c) College resources, d) College reputation, e) legal, f) stakeholders, or g) members?
6. The proposed policy is consistent with current College policies/positions and best practices amongst regulatory colleges.
7. The policy is being proposed to address a particular issue or concern.
8. There are consequences for NOT supporting this policy at this time.
9. After having considered all other alternatives the policy is the most effective solution at this time.

## **BRIEFING ON MEETING PROCEDURE**

### **Guideline for Observers Attending a Virtual Council Meeting**

Council meetings are open to the public. However, the public may be excluded from any Council meeting or part of a meeting pursuant to section 7 of the *Health Professions Procedural Code*.

Individuals attending as observers are requested to:

- Turn off or mute all electronic devices;
- Refrain from recording of proceedings by any means, including the taking of photographs, video recordings, voice recordings or via any other means;
- Ensure that your audio is on mute for the duration of the virtual meeting;
- Avoid using any of the virtual meeting features such as chat, reactions, etc.;
- Stop streaming video so that only Council members are visible to the Council;
- Refrain from disruptive behaviour;
- Refrain from addressing or speaking to the Council while the meeting is in process;
- Refrain from lobbying of Council members during the meeting, even during breaks;
- Respect that observers are not allowed to participate in debate of any matter before the Council, or ask any questions of the Council;
- Respect the authority of the presiding officer.

The College reserves the right to remove any observer from a Council meeting if these guidelines are not met. Once removed, you are prohibited from returning to the meeting.

In the event that the Council goes in-camera pursuant to Paragraph (d) of Section 7(2) of the Code, all observers will be returned to the “waiting room/lobby” until the Council completes its in-camera discussions. When Council returns, observers who remain in the waiting room/lobby will be returned to the meeting.



## Robert's Rules of Order – Quick Reference

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1. All those who wish to speak to an item **MUST** go through the Chair.
2. The Chair will keep a list of who wishes to speak. The Chair will call on you to speak.
3. Please raise your hand to let the Chair know you wish to speak.
4. To speak more than once to the same item, you need to wait till everyone else has had a chance to speak.
5. You may ask only one question at a time.
6. Voting is done by a show of hands. If a secret ballot is necessary (i.e. elections) paper ballots are used. For teleconference meetings, members are asked to voice their vote.
7. Each item to be decided will have a **MOTION**. A motion will be moved and seconded prior to discussion.
8. Should an amendment be made to the motion, the amended motion will be the item to be discussed and voted upon.
9. An amendment to a motion may be done as a “friendly” amendment, meaning the person who made the motion agrees with the change. And once again, the amended motion is the one that is voted upon.
10. Once the Chair calls an end to the discussion, a vote will be taken on the motion or amended motion.
11. Council members will be asked to vote:
  - a. in favour of the motion;
  - b. opposed to the motion; or
  - c. abstain from voting.

(Abstentions do not affect the outcome of the vote)
12. A simple majority is required to pass a motion. (50% plus 1)
13. All votes will be noted by the minute taker.



## COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO

### AGENDA

Council Meeting

**Day One – Wednesday, June 15, 2022**

1:15 p.m. – 4:20 p.m.

via Webex

Item	Open/ In-Camera	Time	Speaker	Action
<b>1. Welcome and Call to Order</b>	Open Session	1:15 p.m. (5 mins)	D. Worrad <i>Chair</i>	Information
<b>2. Declarations of Conflicts of Interest</b>	Open Session	1:20 p.m. (5 mins)	D. Worrad <i>Chair</i>	Information
<b>3. Briefing on Meeting Procedure</b>	Open Session	1:25 p.m. (5 mins)	D. Worrad <i>Chair</i>	Information
<b>4. Adoption of the Agenda</b>	Open Session	1:30 p.m. (5 mins)	D. Worrad <i>Chair</i>	Motion
<b>5. Consent Agenda</b> a) Draft Minutes of May 5, 2022 Council Meeting b) Executive Committee Report c) Registration Committee Report d) Inquiries, Complaints and Reports Committee Report e) Quality Assurance Committee Report f) Patient Relations Committee Report g) Discipline Committee Report h) Fitness to Practise Committee Report i) EC Decisions to be Ratified by Council  A consent agenda is a single item on an agenda that encompasses all the things the Council would normally approve with little comment. All those items combine to become one item for approval on the agenda to be called the consent agenda.  As a single item on the agenda, the consent agenda is voted on with a single vote - to approve the consent agenda. This means that there is no discussion on the items, that are listed in the consent agenda.  For item “i”, only substantive decisions that the Executive Committee made on behalf of Council were included and ergo need to be ratified.  <b>However, if a person wishes</b> to speak about any component of the consent agenda, they will alert the Chair. The component will be removed from the	Open Session	1:35 p.m. (15 mins)	D. Worrad <i>Chair</i>	Motion

Item	Open/ In-Camera	Time	Speaker	Action
consent agenda and discussed at some point in the meeting. The remaining components of the consent agenda can then be approved.				
<b>IN CAMERA SESSION</b> The meeting will move in-camera in accordance with Section 7.(2) of the Health Professions Procedural Code.		1:50 p.m. (15 mins)		Motion
<b>6. President's Remarks</b>	Open Session	2:05 p.m. (10 mins)	J. Pritchard-Sobhani <i>President</i>	Information
<b>7. Registrar's Report</b>	Open Session	2:15 p.m. (10 mins)	A. Zeng <i>Registrar &amp; CEO</i>	Information
<b>8. May 5, 2022 Meeting Evaluation Review</b>	Open Session	2:25 p.m. (5 mins)	D. Worrad <i>Chair</i>	Information
<b>9. Finance</b> a) Financial statements – 4 <sup>th</sup> quarter b) 2021-2022 Financial Audit	Open Session	2:30 p.m. (10 mins)	F. Ortale <i>Director IT, Finance &amp; Corporate Services</i>	Information
<b>10. Strategic Planning Consultant</b>	Open Session	2:40 p.m. (40 mins)	S. Cassman <i>Policy &amp; Governance Analyst</i>	Motion
<b>BREAK</b>		3:20 p.m. (10 mins)		
<b>11. Government Relations Consultant Update</b>	Open Session	3:30 p.m. (20 mins)	A. Zeng <i>Registrar &amp; CEO</i>	Direction
<b>12. Committee Appointment</b>	Open Session	3:50 p.m. (10 mins)	J. Pritchard-Sobhani <i>President</i>	Motion
<b>13. Dr. Title Working Group</b>	Open Session	4:00 p.m. (20 mins)	A. Zeng <i>Registrar &amp; CEO</i>	Motion
<b>14. Adjournment for Day One – June 15, 2022</b>	Open Session	4:20 p.m.	D. Worrad <i>Chair</i>	Motion



## COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO

### AGENDA

Council Meeting

**Day Two – Thursday, June 16, 2022**

9:00 a.m. – 11:35 a.m.

via Webex

Item	Open/ In-Camera	Time	Speaker	Action
<b>1. Welcome and Call to Order</b>	Open Session	9:00 a.m. (5 mins)	D. Worrad <i>Chair</i>	Information
<b>2. Declarations of Conflicts of Interest</b>	Open Session	9:05 a.m. (5 mins)	D. Worrad <i>Chair</i>	Information
<b>3. Reminder of Meeting Procedure</b>	Open Session	9:10 a.m. (5 mins)	D. Worrad <i>Chair</i>	Information
<b>4. Chinese Language Entry to Practice Examinations</b>	Open Session	9:15 a.m. (25 mins)	A. Zeng <i>Registrar &amp; CEO</i>	Information
<b>5. CARB-TCMPA TCM Program Accreditation Project</b>	Open Session	9:40 a.m. (15 mins)	A. Zeng <i>Registrar &amp; CEO</i>	Information Discussion
<b>6. Elections</b> a) Election of District 4 & 5 b) By-Election of District 3	Open Session	9:55 a.m. (15 mins)	A. Zeng <i>Registrar &amp; CEO</i>	Motion
<b>7. Bill 106 – Pandemic and Emergency Preparedness Act</b>	Open Session	10:10 a.m. (10 mins)	S. Cassman <i>Policy &amp; Governance Analyst</i>	Information
<b>8. Meeting with Coalition</b>	Open Session	10:20 a.m. (10 mins)	A. Zeng <i>Registrar &amp; CEO</i>	Information
<b>9. Risk Management Report</b>	Open Session	10:30 a.m. (5 mins)	S. Cassman <i>Policy &amp; Governance Analyst</i>	Information
<b>BREAK</b>		10:35 a.m. (10 mins)		
<b>IN CAMERA SESSION</b> The meeting will move in-camera in accordance with Section 7.(2) of the Health Professions Procedural Code.		10:45 a.m. (40 mins)		Motion
<b>10. Other Business</b>	Open Session	11:25 a.m. (5 mins)	D. Worrad <i>Chair</i>	Information
<b>11. Next Meeting Dates and Meeting Effectiveness Survey</b>	Open Session	11:30 a.m. (5 mins)	D. Worrad <i>Chair</i>	Information

Item	Open/ In-Camera	Time	Speaker	Action
<b>15. Adjournment for Day Two – June 16, 2022</b>	Open Session	11:35 a.m.	D. Worrada <i>Chair</i>	Motion

**FOR INFORMATION**

Grey Areas #265, April 2022

Grey Areas #266, May 2022

Grey Areas #267, June 2022





## COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO

### MEETING OF COUNCIL

#### MINUTES

May 5, 2022 from 2:00 p.m. to 5:45 p.m.  
Via Webex

#### IN ATTENDANCE

##### External Chair

Deborah Worrada

##### Council

Joanne Pritchard-Sobhani  
Xianmin Yu  
Kimberley Bishop  
Ming C. Cha  
Iftikhar Choudry  
Judy Cohen (from 2:06pm)  
Matthew Colavecchia  
Justin Lee  
Ryan Longenecker  
Maureen Morton  
Deborah Sinnatamby  
Hai Su (from 2:04pm)  
Jin Qi (Jackie) Zeng

President / Professional Member  
Vice-President / Professional Member  
Public Member  
Professional Member  
Public Member  
Public Member  
Professional Member  
Professional member  
Professional member  
Public Member  
Public Member  
Professional member  
Professional Member

##### Staff

Ann Zeng  
Francesco Ortale  
Ryan Chu  
Sean Cassman  
Claudia Frisch  
Felicia Ng  
Temi Adewumi

Registrar and CEO  
Director, IT, Finance and Corporate Services  
Manager of Professional Conduct  
Policy and Governance Analyst  
Manager of Quality Practice  
Executive Assistant  
Recorder

##### Legal Counsel

Rebecca Durcan

Steinecke Maciura LeBlanc

##### Regrets

Martin Forget

Public Member

##### *Council Meeting*

*College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario*

May 5, 2022

Mark Handelman

Public Member

**Observers**

Pierre Chen

Frederic Cheung

Jane Cheung

Enza Ierrullo

Salman Shaikh

Nathalie Xian Yi Yan

Mary Wu

Anita

Call in user

Christine

Fiona

**1. WELCOME AND CALL TO ORDER**

After calling the meeting to order at 2:02 p.m., the Chair welcomed participants to the May 5, 2022 Council meeting of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario.

13 Council members were counted as present at the meeting.

**2. DECLARATIONS OF CONFLICT OF INTEREST AND REMINDER OF CONFIDENTIALITY**

Ms. Worrad asked if any Council members had any conflicts of interest with regard to the matters being considered at the day's meeting. There were no conflicts declared.

**3. BRIEFING ON MEETING PROCEDURE**

Ms. Worrad provided an overview of the meeting procedure.

**4. ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

**MOTION:** M. Colavecchia - X. Yu

*THAT the Agenda of the May 5, 2022 Meeting of the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario be adopted as presented.*

CARRIED

**5. REGISTRAR and CEO REMARKS**

Ms. Zeng thanked all participants, and introduced the election of officers. The Ministry of

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***May 5, 2022***

Health was thanked for the additional appointments, which mean that Council is now constituted, as per the requirements of the *TCM Act, 2006*.

New Council members were welcomed to the meeting, and outgoing Council members were also thanked for their commitment.

Note was taken of the College's 9<sup>th</sup> anniversary, as well as projects that have been prioritized, such as stakeholder communications regarding removal of the *TCM Repeal Act, 2022*, training and orientation of new Council members, submitting the CPMF report, and working with the Ministry on implementation of the Chinese language entry to practice exam.

New staff members, Claudia Frisch (Manager of Quality Practice), and Victor Wu (Registration and Examinations Assistant), were welcomed to the College.

Council members and staff were thanked for their resilience and continued support during challenging times. The College is excited and optimistic about the work ahead.

## **6. ELECTION PROCESS OVERVIEW**

The Chair provided an overview of the election process. Elections were held for the following positions:

- President
- Vice-President
- Executive Committee Members

The proposed scrutineers for the election were Rebecca Durcan of Steinecke Maciura LeBlanc, Francesco Ortale, Director, IT, Finance and Corporate Services and Sean Cassman, Policy & Governance Analyst.

### **a) Appointment of scrutineers**

The scrutineers were appointed in accordance with Section 66 of the By-laws.

**MOTION:** J. Pritchard-Sobhani - M. Cha

*Be it resolved that Rebecca Durcan, Francesco Ortale and Sean Cassman be appointed as returning officers.*

CARRIED

## **7. ELECTION: PRESIDENT**

The election of the President is subject to Section 7.03 of the College By-Laws. An overview was provided of the President's duties.

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Nominee for President: Joanne Pritchard-Sobhani, Professional Member

As the single nominee, Ms. Pritchard-Sobhani was acclaimed to the position of President.

In her opening speech, Ms. Pritchard-Sobhani thanked Council members for their support. Reference was made to Bill 88, with thanks extended to the coalition of associations and practitioners who brought about the revocation of Bill 88.

The College will now work on establishing a new strategic plan that includes the College Performance Measurement Framework. Council members were encouraged to become familiar with the By-laws. The College needs to be fully transparent, cultivate trust and must engage its members, the educational institutions and other regulated health professions, as well as the public and government ministries.

## **8. ELECTION: VICE-PRESIDENT**

An overview was provided of the Vice-President's duties, as set out in Section 8.02 of the College By-Laws.

Nominees for the position of Vice-President:

1. Iftikhar Choudry, Public Member
2. Matthew Colavecchia, Professional Member
3. Xianmin Yu, Professional Member

Each member indicated their willingness to stand for election, and addressed Council members prior to the vote.

The vote was held by secret email ballot, with instructions provided to Council members.

Mr. Yu was elected as the Vice-President of the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario, to hold office until a successor is duly elected at the first regular meeting of the newly elected Council.

## **9. ELECTION: EXECUTIVE COMMITTEE MEMBERS**

Nominations for **Public Members** to the Executive Committee:

1. Judy Cohen
2. Deborah Sinnatamby
3. Iftikhar Choudry

Each member indicated their willingness to stand for election, and addressed Council members prior to the vote.

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The vote was held by secret email ballot, with instructions provided to Council members.

First round:

Deborah Sinnatamby received more than 50% of the votes and is hereby elected to the Executive Committee of the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario to hold office until a successor is duly elected at the first regular meeting of the newly elected Council.

Second round:

Judy Cohen received more than 50% of the votes and is hereby elected to the Executive Committee of the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario to hold office until a successor is duly elected at the first regular meeting of the newly elected Council.

Nominations for **Professional members** to the Executive Committee:

1. Ming Cha
2. Matthew Colavecchia
3. ~~Xianmin Yu~~

Each member indicated their willingness to stand for election, and addressed Council members prior to the vote.

The vote was held by secret email ballot, with instructions provided to Council members.

Ming Cha received more than 50% of the votes and is hereby elected to the Executive Committee of the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario to hold office until a successor is duly elected at the first regular meeting of the newly elected Council.

**MOTION:** K. Bishop - M. Cha

*THAT the ballots with respect to the election of the Officers be deleted.*

CARRIED

## **10. EXECUTIVE COMMITTEE MEETING**

The decisions held in this section of the meeting are recorded separately.

## **11. COMMITTEE APPOINTMENTS ANNOUNCEMENT**

The President announced the composition of the statutory committees:

***Council Meeting***

***College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario***

***May 5, 2022***



### **Executive Committee**

Joanne Pritchard-Sobhani  
Xianmin Yu  
Ming C. Cha  
Judy Cohen  
Deborah Sinnatamby

President / Professional Member  
Vice-President / Professional Member  
Professional Member  
Public Member  
Public Member

### **Registration Committee**

#### Public members

- Kimberley Bishop
- Iftikhar Choudry
- Maureen Morton

#### Professional members

- Ming C. Cha
- Justin Lee
- Joanne Pritchard-Sobhani
- Xianmin Yu

### **Quality Assurance Committee**

#### Public members

- Kimberley Bishop
- Iftikhar Choudry
- Judy Cohen

#### Professional members

- Ming C. Cha
- Matthew Colavecchia
- Justin Lee
- Hai Su

### **Inquiries, Complaints and Reports Committee**

#### Public members

- Iftikhar Choudry
- Judy Cohen
- Maureen Morton
- Deborah Sinnatamby

#### Professional members

- Matthew Colavecchia
- Ryan Longenecker
- Hai Su
- Xianmin Yu
- Jin Qi (Jackie) Zeng

#### Non-Council member

- Fanny Ip

### **Patient Relations Committee**

#### Public members

- Kimberley Bishop
- Iftikhar Choudry
- Judy Cohen
- Deborah Sinnatamby

#### Professional members

- Ryan Longenecker
- Joanne Pritchard-Sobhani
- Jin Qi (Jackie) Zeng

### **Council Meeting**

**College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario**

May 5, 2022

In accordance with the CTCMPAO By-Laws, all members of Council are members of the Discipline Committee and the Fitness to Practise Committee.

**MOTION:** J. Pritchard-Sobhani – M. Cha

*That the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approves the composition of committees for the year of 2022.*

CARRIED

## MOVING IN-CAMERA

Discussions held in this section of the meeting are recorded separately.

**MOTION:** K. Bishop - X. Yu

*THAT, in accordance with Sections 7. (2) of the Health Professions Procedural Code, the meeting will now move in-camera (at 4:36 p.m.)*

CARRIED

## MOVING OUT OF CAMERA

**MOTION:** J. Pritchard-Sobhani – M. Cha

*THAT the meeting be moved out of camera at 5:21 p.m.*

CARRIED

## 12. CHINESE LANGUAGE ENTRY TO PRACTICE EXAMINATIONS

Observers were allowed to return to the meeting (Fiona, Nathalie Xian Yi Yan).

Council members recommended including a sunset clause within the motion that would indicate that the acupuncture+herbologist exam would only be offered as an interim measure.

**MOTION:** M. Colavecchia - X. Yu

*THAT the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the Chinese Language Pan-Canadian Examination for Acupuncturists and Herbalists offered by CARB-TCMPA as an interim approach to meet the R. TCMP title requirements in October 2022, as required by the Ministry of Health and that Council shall work with CARB-TCMPA to establish a TCMP examination in Chinese for April 2023.*

**Council Meeting**

**College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario**

May 5, 2022

CARRIED

### **13. NEXT MEETING DATES AND MEETING EFFECTIVENESS FORM**

The next meeting dates are scheduled for:

- June 15-16, 2022 (including governance training)
- September 21, 2022
- December 7-8, 2022 (including orientation)

Council members were asked to complete the meeting effectiveness form.

### **14. ADJOURNMENT**

The meeting was adjourned at 5:45 p.m.

**MOTION:** J. Pritchard-Sobhani - X. Yu

*THAT the meeting of the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario of May 5, 2022 be adjourned until the next meeting or at the call of the President.*

CARRIED

Elections for the Discipline and Fitness to Practise committees will be scheduled for another date.



**FOR:** Information

**SUBJECT:** Executive Committee Report

---

### **Executive Committee Members**

Joanne Pritchard-Sobhani (President)	Professional Member
Xianmin Yu (Vice-President)	Professional Member
Ming Cha	Professional Member
Judy Cohen	Public Member
Deborah Sinnatamby	Public Member

Since the last open meeting of the Executive Committee held on March 21, 2021, the Executive Committee met 3 times on May 5, May 19 and June 1, 2022 for an Executive Committee meeting.

### **FOR INFORMATION**

#### **1) Committee Composition**

The Executive Committee set the committee composition for 2022.

#### **2) Executive Committee Training**

The Executive Committee received committee training from Richard Steinecke of Steinecke Maciura LeBlanc (SML). Mr. Steinecke presented on topics such as governance, conflicts of interest, confidentiality, policy making process, and the roles of the Executive Committee, President/Chair, board member and Registrar & CEO.

#### **3) Public Appointments**

The Executive Committee was updated on matters regarding two public appointees. The Committee discussed next steps regarding a public member's lack of involvement on Council and other committees. The Committee agreed that the Vice-President would send a letter to the public member and formally invite him to Council meetings.

#### **4) Matters Related to Bill 88 and FOTCMA**

The Executive Committee was provided with background information relating to Bill 88 and the Federation of Ontario Traditional Chinese Medicine Association (FOTCMA).

#### **5) Chinese Language Entry to Practice Examinations**

The Executive Committee was provided with background information and updates on the Chinese language examination to be implemented by October 2022. The Committee was advised of the exam fees, timeline for exam applications and communications, public consultation for the exam.



## **6) Finance**

An overview of the 4<sup>th</sup> quarter financial statements was provided to the EC.

## **7) Coalition**

The Executive Committee was advised of the Coalition's request for a meeting with the College to discuss matters related to Schedule 5 of Bill 88. The Committee expressed agreement to hold a virtual meeting and further suggested that the organization consider changing its name due to implications that may appear to undermine the Ministry's direction.

## **8) Strategic Plan Update**

The College issued a Request for Proposal (RFP) for a consultant to assist in the College's strategic planning process. The Executive Committee was advised that 9 proposals were received. Following the discussion of options, it was decided that the Executive Committee would independently rate the 9 proposals based on the evaluation criteria set out in the RFP. The 3 proposals with the highest scores will be presented to Council at the next Council meeting for deliberation and final decision. The Executive Committee deliberated on the 9 strategic planning proposals received by the College to prepare a recommended shortlist for Council.

## **9) Government Relations Consultant**

As the College's contract with its governance relations consultant has expired, the Executive Committee discussed the College's goals and needs for a new government relations consultant. There was agreement that the College would continue engaging with Counsel Public Affairs in the interim until a long-term contract is signed.

## **10) Bill 106 – Pandemic and Emergency Preparedness Act**

The Executive Committee was provided an overview of the provisions in Bill 106 that will have a direct impact on the College's registration process and requirements. The Committee discussed the implications of Bill 106.

## **11) Dr. Title Working Group and Committee Appointments**

The Executive Committee reviewed applications for the Dr. Title Working Group. The Committee came to a decision on a public member to be recommended for appointment at the next scheduled Council meeting.

The Committee also discussed a Council member's desire to be appointed to the Registration Committee and Quality Assurance Committee. The individual will be recommended for appointment to the Registration Committee at the next scheduled Council meeting.

## **12) Elections**

The Executive Committee was advised that an election of District 4 and 5 and a by-election of District 3 will be held this year. The Committee was provided with the recommended election date and timeline.





### **13) CARB-TCMPA TCM Program Accreditation Project**

The Executive Committee was advised that the TCM Program Accreditation project was paused to allow time for Directors to consult with their Board/Council to better understand each College's perspectives on how to move forward with the project. The Committee provided their feedback to assist CARB in determining which organization(s) will implement the accreditation program.

*This report is current to June 3, 2022 in anticipation of the Council meeting scheduled for June 15 and 16, 2022.*



**FOR:** Information

**SUBJECT:** Registration Committee Report

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### **Registration Committee Members**

Ming C. Cha (Chair)	Professional Member
Kimberley Bishop	Public Member
Iftikhar Choudry	Public Member
Feng Li Huang (until May 5, 2022)	Professional Member
Justin Lee	Professional Member
Maureen Morton	Public Member
Joanne Pritchard-Sobhani	Professional Member
Deborah Sinnatamby	Public Member
Xianmin Yu	Professional Member

Since the last quarterly report, the Registration Committee met once on March 16, 2022 and May 11, 2022. Additionally, two panel meetings were held on March 16, 2022 and May 11, 2022. All meetings were held via Webex meeting.

### **FOR INFORMATION**

#### **1. PAN-CANADIAN EXAMINATIONS**

##### **April 2022 Pan-Canadian Examination**

The Traditional Chinese Medicine Practitioners examination was held on April 11 and 12, 2022. A total of 70 candidates wrote the Traditional Chinese Medicine Practitioners examination.

The Acupuncturists examination was held on April 27 and 28, 2022. A total of 87 candidates wrote the Acupuncturists examination.

The examination results will be released at the end of June.

##### **Oct 2022 Pan-Canadian Examination**

Traditionally, the College has offered Traditional Chinese Medicine Practitioners (Practitioners) Examination and Acupuncturists Examination in English. Pursuant to the request of the Ministry of Health, the College is offering the October 2022 Examinations in Chinese and English.

The Practitioners Examination will be offered in English only. It is not available in Chinese. Therefore, applicants who wish to write the Practitioners Examination in Chinese will be required to write the Acupuncturist Examination and Herbalist Examination. The applicants will be charged for two examinations should they wish to write the Chinese version of Practitioners Examination.



The Registration Committee agreed that the provisional exemption to clinical training would continue to apply for the October 2022 examination due to the COVID-19 pandemic.

The Traditional Chinese Medicine Practitioners (English) examination is scheduled for October 5 and 6, 2022. The Herbalist (Chinese) examination is scheduled for October 3 and 4, 2022. The Acupuncturists (English and Chinese) examination is scheduled October 26 and 27, 2022.

## 2. ANNUAL RENEWAL

### 2022-2023 Registration Renewal

The College opened the renewal application on February 1, 2022. Members registered in the General, Student, or Inactive Class are required to renew their registration by March 31, 2022.

2606 members have successfully completed their renewal. 48 members were suspended due to failure to renew despite multiple reminders.

## 3. REGISTRATION COMMITTEE PANEL UPDATES (From April 1, 2022 – May 31, 2022)

	Decisions made by the Registration Committee			
	Approved	Approved with TCLs	Refused	Total
General Class application	0	1	1	2
Title Variation	0	1	0	1
TCL Variation	0	0	0	0
Transfer from Inactive Class	0	0	0	0
<b>Totals</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>

The Registration Committee Panel reviewed 4 cases in the May 11, 2022 meeting. The Registration Committee directed staff to contact 1 applicant to seek out additional information.

## 4. QUARTERLY MEMBERSHIP STATS (As of June 1, 2022)

### Registration by District

	District 1	District 2	District 3	District 4	District 5	Practicing outside ON	Unknown	Total
General	187	131	1516	528	73	33	21*	2489
Inactive	14	4	103	12	3	20	9	165
Student	0	1	3	0	0	0	0	4
<b>Total Members</b>	<b>201</b>	<b>136</b>	<b>1622</b>	<b>540</b>	<b>76</b>	<b>53</b>	<b>30</b>	<b>2658</b>

\*Please note that General Class members who recently registered with the College are given 30 days to



submit their business address. We are following up with 21 General Class members who did not provide their business address information to the College.

#### Registration updates as of June 1, 2022

	01-Sep-2021	18-Nov-2021	28-Feb-2022	1-Jun-2022
General R. Ac	1236	1273	1285	1243
General R. TCMP	1249	1266	1288	1246
Student R. Ac	6	5	4	4
Student R. TCMP	5	4	2	0
Inactive R. Ac	81	78	75	84
Inactive R. TCMP	70	70	69	81
<b>Current Members</b>	<b>2647</b>	<b>2696</b>	<b>2723</b>	<b>2658</b>
Resigned	415	415	422	489
Expired	658	658	661	662
Revoked	87	86	85	82
Suspended	120	122	121	165
<b>Total Registrants</b>	<b>3927</b>	<b>3977</b>	<b>4012</b>	<b>4056</b>

#### Changes within the Quarter

	June 3, 2021 – Sept 1, 2021	Sept 2, 2021- Nov 18, 2021	Nov 19, 2021 – Feb 28, 2022	Mar 1, 2022 – May 31, 2022
New members	40	51	35	49
Resignations	3	0	7	31
Revocation	0	0	0	0
Suspensions	1	2	0	46
Expired	0	0	3	1
<b>Net Change</b>	<b>36</b>	<b>49</b>	<b>25</b>	<b>-29</b>

Members practicing with terms, conditions and limitations: 300

#### 2022 Jurisprudence Course Tests (From April 1, 2022 – May 31, 2022)

Passed	Failed	Total
35	0	35

#### 2022 Safety Program Tests (From April 1, 2022 – May 31, 2022)

Passed	Failed	Total
29	0	29

*This report is current to May 31, 2022 in anticipation of the Council Meeting scheduled for June 15 and 16, 2022.*



**FOR:** Information

**SUBJECT:** Inquiries, Complaints and Reports Committee Report

---

**Inquiries, Complaints and Reports Committee Members**

Xianmin Yu	Professional Member (Chair)
Iftikhar Choudry	Public Member
Judy Cohen	Public Member
Matthew Colavecchia	Professional Member
Ryan Longenecker	Professional Member
Maureen Morton	Public Member
Deborah Sinnatamby	Public Member
Hai Su	Professional Member
Jin Qi (Jackie) Zeng	Professional Member
Fanny Ip	Professional Member (Non-Council Member)

The Inquiries, Complaints and Reports Committee (the “ICRC”) is divided into two main panels to accommodate the number of ongoing matters, and to accommodate the selection of panel members, should the need arise for a discipline hearing. Since the last quarterly report, the ICRC met three times on April 1, 2022 and May 4, 2022 and May 26, 2022. Training for the ICRC was conducted on April 1, 2022.

**New Cases and Nature of Concerns**

Note: Some cases may have more than one concern

Complaints	Nature of Concerns		Registrar Report Investigations	Nature of Concerns	
1		Advertising			Advertising
		Billing and Fees			Billing and Fees
		Communication			Communication
	1	Competence / Patient Care			Competence / Patient Care
		Fraud			Fraud
	1	Professional Conduct & Behaviour			Professional Conduct & Behaviour
		Record Keeping			Record Keeping
		Sexual Abuse / Harassment / Boundary Violations			Sexual Abuse / Harassment / Boundary Violations





		Unauthorized Practice			Unauthorized Practice
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### Completed Cases and Outcomes\*

Note: Some decisions have more than one outcome

Complaints	Outcomes		Registrar Reports Investigations	Outcomes	
		Take no action			Take no action
		Advice			Advice
		Written Caution			Written Caution
		Oral Caution			Oral Caution
		SCERP			SCERP
		Refer to Discipline			Refer to Discipline
		Undertaking			Undertaking

### Complaints cases before Health Professions Appeal and Review Board

New Cases	Pending Cases	Cases Upheld
	3	

### Pending Cases

Complaints	Registrar Report Investigations	Incapacity Inquiries	Total # cases
20	75		95

*This report is current as of May 30, 2022, in anticipation of the Council meeting scheduled for June 15, 2022.*



**FOR:** Information

**SUBJECT:** Quality Assurance Committee Report

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### **Quality Assurance Committee Members**

Iftikhar Choudry (Chair)	Public Member
Kimberley Bishop	Public Member
Ming C. Cha	Professional Member
Judy Cohen	Public Member
Matthew Colavecchia	Professional Member
Justin Lee	Professional Member
Hai Su	Professional Member

Since the first meeting of Council in May 2022 and the last quarterly report, the Quality Assurance (QA) Committee met once on May 25, 2022 for training and Chair election. Mr. Iftikhar Choudry was elected QA Committee Chair.

### **FOR INFORMATION**

#### **1. Quality Assurance Program**

##### **a) Random Selections for 2022**

- The Peer and Practice Assessment (PPA) - According to the General Requirements Policy (Peer and Practice Assessment), each year, a percentage of members in the General Class of Registration will be selected at random to undergo a PPA. The College randomly selected 2 members in December 2021 to undergo the peer and practice assessments in 2022. The members have been notified accordingly and assessors have been assigned. It is anticipated that their assessments will be completed in the next couple of months.
- Self-Assessment and Professional Development - Every member of the College must participate in self-assessment and continuing professional development each year. As per the College's General Requirements Policy for Self-Assessments and Professional Development, each year, a percentage of all members are selected at random to submit their Self-Assessment Tool (SAT) and professional development plan (PDP). All 53 (2%) selected members were notified, 50 have been received and 3 remain outstanding at this time.

#### **2. Committee Training**

A training session for the new Quality Assurance Committee members was held on May 25, 2022. The session was conducted with the aid of the Quality Assurance Committee Training Video presented by legal counsel, Ms. Rebecca Durcan.



College of Traditional Chinese Medicine  
Practitioners and Acupuncturists of Ontario

Ordre des praticiens en médecine traditionnelle  
chinoise et des acupuncteurs de l'Ontario

*This report is current to June 1, 2022, in anticipation of the Council meeting scheduled for June 15, 2022.*



**FOR:** Information

**SUBJECT:** Patient Relations Committee Report

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**Patient Relations Committee Members**

Deborah Sinnatamby (Chair)	Public Member
Kimberley Bishop	Public Member
Iftikhar Choudry	Public Member
Judy Cohen	Public Member
Ryan Longenecker	Professional Member
Joanne Pritchard-Sobhani	Professional Member
Jin Qi (Jackie) Zeng	Professional Member

Since last quarterly report, the Patient Relations Committee met on April 28, 2022 and again after the May 2022 Council meeting on June 1, 2022.

**FOR INFORMATION**

**1. Funding for Therapy**

No new applications for funding have been received or are outstanding.

**2. Committee Training**

A training session and Chair election was held for the Patient Relations Committee members on June 1, 2022. The session was conducted by College's legal counsel, Ms. Rebecca Durcan. Ms. Deborah Sinnatamby was elected as Chair for the Committee.

*This report is current to June 1, 2022, in anticipation of the Council meeting scheduled for June 15, 2022.*



**FOR:** Information

**SUBJECT:** Discipline Committee Report

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**Discipline Committee Members**

Matthew Colavecchia (Chair)	Professional Member
Ming C. Cha	Professional Member
Hai Su	Professional Member
Jin Qi (Jackie) Zeng	Professional Member
Joanne Pritchard-Sobhani	Professional Member
Justin Lee	Professional Member
Ryan Longenecker	Professional Member
Xianmin Yu	Professional Member
Deborah Sinnatamby	Public Member
Iftikhar Choudry	Public Member
Judy Cohen	Public Member
Kimberley Bishop	Public Member
Mark Handelman	Public Member
Martin Forget	Public Member
Maureen Morton	Public Member

The Discipline Committee did not release any decisions in this quarter.

As of May 30, 2022, there are eight open cases which have been referred to the Discipline Committee by the Inquiries, Complaints and Reports Committee (ICRC).

	Member Name	Status
1	Sen Ching Cheung	The Notice of Hearing was served on the Member on August 6, 2021. A discipline hearing is scheduled for June 3, 2022.
2	Shuangjin Zhang	The Notice of Hearing was served on the Member on August 19, 2021. A pre-hearing conference occurred on May 17, 2022. The Member did not participate and dates were canvassed to proceed for a hearing on a contested basis. A discipline hearing is scheduled for August 11 and 12, 2022.
3	Jeff McMackin	The Notice of Hearing was served on the Member on October 29, 2021. A pre-hearing conference is set to occur on June 2, 2022.
4	Kyung Chun Oh	The Notice of Hearing was served on the Member on November 2, 2021. A discipline hearing proceeded on February 8, 2022. The hearing was adjourned to March 30, 2022. A Notice of Written Hearing occurred on March 30, 2022,



		where a motion was requested for the Discipline Committee to strike a new panel for a contested hearing. Hearing dates to be determined.
5	Hongxing Xiao <sup>1</sup>	The Notice of Hearing was served on the Member on November 2, 2021. A pre-hearing conference was conducted on May 7, 2022 and May 24, 2022.
6	Hongxing Xiao <sup>2</sup>	The Notice of Hearing was served on the Member on November 2, 2021. A pre-hearing conference was conducted on May 7, 2022 and May 24, 2022.
7	Yaqing Sun	The Notice of Hearing was served on the Member on December 15, 2021.
8	Peter Witz	The Notice of Hearing was served on the Member on January 4, 2022.

There is one discipline decision currently under appeal by the Member. This matter relates to the [Nathalie Xian Yi Yan](#) decision.

*This report is current as at May 30, 2022 in anticipation of the Council meeting scheduled for June 15, 2022.*

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<sup>1</sup> This matter is in relation to the first referral to discipline which pertains to a separate set of specified allegations.

<sup>2</sup> This matter is in relation to the second referral to discipline which pertains to a separate set of specified allegations.



**FOR:** Information

**SUBJECT:** Fitness to Practise Committee Report

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**Fitness to Practise Committee Members**

Matthew Colavecchia (Chair)	Professional Member
Ming C. Cha	Professional Member
Hai Su	Professional Member
Jin Qi (Jackie) Zeng	Professional Member
Joanne Pritchard-Sobhani	Professional Member
Justin Lee	Professional Member
Ryan Longenecker	Professional Member
Xianmin Yu	Professional Member
Deborah Sinnatamby	Public Member
Iftikhar Choudry	Public Member
Judy Cohen	Public Member
Kimberley Bishop	Public Member
Mark Handelsman	Public Member
Martin Forget	Public Member
Maureen Morton	Public Member

Pursuant to the College Bylaw, every member of Council is a member of the Fitness to Practise Committee.

Since the last quarterly report, the Fitness to Practise Committee met once on May 16, 2022. The purpose of the meeting on May 16, 2022 was to elect the Chair of the Fitness to Practise Committee.





**FOR:** Motion

**SUBJECT:** Executive Committee Decisions to be Ratified by Council

---

## **Open Meetings of the Executive Committee**

**December 19, 2019**

**MOTION** *F. Huang – M. Cha*

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the Standard for Consent as presented to come into effect on April 1, 2020.*

*CARRIED*

**MOTION** *R. Dong – P. Zhang*

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the Standard for Prevention of Sexual Abuse as presented to come into effect on April 1, 2020.*

*CARRIED*

**MOTION** *F. Huang – M. Cha*

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the Standard for Record Keeping for public consultation.*

*CARRIED*

**MOTION** *R. Dong – F. Huang*

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approves the Terms of Reference for the Dr. Title Working Group as amended.*

*CARRIED*

**March 23, 2020**

**MOTION** *M. Cha – R. Dong*



*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the Standard for Fees and Billing for public consultation as presented.*

*CARRIED*

**June 10, 2020**

**MOTION      F. Huang – R. Dong**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the \$300.00 one-time reduction of the Registration Renewal Fee of the General Class for the fiscal year 2021-2022 as presented.*

*CARRIED*

**September 17, 2020**

**MOTION      M. Cha – F. Huang**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario accepts the Audit Findings for the year ending March 31, 2020.*

*CARRIED*

**MOTION      R. Dong – M. Cha**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario appoint Hilborn LLP as the financial auditors for 2020-2021 fiscal year.*

*CARRIED*

**MOTION      F. Huang – M. Cha**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the Standard for Record Keeping as presented to come into effect on January 1, 2021.*

*CARRIED*

**MOTION      M. Cha – P. Zhang**



*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario agrees to conduct the College governance review and directs staff to do more research to find more possible candidates for the governance review.*

*CARRIED*

#### **December 10, 2020**

**MOTION      M. Cha – F. Huang**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario proceed with Governance Solutions Inc. for the College's governance review.*

*CARRIED*

**MOTION      M. Cha – R. Dong**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the Standard for Fees and Billing as presented to come into effect on April 1, 2021.*

*CARRIED*

#### **March 25, 2021**

**MOTION      R. Dong – M. Cha**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario appoints Deborah Sinnatamby to the Registration Committee effective immediately.*

*CARRIED*

#### **June 22, 2021**

**MOTION      M. Cha – R. Dong**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the draft letter to the Assistant Deputy Minister as presented.*



CARRIED

**September 22, 2021**

**MOTION      R. Dong – M. Cha**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario accepts the Audit Findings for the year ending March 31, 2021.*

CARRIED

**MOTION      R. Dong - M. Cha**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario accept the draft financial statements for the year ending March 31, 2021.*

CARRIED

**MOTION      R. Dong - M. Cha**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario appoint Hilborn LLP as the financial auditors for 2021-2022 fiscal year.*

CARRIED

**MOTION      M. Cha – F. Huang**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the Per Diem Policy as presented.*

CARRIED

**MOTION      M. Cha – F. Huang**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the changes made by the auditor to the Financial Reserve Policy as amended.*

CARRIED

**MOTION      F. Huang – R. Dong**



*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the draft 2020 – 2021 annual report as amended.*

CARRIED

**MOTION M. Cha - F. Huang**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the Responsive and Reflexive Quality Assurance Framework (RRQA) in general as the CTCMPAO QA Framework.*

CARRIED

**MOTION R. Dong – M. Cha**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the telepractice guideline as amended for public consultation.*

CARRIED

**MOTION R. Dong – M. Cha**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario proceed with Counsel Public Affairs Inc. to act for the College in acquiring public appointments to Council and other potential government relations matters.*

CARRIED

**November 1, 2021**

**MOTION M. Cha – F. Huang**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario received the revised governance review report from Governance Solutions Inc.*

*Against: 1*

*For: 3*

CARRIED



**MOTION**      **M. Cha – R. Dong**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario with the support of Council members approve the following recommendations:*

- *Reconvene full public Council meetings to govern the College*
- *Populate Regulatory Committees with individuals not on Council*
- *Adopt a competencies-based selection process for Regulatory Committees*
- *Adopt a more competencies-based selection process for Council*
- *Bolster the onboarding and education program for both Council and Regulatory Committee members*
- *Put in place best practices governance charters and policies*
- *Enhance Audit Oversight*
- *Enhance the College's Strategic Plan with outcome measures*
- *Enhance Risk Oversight*
- *Address Public Member Shortfall*

*Against: 1*

*For: 3*

*CARRIED*

**MOTION**      **R. Dong – F. Huang**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario accept a high-level summary of the recommendations to be published on the College website.*

*For: 3*

*Against: 1*

*CARRIED*

**MOTION**      **M. Cha – F. Huang**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario appoint Xianmin Yu, Joanne Pritchard-Sobhani, Deborah Sinnatamby, Feng Li Huang and Ming Cha to the Dr. Title Working Group while staff publish a call for interest for more working group members*

*CARRIED*



December 9, 2021

**MOTION**      **P. Zhang – F. Huang**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario appoint Deborah Worrada as the external Chair for the December 9, 2021 Open Meeting of the Executive Committee.*

CARRIED

March 21, 2022

**MOTION**      **R. Dong – M. Cha**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario appoint Martin Forget and Mark Handelman to the Discipline Committee.*

CARRIED

**MOTION**      **M. Cha – F. Huang**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the draft 2021 CPMF report as presented, with the understanding that corrections and refinements may be made.*

CARRIED

**MOTION**      **R. Dong – M. Cha**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the Telepractice Guideline as presented.*

CARRIED





## **Executive Committee Meetings**

### **December 19, 2019**

**MOTION**      **P. Zhang – R. Dong**

*To appoint Joanne Pritchard-Sobhani to the Inquiries Complaints and Reports Committee and Registration Committee.*

CARRIED

### **February 20, 2020**

**MOTION**      **M. Cha – F. Huang**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the remuneration increases as amended, with a start date of April 1, 2020.*

CARRIED

Opposed: P. Zhang

**MOTION**      **R. Dong – M. Cha**

*THAT the financial budget for the fiscal year April 1, 2020 to March 31, 2021 be adopted as presented.*

CARRIED

### **May 13, 2020**

**MOTION**      **P. Zhang – M. Cha**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario direct the Registrar to set the date of October 29, 2020 for the election of Professional members to Council in District 1 & 2 in accordance with the College By-Laws.*

CARRIED



College of Traditional Chinese Medicine  
Practitioners and Acupuncturists of Ontario

Ordre des praticiens en médecine traditionnelle  
chinoise et des acupuncteurs de l'Ontario

**November 18, 2020**

**MOTION      F. Huang – P. Zhang**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario direct College staff to reach out to the proposed consultants for more information.*

CARRIED

**MOTION      M. Cha – P. Zhang**

*That the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the work to assume the development and administration of PAN-Canadian Examinations for Acupuncturists, TCM Herbalists and TCM Practitioners to be transferred from the Consortium of TCM Regulators to CARB-TCMPA.*

CARRIED

**MOTION      F. Huang – M. Cha**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approves the 2019-2020 Annual Report as presented.*

CARRIED

**December 10, 2020**

**MOTION      P. Zhang – M. Cha**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario authorize a transfer of funds in the amount of approximately \$94,910.54 to CARB-TCMPA.*

CARRIED



**February 18, 2021**

**MOTION      P. Zhang – F. Huang**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve the initial draft College Performance Measurement Framework report in principle.*

CARRIED

**MOTION      M. Cha – F. Huang**

*THAT the financial budget for the fiscal year April 1, 2021 to March 31, 2022 be adopted as presented.*

CARRIED

**May 19, 2021**

**MOTION      M. Cha – F. Huang**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario direct the Registrar to set October 28, 2021 as the date of the election of Professional members to Council in District 3 in accordance with the College By-Laws.*

CARRIED

**November 9, 2021**

**MOTION      M. Cha – R. Dong**

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approve \$300,000.00 to be transferred to the reserve fund to be dispersed as discussed.*

CARRIED

**December 9, 2021**

**MOTION      M. Cha – F. Huang**



College of Traditional Chinese Medicine  
Practitioners and Acupuncturists of Ontario

Ordre des praticiens en médecine traditionnelle  
chinoise et des acupuncteurs de l'Ontario

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario appoint Hai Su to the ICRC and QAC.*

*CARRIED*

**MOTION**      ***F. Huang – M. Cha***

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario appoint Justin Lee to the ICRC and RC.*

*CARRIED*

**MOTION**      ***P. Zhang – F. Huang***

*THAT the Executive Committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario appoint Ryan Longenecker to the ICRC and PRC.*

*CARRIED*

**February 24, 2022**

**MOTION**      ***M. Cha – F. Huang***

*THAT the financial budget for the fiscal year April 1, 2022 to March 31, 2023 be adopted as amended.*

*CARRIED*



College of Traditional Chinese Medicine  
Practitioners and Acupuncturists of Ontario

Ordre des praticiens en médecine traditionnelle  
chinoise et des acupuncteurs de l'Ontario

## **Agenda # 7**

### **President's Remarks**

Speaker: J. Pritchard-Sobhani, President

Action: Information



College of Traditional Chinese Medicine  
Practitioners and Acupuncturists of Ontario

Ordre des praticiens en médecine traditionnelle  
chinoise et des acupuncteurs de l'Ontario

## **Agenda # 8**

### **Registrar's Report**

- a. OFC Cumulative Risk Rating for CTCMPAO
- b. HPRO 2021-2022 Highlights
- c. HPRO 2022-2023 Officer and Management Committee Members

Speaker: A. Zeng, Registrar & CEO

Action: Information

Dear Ms. Zeng:

Re: Cumulative Risk Rating for the College of Traditional Chinese Medicine  
Practitioners and Acupuncturists of Ontario

As you are aware, in April 2021, the Office of the Fairness Commissioner (OFC) launched its new Risk-Informed Compliance Framework (RICF), which fully comes into effect on April 1, 2022. This framework will rely both on the regulator's historical performance, and a series of forward-looking risk factors that could impact a regulator's ability to achieve better registration outcomes for applicants.

Our office has chosen to implement this initiative in a staged fashion, to include a 12-month transition period to allow regulators to migrate to the new system and to comply with any outstanding OFC recommendations. During this transition period, which began on April 1, 2021, OFC compliance analysts reviewed each regulator's historical performance, the steps taken to implement any outstanding recommendations, and how the regulator has addressed each of our office's forward-looking risk factors. Our office gathered the necessary information through virtual meetings and the administration of a risk-assessment questionnaire.

As the compliance analyst responsible for the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (CTCMPAO), I then initiated an analysis of both CTCMPAO's historical performance, and impact of the forward-looking risk factors, to identify an appropriate cumulative risk rating for CTCMPAO. In undertaking this work, I also consulted with the Fairness Commissioner and OFC management.

As you, know the OFC has established three cumulative risk categories, which have been categorized as low risk, moderately low risk and moderate to high risk. Following a review of the relevant considerations, which I will outline more fully below, I have determined that CTCMPAO should be placed in the low-risk category for the April 1, 2022 to March 31, 2023 assessment period. My analysis follows.

*Historical Compliance*

I will start with my assessment of CTCMPAO's historical performance. The RICF outlines five indicators that our office takes into account to assess the historical performance of a regulator. These are:

- The nature and extent of material compliance recommendations that the OFC has issued to the regulator in the last compliance cycle.
- The extent to which the regulator has complied with these recommendations and avoided new issues.
- The regulator's observed motivation to work with the OFC on defined compliance objectives.

- The content of decisions issued by the courts or tribunals that discuss the regulator's registration practices.
- The degree to which the regulator's registration processes exhibit the attributes of transparency objectivity, impartiality and fairness, as demonstrated, for example, by the number of OFC recognized "commendable practices" and/or other best practices and innovations that the regulator has instituted over time.

Under this scheme, a regulator can be placed into one of three *compliance* categories: full compliance with the objectives of the legislation, substantial compliance with the objectives of the legislation and performance that falls short of compliance with the objectives of the legislation.

In undertaking this analysis, I would note that the OFC did not issue any compliance recommendations to CTCMPAO during the last assessment cycle, which took place in September 2018, nor has the office written any since that date. Hence, CTCMPAO is not subject to any outstanding recommendations at this time.

Based on my assessment of these considerations, I would place CTCMPAO in the category of full compliance.

#### *Forward-looking Risk Factors*

The OFC has also identified five forward-looking risk factors to help determine a regulator's risk profile. These risk factors identify the existing and potential risks posed to fair registration access for Canadians and internationally trained individuals. The considerations involve:

- Organizational capacity.
- The overall control that a regulator exerts over its assessment and registration processes.
- The regulator's response to emergency situations, such as the Covid-19 pandemic.
- An over-reliance on Canadian experience requirements.
- Public policy considerations.

Once these factors are considered, the OFC will then perform a traditional risk assessment that considers both the probability that a risk will occur and the significance of the consequences.

The final step in the risk assessment process is to determine a cumulative risk category for the regulator. The policy indicates that OFC will do so by aggregating the derived risk profile of a regulator with its historical performance assessment.



I have undertaken this analysis and have concluded that CTCMPAO falls into the low risk category for the 2022-23 period. I have reached this conclusion as I have identified that there is no potential risk to access to fair registration after reviewing CTCMPAO's response to the forward-looking risk factors.

As a low-risk regulator, the tools that the OFC may utilize to continue to work with you include annual meetings and sharing of best practices and educational resources.

I want to thank you again for your patience as the OFC transitioned to our new framework and look forward to continuing to support your organization.

Sincerely,

James Mendel, Compliance Analyst at the Office of the Fairness Commissioner

c.c.: Irwin Glasberg, Commissioner

c.c.: Hilary Forgie-Resnick, Director

c.c.: Stephanie Mah, Business and Operation Manager

### HEALTH PROFESSION REGULATORS OF ONTARIO

#### CONTENTS:

President and Management's Report	2-3	The Health Profession Regulators of Ontario (HPRO) is a not-for-profit organization, incorporated in 1998 as the Federation of Health Regulatory Colleges of Ontario. Its members are the <i>Regulated Health Professions Act's (RHPA's)</i> 26 Colleges and the Registrars, who make up the Board of Directors. Collaboration and consensus are key for HPRO, helping its members live out its statement of purpose.
Committee, Network and Working Group Reports	4-6	<b>Statement of Purpose:</b> Advancing excellence in public safety through collaboration of Ontario's health profession regulators
HPRO Member Staff Key Area Networks	4	<b>Fulfilled through the following:</b> <ul style="list-style-type: none"> <li>• Collaborating to develop common principles, guidelines, and tools to advance the regulation of health professions in the public interest</li> <li>• Providing education and tools for training Councils, Committees, and Staff</li> <li>• Sharing resources, approaches, and expertise, providing support for members and mentoring for new Registrars</li> <li>• Providing a central point of contact for key stakeholders, e.g., Ministry of Health</li> <li>• Engaging the public, informing them about the role of the regulator in the public interest</li> </ul>
Educational Opportunities	4	
Online Resources	4	
Transitions	7	
HPRO Members	8	

#### COVID-19 PANDEMIC

*Again during the 2021-2022 corporate year, HPRO held no face-to-face meetings. As the pandemic appears to wane, or Ontarians are becoming acclimatized to new ways of doing things, the heroic efforts of the Province's healthcare professionals and leaders in government and the regulatory sector will not be forgotten.*



**Management  
Committee Members:**

Kevin Taylor, President  
(until his passing on  
August 6, 2021)

Elinor Larney, Vice-  
President

Judy Rigby, Treasurer

Kelly Dobbin, Member

Dan Faulkner, Member

Linda Gough, Past  
President

**PRESIDENT & MANAGEMENT COMMITTEE REPORT**

*This report covers HPRO's corporate year from the June 7, 2021, Annual Meeting, reporting to the June 1, 2022, Annual Meeting.*

**RECOGNIZING THE PASSING OF HPRO PRESIDENT KEVIN TAYLOR**

Kevin Taylor passed away on August 6, 2021, after a brief illness. Kevin's ability to bring people together, to be a calming force in times of adversity, and to find ways to shine with grace and levity when needed will not be forgotten. Sincere condolences were shared with Kevin's wife, Jackie, his four children, and his parents and sister, along with Carole Hamp and his team at CRTO, by HPRO and its members. In memory of Kevin, readers are invited to go to a website dedicated to Kevin by his family and friends ([kevinmtaylor.ca](https://kevinmtaylor.ca)) and to watch an HPRO video created in Kevin's memory, where Kevin's personal words of wisdom and reflection are found (<https://youtu.be/3qNmHz5ZXQ4>).



Tremendous thanks are extended to Elinor Larney, HPRO's Vice-President, who led HPRO in Kevin's absence, i.e., since his illness began in April 2021. With the hard work and support of Elinor and the Management Committee, along with the HPRO Board and many volunteers who are recognized later in the 2021-2022 Highlights document, HPRO was able to accomplish much and press on during difficult times.

**CONTINUED FOCUS ON PRIORITIES**

While the COVID-19 pandemic continued to necessitate HPRO's attention, the long-term priorities were in focus, consistent with the previous years: governance modernization, the Ministry of Health's College Performance Measurement Framework (CPMF) and the Anti-BIPOC Racism Project.

**GOVERNANCE MODERNIZATION**

Observing trends across Canada and among international regulators, HPRO kept abreast of those trends and outcomes from modernization efforts. A number of meetings and presentations occurred during the year (*see details on page 3*). HPRO also responded to some Ministry initiatives, and, at the close of HPRO's corporate year, the Ontario Government had opened a consultation on changes from Bill 106 which relate to Colleges' registration practices.

## PRESIDENT & EXECUTIVE COMMITTEE REPORT (CONT.)

### COLLEGE PERFORMANCE MEASUREMENT FRAMEWORK (CPMF)

The second submission of Colleges' CPMF reports were made publicly available by each College as of March 31, 2021. The reports help the public understand how well regulatory Colleges are doing their job and to help continually improve accountability, transparency, and oversight. With commendable practices identified in the first reports, the mechanism is beginning to help demonstrate how well Ontario's regulatory health Colleges are protecting the public interest. A network of HPRO members meets regularly to share information about their CPMF reports, weekly from October 15 to March of 2022.

### ANTI-BIPOC RACISM PROJECT

The Anti-BIPOC Racism Project, led by Judy Rigby, progressed over the year, working to provide resources for Colleges related to diversity, equity, and inclusion. It was recognized that change is necessary to eliminate existing racial inequities for Colleges to best serve and protect the public. A multi-pronged approach includes the development of a toolkit for regulators and foundational education and training for College Boards/Councils, committee members and other volunteers, and staff. Key presentations were also provided:

- Anti-BIPOC Racism Project Town Hall with Dr. Javeed Sukhera, reviewing his report and recommendations for HPRO
- HPRO and the Office of the Fairness Commissioner (OFC) Webinar - Collecting Race-Based and Other Populations-Based Data: A Vital Starting Point

### MEETINGS WITH STAKEHOLDERS AND PRESENTATIONS TO THE HPRO BOARD OF DIRECTORS DURING 2021-2022 YEAR:

- Multiple meetings with Assistant Deputy Minister Sean Court, Director Allison Henry, Manager Stephen Cheng and others on issues including COVID-19, the CPMF, governance modernization, and other government priorities
- Craig Roxborough, Director, Policy, at CPSO, presentation on its patient engagement integration success
- Jason Maurier, Manager, and Sarah Kibaalya, Senior Policy Analyst, Regulatory Oversight and Performance Unit, Ministry of Health on CPMF
- Workshop on Information-Sharing/Section 36 Policy Development
- Anne Coghlan, Executive Director & CEO of the College of Nurses of Ontario presentation on her "Top 10 Registrar Reflections" prior to her retirement
- Melanie Woodbeck, Registrar & Executive Director, College of Dietitians of Ontario, presentation "Advancing Equity at the College of Dietitians of Ontario"
- Presentation by the Ontario College of Teachers re. its Governance Transition

### GOVERNANCE TRAINING FOR RHPA COLLEGES

This webinar for College Staff, Council, and Committee Members focuses on Colleges' core public interest functions, providing a comprehensive understanding of governance for regulators. Sessions were held on the morning of October 22 & 29, 2021, (20 registered from 8 Colleges) and April 1 & 7, 2022 (45 registered from 12 Colleges).

### Anti-BIPOC Racism

#### Working Group:

Judy Rigby (CDTO), Chair

Deborah Adams (CDHO)

Zahra Grant replacing  
Kelly Dobbin (CMO)

Naakai Garnett (CMTO)

Linda Gough (to  
September 22, 2021)  
(CMRITO)

Brian Fehst replacing  
Lara Thacker and  
Danielle Lawrence (CKO)

Tim Mbugua (COTO)

Kevin McCarthy (CNO)

Brian O'Riordan  
(CASLPO)

Margot White (CONO)

## INVESTIGATIONS AND HEARINGS NETWORK

- The Investigations and Hearings Network, open to all HPRO-member staff involved in that core area of College work, provides opportunities for information-sharing through a well-used list-serve system and meetings.
- Nanci Harris of RCDSO led a meeting of the I&H Network on March 29, 2022, where hybrid work models and other key issues were discussed. Representing 20 Colleges, 38 attended.

## HPRO MEMBER STAFF KEY AREA NETWORKS

Staff have access to Networks of College areas of activity, including:

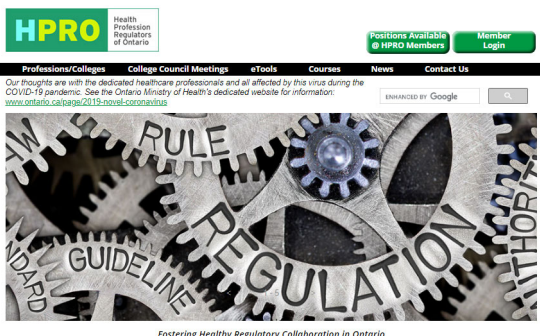
- Communications
- Compliance Monitoring
- Corporate Services
- Deputy Registrars
- Executive Assistants
- Investigations and Hearings
- Practice Advisors
- Quality Assurance
- Records Management
- Registration

## EDUCATIONAL OPPORTUNITIES

HPRO's members' Boards/Councils, committees, and staff are provided with resources for orientation, education, and training, including:

- Governance Training led by Richard Steinecke (*see page 3*)
- Discipline Orientation Workshops with faculty Luisa Ritacca and Richard Steinecke (*see page 6*)
- Education for Health Professional Regulators of Ontario (EHPRO) (all aspects of the *RHPA* available online for members)
- Training Videos about Patient Sexual Abuse (available online for members)
- Communicators' Day Conference and first Lunch'n'Learn (*see page 5*)

## HPRO'S ONLINE RESOURCES



- **Interprofessional Guide on the Use of Orders, Directives and Delegation for Regulated Health Professionals in Ontario**
- **Consent and Capacity Resources**
- **Positions available at HPRO Member Colleges**
- **Information on College Board of Directors/Council Meeting dates**

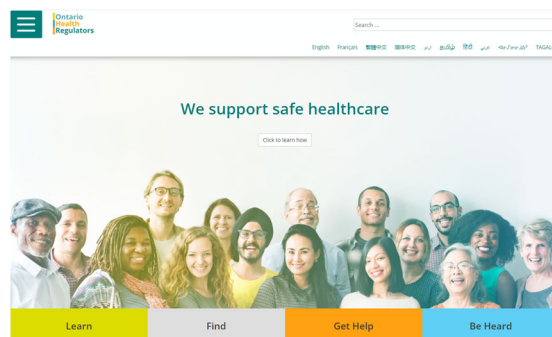
## COMMUNICATIONS COMMITTEE

HPRO's Communications Committee, led by Chair Ryan Pestana, continues to focus on encouraging public use of [www.ontariohealthregulators.on.ca](http://www.ontariohealthregulators.on.ca) (OHR), the public-facing website that provides links to Colleges, specifically their public registers, information about complaints, and public consultations. This initiative, which is promoted through Google ads, Zoomer media, and Facebook posts, is consistent with Colleges' duty to promote and enhance relations between Colleges and the public.

To further support HPRO members, the annual Communicators' Day Conference, with a Planning Subcommittee Chaired by Mark Sampson, was held on November 24, 2021. Sessions included "Social Media Misinformation/Disinformation (esp. during COVID 19)", an EDI-focused presentation by Angela Mashford-Pringle, "Accountability for Cultural Safety in Healthcare", and the annual "Steal This!" session where members share their interesting innovations and promising practices. There was participation by 43 from 23 Colleges.

Also, Lisa Pretty organized the first Lunch'n'Learn, held on April 26, 2022. A presentation on "Communicating Change: Tips for Health Regulators" was provided by Andrea Montgomery, Vice President of Redbrick Communications. The session had 40 attendees from 17 Colleges.

*The OHR website provides the public with a centralized location for links to all RHPA Colleges and includes featured stories, public consultation information, and more.*



## NOMINATIONS COMMITTEE

In anticipation of HPRO's amended by-laws being approved at the 2022 Annual Meeting, the Nominations Committee facilitated the call for nominations for HPRO's officers and Management Committee Members as well as HPRO's Committee membership appointments for the 2022-2023 year. As recognized each year, the dedication of volunteers and support from member Colleges is a most important and valued resource.

### Communications Committee Members:

- Ryan Pestana, Chair (CMTO)
- Dave Bourne (OCP)
- Lisa Gibson (CASLPO)
- Margaret Goulding (to February 2022) (CMLTO)
- Kristi Green (CNO)
- Kate Fane (to March 2022) replacing Victoria Marshall and Nila Halycia (CMO)
- Ryan Pestana (CKO)
- Lisa Pretty (College of Physiotherapists of Ontario)
- Mark Sampson (CPSO)
- Nancy Stevenson (COTO)

### Communicators' Day Planning Subcommittee Members:

- Mark Sampson (CPSO), Chair
- Maria Feldman (to October 1, 2021) (CMTO)
- Yvonne Leung (COTO)

### List of Committee Members:

Linda Gough (CMRITO), Chair  
Carole Hamp (CRTO)  
Ann Zeng (CTCMPAO)



## DISCIPLINE ORIENTATION COMMITTEE

### Discipline Orientation Committee Members:

- Tina Langlois (CMRITO), Chair
- Genevieve Plummer (OCP)
- Ravi Prathivathi (CNO)

### Discipline Orientation Faculty:

- Luisa Ritacca (Stockwoods, LLP)
- Richard Steinecke (Steinecke Maciura LeBlanc)

The Discipline Orientation Committee continues to deliver quality education and training programs, providing comprehensive orientation for regulatory adjudicators who will be panel members or chairs of discipline hearings. With virtual training options now available, HPRO is able to offer more opportunities for these training sessions.

### 2021 Workshops: 63 registrants from 16 Colleges

October 1 – Basic Program 44 registrants (16 Colleges represented)  
October 7 – Advanced Program 33 registrants (11 Colleges represented)

### 2022 Workshops:

April 8 – Basic Program: 30 registrants (11 Colleges represented)  
May 13 – Advanced Program: 14 registrants (9 Colleges represented)

### Upcoming in 2022:

October 14 – Basic Session / November 4 – Advanced Session

## REASONS WRITING WORKSHOP—NEW IN 2021

HPRO launched an interactive workshop based on feedback from the Discipline Orientation sessions to enhance attendees' abilities to write reasons for regulatory decisions. The session covers the identification of issues that need to be addressed, developing deliberation styles that provide content of the reasons, providing explanations for the decision made and wording those explanations persuasively, and more.

Sessions were held on October 15 (42 registrants from 12 Colleges) and December 3 (21 registrants from 8 Colleges), 2021.

The next workshop is planned for June 30, 2022

## INFORMATION-SHARING POLICY WORKING GROUP

### List of Working Group Members

The Working Group drafted a document for discussion that would enhance consistency of Colleges' approaches to proactive and reactive disclosure of information under the RHPA, s36. The project is ongoing.

- Rod Hamilton, Initial Chair, and Anita Ashton, Chair (College of Physiotherapists of Ontario)
- Angela Bates (OCP)
- Suzanna Bilyk (CMTO)
- Eric Bruce (CDHO)
- Sean Cassman (CTCMPAO)
- Leanne Cheng (CDTO)
- Aoife Coghlan (COTO)
- Carolyn Gora (CNO)
- Carole Hamp and Shaf Rahman (CRTO)
- Tina Langlois (CMRITO)
- Kevin McCarthy (CNO)
- Michele Pieragostini (CMO)
- Wendy Waterhouse (RCDSO)



## TRANSITIONS

### HPRO MEMBERS:

- **College of Dental Hygienists of Ontario:** **Glenn Pettifer** was appointed Registrar/CEO, effective January 4, 2022. **Lisa Taylor** had left the role on September 30, 2020, and **Jane Keir** was appointed Acting Registrar until the appointment of **Deborah Adams**, effective February 17, 2021, who served until **Deborah** assumed the role as Registrar & CEO at the College of Registered Psychotherapists of Ontario, announced July 27, 2021.
- **College of Denturists of Ontario:** **Roderick Tom-Ying** was appointed Acting Registrar as **Glenn Pettifer** left the role of Registrar, effective January 3, 2022.
- **College of Dietitians of Ontario:** **Melanie Woodbeck** was appointed Registrar & Executive Director, effective October 25, 2021. **Laura Sheehan** had served as Interim Registrar and Executive Director from April 30, 2021, to October 24, 2021, replacing **Melisse Willems**.
- **College of Kinesiologists of Ontario:** **Nancy Leris** continued to serve as the Acting Registrar while **Brenda Kritzer** was absent from her role as Registrar of CKO from October 1, 2020, until **Brenda's** retirement on April 21, 2021, and **Nancy** was appointed Registrar on June 30, 2021.
- **College of Massage Therapists of Ontario:** **Maureen Boon** was appointed Registrar & CEO, effective November 22, 2021, replacing **Corinne Flitton** who retired at that time.
- **College of Medical Laboratory Technologists of Ontario:** **John Tzountzouris** was appointed Registrar & CEO effective October 1, 2021 upon **Kathy Wilkie's** retirement on September 30, 2021.
- **College of Nurses of Ontario:** **Carol Timmings** was appointed Acting Executive Director and CEO, effective April 1, 2022, following **Anne Coghlan's** retirement on March 31, 2022.
- **College of Registered Psychotherapists of Ontario:** **Deborah Adams** left her role as Registrar on February 15, 2021. **Mark Pioro** was appointed Acting Registrar at that time. **Deborah** was appointed as Registrar & CEO again, announced July 27, 2021.
- **College of Respiratory Therapists of Ontario:** **Carole Hamp** was appointed Acting Registrar on April 14, 2021, and was named Registrar, effective December 6, 2021, replacing **Kevin Taylor** who passed away on August 6, having left the role for medical leave of absence on April 14, 2021.
- **Ontario College of Pharmacists:** **Shenda Tanchak** was appointed Registrar & CEO, effective May 30, 2022; **Susan James** served as Acting Registrar from October 15, 2021, to May 30, 2022, replacing **Nancy Lum-Wilson**.

**Members:**

College of Audiologists and Speech-Language Pathologists of Ontario (CASLPO)

College of Chiropodists of Ontario (COCOO)

College of Chiropractors of Ontario (CCO)

College of Dental Hygienists of Ontario (CDHO)

College of Dental Technologists of Ontario (CDTO)

College of Denturists of Ontario

College of Dietitians of Ontario

College of Homeopaths of Ontario (CHO)

College of Kinesiologists of Ontario (CKO)

College of Massage Therapists of Ontario (CMTO)

College of Medical Laboratory Technologists of Ontario (CMLTO)

College of Medical Radiation and Imaging Technologists of Ontario (CMRITO)

College of Midwives of Ontario (CMO)

College of Naturopaths of Ontario (CONO)

College of Nurses of Ontario (CNO)

College of Occupational Therapists of Ontario (COTO)

College of Opticians of Ontario

College of Optometrists of Ontario

College of Physicians and Surgeons of Ontario (CPSO)

College of Physiotherapists of Ontario

College of Psychologists of Ontario

College of Registered Psychotherapists Therapists of Ontario (CRPO)

College of Respiratory Therapists of Ontario (CRTO)

College of Traditional Chinese Medicine Practitioners and

Acupuncturists of Ontario (CTCMPAO)

Ontario College of Pharmacists (OCP)

Royal College of Dental Surgeons of Ontario (RCDSO)

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Regulators of Ontario  
(HPRO)

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**FOR IMMEDIATE RELEASE:** Beaverton, Ontario – Wednesday, June 1, 2022 – The Health Profession Regulators of Ontario (HPRO) has elected its Officers for the 2022-2023 year:

- Elinor Larney, College of Occupational Therapists of Ontario – Chair
- Dan Faulkner, Royal College of Dentists of Ontario – Vice-Chair
- Judy Rigby, College of Dental Technologists of Ontario – Treasurer

In addition to the officers, the following were elected as members of the Management Committee:

- Maureen Boon, College of Massage Therapists of Ontario
- Rod Hamilton, College of Physiotherapists of Ontario

HPRO continues to advance excellence in public safety through collaboration of Ontario's health profession regulators by:

- Collaborating to develop common principles, guidelines, and tools to advance the regulation of health professions in the public interest
- Providing education and tools for training Councils, Committees, and Staff
- Sharing resources, approaches, and expertise, providing support for members and mentoring for new Registrars
- Providing a central point of contact for key stakeholders, e.g., Ministry of Health
- Engaging the public, informing them about the role of the regulator in the public interest

HPRO supports Colleges in fulfilling their regulatory mandate, including providing information to the public. To that end, the public-facing website, [ontariohealthregulators.ca](http://ontariohealthregulators.ca), is a resource supported by HPRO that shares helpful links to all regulatory College websites as well as simply stated facts about healthcare providers and regulation. Information is available on the site in the 10 most used languages in Ontario.

HPRO is comprised of Ontario's 26 health regulatory colleges, which govern almost 400,000 health professionals. The colleges support these health care professionals in providing the people of Ontario with safe, competent, and ethical health care; and they hold them accountable for their conduct and practice. For more information about HPRO, visit our website: [www.regulatedhealthprofessions.on.ca](http://www.regulatedhealthprofessions.on.ca).

– 30 –

For more information, please contact:

Beth Ann Kenny, Executive Director

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College of Traditional Chinese Medicine  
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## **Agenda # 9**

### **May 5, 2022 Meeting Evaluation Review**

Speaker: D. Worrada, Chair

Action: Information



## Committee Meeting Evaluation Results

Meeting Date: May 5, 2022

	Item	Yes	Most of the time	No	Other	Please provide comments
1.	The agenda and supporting materials were provided one week prior to the meeting.	6				I especially appreciated the background information about the entry level examinations in Chinese.
2	The materials were presented in a clear, succinct, and timely manner to allow meeting preparation.	6				
3.	The meeting agenda was well planned and allowed for adequate time to deal with the necessary committee business.	3	1		2	
4.	The Chair managed the meeting well allowing each member an adequate opportunity to participate in discussion and decision-making.	6				
5.	The treatment of all persons was courteous, dignified and fair.	6				
6.	I received sufficient information and training to participate in deliberations and decision-making.	6				I was grateful for Joanne's email outlining the priorities of Council and the specifics of the Chinese language exam.
7.	Technology: I was able to access the material on the Cloud easily. Webex Meetings and other communication devices worked well.	5	1			some members had issues with the technology, but seemed to sort itself out.  I did not realize there was a new zoom log in. Thankfully, Ann knew I was attending and sent me the link.

						I will be more diligent in ensuring I have the correct log in link.
8.	<p>Any further comments? Everything was excellent.</p> <p>The meeting was very long. I did not find it necessary to read through all material in the meeting that we had already received in our packages and was also on the shared screen.</p>					



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## **Agenda # 10**

### **Finance**

Speaker: F. Ortale, Director IT, Finance & Corporate Services

Action: Information

UNAUDITED College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario  
Statement of Operations

4th Quarter ( April 01,2021- March 31,2022)

		Actuals of Q4 2021-2022	Annual Budget 2021-2022	Actual to Budget %	Budget Remaining (balance of Year)
<b>GL Code</b>	<b>Revenue</b>				
4101000	Registration Fees	\$ 171,350.00	\$ 124,750.00	137.35%	\$ (46,600.00)
4102000	Renewal Fees	\$ 2,443,500.00	\$ 2,381,000.00	102.62%	\$ (62,500.00)
4200000	Administration Fees	\$ 78,594.00	\$ 48,350.00	162.55%	\$ (30,244.00)
4300000	Pan Can Examination Fees	\$ 385,630.00	\$ 255,800.00	150.75%	\$ (129,830.00)
4500000	Other Fees	\$ 51,900.00	\$ 26,000.00	199.62%	\$ (25,900.00)
4600000	Other Income	\$ 30,251.62	\$ 30,000.00	100.84%	\$ (251.62)
	<b>Total Income</b>	<b>\$ 3,161,225.62</b>	<b>\$ 2,865,900.00</b>	<b>110.30%</b>	<b>\$ (295,325.62)</b>
<b>GL Code</b>	<b>Expenses</b>				
	<b>Council &amp; Committees</b>	<b>\$ 721,797.14</b>	<b>\$ 919,750.00</b>	<b>78.48%</b>	<b>\$ 197,952.86</b>
6100000	Council	\$ 107,457.26	\$ 93,500.00	114.93%	\$ (13,957.26)
6201000	Executive Committee	\$ 19,800.38	\$ 29,000.00	68.28%	\$ 9,199.62
6202000	Registration Committee and Panel	\$ 39,204.31	\$ 50,500.00	77.63%	\$ 11,295.69
6203000	ICRC Committee	\$ 292,586.93	\$ 189,000.00	154.81%	\$ (103,586.93)
6204000	Quality Assurance Committee	\$ 61,115.24	\$ 128,000.00	47.75%	\$ 66,884.76
6205000	Patient Relations Committee	\$ 15,452.66	\$ 48,750.00	31.70%	\$ 33,297.34
6206000	Discipline Committee	\$ 186,180.36	\$ 374,000.00	49.78%	\$ 187,819.64
6207000	Fitness to Practice Committee	\$ -	\$ 4,250.00	0.00%	\$ 4,250.00
6208000	Examination Appeals Committee	\$ -	\$ 2,750.00	0.00%	\$ 2,750.00
<b>6300000</b>	<b>Professional Services</b>	<b>\$ 108,595.45</b>	<b>\$ 91,000.00</b>	<b>119.34%</b>	<b>\$ (17,595.45)</b>
6301000	Legal Fees	\$ 61,640.53	\$ 50,000.00	123.28%	\$ (11,640.53)
6302000	Accounting Fee	\$ 30,802.25	\$ 26,000.00	118.47%	\$ (4,802.25)
6303000	Other Fees	\$ 16,152.67	\$ 15,000.00	107.68%	\$ (1,152.67)
<b>6400000</b>	<b>Special Programs/Projects</b>	<b>\$ 406,309.19</b>	<b>\$ 388,300.00</b>	<b>104.64%</b>	<b>\$ (18,009.19)</b>
6401000	Pan-Canadian Examinations	\$ 341,231.23	\$ 195,800.00	174.28%	\$ (145,431.23)
6402000	Doctor Title	\$ -	\$ 58,500.00	0.00%	\$ 58,500.00
6403000	Strategic Initiatives	\$ 21,131.00	\$ 60,000.00	35.22%	\$ 38,869.00
6404000	School Program Approval	\$ 15,902.40	\$ 57,000.00	27.90%	\$ 41,097.60
6405000	Safety and Jurisprudence Test	\$ 28,044.56	\$ 17,000.00	164.97%	\$ (11,044.56)
<b>6500000</b>	<b>Salaries and Benefits</b>	<b>\$ 1,393,251.79</b>	<b>\$ 1,439,303.00</b>	<b>96.80%</b>	<b>\$ 46,051.21</b>
6500000	Salaries and Benefits	\$ 1,378,379.69	\$ 1,409,303.00	97.81%	\$ 30,923.31
6502000	Casual Labour	\$ 14,872.10	\$ 30,000.00	49.57%	\$ 15,127.90
<b>6600000</b>	<b>Information Technology</b>	<b>\$ 207,652.22</b>	<b>\$ 274,960.00</b>	<b>75.52%</b>	<b>\$ 67,307.78</b>
6602000	Equipment Expenses	\$ 4,899.92	\$ 10,000.00	49.00%	\$ 5,100.08
6603000	Software Development	\$ 94,448.47	\$ 145,000.00	65.14%	\$ 50,551.53
6604000	Maintenance and Support Contracts	\$ 57,409.84	\$ 68,760.00	83.49%	\$ 11,350.16
6605000	Online Services	\$ 42,955.74	\$ 43,200.00	99.43%	\$ 244.26
6606000	Network Security	\$ 7,938.25	\$ 8,000.00	99.23%	\$ 61.75
<b>6700000</b>	<b>Operating Expenses</b>	<b>\$ 392,304.93</b>	<b>\$ 511,950.00</b>	<b>76.63%</b>	<b>\$ 119,645.07</b>
6701000	General Operating Costs	\$ 243,194.56	\$ 266,950.00	91.10%	\$ 23,755.44
6702000	Payment Gateway	\$ 106,607.82	\$ 110,000.00	96.92%	\$ 3,392.18
6703000	Subscriptions and Conferences	\$ 33,718.94	\$ 60,000.00	56.20%	\$ 26,281.06
6704000	Communications and Publications	\$ 8,783.61	\$ 75,000.00	11.71%	\$ 66,216.39
	<b>Total Expenses</b>	<b>\$ 3,229,910.72</b>	<b>\$ 3,625,263.00</b>	<b>89.09%</b>	
	<b>Net Income</b>	<b>\$ (68,685.10)</b>	<b>\$ (759,363.00)</b>		





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## **Agenda # 11**

### **Strategic Planning Consultant**

Speaker: S. Cassman, Policy & Governance Analyst

Action: Motion



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## **Agenda # 12**

### **Government Relations Consultant Update**

Speaker: A. Zeng, Registrar & CEO

Action: Direction



Meeting Date:	June 15, 2022
Issue:	Government Relations Consultant Update
Reported By:	Ann Zeng
Action:	Direction

### **Issue**

At a previous meeting, Council indicated that it would like to re-evaluate its options for government relations after Bill 88. College staff have drafted an RFP for a government relation consultant if Council would like to proceed with issuing one.

### **Public Interest Rationale**

The College is ultimately accountable to the Ministry of Health. In order to continue fulfilling our mandate, it is important that we maintain good relations with the Ministry at all levels to ensure we are aware of the expectations on us.

### **Background**

In response to the ongoing shortfall of public members, the College contracted with a government relations firm, Counsel Public Affairs, primarily to help establish communications with the Minister's office at the Ministry of Health. They have also helped us establish an overall government relations strategy that goes beyond present concerns. This contract ended in May 2022; however, as Council had indicated that it would like to consider this issue more closely, the College has not signed a new contract with Counsel. Instead, we are working with them on a month-to-month basis to ensure we still have GR representation during the election period.

At a previous meeting, Council discussed that Schedule 5 of Bill 88 has made apparent a significant risk facing the College, and discussed if more can be done in the area of government relations. As part of this, Council requested that an RFP be prepared so Council can get an idea of what its options are in terms of government relations consultants. Staff have prepared such an RFP if Council still wishes to have it issued.

### **Next Steps**

Discuss the merits of issuing a new RFP for a government relations consultant and provide a direction to the Registrar.

Encl: [Request for Proposals](#)



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## **Agenda # 13**

### **Committee Appointment**

Speaker: J. Pritchard-Sobhani, President

Action: Motion



Meeting Date:	June 15, 2022
Issue:	Committee Appointment
Reported By:	Joanne Pritchard-Sobhani
Action:	Motion

### **Issue**

Matter relating to the committee appointment of a Council member.

### **Public Interest Rationale**

The Executive Committee appoints Council members to committees annually to ensure that the knowledge and experience of Council members best serve the College's work to regulate the profession of TCM and to serve and protect the public interest.

### **Background**

Following the appointment of Council members to committees on May 5, 2022, a Council member Ms. Jin Qi Zeng expressed a strong desire to contribute more to Council and Committee work, namely being the Registration and Quality Assurance committee. Ms. Zeng requested reconsideration of her appointments on the basis of her experience, background and committee preference form that she had submitted.

The matter was brought before the Executive Committee at the Executive Committee meeting on May 19, 2022. Following discussion, the Executive Committee appointed Ms. Zeng to the Registration Committee.

### **Next Steps**

Council to confirm Ms. Jin Qi Zeng's appointment to the Registration Committee.



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## **Agenda # 14**

### **Dr. Title Working Group**

Speaker: A. Zeng, Registrar & CEO  
Action: Motion



Meeting Date:	June 15, 2022
Issue:	Dr. Title Working Group
Reported By:	Ann Zeng
Action:	Motion

### **Issue**

Council to discuss matters relating to the Dr. Title Working Group.

### **Background**

#### *Appointment of Working Group Members*

At the open meeting of the Executive Committee on November 1, 2021, the preceding Executive Committee appointed the following members to the Dr. Title Working Group:

- Ming Cha
- ~~Feng Li Huang~~ (term has ended)
- Joanne Pritchard-Sobhani
- Deborah Sinnatamby
- Xianmin Yu

The College has previously put out a call for interest for both members of the public and profession to sit on the Doctor Title Working Group. The College has received a number of applications, and those were reviewed by the previous Executive Committee. While the previous Executive Committee were able to narrow down a short list, no final decisions were made.

At the Executive Committee meeting on May 19, 2022, the new Executive Committee reviewed these applications again. It was noted that the call for interest took place before the College received more public members. Following deliberation, the Committee recommended that instead of appointing non-Council members, two additional public members, Iftikhar Choudry and Judy Cohen, be appointed to the Dr. Title Working Group. If at any point in time the Council feels there is a need for more non-Council members to sit on the Working Group, another call for interest can be published.

#### *Terms of Reference*

The Terms of Reference (ToR) for the Doctor Title Working Group had previously been amended to include a three-year appointment term. The purpose of this was to acknowledge the long-term nature of this project and to ensure continuity of knowledge. However, this does pose some administrative issues for the College.

Instead, staff are proposing that a further amendment be made to include a one-year term, but also a provision in the ToR that those currently serving on the working group should be considered for reappointment. This will provide Council with the opportunity to carry out its oversight function, while also committing to limit disruptions to the Doctor Title Project. The recommended additions are highlighted in the attached ToR.



### *Doctor Title Regulation*

Council members raised a concern that there is a time limit to submit a Doctor Title regulation, and that the governance modernization item to remove unused titles can leave the College unable to complete this project. The College has spoken with the Ministry and made it clear that we do not consider the Doctor Title “unused” and asked if there are any deadlines, we need to be aware of. The Ministry has confirmed in writing (see attached) that there are no deadlines for submitting the Doctor Title regulation, as that part of the Act has come into force.

### **Next Steps**

1. Council to appoint Iftikhar Choudry and Judy Cohen to the Dr. Title Working Group
2. Council to approve the amended Dr. Title Working Group Terms of Reference
3. Staff to work with the Dr. Title Working Group on Phase 2 of the project

Encl: [Dr. Title Working Group Terms of Reference](#), [Confirmation Email from Ministry](#)





<b>NAME</b>	Terms of Reference – Doctor Title Working Group		
<b>TYPE</b>	Council		
<b>DATE APPROVED</b>	June 20, 2019	<b>DATE REVISED</b>	March 21, 2022

### **Purpose**

The Doctor Title Working Group (the “Working Group”) shall, after researching and analyzing options, prepare recommendations to the Council as to whether the development of the “Dr.” Title Class regulation should occur, and if so, the terms of such a regulation. The working group shall conduct research, synthesize information, make recommendations and undertake project activities at the request of the Council.

### **Accountability**

The Working Group is a non-statutory committee of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario and is accountable directly to Council. The Working Group understands that the College has a mandate to serve and protect the public interest and that the recommendations of the Working Group will adhere to this mandate.

Each member of the Working Group must sign a binding Confidentiality Agreement at the time of each appointment indicating their agreement to maintain the confidentiality, security and integrity of all materials during and after their term on the Working Group. For more detail please see below.

Members must declare any conflict of interests prior to the discussion of individual files or at any time a conflict of interest or the potential for one arises. For more detail please see below.

Council will ensure that members of the Working Group receive training in their role to carry out the responsibilities of the Working Group. In addition, Council will ensure that members receive such legislated training and other training deemed necessary for the effective discharge of their responsibilities,

### **Limitations**

The Working Group shall only exercise the authority, and fulfill the duties and responsibilities authorized by these Terms of Reference.

### **Duties and Responsibilities**

Working under the direction of the Council and with the Registrar, the Working Group shall do the following:

- Consider the background material and supporting documentation provided to it by the Registrar for the regulation development process;

- Propose an appropriate Work Plan and budget;
- Review and recommend regulation development projects and initiatives;
- Co-ordinate, follow-up, monitor and report on programs as project development and operations proceed;
- Provide any requested reports to Council on the activities of the working group.

### **Composition of Working Group**

The Working Group shall be appointed by Council and will consist of a minimum of six and a maximum of 10 members. A priority of the Working Group will be to ensure that there is a balanced representation of both professional and public members of the Council. However, the composition may change depending on the subject matter to be reviewed. From time to time, the working group may recruit non-Council members, members of the public, and such other subject matter experts in order to provide necessary advice to the working group. Such engagement may or may not require membership in the ad hoc working group.

When appointing members to the Working Group, Council shall consider the length of the project, and the need for a continuation of knowledge. To achieve this, Council should consider those currently serving on the Working Group for reappointment.

### **Criteria for Membership**

Members of the working group are expected to be:

- Understands the *RHPA, the Traditional Chinese Medicine Act, 2006* and the regulatory framework for healthcare professions in Ontario;
- Understand that the mandate of the College is to serve and protect the public interest;
- Comply with the *Code of Conduct for Members of the Council and All Committees*;
- Familiar with the concept and process of developing competencies;
- Available and committed to participating fully in the working group; and
- Able to synthesize and analyze complex data and information;

Professional Members or members of the College should have a minimum of 5 (five) years of clinical experience in the TCM profession.

Professional Members cannot be an owner, director, board member or officer in a TCM/Acupuncture Association or a director, owner, board member or officer in a TCM/Acupuncture School (public or private).

Non-Council members of the public may be appointed to the Working Group if they have demonstrated significant knowledge or experience relevant to the working group.

## **Term of Office**

The Working Group shall be appointed for a 1-year term.

## **Meetings**

Meetings shall, whenever possible, be held at a place and on a date set in advance by the Registrar and shall occur at regular intervals and at such frequency as necessary, as determined by the Registrar, for the Working Group to conduct its business.

## **Quorum**

Pursuant to section 12.10 of the By-laws of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario, quorum for meetings of the Working Group shall be three (3) members of the Working Group.

## **Selection of the Chair**

The Chair shall be selected by the Working Group.

In the event that the Chair is unable or unwilling to preside at the meeting, the Chair shall designate an acting Chair from among the Working Group members to preside at the meeting. If the Chair is unable to delegate his or her chairing duties, the Working Group shall then select an acting Chair to preside at the meeting from among its members.

## **Voting**

Whenever possible, decision-making at the Working Group level shall be conducted using a consensus model. When necessary, formal voting will be used.

Unless specifically provided for otherwise under the By-laws, every motion that properly comes before a Working Group shall be decided by a simple majority of the votes cast at the meeting by the Working Group members present.

The Chair, as a member of the Working Group, may vote.

In the event of a tie vote, the motion is defeated.

## **Reporting**

The Working Group shall provide a report of its activities at every Council meeting on activities that have been undertaken since the last report. The Working Group prepares an annual report of its activities at the end of each fiscal year.

## **Conflict of Interest**

All Working Group members have a duty to carry out their responsibilities in a manner that serves and protects the interest of the public. As such, they must not engage in any activities or in decision-making concerning any matters where they have a direct or indirect personal or financial interest. All Working

Group members have a duty to uphold and further the intent of the Act to regulate the professional practice of traditional Chinese medicine practitioners and acupuncturists in Ontario, and not to represent the views of advocacy or special interest groups.

Comprehensive information regarding conflict of interest obligations is included in the by-laws and must be reviewed and understood by all Working Group members.

### **Working Group Records**

The Working Group Chair shall ensure that accurate minutes of all meetings and proceedings are recorded, approved and provided to the Registrar. The Registrar shall act as a group leader during the meetings and provide advice and recommendation.

### **Confidentiality**

Members of the Working Group will have access to highly sensitive and confidential information that they must keep in the strictest confidence. It is understood that the duty of confidentiality for members of this Working Group are especially stringent. Members of the Working Group shall not discuss with anyone any information that the Working Group considers, even in a general nature, except for the purposes of providing the annual report to Council.

### **Evaluation**

The Working Group terms of reference will be reviewed annually and amended where necessary, for example in response to statutory, regulatory, or policy amendments. Any amendments to the terms must be approved by Council.

**From:** [Henry, Allison \(MOH\)](#)  
**To:** [Registrar](#)  
**Cc:** [Ann Zeng](#); [Cheng, Stephen \(MOH\)](#)  
**Subject:** RE: Doctor Title Regulation - Confirmation of No Deadline  
**Date:** April 8, 2022 4:13:54 PM

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Hello Ann,

Thank you for your message.

There is no time limit within which the College may make a regulation related to the "Doctor" title. The attachment that you sent to me was a note from the ministry, advising the College that section 18(1) of the *Traditional Chinese Medicine Act, 2006* was coming into force on December 30, 2016. There is no time limit within in which the College is required to make a regulation in this regard.

The ministry would be pleased to speak to you about this further particularly as it relates to priorities for both the College and the ministry.

Thank you,

Allison

Director, Health Workforce Regulatory Oversight Branch  
Ministry of Health  
Ministry of Long-Term Care  
438 University Avenue, 10<sup>th</sup> Floor  
Toronto ON



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## **Agenda # 4**

### **Chinese Language Entry to Practice Examinations**

Speaker: A. Zeng, Registrar & CEO

Action: Information



Meeting Date:	June 16, 2022
Issue:	Chinese Language Entry to Practice Examination
Reported By:	Ann Zeng
Action:	Information

### **Issue**

The College must move quickly in order to implement the Chinese language examination by October. Staff will provide an update to the Committee.

### **Public Interest Rationale**

The College is accountable to the Ministry of Health. To regulate the profession in the public interest, we must ensure we are meeting Ministry expectations.

The College is also responsible to be transparent, objective, impartial and fair in its registration practices. The public expects that the College will only register applicants who meet the entry to practice requirements.

### **Background**

At its meeting of May 5, 2022, Council formally approved the Chinese language examination, allowing staff to continue planning for the examination. Below are the current related projects needed to implement the examination.

### **Communications with CARB-TCMPA**

As the College is using the translated Pan-Canadian Examination for the Chinese language exam, the College has continued discussion with CARB on a number of matters including the cost, availability of the TCMP exam, and number of sittings of the Chinese exam. These discussions will be ongoing.

### **Exam Fees**

For the October 2022 exam, the exam fee for the TCMP exam is \$1258, while the Acupuncturist and Herbalist exams are \$915 each (\$1830 total). For the October examination, those writing the Acupuncturist plus Herbology exam for the R. TCMP title will have an increased fee compared to the TCMP exam (a difference of \$572). The College has considered reducing the fee in this instance to \$1258; however, as the number of applicants is unknown, it is not feasible to commit to this. Staff have discussed this with British Columbia, who confirmed they are taking a similar approach.

### **Exam Timeline**

The College opened exam applications on May 16, 2022. Staff have communicated to inform applicants. Furthermore, the College is working with a multi-cultural marketing firm to assist in reaching the Chinese community.

### **Consultation**

The College has been asked to conduct public consultation on the Chinese language examination. Staff are preparing both general public consultation in the form of a survey, and a more targeted survey towards key stakeholders, such as schools and associations. The aim of the targeted consultations will

be to determine if there is any knowledge on the number of potential applicants to the Chinese language examination.

The College will engage the Citizen Advisory Group to reach more members of the public.

**Next Steps**

Staff will continue working to implement the Chinese language examination in October and keep Council updated on progress.

The College will need to begin working with CARB-TCMPA to start planning for the April sitting.





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## **Agenda # 5**

### **CARB-TCMPA TCM Program Accreditation Project**

Speaker: A. Zeng, Registrar & CEO

Action: Information, Discussion



Meeting Date:	June 16, 2022
Issue:	CARB-TCMPA TCM Program Accreditation Project
Reported By:	Ann Zeng
Action:	Information, Discussion

### **Issue**

The College is providing an update on CARB-TCMPA's TCM Program Accreditation Project.

### **Public Interest Rationale**

One of the key activities identified in the College's strategic plan is to find opportunities for inter-college and inter-profession collaboration; and identify program approval criteria and initiate a process to ensure education of competent practitioners. CARB's TCM Program Accreditation Project is in alignment with the College's strategic plan because it is a collaborative initiative with other provincial regulators and the project will help the College form a program approval process that will increase public confidence and further public safety.

### **Background**

A Request for Proposals (RFP) for CARB was announced in March 2020 for the development of a process to accredit traditional Chinese medicine and traditional Chinese medicine acupuncture education programs in Canada.

The Executive Committee and Registration Committee had decided to collaborate with other provincial regulators to support the initiative however, the College's Registration Committee and Council will have the final decision as to whether the process will be adopted by our jurisdiction which will subsequently fulfill our strategic priority.

- July 2020 – CARB proceeded with Kathrina Loeffler from Facilitated Improvement for Corporate Success, Inc. (FICS) as the consultant for the TCM Program Accreditation Project.
- August 2020
  - CARB and FICS held a meeting to discuss the TCMPA education development process.
  - Terms of Reference (TOR) for the Accreditation Requirements Advisory Committee (ARAC) was drafted and finalized.
- September 2020
  - CARB announced a call for applications for the Accreditation Requirements Advisory Committee (ARAC). The TOR and call for applications were circulated with registrants, education programs and stakeholders.
  - Kathrina Loeffler was invited to the open meeting of the Executive Committee to speak to Council on the accreditation process.
- October 2020 – Members for the ARAC were selected and a kick-off meeting was held.
- November 2020



- FICS provided a virtual presentation to all educators on the Education Accreditation Project including an overview of the process. A recording of the presentation was also made available to educators.
  - An Education Accreditation Working Group informal meeting was held. ARAC completed the first draft national accreditation standards for Traditional Chinese Medicine and Acupuncture (TCMA) education programs.
- January 2021 – CARB invited practitioners and stakeholders to join the national consultation to review the draft standards and provide feedback via an online survey. The deadline to complete the survey is March 5, 2021 at 5pm EST.
- February 2021 – CARB and FICS held a virtual meeting with Ontario educators to discuss the draft standards of the program accreditation.
- March 2021
  - The deadline to complete the survey was extended to March 26, 2021 at 5pm EST.
  - College staff prepared a response to the survey on draft standards and presented it to the Registration Committee for approval.
  - Response to draft standards survey was approved by RC and submitted to CARB-TCMPA.
- April 2021 – CARB updated the College on survey responses.
  - Received 593 survey responses
  - 23 of the responses were from program administrators/owners
- May 2021
  - The College responded to concerns from stakeholders regarding the project after the concerns were reviewed by the Registration Committee.
  - FICS is conducting an analysis and will share the thematic findings when they are ready (likely at a working group meeting). FICS is also working on a list of frequently asked questions based on the survey respondents' feedback.
- April 2021 to July 2021 – The ARAC reviewed survey respondents' feedback and made revisions to the standards.
- September 2021
  - CARB-TCMPA sent out the second draft of the standards to TCM and acupuncture educators across Canada for a second consultation
  - Second consultation was held on September 9, 2021 with a deadline to submit feedback by September 30, 2021
  - Deadline to submit feedback was extended to October 31, 2021
- November 2021
  - Consultant and CARB-TCMPA reviewed feedback and made revisions to the standards.
- March 2022
  - The ARAC reviewed the revised standards to be presented to the CARB Board
  - The Board agreed to pause the TCM Program Accreditation project to allow time for Directors to consult with their Board/Council to better understand each College's perspectives on how to move forward with the project
- April 2022
  - CARB requested feedback from each College's Council so as to determine which organization(s) will implement the accreditation program
- May 2022
  - The Executive Committee provided its feedback at the May 19, 2022 Executive Committee meeting



- June 2022
  - Staff drafted a response based on the Executive Committee's feedback and direction, and have submitted it to CARB-TCMPA

**Next Steps**

The feedback will be brought back to CARB-TCMPA for decision.

Encl: [Memo for Information and Feedback](#), [Response to CARB-TCMPA](#)



College of Traditional Chinese Medicine  
Practitioners and Acupuncturists of Ontario

Ordre des praticiens en médecine traditionnelle  
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## **Agenda # 6**

### **Elections**

Speaker: A. Zeng, Registrar & CEO  
Action: Motion



Meeting Date:	June 16, 2022
Issue:	Elections
Reported By:	Ann Zeng
Action:	Motion

### **Issue**

That the Council direct the Registrar to set October 27, 2022 as the date of the election of District 4 and 5, and the by-election of District 3.

### **Background**

As per section 4.06 of the College By-Laws, the professional Council Member positions for District 4 and 5 are up for election in 2022 for a three-year term ending in 2025.

Following the election of District 3 in 2021, 2 professional members were acclaimed to the Council out of the 3 available positions. As such, 1 position is still available for a by-election.

Section 4.07 of the By-Laws state that the Registrar, as directed by Council, shall set the date for the election to Council of candidates in each electoral district.

### **District 4 and 5**

There are 2 available positions on Council from Electoral District 4. There are approximately 540 members eligible to vote in District 4 – Central West, which is comprised of the counties of Dufferin, Wellington, Haldimand, Brant and Norfolk, the regional municipalities of Halton, Niagara, Peel, and Waterloo, and the city of Hamilton.

There is 1 available position on Council from Electoral District 5. There are approximately 79 members eligible to vote in District 5 – West, which is comprised of the counties of Essex, Bruce, Grey, Lambton, Elgin, Middlesex, Huron, Perth, Oxford, and the regional municipality of Chatham- Kent.

### **District 3**

There is 1 available position on Council from Electoral District 3. There are approximately 1644 members eligible to vote in District 3 – Central, which is comprised of the city of Toronto and the regional municipality of York.

### **Proposed Dates and Time Lines**

The chart below shows the proposed timelines along with the schedule of dates in line with By-Laws 4.01 – 4.26. These dates may be subject to change based on the governance review report.

Members eligible to vote may cast their ballot beginning September 27, 2022 and ending October 27, 2022 at 5:00 p.m. The electronic ballot will contain a link to the member's profile on the public registry, their biographical statement and if desired a head shot photograph.



<b>ELECTION DATE</b>	<b>October 27</b>
<b>Nomination Package Out</b> (minimum 90 days prior to election date)	July 13
<b>Nominations due</b> (minimum 60 days prior to election date)	August 17
<b>Option to withdraw nomination deadline</b> (minimum 30 days prior to election date)	September 19
<b>Voting instructions sent to members</b>	September 23
<b>Voting Ballots sent to members</b> (no more than 30 days prior to election date)	September 27
<b>End of Voting timeline Election Day 5:00 p.m. EST</b>	October 27
<b>Ballot Report</b>	October 28
<b>Notification of candidates</b>	October 28
<b>Deadline for recount</b> (no more than 15 days after the date of election)	November 10
<b>Completion of recount, if required</b> (no more than 10 days after receiving request)	November 18
<b>Notification of candidates of results of recount</b>	November 18
<b>Notification to members &amp; posting of results on website</b> (if no recount is requested)	November 10

The first Council meeting following the elections is held on October 27, 2022 (in accordance to the By-Laws, the appointment to Committees and election of officers will occur at this meeting):

Council Training Day	Wednesday, December 7, 2022
Council Meeting	Thursday, December 8, 2022



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## **Agenda # 7**

### **Bill 106 – Pandemic and Emergency Preparedness Act**

Speaker: S. Cassman, Policy & Governance Analyst

Action: Information



Meeting Date:	June 16, 2022
Issue:	Bill 106 – Pandemic and Emergency Preparedness Act
Reported By:	Sean Cassman
Action:	Information

### **Issue**

The Provincial Government has passed Bill 106 which will have a direct impact on the College's registration process and requirements.

### **Public Interest Rationale**

The College must ensure that it is remaining in compliance with all applicable legislation so that we may continue to effectively regulate the profession.

### **Background**

On April 14, 2022, Bill 106 received Royal Assent. With this, Colleges will soon be required to comply with the following:

- A prohibition on requiring applicants to have Canadian experience for registration;
- timely registration decisions;
- streamline requirements for demonstrating language proficiency; and
- required emergency class of registration for all health regulatory colleges.

The College does not currently require Canadian experience for international applicants, so this provision will have no impact on the College. The remaining 3 provision will require action from the College. The Provincial Government has posted proposed regulations for the Regulated Health Professions Act (RHPA) that specify what will be required of colleges. A summary can be found below, along with the potential impact on the College:

### **Timely Registration**

The proposed regulation stipulates that initial registration decisions be made and communicated by the Registrar within 30 days of a completed application being received. Furthermore, decisions by panels of the Registration Committee be made within 10 business days of the deadline for receiving an applicant's submissions.

The wording of "completed application" is key in the first part of the proposal as delays in processing an application are often caused by an applicant submitting incomplete information. The College is typically able to provide an initial decision on a completed application within 30 days unless an extraordinary situation occurs.

However, requiring a decision within 10 business days of a deadline to submit information to the Registration Committee (RC) may be difficult. College staff will need to provide the (RC) with meeting material 1 week in advance of a meeting, meaning staff would have just 5 business days to receive, review, and prepare applicant submissions for the RC. Furthermore, it will require increased coordination and planning to ensure submission deadlines happen within 10 business days of a RC meeting. The RC will need to have a discussion with staff on how to best proceed.

### Language Proficiency

The proposed regulation stipulates that health regulatory colleges be required to accept language proficiency tests that are also accepted by Immigration, Refugees, and Citizenship Canada for the purpose of immigration.

The College will be able to continue using its registration examination as proof of language proficiency for most cases. However, with the requirement on the College to offer Chinese language examinations, the College will need to amend its language fluency policy to comply with this provision. Our current language fluency policy does not allow for the use of tests as mentioned in the proposed regulation. This will be a large undertaking to determine that language requirements of the profession and set test score requirements. Again, this will require discussion from the RC.

### Emergency Class

the proposed regulation stipulates that health regulatory colleges make a regulation creating an emergency class of registration that sets out:

- the circumstances in which the class would be used;
- the length of time the class would be valid once issued; and
- the process for the applicant to transfer to the general class from the emergency class

The College's registration regulation has a temporary class of registration; but likely is not able to be used as an emergency class, where applicants are issued registration without demonstrating that they meet entry level competencies. This will also be a major project for the College to undertake.

### Overall Impact

The Government has indicated that there are no anticipated costs as a result of the proposed regulation; however, this will not be the case for the College. There will be a strain on College human and financial resources as a result of this.

The College indicated this to the Ministry of Health when these were initially proposed as part of the governance modernization consultation. Despite this, the Government has moved forward with these measures anyway. Bill 106 is now law, and the provisions will be implemented in some form in the near future. The College does have an opportunity to provide feedback on the specific regulations under the RHPA that will specify the requirements. College staff will prepare a response with comments from the Executive Committee included.

### Next Steps

Council to discuss the implications of Bill 106 and provide staff with feedback they wish to convey regarding the proposed regulations for the RHPA.

Encl: [Royal Assent Memo](#), [Bill 106 Proposed Regulations under the RHPA](#)

April 22, 2022

Beth Ann Kenny

c/o Health Professional Regulators of Ontario

Dear Beth Ann Kenny,

I would like to inform you of recent developments regarding health professional regulation in Ontario.

On April 14, Bill 106 *Pandemic and Emergency Preparedness Act, 2022* received Royal Assent. Schedule 6 of the Bill amends the *Regulated Health Professions Act, 1991* to reduce barriers for individuals seeking to be registered with the health regulatory Colleges. As previously communicated the amendments include:

- Prohibiting health regulatory Colleges from requiring applicants to have Canadian experience unless an exception is provided in the regulations;
- Requiring timely registration decisions;
- Streamlining requirements for demonstrating language proficiency;
- Requiring health regulatory Colleges to have emergency classes of registration to enable expedited registration where necessary; and
- Providing regulation making power to operationalize these changes.

Links to the news release/backgrounder and Bill can be found here:

<https://news.ontario.ca/en/release/1002023/ontario-passes-landmark-legislation-to-keep-ontario-open>

[Bill 106, Pandemic and Emergency Preparedness Act, 2022 - Legislative Assembly of Ontario \(ola.org\)](https://www.ola.org/bills/106/Pandemic-and-Emergency-Preparedness-Act-2022)

With the Bill having received Royal Assent, the ministry will now begin to work with stakeholders to bring forward the necessary regulations to set out the details of these new requirements and to bring health regulatory Colleges into compliance with the legislation. To that end, the ministry is seeking preliminary feedback on regulations that would operationalize the amendments through a posting on Ontario's Regulatory Registry. The posting can be found here:

[Regulations under the Regulated Health Professions Act, 1991 \(RHPA\) - Registration Barriers for Regulated Health Professionals \(ontariocanada.com\)](https://www.ontariocanada.com/regulations-under-the-regulated-health-professions-act-1991-rhpa-registration-barriers-for-regulated-health-professionals)

I look forward to continuing to work with the Health Professional Regulators of Ontario on these changes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sean Court', with a stylized flourish at the end.

Sean Court  
Assistant Deputy Minister

c: Allison Henry, Director, Health Workforce Regulatory Oversight Branch

**Act****Regulations under the Regulated Health Professions Act, 1991 (RHPA) - Registration Barriers for Regulated Health Professionals****Regulation Number(s):** N/A**Instrument Type:** Act**Bill or Act:** Pandemic and Emergency Preparedness Act; Regulated Health Professions Act**Summary of Proposal:** The proposed regulations would support the Ministry of Health's broader goal of increasing health human resource capacity to help Ontario respond and recover from the pandemic by enabling the implementation of amendments to the RHPA contained in Schedule 6 of Bill 106, Pandemic and Emergency Preparedness Act, 2022, should that Act be passed.**Canadian experience**

Canadian experience would be defined as: "Any period of work experience or experiential training in Canada".

Unless an exemption is obtained, any requirement for Canadian experience as a qualification for registration with a health regulatory College would become void after implementation. Exemptions would be granted through a regulation made under the RHPA.

A health regulatory College may continue to accept Canadian experience in satisfaction of an experience-related qualification for registration if it also accepts international experience as a viable alternative to Canadian experience.

**Language proficiency**

Health regulatory Colleges would have to accept proof of completion of a language test accepted by Immigration, Refugees and Citizenship Canada for immigration purposes (with results satisfactory to the regulated profession) as proof of English or French language proficiency. Regulated professions may also accept (but not require) other tests or demonstrations of proficiency of their choosing.

Language test results that are valid at the time an application is received will be deemed to remain valid for the duration of the time it takes an applicant to complete the registration process.

**Timely registration decisions**

The proposed regulation would prescribe the following time-limits to make and communicate registration decisions with respect to domestic labour mobility applicants.

- Initial registration decisions of the Registrar be made within 30 business days of receiving a complete application.
- Decisions by panels of the Registration Committee be made within 10 business days of the deadline for receiving an applicant's submission.

The Ministry is also seeking input and advice on appropriate time-limits for decisions of the Registrar and panels of the Registration Committee for applicants who are not domestic labour mobility applicants.

**Emergency class of certificates of registration**

- This regulation would prescribe the requirements that a regulation made by a College setting out an emergency class of registration must meet. The proposed regulation would require that regulations made by the Colleges

set out the:

- circumstances in which an emergency class of registration would be used;
- length of time an individual's registration in the emergency class would be valid; and
- process for individuals registered in the emergency class to seek registration in the general class(es).

**Analysis of Regulatory Impact:**

There are no anticipated compliance costs as a result of the proposed regulations. Updates to any College regulations, by-laws and processes to come into compliance with the legislation and proposed regulations are expected to be undertaken as part of regular College operations. The proposals may improve the competitiveness of Ontario's health care sector by streamlining registration processes.

**Further Information:**



[Pandemic and Emergency Preparedness Bill](#)

**Proposal Number:**

22-HLTC021

**Posting Date:**

April 21, 2022

**Comments Due Date:**

June 10, 2022

**Contact Address:**

Health Workforce Regulatory Oversight Branch  
438 University Ave, 10th Floor  
Toronto, ON M7A 1N3

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**Health Profession Regulators of Ontario (HPRO)**

Suite 301 - 396 Osborne St, PO Box 244, Beaverton ON L0K 1A0

email: bakenny@regulatedhealthprofessions.on.ca

web: www.regulatedhealthprofessions.on.ca

Phone: 416-493-4076/Fax: 1-866-814-6456

June 9, 2022

Sean Court, Assistant Deputy Minister (ADM)  
Strategic Policy, Planning & French Language Services Division  
Ministry of Health  
438 University Ave, 10<sup>th</sup> Floor  
Toronto ON M7A 1N3

Transmitted by email: Sean.Court@ontario.ca

Dear ADM Court:

**Re: HPRO Submission on Bill 106 Regulation Consultation**

HPRO has submitted the following through the Ontario's Regulatory Registry's online comment process on "*Regulations under the Regulated Health Professions Act, 1991 (RHPA) - Registration Barriers for Regulated Health Professionals*", proposal **22-HLTC021**, related to Schedule 6 of Bill 106, *Pandemic and Emergency Preparedness Act, 2022*. We appreciate you letting us know about this consultation, and we wanted to ensure that you were aware of the contents of our submission which has been provided through the emailed comment options within Ontario's Regulatory Registry.

**CANADIAN EXPERIENCE**

It is recognized that exemptions to the regulation will be permitted for those Colleges who would continue to require Canadian experience in the public interest.

**LANGUAGE PROFICIENCY**

This portion of the proposed regulation could create additional burdens for those applicants whose regulator does not currently request a language test. If a college requires a test or demonstrations of proficiency not used by IRCC, we would recommend that a similar provision be made to that under Canadian Experience, i.e., "Exemptions would be granted through a regulation made under the *RHPA*."

**TIMELY REGISTRATION DECISIONS**

While Colleges strive to provide timely decisions, the need for panels of the Registration Committee to make decisions within 10 business days "of the deadline for receiving an applicant's submission" could be difficult to achieve in the current regulatory structure. Meetings of panels include members of the profession and public members appointed by the government whose schedules may not allow for the restricted number of days to be met.

Additionally, while the proposal does signify the receipt of a "complete application", many aspects of that process are outside of the control of the College. Carefully defining

“complete application” will be important to ensure Colleges are able to adhere to any provisions in regulations.

Implications for the Health Professions Appeal and Review Board (HPARB) should also be considered, including potential increases in applicant appeals due to speedy decisions and any need to impose time restrictions on HPARB decisions to be consistent with those being imposed on regulators.

#### **EMERGENCY CLASS OF CERTIFICATES OF REGISTRATION**

Some Colleges have this mechanism in place, and it would be recommended to allow Colleges to continue to use their current processes to meet this objective. Some will continue to ask for Government’s assistance in defining “emergency”, recognizing this can vary greatly across professions and the country.

#### **IN CLOSING**

In the analysis of the regulatory impact, it should be noted that significant costs will be incurred for Colleges to comply with changes as proposed, including, but not limited to, legal reviews and expenses and time related consultations as mandated for those processes.

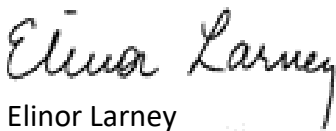
Additionally, unintended consequences for regulators across Canada, as they adhere to the principles of the Canadian Free Trade Agreement (CFTA), must be acknowledged.

Be assured that HPRO’s member Colleges are committed to preventing any barriers to registration for healthcare professionals, recognizing the paramount need for regulators to fulfill their mandate to protect the public.

Please feel free to contact me through our Executive Director, Beth Ann Kenny, at [bakenny@regulatedhealthprofessions.on.ca](mailto:bakenny@regulatedhealthprofessions.on.ca) or by phone at 416-493-4076, for any clarification or for additional information. Thank you for the opportunity to respond.

ADM Court, thank you, again, for keeping HPRO’s member apprised. We look forward to working with you and your team as governance modernization efforts continue.

Sincerely,



Elinor Larney  
Chair

cc. Allison Henry, Director, Health Workforce Regulatory Oversight Branch, MOH  
Stephen Cheng, Manager  
HPRO Board of Directors





College of Traditional Chinese Medicine  
Practitioners and Acupuncturists of Ontario

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## **Agenda # 8**

### **Meeting with Coalition**

Speaker: A. Zeng, Registrar & CEO

Action: Information

Meeting Date:	June 16, 2022
Issue:	Meeting Coalition
Reported By:	Ann Zeng
Action:	Information

### **Issue**

An update regarding the Coalition's request for a meeting with the College to discuss matters related to Schedule 5 of Bill 88.

### **Public Interest Rationale**

The College must ensure effective communications with its stakeholders so as to continue effectively regulating the profession and ensuring public safety and accountability.

### **Background**

The Coalition to Stop the Repeal of the TCM Act was formed as an emergency response to Schedule 5 of Bill 88, which the Minister of Health has removed.

On April 10, 2022, the College received a letter from the Coalition requesting for a meeting with the Registrar, President, Vice-President and Executive Committee members to discuss matters related to Schedule 5 of Bill 88.

At the time, staff reached out to the preceding Executive Committee and obtained consensus that it would be appropriate for the new Executive Committee to meet with the Coalition following the election of officers (for President, Vice President, and Executive Committee roles) which occurred on May 5, 2022.

At the May 19, 2022 Executive Committee meeting, the new Executive Committee expressed agreement to hold a virtual meeting with the Coalition. However, concerns were raised regarding the implications of the organization's name (The Coalition to Stop the Repeal of the TCM Act). The College is a regulatory body that is directly accountable to Ministry of Health and as such, it is prudent for the College to avoid any circumstances that may appear to undermine the Ministry's direction. The College has suggested to the Coalition that they consider alternative names to ease this concern, but has left the decision to them. Attached is the College's response letter to the Coalition.

Encl: [Letter to CTCMPAO](#), [Letter to Ministry of Health](#), [Response Letter to the Coalition](#)



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April 10th, 2022

Ms. Ann Zeng, Registrar  
Mr. Richard Guo Qing Dong, President  
College of Traditional Chinese Medicine  
Practitioners and Acupuncturists of Ontario.  
55 Commerce Valley Drive West,  
Suite 705,  
Thornhill, ON  
L3T 7V9

sent via e-mail: [ann.zeng@ctcmpao.on.ca](mailto:ann.zeng@ctcmpao.on.ca)

sent via e-mail: [richarddongtcm@gmail.com](mailto:richarddongtcm@gmail.com)

Dear Ms. Ann Zeng and Mr. Richard Guo Qing Dong:

I am writing to you today on behalf of The Coalition to Stop the Repeal of the TCM Act. We formed as an emergency response to Schedule 5 of Bill 88, a proposed bill that would have repealed the TCM Act of 2006 and removed self-regulatory status of the TCM and Acupuncture profession from the Regulated Health Professions Act of 1991. This would have Dissolved the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the College). We represent the collective voices of members registered with the College including various professional associations, current and past students, faculty of various TCM Schools and members of the public. While the government has removed Schedule 5 from Bill 88, it is clear to us that the issues leading to this event still need to be rectified and the future of our profession needs to be safeguarded. Our Coalition firmly believes that a collaborative, respectful and consultative approach is integral to the College's ability to effectively ensure public safety, accountability and a robust medical profession.

We request an urgent meeting with the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (CTCMPAO). The purpose of the meeting is to discuss the process of reconstitution of the College's Council and restoration of the College as a functional regulatory authority for the TCM profession.

We recognize the CTCMPAO's legislated duty is public protection and to ensure its members offer competent, safe and ethical Traditional Chinese Medicine and Acupuncture to the public in Ontario. It is deeply concerning to us that despite the College's significant resources, supported by member fees, they appeared unaware of the government's attempt in February to revoke the TCM Act and dissolve the College, and failed to identify and address the issues leading up to



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this. The situation was reversed only through the concerted efforts, in time and finance, of the members of our Coalition. The College has yet to explain to us and all registered members: “how could this have happened, and what will the College undertake to ensure that this never happens again?”

This near disaster underscores the need for the College to work collaboratively with our Coalition. The self-regulatory status of the TCM profession under the RHPA is integral to public interest in ensuring qualified and safe practitioners. It is for this reason we met with Mr. Sean Court, Assistant Deputy Minister of Health for the Ministry of Health, Ms. Allison Henry, Director of Health Workforce Regulatory Oversight, Ministry of Health, and Mr. Stephen Cheng, Manager for the Ministry of Health for which you have been copied regarding the issues and concerns raised. These concerns are not new.

Today, the College has a new lease on life, and, we believe, an opportunity to rebuild in a manner that will restore confidence in the College and the TCM profession. However, this can only be accomplished by the College Council working openly and in consultation with TCM practitioners, educators and government.

This Coalition recognizes that there are complex issues that have led to the current state of the profession including the historical lack of unity within the TCM profession itself. We are now here, a unified voice. Although the TCM profession and the CTCMPAO are small compared to other regulated professions, we are also very diverse in our membership. We are a regulated medical profession with unique ethnic and cultural considerations and we are historically plagued by misunderstandings by those outside the profession. The College now needs to foster an environment of inclusion and unity within the profession through the implementation of its policies and bylaws.

We believe it fair to state that the Ontario government is expecting and encouraging a more unified approach to the regulation and administration of our profession. We firmly believe that this is both necessary and possible within the normal mandate and operations of the College.

The following time-sensitive topics need immediate attention and require a collaborative approach that utilizes the expertise and experience of this Coalition:

1. To ensure the College functions effectively, especially through this transition period;
2. Commitment to regularly scheduled meetings between the Coalition and the CTCMPAO and to consult on all or any future potential changes involving Governance Reform, the RHPA framework, the TCM Act of 2006, CTCMPAO

- Regulations, Bylaws, Policies and Standards of Practice that affect the TCM profession.
3. Fulfill the MOH directive to offer Chinese language exams for Acupuncturists by the fall of 2022 and the TCM practitioner exams soon thereafter, while remaining consistent with Ontario Registration Regulation;
  4. Immediately include the Doctor Title Regulation in the College's work plan, ensure its status and possibly expiry be remedied and clarified, and include the Doctor Title Regulation in any Strategic Planning as a priority;
  5. Complete and implement CARB-TCMPA TCM education accreditation program.

The College cannot remain entrenched in the same non informative and non collaborative posture with registered members that led to near disaster for the TCM profession, not just in Ontario, but across Canada.

Hence, we are writing to you to begin that process of rebuilding and expect a meeting to be urgently arranged, with the Registrar, President, Vice-President and Executive Committee members to begin discussing matters of importance to the College, its 2700 practitioners and hundreds of thousands of patients under our respective care.

We look forward to a prompt response including dates, times and details (in person or virtual) for a meeting between the Coalition and the College and its staff.

Thank you for your attention to our concern and request.

Yours sincerely,



Dylan Kirk on behalf of the Coalition ....

Cc:

Sean Court, Assistant Deputy Minister of Health for the Ministry of Health  
Allison Henry, Director of Health Workforce Regulatory Oversight, Ministry of Health  
Stephen Cheng, Manager for the Ministry of Health  
Ming Cha, CTCMPAO-Executive Committee  
Feng Li, CTCMPAO-Executive Committee

# COALITION TO STOP THE REPEAL OF THE TCM ACT

Heather Kenny, President, Traditional Chinese Medicine Ontario  
 Cedric Cheung, President, The Chinese Medicine and Acupuncture Association of Canada  
 Adam Chen, President, Traditional Chinese Medicine Physicians Associations of Canada  
 David Lam, President, The Ontario Association of Acupuncture and TCM  
 Danny Can Hui Li, President, Association of TCM Practitioners and Acupuncturists of Ontario  
 Charlie Qiang Tang, President, The Canadian Society of Chinese Medicine and Acupuncture  
 Dylan Kirk, President, Council of TCM and Acupuncture Schools of Ontario  
 Mary Xiumei Wu, President, Toronto School of Traditional Chinese Medicine  
 Bin Jiang Wu, President, Ontario College of Traditional Chinese Medicine  
 Ryan Brooks, President, Eight Branches College of Eastern Medicine  
 Enza Ierullo, President, Acupuncture and Integrative Medicine Academy  
 Ian Marshall, President, International Academy of Traditional Chinese Medicine  
 John Liu, President, John and Jenny TCM College  
 Pierre Chen, President, Canadian College of Traditional Chinese Medicine



Traditional Chinese Medicine Ontario



加拿大中醫藥針灸學會  
 THE CHINESE MEDICINE AND ACUPUNCTURE ASSOCIATION OF CANADA  
 L'ASSOCIATION DE MÉDECINE CHINOISE ET D'ACUPUNCTURE DU CANADA  
 est. 1983



全加中醫藥針灸協會

THE CANADIAN SOCIETY OF CHINESE MEDICINE AND ACUPUNCTURE



The Ontario Association of Acupuncture &  
 Traditional Chinese Medicine



中醫  
 ATCMPAO

安省中醫師及針灸師公會  
 Association of Traditional Chinese Medicine  
 Practitioners and Acupuncturists of Ontario



Eight  
 Branches

COLLEGE OF EASTERN MEDICINE



International Academy of  
 Traditional Chinese Medicine



ACUPUNCTURE &  
 INTEGRATIVE  
 MEDICINE  
 ACADEMY



College of Traditional Chinese Medicine  
Practitioners and Acupuncturists of Ontario  
Ordre des praticiens en médecine traditionnelle  
chinoise et des acupuncteurs de l'Ontario

May 31, 2022

The Coalition to Stop the Repeal of the TCM Act

**SENT VIA EMAIL**

Dear Mr. Dylan Kirk,

**Re: Meeting with Coalition**

Thank you for your letter requesting an urgent meeting with the College to discuss Schedule 5 of Bill 88, and how the College will proceed going forward.

The newly elected Executive Committee had an opportunity to discuss your letter at the Executive Committee meeting on May 19, 2022. The Committee expressed agreement to hold a virtual meeting with your organization and we look forward to setting a date for this meeting. However, there is a concern regarding the implications of the organization's name (The Coalition to Stop the Repeal of the TCM Act). As you know, the College is a regulatory body that is directly accountable to Ministry of Health and as such, it is prudent for the College to avoid any circumstances that may appear to undermine the Ministry's direction. The Executive Committee would like to establish before this meeting that the College will not participate in any activities that could be seen as undermining Ministry of Health, or the Ontario Legislature. We suggest that the Coalition consider alternative names to ease this concern, but will leave that decision to you.

The Committee has reviewed the topics mentioned in your letter, and has committed to address them at the virtual meeting. The College will circulate proposed meeting dates with you shortly. Should you have any questions in the meantime, please feel free to reach out to us. Thank you.

Sincerely,

Joanne Pritchard-Sobhani  
President

Ann Zeng  
Registrar & CEO

Cc:

Xianmin Yu, Vice-President, CTCMPAO  
Ming Cha, Executive Committee Member, CTCMPAO  
Deborah Sinnatamby, Executive Committee Member, CTCMPAO  
Judy Cohen, Executive Committee Member, CTCMPAO  
Heather Kenny, President, Traditional Chinese Medicine Ontario



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Cedric Cheung, President, The Chinese Medicine and Acupuncture Association of Canada  
Adam Chen, President, Traditional Chinese Medicine Physicians Associations of Canada  
David Lam, President, The Ontario Association of Acupuncture and TCM  
Danny Can Hui Li, President, Association of TCM Practitioners and Acupuncturists of Ontario  
Charlie Qiang Tang, President, The Canadian Society of Chinese Medicine and Acupuncture  
Dylan Kirk, President, Council of TCM and Acupuncture Schools of Ontario  
Mary Xiumei Wu, President, Toronto School of Traditional Chinese Medicine  
Bin Jiang Wu, President, Ontario College of Traditional Chinese Medicine  
Ryan Brooks, President, Eight Branches College of Eastern Medicine  
Enza Ierullo, President, Acupuncture and Integrative Medicine Academy  
Ian Marshall, President, International Academy of Traditional Chinese Medicine  
John Liu, President, John and Jenny TCM College  
Pierre Chen, President, Canadian College of Traditional Chinese Medicine





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## **Agenda # 9**

### **Risk Management Report**

Speaker: S. Cassman, Policy & Governance Analyst  
Action: Information

Meeting Date:	June 16, 2022
Issue:	Risk Management Report
Reported By:	Sean Cassman
Action:	Information

### **Issue**

The College is updating Council on the current risk management plan, which includes a complete look at the risks facing the College.

### **Public Interest Rationale**

The College must be able to carry out its responsibilities set out in legislation. In order to avoid situations where we are prevented from doing that, a risk management plan is necessary to predict and mitigate risks.

### **Background**

The College provides Council with the risk management plan at each quarterly meeting, and staff will update members if there are any changes. For the 1<sup>st</sup> quarter, the following minor changes have been made:

- The College has added “re-evaluate government relations approach” to governance risk in response to Bill 88.

Encl: [Risk Management Plan](#)

## College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (CTCMAO) Risk Management Plan

### Risk Management Vision

CTCMAO is committed to building and fostering an enterprise risk management culture that clearly faces reality through systematic process of risk identification, assessment, and management and will affect this through its strategic planning process. CTCMAO's value of serving and protecting the public interest, providing quality service, accountability and transparency, teamwork and collaboration are the foundation of the organizational risk culture and will guide our actions.

### Stakeholder Roles and Responsibilities

Role	Risk Management Responsibility	Assignment
Council	Responsible for approving Risk Tolerance Evaluation, reviewing Risk Management Plan and periodically reassessing success of Risk Management strategies.	Council Members
President	Responsible for leading Executive Committee and Council in reviewing the Risk Management Plan, implementing certain procedures needed in specified emergency situations, ensuring action is taken as necessary to protect the separation of Council from operations.	Joanne Pritchard-Sobhani
Registrar and CEO	Responsible for ensuring comprehensive risk assessment within the organization, development and implementation of mitigation strategies, and ongoing evaluation of effectiveness of risk management by the organization.	Ann Zeng
Director, IT, Finance and Corporate Services	Responsible for identifying risk factors relating to financial management policies and procedures, adhering to sound financial risk management and mitigation policies and strategies. Champions organization-wide effort to protect the vital assets of the College and engage key stakeholders in risk management activities.	Francesco Ortale
Program Managers	Responsible for complying with obligations outlined in the Health Professions Procedural Code respecting procedure, timelines, transparency, objectivity and fairness.	Ryan Chu, Claudia Frisch

## **Risk Management Process and Activities**

The CTCMPAO regularly undertakes risk management activities to protect the interests of the public, its members and the Government of Ontario to which it is accountable. Risk management involves complex processes of risk assessment, development and implementation of mitigation strategies and evaluation of effectiveness, change and opportunity. Effective risk management requires the active engagement of everyone actively engaged in the organization and may include consultation with external experts such as auditors. The College adheres to a Risk Management Policy which requires regular review, evaluation and reporting to Council.

## **Risk Analysis Matrix**

College staff engage in a collective and joint process to identify types of risks that are likely to affect the achievement of business goals. For each risk, staff consider what could happen, how and why it could happen, and the consequences of said risk.

Staff systematically review the following to identify potential risks and to categorize potential risks using a risk occurrence matrix:

- each function performed within the College,
- records and reports generated or retained by the College.
- business processes, policies and procedures.
- resources of the College including knowledge of history, processes and legislative, operational and policy environment, staff, furnishings and equipment.

## **Types of Risk Identified:**

1. Governance
2. Loss Confidence in CTCMPAO
3. Finance
4. Information Management
5. Facility/Site Safety and Security
6. Human Resources
7. Statutory Obligations
8. Exam

### Risk Occurrence Matrix

Consequence/ Impact		Likelihood (probability of occurring)	Rare The event may occur in exceptional circumstances.  (0 – 5 %)	Unlikely The event has happened at some time.  (6-33%)	Possible The event has happened periodically  (34-65%)	Likely The event has happened previously and could reasonably occur again.  (66-79%)	Almost Certain The event is extremely likely to occur  (80-100%)
		Level	1	2	3	4	5
<b>Negligible</b> Low financial/reputation loss, small impact on operations	1	1	1	2	3	4	5
<b>Minor</b> Some financial loss, moderate impact on business	2	2	2	4	6	8	10
<b>Moderate</b> Moderate financial loss, moderate loss of reputation, moderate business interruption	3	3	3	6	9	12	15
<b>Major</b> Major financial loss, several stakeholders raised concerns, major loss of reputation, major business interruption	4	4	4	8	12	16	20
<b>Extreme</b> Complete cessation of business, extreme financial loss, irreparable loss of reputation	5	5	5	10	15	20	25

Risk Rating	Risk Priority	Description
1-3	L	Low Risk: May require consideration in any future changes to the work area or processes, or can be fixed immediately
3-6	M	Medium Risk: May require corrective action, planning and budgeting process

8-12	H	High Risk: Requires immediate corrective action
15-25	E	Extreme Risk: Requires immediate prohibition of the work, process and immediate corrective action

### **Risk Assessment**

This step involved analysing the likelihood and consequences of each identified risk using the measures provided in the table above. The staff looked at the existing controls for each risk and identified what we would do to control the risk. Then, using the chart, they rated the effectiveness of existing controls in preventing the risk from happening or minimising its impact should it occur.

- Likelihood is a qualitative description of probability and frequency, asking the question 'what is the likelihood of the risk occurring?'
- Consequence was described as the outcome of the event, being a financial loss, loss of reputation, or business interruption, asking the question, 'what is the consequence of the risk event?'
- The risk rating was the sum of the consequence rating times the likelihood rating.
- The risk priority chart provides an indication of urgency to how soon the staff needed to implement a strategy to address the risk.



### CTCMPAO Risk Registry – 2019 - 2021

Risk Type	Risk and Description	Risk Likelihood	Risk Impact	Risk Priority	Risk Owner	Mitigation Actions
Governance	<p>Not reaching quorum to constitute a Committee resulting in or Council becomes unconstituted:</p> <ul style="list-style-type: none"><li>Public perception of not meeting College mandate of public protection</li><li>Delays in decision-making affecting applicants (i.e. registration) or members (QA/ICRC/Discipline)</li></ul>	<p>5 Almost Certain</p>	<p>4 Major</p>	<p>20 Extreme</p>	<p>Council, President, Registrar</p>	<p>Current Treatment:</p> <ul style="list-style-type: none"><li>Staff try to accommodate Council/committees members' schedules to ensure quorum in all meetings.</li><li>Continued ongoing communications with Public Appointments Secretariat</li><li>The Registrar has acted on legal advice for procedures to ensure the College functions properly while the Council is unconstituted.<ul style="list-style-type: none"><li>Committees continue to function as per section 12.09 of College by-laws. Committees remain constituted as long as there is quorum.</li></ul></li><li>The College has hired a government relations consultant to help press this issue with the government.</li><li><a href="#">Re-evaluate government relations approach to improve relationship with MoH</a></li></ul> <p>Additional Proposed Treatment:</p> <ul style="list-style-type: none"><li>Outreach to TCM associations and schools to reach prospective members to ensure understanding of the College's role and why regulation matters.</li><li>Create and advertise opportunities for engagement with the College.</li><li>Allow non-council members to sit on statutory committees.</li></ul>



Risk Type	Risk and Description	Risk Likelihood	Risk Impact	Risk Priority	Risk Owner	Mitigation Actions
Governance	Council/Committees operating outside of mandate or becoming engaged with operational matters resulting in: <ul style="list-style-type: none"> <li>Poor or inconsistent decisions</li> <li>Increased likelihood of conflict</li> <li>Inefficiencies in operations</li> </ul>	3 Possible	4 Major	12 High	President, Council, Registrar	Current Treatment: <ul style="list-style-type: none"> <li>Council and Committee orientation to occur annually.</li> <li>Prepare Terms of References for all statutory/non-statutory committees</li> <li>Conduct a governance review with a third party consultant to examine governance practices.</li> </ul> Additional Proposed Treatment: <ul style="list-style-type: none"> <li>Prepare a College governance manual outlining major responsibilities and separation of roles between Council and operations.</li> </ul>
Governance	Council/Committee not adhering to Code of Conduct, Conflict of interest, bylaws and other Council policies resulting in: <ul style="list-style-type: none"> <li>Inefficiencies</li> <li>Poor decision</li> <li>Negative reporting by stakeholders</li> <li>Decreased morale on Council/Committees</li> </ul>	4 Likely	4 Major	16 Extreme	President, Registrar, Council	Current Treatment: <ul style="list-style-type: none"> <li>Each Council/Committee are properly trained and prepared for their service.</li> <li>Legal Counsel delivers the orientation at the Council/Committee levels.</li> <li>Evaluate Council effectiveness on its performance through a council effectiveness survey after each meeting.</li> <li>Have each Council/Committee member annually complete and signs a statement declaring any known conflicts and agreeing to comply with the Code of Conduct.</li> </ul> Additional Proposed Treatment: <ul style="list-style-type: none"> <li>Conduct regular Council/Committee training.</li> <li>Competency requirements for prospective Council/Committee members</li> </ul>
Loss of Confidence in CTCMPAO	Applicant/member disengagement resulting in: <ul style="list-style-type: none"> <li>Lack of interest for election to Council</li> </ul>	4 major	4 Major	16 Extreme	Council, Registrar,	Current Treatment: <ul style="list-style-type: none"> <li>Create and advertise opportunities for engagement with College.</li> </ul>





Risk Type	Risk and Description	Risk Likelihood	Risk Impact	Risk Priority	Risk Owner	Mitigation Actions
	<ul style="list-style-type: none"> <li>Lack of membership on Committees/working groups</li> <li>Reduction in overall registration numbers</li> </ul>					<p>Additional Proposed Treatment:</p> <ul style="list-style-type: none"> <li>Continuous outreach to key stakeholders to ensure they are able to keep their members informed and engaged.</li> <li>Regular outreach meetings and educational sessions through professional associations, TCM schools, and other events as presented.</li> <li>Develop “stories” for publication, describing benefits of engagement.</li> <li>Incorporate simple plain language in all college documents.</li> </ul>
Loss of Confidence in CTCMPAO	Public, government, stakeholders perceive the College as not being transparent and/or fair	4 Major	3 Moderate	12 High	President, Council, Registrar	<p>Current Treatment:</p> <ul style="list-style-type: none"> <li>Implementation of bylaws related to transparency i.e. posting additional information on public register.</li> <li>Conduct annual review of bylaws.</li> <li>Continuous outreach to TCM schools to reach prospective members to ensure understanding of the College’s role and why regulation matters.</li> <li>Posting workplan update on College website</li> </ul> <p>Additional Proposed Treatment:</p> <ul style="list-style-type: none"> <li>Adoption of ARGE transparency principles.</li> <li>Update and post all statutory policies on website.</li> <li>Collaborate with other regulatory colleges on strategies to promote transparency.</li> </ul>
Loss of Confidence in CTCMPAO	Poor customer service/public relations	3 Possible	2 Minor	6 Medium	Registrar, Director, IT, Finance and Corporate Services, Program Managers	<p>Current Treatment:</p> <ul style="list-style-type: none"> <li>One point of contact. An enquirer is provided with the name by respondent and that person commits to and takes necessary action.</li> </ul>



Risk Type	Risk and Description	Risk Likelihood	Risk Impact	Risk Priority	Risk Owner	Mitigation Actions
						Additional Proposed Treatment: <ul style="list-style-type: none"><li>Research and develop internal organizational customer service standards and policies (i.e. client services policy part of AODA requirement).</li><li>Statutory teams to prepare FAQs for each department.</li><li>Invite feedback through customer service surveys.</li><li>Review of website material to ensure accessible and easy to understand.</li></ul>
Financial	Insufficient financial resources impact the ability of the College to meets its mandate. This will result in: <ul style="list-style-type: none"><li>Lack of retained funds to carry out</li><li>Low membership in College</li><li>Uneven cash flow</li></ul>	3 Possible	4 Major	12 High	Registrar, Director, IT, Finance and Corporate Services	<div>Current Treatment:<ul style="list-style-type: none"><li>Prepare operating budgets using 5-year projections and outlook.</li><li>Strategies in place for cost savings.</li><li>Develop reserve funds to cover unexpected expenses</li></ul></div> <div>Additional Proposed Treatment:<ul style="list-style-type: none"><li>Prepare multiple scenarios for forecasting and develop plans that are flexible.</li><li>Calendarize revenue to predict cash flow.</li></ul></div>



Risk Type	Risk and Description	Risk Likelihood	Risk Impact	Risk Priority	Risk Owner	Mitigation Actions
Financial	Poor financial management results in the College being unable to meet strategic initiatives	2 Unlikely	4 Major	8 High	Registrar, Director, IT, Finance and Corporate Services	Current Treatment: <ul style="list-style-type: none"><li>Budget is prepared annually and approved by Council.</li><li>Use of 5-year time horizon for financial planning.</li><li>Prepare multiple scenarios for forecasting and develop plans that are flexible.</li><li>Prepared a formal Reserve Fund Policy outlining specific purpose of each internally restricted fund to ensure funds are used for its intended purpose</li><li>Calendarize revenue to predict cash flow.</li></ul>
Finance	Risk of Fraud/Theft	2 Unlikely	3 Moderate	6 Medium	Registrar, Director, IT, Finance and Corporate Services	<div>Current Treatment:<ul style="list-style-type: none"><li>Financial audit completed annually by chartered accountants.</li><li>Finance coordinator reviews and verifies invoices prior to submitting Registrar for approval.</li><li>Bank cheques require documentation and two signatures</li><li>Bank statements are reviewed and reconciled monthly.</li><li>Financial update provided at each Council meeting.</li></ul></div> <div>Proposed Treatment:<ul style="list-style-type: none"><li>Prepare formal financial policies to document financial procedures as part of the College's financial policies.</li><li>Establish a procurement policy through a process that is open, fair and transparent.</li></ul></div>



Risk Type	Risk and Description	Risk Likelihood	Risk Impact	Risk Priority	Risk Owner	Mitigation Actions
Information Management	Information and computer systems are compromised due to: <ul style="list-style-type: none"> <li>Viruses, worms and malicious software</li> <li>Security breach/hacking</li> <li>Loss of power</li> </ul>	3 Possible	4 Major	12 High	Director, IT, Finance and Corporate Services	<p>Current Treatment:</p> <ul style="list-style-type: none"> <li>Backup procedures carried out daily on electronic files.</li> <li>Processes such as encryption, access control procedures, and network firewalls in place.</li> <li>Adequate cyber security insurance in place.</li> </ul> <p>Proposed Additional Treatment:</p> <ul style="list-style-type: none"> <li>Prepare a disaster recovery plan.</li> <li>Solicit services of an external vendor to conduct an IT audit, vulnerability assessment and security penetration assessment.</li> </ul>
Information Management	Improper handling of data by staff or vendors leads to exposure of sensitive data	3 Possible	3 Moderate	9 High	Director, IT, Finance and Corporate Services	<p>Current Treatment:</p> <ul style="list-style-type: none"> <li>College ensures that personal information is stored in electronic and physical files that are secure. Physical files are under lock and key.</li> </ul> <p>Additional Proposed Treatment:</p> <ul style="list-style-type: none"> <li>Add additional security measures to safeguard information which include restricting access to personal information to authorized personnel.</li> </ul>
Information Management	Breach of confidentiality: <ul style="list-style-type: none"> <li>Member/applicant personal information</li> <li>Public information</li> </ul>	3 Possible	3 Moderate	9 High	All	<p>Current Treatment:</p> <ul style="list-style-type: none"> <li>Applicant/registrant information housed on secure external server (CRM).</li> <li>Use secure login protocols, data encryption, and passwords.</li> </ul>



Risk Type	Risk and Description	Risk Likelihood	Risk Impact	Risk Priority	Risk Owner	Mitigation Actions
	<ul style="list-style-type: none"> <li>Vendor information</li> <li>Council member information</li> </ul>					<p>Additional Proposed Treatment:</p> <ul style="list-style-type: none"> <li>Develop protocols for reporting, investigating and correcting security breaches to ensure PHIPA compliance.</li> <li>Require signed commitment to adhere to College confidentiality requirements by Council and College staff.</li> <li>Facilitate regular orientation and training on privacy and confidentiality for Council and College staff.</li> </ul>
Information Management	<p>Unintended destruction or loss of records results in:</p> <ul style="list-style-type: none"> <li>Inaccurate info posted on public register</li> <li>Duplication of records</li> <li>Inaccurate information provided to Council/committees</li> </ul>	2 Unlikely	3 Moderate	6 High	Director, IT, Finance and Corporate Services	<p>Current Treatment:</p> <ul style="list-style-type: none"> <li>Staff adopt filing protocols for naming, deletion of copies, electronic and paper storage.</li> <li>Backup procedures carried out daily on electronic files.</li> <li>File room/cabinets are secured and locked daily.</li> </ul>
						<p>Proposed Additional Treatment:</p> <ul style="list-style-type: none"> <li>Increase security in the College server room.</li> </ul>
Facility/Site Safety and Security	Permanent damage to equipment and/or furnishings due to water/fire damage.	2 Unlikely	2 Minor	4 Medium	Director, IT, Finance and Corporate Services	<p>Current Treatment:</p> <ul style="list-style-type: none"> <li>Office building is code compliant for building and fire standards.</li> <li>Adequate insurance in place to recover replacement.</li> </ul>
						<p>Additional Proposed Treatment:</p> <ul style="list-style-type: none"> <li>Ongoing annual fire training for all staff, Council and Committee members.</li> </ul>



Risk Type	Risk and Description	Risk Likelihood	Risk Impact	Risk Priority	Risk Owner	Mitigation Actions
Facility/Site Safety and Security	Computers, servers and other items of value belonging to the College are stolen	2 Unlikely	1 Negligible	2 Low	Director, IT, Finance and Corporate Services	Current Treatment: <ul style="list-style-type: none"> <li>Security cameras installed at each exit, common hallways and meeting rooms.</li> <li>College maintains a complete inventory of its electronic equipment, computers and technology systems.</li> <li>Adequate insurance in place to recover replacement of loss goods.</li> </ul>
Human Resources	Disruption in work due to unexpected and/or extended absence of an employee, or employee permanently leave organization resulting in: <ul style="list-style-type: none"> <li>Backlog of work</li> <li>Inability to meet required timelines</li> <li>Major interruption in work</li> </ul>	2 Unlikely	3 Moderate	6 Medium	Registrar,  Director, IT, Finance and Corporate Services, Program Managers	Current Treatment: <ul style="list-style-type: none"> <li>Job descriptions have been created for all positions.</li> <li>Regular staff meetings are held to update all staff on work in progress.</li> </ul>
						Additional Proposed Treatment: <ul style="list-style-type: none"> <li>Prepare succession plan for the Registrar position.</li> <li>All college departments to document procedures for all key functions.</li> </ul>
Human Resources	Interpersonal conflicts result in: <ul style="list-style-type: none"> <li>Complaints of harassment</li> <li>Decrease productivity</li> <li>Poisoned work environment</li> <li>Staff discontent and poor morale</li> <li>High turnover rate in staff</li> </ul>	2 Unlikely	1 Negligible	2 Low	Registrar	Current Treatment: <ul style="list-style-type: none"> <li>HR policies in place.</li> <li>Staff receive legislated training on violence in the workplace. and this is documented.</li> <li>Team-building events held involving all staff.</li> <li>Registrar addresses all issues of conflict promptly.</li> </ul>



Risk Type	Risk and Description	Risk Likelihood	Risk Impact	Risk Priority	Risk Owner	Mitigation Actions
Statutory Obligations (Patient Relations)	College is not doing everything possible to keep client/patients safe from sexual abuse.	3 Possible	4 Major	12 High	Registrar, Program Manager, Policy and Governance Analyst	<p>Current Treatment:</p> <ul style="list-style-type: none"> <li>Therapy and counselling forms have been updated to be compliant with legislation.</li> <li>New Standards for Maintaining Professional Boundaries and Preventing Sexual Abuse.</li> </ul> <p>Additional Proposed Treatment:</p> <ul style="list-style-type: none"> <li>Develop a comprehensive and effective Sexual Abuse Plan.</li> <li>Adopt a number of policies and measures that underpin a zero-tolerance approach to sexual abuse.</li> <li>Provide resources to the membership and public to be aware of the measures the College has in place to prevent and deal with sexual abuse;</li> </ul>
Statutory Obligations (Registration)	Majority of TCM education programs are unregulated eroding public confidence	4 Likely	4 Major	16 Extreme	Registrar, Program Managers	<p>Current Treatment:</p> <ul style="list-style-type: none"> <li>Registration regulations outline entry requirements.</li> <li>College is working with provincial regulators to develop approval framework.</li> </ul> <p>Additional Proposed Treatment:</p> <ul style="list-style-type: none"> <li>Encourage the Ministry to accredit TCM education programs.</li> </ul>
Statutory Obligations (Registration)	Ensuring the College's registration process is fair, open and transparent.	3 Possible	2 Minor	6 Medium	Registrar Program Managers	<p>Current Treatment:</p> <ul style="list-style-type: none"> <li>College underwent an audit of its registration practices from the Office of the Fairness Commissioner (OFC).</li> <li>Recommendations from the OFC have been implemented</li> </ul>



Risk Type	Risk and Description	Risk Likelihood	Risk Impact	Risk Priority	Risk Owner	Mitigation Actions
Statutory Obligations (QA)	Quality Assurance Program is not an effective tool for ensuring the continuing competency	4 Likely	3 Moderate	12 High	Program Manager,  Policy and Governance Analyst	<p>Current Treatment:</p> <ul style="list-style-type: none"> <li>Only small percentage of members randomly selected to submit paper-based self-assessment form.</li> <li>Current Peer and Practice Assessment are only done for members ordered by an ICRC/Discipline program.</li> <li>QA policies developed to support current QA program.</li> </ul> <p>Additional Proposed Treatment:</p> <ul style="list-style-type: none"> <li>Develop standards of practice that outline practice expectations of members</li> <li>Develop a new QA program that supports member engagement</li> </ul>
Statutory Obligations (ICRC)	Lack of tools for members who must complete additional education or remediation	4 Likely	3 Moderate	12 High	Registrar, Program Managers	<p>Current Treatment:</p> <ul style="list-style-type: none"> <li>Record-keeping guideline developed and webinar developed.</li> </ul> <p>Additional Proposed Treatment:</p> <ul style="list-style-type: none"> <li>Develop working group to establish TCM specific standards of various modalities i.e. Acupuncture</li> </ul>
Statutory Obligations (ICRC)	Complaints received are not resolved in a timely manner. Backlog of Registrar's reports.	2 Unlikely	3 Moderate	6 Medium	Registrar, Program Managers	<p>Additional Proposed Treatment:</p> <ul style="list-style-type: none"> <li>Fast track complaints that are high risk to public safety (i.e. sexual abuse) using a risk chart.</li> </ul>
Statutory Obligations (ICRC/Discipline)	Ensuring fairness to member who receives a complaint or is going through discipline.	3 Possible	2 Minor	6 Medium	Registrar, Program Managers	<p>Additional Proposed Treatment:</p> <ul style="list-style-type: none"> <li>Post more information on the website for members related to: <ul style="list-style-type: none"> <li>Sexual abuse complaints and investigation process</li> <li>Mandatory reporting of sexual abuse</li> </ul> </li> </ul>





Risk Type	Risk and Description	Risk Likelihood	Risk Impact	Risk Priority	Risk Owner	Mitigation Actions
Statutory Obligations (CPMF)	The College must be able to demonstrate to the Ministry that it is meeting its statutory obligations in a clear and transparent way.	3 Possible	3 Moderate	9 High	All	Current Treatment: <ul style="list-style-type: none"> <li>Staff have conducted a full review of the College based on CPMF requirements and to identify where we are deficient.</li> <li>Some deficiencies have been identified. Steps have been taken to either address the deficiency in the previous reporting period, or to address it in future reporting periods.</li> </ul>
Exam	Exam security is breached	3 Possible	4 Major	12 High	Registrar Program Managers	Current Treatment: <ul style="list-style-type: none"> <li>Examination and Item-Writing Committee sign confidentiality agreement and are provided with training from ASI.</li> <li>Computer-based examination developed with provincial regulators</li> </ul> Additional Proposed Treatment: <ul style="list-style-type: none"> <li>Strict protocols should be in place for handling examination materials.</li> <li>Any report of a breach of agreement will be referred to registration/ICRC for immediate action.</li> <li>No hard copies or electronic copies of the examination or items are retained by the College or any other person involved in the development of the exam.</li> </ul>
Exam	Validity of the administration of the exam sitting is challenged due to: <ul style="list-style-type: none"> <li>Hydro failure</li> <li>Illness</li> <li>Medical Emergency</li> </ul>	2 Unlikely	2 Minor	4 Medium	Registrar, Program Manager	Current Treatment: <ul style="list-style-type: none"> <li>Research sites to ensure stability of sites.</li> <li>Procedures in place for invigilators to deal with emergencies.</li> </ul> Additional Proposed Treatment: <ul style="list-style-type: none"> <li>Educate exam candidates on withdrawing prior to exam</li> </ul>



Risk Type	Risk and Description	Risk Likelihood	Risk Impact	Risk Priority	Risk Owner	Mitigation Actions
Exam	Validity of examination is challenged	2 Unlikely	2 Minor	4 Medium	Registrar, Program Manager	<div>Current Treatment:<ul style="list-style-type: none"><li>Examination development and administration conducted by highly qualified vendor with extensive experience and highly credible.</li><li>Each exam sitting undergoes extensive psychometric analysis and further review by examination committee.</li></ul></div> <div>Additional Proposed Treatment:<ul style="list-style-type: none"><li>Performance of vendor is reviewed annually and any concerns addressed at that meeting.</li><li>Clear separation between non-statutory committee (Examination/Item Writing Committee) and Council members so no perceived conflict of interest.</li><li>Work with provincial counterparts to establish proper governance channels.</li></ul></div>



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## **Agenda # 13**

### **Other Business**

Speaker: D. Worrada, Chair

Action: Information



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## **Agenda # 13**

### **Next Meeting Dates and Meeting Effectiveness Survey**

Speaker: D. Worrada, Chair

Action: Information

Meeting Date: Month Day Year  
June 15 2022



## 2022 Council Meeting Dates

\*All dates are tentative and are subject to change.

2022 Council Meeting Dates	
March 21, 2022	May 5, 2022
June 15-16, 2022	September 21, 2022*
December 7-8, 2022 ( <i>Including orientation</i> )*	

### 100 Registration Cases Over Three Years Part 1: Burden of Proof

by Julie Maciura  
April 2022 - No. 265

The Health Professions Appeal and Review Board (HPARB) renders a lot of decisions. Many, of course, have similar issues and reviewing them can become repetitive. Few people have the luxury of reading all of the decisions. As an experiment, we reviewed 100 recent registration decisions of HPARB decided over the past three years. Our goal was to see if we could identify principles and concepts underlying HPARB's approach to recurring registration issues, especially those that might be different from approaches taken in the past.

The following summarizes our analysis, which may be instructive both to regulators appearing before HPARB and regulators who deal with registration issues scrutinized by other tribunals and the courts. This is the first of a four-part series.

Of the 100 cases, HPARB upheld the regulator's decision 80% of the time and returned the matter for reconsideration 20% of the time. In only one case did HPARB require the regulator to register the applicant. Having said that, many of the cases returned to the regulator had very strong recommendations to register the applicant. In about half of the returned cases HPARB based the referral back on the basis that it had significant new information that had not been available to the regulator at the time.

HPARB conducts both paper reviews and oral hearings, with the choice belonging to the applicant. In 87% of the cases the applicant chose a paper review. However, the applicant was successful in obtaining a decision returning the matter to the regulator for reconsideration in 30% of the cases where an oral hearing was held (compared to 20% for paper reviews).

### Burden of Proof

HPARB continues to uphold the fundamental principle that applicants for registration must demonstrate that they meet the registration requirements: *J.H. v College of Psychologists of Ontario*, 2019 CanLII 121575 (ON HPARB), <https://canlii.ca/t/j480j>. This burden on the applicant is supported by the need to ensure that the applicant can practise safely and ethically:

Public protection is a central feature of the public interest in the context of the registration of health professionals. As gatekeepers to registration, the College's application procedure ensures that practitioners who are registered as health professionals meet professional standards. Once registered, a health professional represents to the public at large that their practice meets the standards of the profession and is endorsed by the regulating body and that they can be trusted to practise safely. (*C. R. v College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, 2021 CanLII 45638 (ON HPARB), <https://canlii.ca/t/jq55j>.)

HPARB has also said:

A college, in accepting an applicant as a member, is verifying to the public that the individual has demonstrated that he or she meets the standards of the profession as set by the college. *A.H.-A.O. v Ontario (College of Physicians and Surgeons)*, 2019 CanLII 50927 (ON HPARB), <https://canlii.ca/t/j0tm9>.

For example, where there are circumstances that create suspicion as to the authenticity of a document, it is the applicant's duty to demonstrate its legitimacy: *Zhang v College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario*, 2019 CanLII 141813 (ON HPARB), <https://canlii.ca/t/j8t30>.

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#### WANT TO REPRINT AN ARTICLE

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Even in cases where the concern is the suitability of the applicant's conduct, there is no presumption of "good character" or requirement that the regulator prove the allegations. The applicant must demonstrate that they meet the requirement: *F.E. v College of Nurses of Ontario*, 2019 CanLII 29058 (ON HPARB), <https://canlii.ca/t/hznht>; *W.-S. (V.) W. v College of Optometrists of Ontario*, 2019 CanLII 35335 (ON HPARB), <https://canlii.ca/t/hzzfl>.

While HPARB has expressed sympathy where the passage of time has made the obtaining of documents difficult (e.g., for establishing details of the applicant's education) the onus remains on the applicant to demonstrate that the requirement has been met: *B.W.P. v College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario*, 2020 CanLII 31824 (ON HPARB), <https://canlii.ca/t/j6x0v>.

To meet the onus the applicant must provide "reasonable and relevant specificity and verification as to their qualifications in relation to professional standards and registration requirements": *A.R. v Ontario (College of Registered Psychotherapists and Registered Mental Health Therapists)*, 2019 CanLII 50278 (ON HPARB), <https://canlii.ca/t/j0srq>.

However, HPARB sees that this onus on the applicant is balanced by competing considerations:

The Board notes that in considering an application for registration, the public interest also includes the ability of individuals to practise in their chosen profession. The courts have long held that the right to earn a livelihood is an interest of fundamental importance to an individual affected and should not be lightly overridden. (*C. R. v College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, 2021 CanLII 45638 (ON HPARB), <https://canlii.ca/t/jg55j>.)

In other cases, the dual aspects of the public interest principle were described as follows:

Registration requirements exist to protect the public by ensuring that individuals permitted to work in the profession can be expected to practice to the standard of the profession. Individuals who have demonstrated their competence and ability by successfully completing the requisite or substantially similar education programs, are to be reasonably assessed for their qualifications to safely practice the profession. (*Breton v College of Psychologists of Ontario*, 2020 CanLII 90815 (ON HPARB), <https://canlii.ca/t/jbqk3>; *Mahboob v College of Physicians and Surgeons of Ontario*, 2021 CanLII 5500 (ON HPARB), <https://canlii.ca/t/jcwki>.)

HPARB has also said that the burden of proof of establishing evidence of meeting a registration requirement should not be confused with taking a narrow or strict interpretation of the legislation. HPARB quoted previous cases stating: "when considering an application for professional registration, unless there is a public interest that warrants a restrictive interpretation of provisions regulating entry into a profession in Ontario, the interest of an individual to practice a profession should prevail." *A.M. v College of Psychologists of Ontario*, 2020 CanLII 27935 (ON HPARB), <https://canlii.ca/t/j6q17>; *Santhirasegaram v College of Psychologists of Ontario*, 2021 CanLII 802 (ON HPARB), <https://canlii.ca/t/jckf5>.

### Unsuitable Conduct

One area in which the burden of proof can be significant is where there is a concern as to whether the applicant will behave appropriately. Sometimes this concern is called a "good character" or "professional suitability" requirement even though the relevant provision is usually worded in terms of future

# Grey Areas

## A COMMENTARY ON LEGAL ISSUES AFFECTING PROFESSIONAL REGULATION

behaviour. As noted above, there is no “presumption of good character”.

Ten percent of HPARB’s cases involved issues of unsuitable conduct.

In assessing such cases, HPARB is reluctant to rely only on allegations that have not been objectively established by a court or tribunal finding, at least in the absence of a hearing before it: *L.A. v The College of Medical Radiation Technologists of Ontario*, 2020 CanLII 154 (ON HPARB), <https://canlii.ca/t/j4fdq> (decline to consider serious allegations of sexual abuse where the complainant refused to testify and no hearing was held); *Mahboob v College of Physicians and Surgeons of Ontario*, 2021 CanLII 5500 (ON HPARB), <https://canlii.ca/t/jcwki> (concerns still before the complaints screening committee); *College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario v K.A.R.*, 2019 CanLII 63885 (ON HPARB), <https://canlii.ca/t/j1gqx> (evidence of dishonesty must not be vague or ambiguous).

However, once established at a hearing, HPARB is reluctant to accept assertions that the hearing leading to the finding was unfair: *F.E. v College of Nurses of Ontario*, 2019 CanLII 29058 (ON HPARB), <https://canlii.ca/t/hznht> (HPARB is not in a position to assess the merits of the US criminal justice system).

Where there are a number and pattern of concerns, HPARB is prepared to support a conclusion that the applicant has not established that they will practise professionally in the future. For example, an applicant with eight recent complaints in another province, many of which resulted in advice and reminders and one of which resulted in a remediation program and where the underlying facts of the most serious of them were not in dispute, did not demonstrate suitability: *Rahman v College of Physicians and Surgeons of Ontario*, 2021 CanLII 122204 (ON HPARB), <https://canlii.ca/t/jkz5m>.

Where some of the allegations have been proven, even in the distant past, recent concerns that were dealt with remedially can reinforce the older finding, especially if there seems to be a lack of insight and remediation: *College of Physicians and Surgeons of Ontario v R.R.*, 2019 CanLII 18858 (ON HPARB), <https://canlii.ca/t/hz13w>.

Likewise, where the conduct is based on a particular belief system (e.g., that satanic ritual abuse is prevalent in the world and patients do not recognize that they have experienced it) with little insight about the potential for those beliefs to impact the applicant’s approach to practice in a possibly harmful way, the suitability concern can be established without a formal finding: *S.F. v College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, 2019 CanLII 92678 (ON HPARB), <https://canlii.ca/t/j2q3s>.

Of particular concern is where the applicant is not completely candid in their application for registration:

The Board recognizes that professional regulation is predicated upon self-disclosure. Registered health professionals have an ongoing duty to disclose information to their governing regulating body. It follows that any hesitation or reluctance on the part of an applicant to disclose information during the application process is not reassuring and reasonably calls into question whether the applicant can be trusted to accurately, completely, openly and honestly deal with all of those situations which will arise both in practice and in an applicant’s dealings with the College once registered. That honesty and integrity must exist both when it is easy but also when there may be consequences for the regulated professional. (*Yavari v College of Physicians and Surgeons of Ontario*, 2021 CanLII 212 (ON HPARB), <https://canlii.ca/t/jcql>.)



Where there is a suitability concern, HPARB considers all of the relevant circumstances including the nature and seriousness of the conduct, the insight of the applicant, the remedial steps undertaken, and whether the applicant failed to disclose the concern or otherwise demonstrates a lack of appreciation for their professional obligations: *C.C.U. v College of Physicians and Surgeons of Ontario*, 2019 CanLII 91555 (ON HPARB), <https://canlii.ca/t/j2nn2> (failure to disclose proceedings for breaching a patient's privacy by using their records to initiate a boundary-crossing relationship); *College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario v K.A.R.*, 2019 CanLII 63885 (ON HPARB), <https://canlii.ca/t/j1gcx> (duty to be forthcoming on application for registration); *W.-S. (V.) W. v College of Optometrists of Ontario*, 2019 CanLII 35335 (ON HPARB), <https://canlii.ca/t/hzzfl> (applicant still in process of fulfilling monitoring requirements for billing infractions); *Pelavendran v College of Physiotherapists of Ontario*, 2021 CanLII 119348 (ON HPARB), <https://canlii.ca/t/jkrm8> (lack of insight and remorse significant for criminal findings that involved violence and sexual assault); *R.Y. v College of Registered Psychotherapists and Mental Health Therapists of Ontario*, 2019 CanLII 91588 (ON HPARB), <https://canlii.ca/t/j2npc> (lack of insight into sexual contact while working as a clergy person towards a congregant; improper use of titles).

While HPARB does consider character references and reports of counselling or insight programs, these are given less weight than actual past conduct and applicant insight, at least where the writers do not demonstrate awareness of the details of past findings or expert opinions of likely future behaviour: *L.A. v The College of Medical Radiation Technologists of Ontario*, 2020 CanLII 154 (ON HPARB), <https://canlii.ca/t/j4fdq>; *Rahman v College of Physicians and Surgeons of Ontario*, 2021 CanLII 122204 (ON HPARB), <https://canlii.ca/t/jkz5m>; *F.E. v College of Nurses of Ontario*, 2019 CanLII 29058 (ON HPARB),

<https://canlii.ca/t/hznht>; *Pelavendran v College of Physiotherapists of Ontario*, 2021 CanLII 119348 (ON HPARB), <https://canlii.ca/t/jkrm8>; *College of Physicians and Surgeons of Ontario v R.R.*, 2019 CanLII 18858 (ON HPARB), <https://canlii.ca/t/hz13w> (references were older and did not seem to be exposed to the full scope of the applicant's practice).

HPARB is concerned about the importance of honesty and integrity in the health care context:

However, as emphasized by the *Code* which applies to regulated health professionals in Ontario, public trust in the nursing profession is fundamental to the public interest. Often, patients are vulnerable, a reality that emphasizes the importance of honesty and professional integrity for the members of self-regulated professions. (*F.E. v College of Nurses of Ontario*, 2019 CanLII 29058 (ON HPARB), <https://canlii.ca/t/hznht>.)

Refusal of registration on the grounds of unsuitable conduct is not governed by the principles of a disciplinary punishment in which the least restrictive order should be imposed. Since the applicant is not a registrant, the refusal is protective of the public of Ontario even though the applicant is registered elsewhere: *Rahman v College of Physicians and Surgeons of Ontario*, 2021 CanLII 122204 (ON HPARB), <https://canlii.ca/t/jkz5m>.

In the next issue of Grey Areas we will examine how HPARB approaches education and examination requirements for registration.

### 100 Registration Cases Over Three Years Part 2: Education and Examination Requirements

by Bernie LeBlanc  
May 2022 - No. 266

The Health Professions Appeal and Review Board (HPARB) renders a lot of decisions. Many, of course, have similar issues and reviewing them can become repetitive. Few people have the luxury of reading all of the decisions. As an experiment, we reviewed 100 recent registration decisions of HPARB decided over the past three years. Our goal was to see if we could identify principles and concepts underlying HPARB's approach to recurring registration issues, especially those that might be different from approaches taken in the past.

The following summarizes our analysis, which may be instructive both to regulators appearing before HPARB and regulators who deal with registration issues scrutinized by other tribunals and the courts. This is the second of a four-part series.

#### Educational Equivalency

Many regulators recognize specific programs, or accredited programs, and then accept graduates of programs that are substantially equivalent. HPARB seems open to various approaches for assessing substantial equivalency including:

- Course hours comparisons: *O.V. v College of Psychologists of Ontario*, 2020 CanLII 51677 (ON HPARB), <https://canlii.ca/t/j8zsv>; *M.R. v College of Psychologists of Ontario*, 2019 CanLII 27793 (ON HPARB), <https://canlii.ca/t/hzm7f> (however, to be substantially equivalent, course hours do not necessarily have to be mathematically equivalent); *D. E. S. v College of Registered Psychotherapists and Registered Mental*

*Health Therapists of Ontario*, 2020 CanLII 10757 (ON HPARB), <https://canlii.ca/t/j57cs> (the comparison should not be a mathematical exercise);

- Mapping core competencies achieved through various courses: *C.F. v College of Registered Psychotherapists*, 2019 CanLII 115465 (ON HPARB), <https://canlii.ca/t/j3scb>; *Firka v College of Registered Psychotherapists*, 2021 CanLII 36971 (ON HPARB), <https://canlii.ca/t/jfqj8>;
- Successful completion of a Prior Learning Assessment and Recognition (PLAR) process: *B.W.P. v College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario*, 2020 CanLII 31824 (ON HPARB), <https://canlii.ca/t/j6x0v>; and
- Comparison of the academic level and accreditation of the educational institution: *R.S.M. v College of Psychologists of Ontario*, 2019 CanLII 92280 (ON HPARB), <https://canlii.ca/t/j2pkx>.

While HPARB will look at the cumulative educational achievements of an applicant, there must be some level of cohesion, structure and evaluation to constitute substantial equivalency to a single, comprehensive program: *Sloss v College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, 2021 CanLII 88746 (ON HPARB), <https://canlii.ca/t/jj5vt>. Workshops and other additional educational experiences typically do not have the breadth, scope and academic rigor to constitute substantial equivalency: *E.H. v College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, 2019 CanLII 85405 (ON HPARB), <https://canlii.ca/t/j2dnm>.

However, HPARB is not opposed to reaching a different conclusion than that reached by the regulator: *E.M. v Ontario (College of Registered Kinesiologists)*, 2019 CanLII 75371 (ON HPARB), <https://canlii.ca/t/j1zb9> (two inadequate educational

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programs can be combined into one substantially equivalent program).

Clinical experience is generally not considered to be a substitute for an educational requirement. The two are substantively different: *Andrews v College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, 2021 CanLII 120892 (ON HPARB), <https://canlii.ca/t/jkw15>.

### Examination Requirements

HPARB has generally upheld the value of examinations as a registration requirement. They provide objective, external, and verifiable evidence of sufficient knowledge, skill and judgment to practise the profession. *A.H-A.O. v Ontario (College of Physicians and Surgeons)*, 2019 CanLII 50927 (ON HPARB), <https://canlii.ca/t/j0tm9>.

### Examination Attempts

A frequent issue is whether an applicant should be permitted to have more than the usual maximum number of attempts of a required examination. 15% of the 100 cases related to requests to permit another examination attempt.

HPARB has upheld the principle that there can be a specified maximum number of attempts and that an annulment of a previous attempt should be made only in exceptional circumstances: *Charkhandeh v Ontario (College of Psychologists)*, 2021 CanLII 38507 (ON HPARB), <https://canlii.ca/t/jft3p>. Only two of the fifteen cases (13%) resulted in an annulment of an examination attempt.

There is a concern that after repeated attempts at an examination, passing it may reflect knowledge (i.e., memorization) of the examination rather than the applicant truly possessing the required competencies: *Ciurleo v Ontario (College of Chiropractors)*, 2021 CanLII 85583 (ON HPARB), <https://canlii.ca/t/jhsrq>.

In considering whether an examination attempt should be annulled, HPARB considers whether the applicant chose to proceed with an examination attempt despite knowing in advance of a troubling circumstance, such as the death of a family member: *College of Nurses of Ontario v M. D.*, 2020 CanLII 7785 (ON HPARB), <https://canlii.ca/t/j524l>; *N.D. v College of Nurses of Ontario*, 2019 CanLII 114725 (ON HPARB), <https://canlii.ca/t/j3rb5> (family circumstances should have been raised in advance, illness on examination date should have been disclosed then and not after unsuccessful results were conveyed); *College of Nurses of Ontario v D. C.*, 2020 CanLII 7786 (ON HPARB), <https://canlii.ca/t/j5248>; *S.R. v College of Nurses of Ontario*, 2019 CanLII 18859 (ON HPARB), <https://canlii.ca/t/hz13v>; *L.O.G. v College of Nurses of Ontario*, 2019 CanLII 73247 (ON HPARB), <https://canlii.ca/t/j1vd6> (personal circumstances raised for the first time before HPARB).

HPARB also said:

The Board finds that it is the responsibility of each applicant to assess his or her own ability to write the examination and to decide whether and when to attempt the examination. (*A.O. v College of Nurses of Ontario*, 2020 CanLII 98018 (ON HPARB), <https://canlii.ca/t/jc311>).

Where the applicant has anxiety concerns, the proper course is to request an accommodation and not to seek an annulment of the attempt afterwards: *E. B. v College of Nurses of Ontario*, 2020 CanLII 24532 (ON HPARB), <https://canlii.ca/t/j63rx>.

However, where the circumstances may have affected the applicant's ability to assess whether they were able to attempt the examination, an attempt of the examination might be annulled even though the applicant chose to proceed with it:



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The Board recognizes that applicants facing an examination are responsible for assessing their own personal circumstances to determine whether to attempt the examination and when to do so. However, there can be extraordinary circumstances that override an applicant's ability to make such an assessment. The Applicant's further explanation of her circumstances when she attempted the examination the first time, when considered alongside the totality of the information that was already available to the Committee, suggest that the Applicant was compromised in her ability to make a decision to proceed and to effectively write the examination. (*A.T. v College of Nurses of Ontario*, 2019 CanLII 73283 (ON HPARB), <https://canlii.ca/t/j1vdq>.)

An example of where an examination attempt might be annulled is where there were administrative issues such as excessive noise, which can be compounded if the applicant has an anxiety disorder, especially if the concern is raised before the examination results are received. This would be an example of a circumstance that could not have been predicted. See: *M. K. P. v College of Nurses of Ontario*, 2020 CanLII 101091 (ON HPARB), <https://canlii.ca/t/jc6v5>.

However, examination administrative issues, such as computer problems, must be supported by sufficient evidence to meet the onus of proof (*A.B. v College of Nurses of Ontario*, 2019 CanLII 15547 (ON HPARB), <https://canlii.ca/t/hxv20>) and be such as to have affected the outcome of the examination to be considered: *C.G.D. v College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario*, 2020 CanLII 39017 (ON HPARB), <https://canlii.ca/t/j85tm>.

Some examination provisions require the applicant to attempt the examination at the earliest available opportunity. HPARB treats such requirements seriously and while exceptional circumstances will

sometimes be entertained, workload and stress will not generally constitute an exceptional circumstance: *Mahboob v College of Physicians and Surgeons of Ontario*, 2021 CanLII 5500 (ON HPARB), <https://canlii.ca/t/jcwkj>.

In the next issue of Grey Areas we will examine how HPARB approaches various policy issues related to registration.

### 100 Registration Cases Over Three Years Part 3: Policy Issues Related to Registration

by Rebecca Durcan  
June 2022 - No. 267

The Health Professions Appeal and Review Board (HPARB) renders a lot of decisions. Many, of course, have similar issues and reviewing them can become repetitive. Few people have the luxury of reading all of the decisions. As an experiment, we reviewed 100 recent registration decisions of HPARB decided over the past three years. Our goal was to see if we could identify principles and concepts underlying HPARB's approach to recurring registration issues, especially those that might be different from approaches taken in the past.

The following summarizes our analysis, which may be instructive both to regulators appearing before HPARB and regulators who deal with registration issues scrutinized by other tribunals and the courts. This is the third of a four-part series.

#### Use of Policies and Guidelines

HPARB is sometimes faced with a registration requirement that can be interpreted or applied in different ways. Regulators frequently develop policies or guidelines to assist in the process. For example, where language fluency is required, regulators sometimes develop policies as to what score on established language fluency tests would indicate reasonable fluency to practice the profession. HPARB is supportive of using test scores established in policy where the policy is based on an analysis of the language fluency necessary to practise the profession safely and effectively: *Z. S. v College of Occupational Therapists of Ontario*, 2020 CanLII 28323 (ON HPARB), <https://canlii.ca/t/j6gn2>.

HPARB sometimes accepts that policies are a reasonable interpretation or application of the

registration requirement. For example, HPARB has accepted a policy that 100 hours of education and training related to the scope of practice of psychotherapy is sufficient to "demonstrate that the applicant is competent to safely practise psychotherapy": *E.D. v College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, 2020 CanLII 62578 (ON HPARB), <https://canlii.ca/t/j9h17>.

Likewise, in another case, HPARB concluded that a guideline indicating that a program must include a practicum or internship to be considered substantially equivalent to an approved program, was acceptable:

... it is improper for a health profession college to create guidelines regarding registration that effectively create requirements that are contrary to regulatory provisions, but in this case the Board finds that the College guideline in question is in keeping with the requirements of the Regulation and, thus, the guideline is not contrary to the regulatory requirement. (*Stubbs v College of Psychologists of Ontario*, 2021 CanLII 37 (ON HPARB), <https://canlii.ca/t/jccqt>.)

However, where it appears to HPARB that the regulator is creating a substantive registration requirement (rather than interpreting and guiding an existing registration requirement), HPARB is unlikely to apply the policy. For example, HPARB declined to accept a regulator's policy that educational courses in psychology should be taught through a psychology department. HPARB concluded that substantively similar courses taught through another department (e.g., family studies) should be accepted, and that the regulator's policy was not a reasonable / liberal interpretation of the legislation: *A.M. v College of Psychologists of Ontario*, 2020 CanLII 27935 (ON HPARB), <https://canlii.ca/t/j6g17>.

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In another case, HPARB did not accept a policy that appeared to require clinical supervisors to be from the same profession or same province as the regulator: *Breton v College of Psychologists of Ontario*, 2020 CanLII 90815 (ON HPARB), <https://canlii.ca/t/jbqk3>.

HPARB is of the view that work experience requirements should include any work experience within the scope of practice of the profession as contained in the legislation. A policy that defines acceptable work experience more restrictively than the definition in the legislation was not applied: *D.V. v College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, 2019 CanLII 18849 (ON HPARB), <https://canlii.ca/t/hz12s>; *D.F. v College of Registered Psychotherapists of Ontario and Registered Mental Health Therapists of Ontario*, 2019 CanLII 22723 (ON HPARB), <https://canlii.ca/t/hzbjs>.

Similarly, HPARB did not accept a policy that appeared to reject asynchronous online education without a full analysis as to whether the education was substantially similar, especially where that qualification was not clear from the registration regulation: *Manley v College of Psychologists of Ontario*, 2021 CanLII 41498 (ON HPARB)<sup>1</sup>, <https://canlii.ca/t/jfz6j>; *Santhirasegaram v College of Psychologists of Ontario*, 2021 CanLII 802 (ON HPARB), <https://canlii.ca/t/jckf5>; *Mor v College of Psychologists of Ontario*, 2021 CanLII 109382 (ON HPARB), <https://canlii.ca/t/jk4hd>.

### Experience Requirements

Some regulators require practice experience within the scope of practice of the profession. Often that practice must be supervised. HPARB shows some deference to the regulator as to whether the practice

experience is acceptable: *R.W. v College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, 2020 CanLII 39300 (ON HPARB), <https://canlii.ca/t/j870s> (look for objective evidence as to the nature of the experience including the job description and case file examples).

However, HPARB will intervene where it finds that the description of the practice activities by the applicant, supervisors and documents demonstrate that there were an acceptable number of hours within the scope of practice of the profession: *C.B. v College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, 2019 CanLII 72763 (ON HPARB), <https://canlii.ca/t/j1tr>.

### Canadian Experience Requirements

There has been considerable discussion in recent years about whether Canadian-experience requirements are appropriate or even consistent with human rights law. HPARB has occasionally been asked to address Canadian-experience requirements.

HPARB has upheld them in some circumstances. For example, it was upheld where it was a transitional requirement to accommodate existing practitioners when new legislation came into force: *N. M. A. G. v College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, 2020 CanLII 64010 (ON HPARB), <https://canlii.ca/t/j9k29>.

However, in the decisions we reviewed HPARB did not address the policy or human rights concerns head on.

### Currency Requirements

Some Colleges require applicants who graduated some time ago to either have recent practice

<sup>1</sup> However, on this point the Divisional Court disagreed with HPARB's approach to the issue: *College of Psychologists of Ontario v. Ontario (Health Professions Appeal and Review Board)*, 2022 ONSC 1365 (CanLII), <https://canlii.ca/t/jn1vs>.



experience or to undergo a refresher program. HPARB accepts the purpose of these requirements:

In the Board's view, standards of qualification for registration that require an applicant to demonstrate currency ensure that health professionals update their knowledge, skills and judgment and serve to protect the public interest. The currency requirement is based on the rationale that knowledge in healthcare continues to evolve through research and the introduction of new techniques and by staying up-to-date with developments, health professionals provide safe care to patients. (*Bourdeau v College of Occupational Therapists of Ontario*, 2020 CanLII 23920 (ON HPARB), <https://canlii.ca/t/j61gr>.)

In another case HPARB said:

The purpose of the currency requirement is to ensure applicants are aware of developments in the field of psychotherapy, and that their competencies do not recede over time. To ensure adequate protection of the public, applicants must demonstrate that they are competent to practise psychotherapy immediately upon entry to the profession. (*Keen v College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, 2021 CanLII 108446 (ON HPARB), <https://canlii.ca/t/jk1tw>.)

HPARB is cautious about accepting informal substitutes for the currency requirement:

Neither the Applicant's work as a Staff Development Officer, assistance with occupational therapy related matters provided to family and friends nor unevaluated reviews of the College's Standards and PREP module, demonstrate that the Applicant possesses current knowledge, skills and judgment to

provide care that will protect the public. (*Bourdeau v College of Occupational Therapists of Ontario*, 2020 CanLII 23920 (ON HPARB), <https://canlii.ca/t/j61gr>.)

Likewise, volunteer hours in which the profession is not being practised, even though the work is related, do not count towards currency hours: *Veronica Gabriela Videla v College of Registered Psychotherapists of Ontario*, 2019 CanLII 29116 (ON HPARB), <https://canlii.ca/t/hznln>.

### Substitutions / Alternatives

One of the more challenging aspects in registration matters is whether an applicant can provide substitutions or alternatives for meeting a requirement. At least where the requirement is non-exemptible, HPARB is reluctant to accept alternatives that do not meet the registration requirements: *J.H. v College of Psychologists of Ontario*, 2019 CanLII 121575 (ON HPARB), <https://canlii.ca/t/j480l> (teaching and work experience cannot substitute for program hours of instruction; teaching experience cannot substitute for supervised work experience).

HPARB has said that: "Exemptions are warranted where an applicant meets the spirit of a registration requirement though not the specific requirement itself." (*Keen v College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, 2021 CanLII 108446 (ON HPARB), <https://canlii.ca/t/jk1tw>.)

In another case, HPARB has identified its approach as follows:

However, a requirement should only be exempted if the reasons for the requirement's existence can be satisfied in another way. (*Zhang v College of Traditional Chinese Medicine Practitioners and Acupuncturists of*

*Ontario*, 2019 CanLII 141813 (ON HPARB), <https://canlii.ca/t/j8t30>.)

Even where a registration requirement is exemptible, HPARB is reluctant to accept subjective evidence, that is not external to the applicant, as an alternative to the requirement at issue: *A.H.-A.O. v Ontario (College of Physicians and Surgeons)*, 2019 CanLII 50927 (ON HPARB), <https://canlii.ca/t/j0tm9> (opinion testimony of skill and competence not a substitute for an examination requirement).

Significant prior practice experience is not an adequate substitute for an objective, valid and reliable examination especially where there has been a history of failed examination attempts: *Ciurleo v Ontario (College of Chiropractors)*, 2021 CanLII 85583 (ON HPARB), <https://canlii.ca/t/jhsrg>; *Gareiw v College of Physicians and Surgeons of Ontario*, 2022 CanLII 915 (ON HPARB), <https://canlii.ca/t/jlqds>.

Similarly, clinical experience is not a substitute for formal education: *Andrews v College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, 2021 CanLII 120892 (ON HPARB), <https://canlii.ca/t/jkw15>.

Likewise, reference letters related to language fluency, especially where they are based on observations in another capacity (e.g., as a volunteer) or language fluency test success for another purpose (e.g., admission to a training program) are not substitutes for the objective evidence of an approved language fluency test: *Z. S. v College of Occupational Therapists of Ontario*, 2020 CanLII 28323 (ON HPARB), <https://canlii.ca/t/j6gn2>.

### Terms, Conditions and Limitations

A related concept is whether, rather than fully meeting an exemptible requirement, an applicant can be registered with terms, conditions and limitations (TCLs) that address the gap in qualifications. HPARB

has stated: “the imposition of terms, conditions or limitations is not intended to be an alternate path by which the requirements of registration can be satisfied.” See: *A.R. v Ontario (College of Registered Psychotherapists and Registered Mental Health Therapists)*, 2019 CanLII 50278 (ON HPARB), <https://canlii.ca/t/j0srq>.

The more significant the registration requirement, the less likely that TCLs will be considered: *C.G.D. v College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario*, 2020 CanLII 39017 (ON HPARB), <https://canlii.ca/t/j85tm> (TCLs not considered where there was an unsuccessful Prior Learning Assessment and Recognition (PLAR) result); *C.L.C. v College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario*, 2019 CanLII 24916 (ON HPARB), <https://canlii.ca/t/hzgghs> (TCLs not available for deficiencies that are serious, relate to matters which are fundamental to competency in the profession TCLs should only be used for gaps that be easily remedied); *E.H. v College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, 2019 CanLII 85405 (ON HPARB), <https://canlii.ca/t/j2dnm> (TCLs not a viable alternative to education that is not substantially equivalent to an approved educational program).

Even for competencies that are sometimes viewed as “non-core”, such as language fluency, TCLs may be inappropriate where the competency relates to safe and effective services, especially when supervision cannot adequately address the concern: *Z. S. v College of Occupational Therapists of Ontario*, 2020 CanLII 28323 (ON HPARB), <https://canlii.ca/t/j6gn2>.

An interesting issue is whether TCLs should be applied where an applicant meets the registration requirement but would benefit from some additional supervision or other protective measure. HPARB has done so in at least one case: *D. E. S. v College of Registered Psychotherapists and Registered Mental*



# Grey Areas

A COMMENTARY ON LEGAL ISSUES AFFECTING PROFESSIONAL REGULATION

*Health Therapists of Ontario*, 2020 CanLII 10757 (ON HPARB), <https://canlii.ca/t/j57cs> (TCL requiring supervision on proper use of credentials even though prior use did not constitute unsuitable conduct).

In the next issue of Grey Areas we will examine how HPARB approaches various procedural and jurisdictional issues related to registration.