



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

AGENDA

FOR the **Council Meeting**, to be held on **March 6, 2018**
from 8:30 a.m. to 4:00 p.m. at
705-55 Commerce Valley Drive West, Thornhill, Ontario.

Item	Open/ In-Camera	Time	Speaker
1. Welcome and Call to Order	Open Session	8:30 a.m.	J. Dunsdon <i>Chair</i>
2. Declarations of Conflicts of Interest	Open Session	8:30 a.m.	J. Dunsdon <i>Chair</i>
3. Briefing on Meeting Procedure	Open Session	8:35 a.m.	J. Dunsdon <i>Chair</i>
4. Adoption of the Agenda	Open Session	8:40 a.m.	J. Dunsdon <i>Chair</i>
5. Consent Agenda a) December 13, 2017 Meeting Minutes 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 Practice Committee Report i) Examinations Appeals Committee Report 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.	Open Session	8:45 a.m.	J. Dunsdon <i>Chair</i>
6. President Remarks	Open Session	9:00 a.m.	F. Woolcott <i>President</i>
7. Registrar and CEO Remarks	Open Session	9:10 a.m.	A. Mak <i>Registrar and CEO</i>
ELECTION OF OFFICERS			

Item	Open/ In-Camera	Time	Speaker
8. Election Process Overview	Open Session	9:20 a.m.	J. Dunsdon <i>Chair</i>
9. Election: President	Open Session	9:40 a.m.	J. Dunsdon <i>Chair</i>
10. Election: Vice-President	Open Session	9:55 a.m.	J. Dunsdon <i>Chair</i>
11. Election: Executive Committee Members	Open Session	10:10 a.m.	J. Dunsdon <i>Chair</i>
12. Executive Committee Meeting	In-Camera	10:35 a.m. – 11:05 a.m.	President
13. Committees Appointment Announcement	Open Session	11:10 a.m.	President
14. Committees Chair Elections <i>Committee Breakout Sessions</i> <ol style="list-style-type: none"> 1. Registration Committee 2. Inquiries, Complaints, Reports Committee 3. Quality Assurance Committee 4. Patient Relations Committee 5. Discipline Committee 6. Fitness to Practice Committee 	In-Camera – Section 7.(2) b Contains financial / other information	11:15 a.m.	J. Dunsdon <i>Chair</i>
15. Committees Chair Confirmations	Open Session	11:45 a.m.	Committee Chairs
LUNCH			
16. By-Law Review <ol style="list-style-type: none"> a) Briefing Note – By-Law Review b) Consultation Feedback – By-Laws c) CTCMPAO By-Law Changes 	Open Session	1:00 p.m.	S. Kefalianos <i>Deputy Registrar & Director Statutory Programs</i>
IN-CAMERA SESSION The remainder of the agenda items will be held In-Camera in accordance with Section 7.(2)b and 7.(2)d of the <i>Health Professions Procedural Code</i> , [7. (2) Despite subsection (1), the Council may exclude the public from any meeting or part of a meeting if it is satisfied that, (b) financial or personal or other matters may be disclosed of such a nature that the harm created by the disclosure would outweigh the desirability of adhering to the principle that meetings be open to the public; (d) personnel matters or property acquisitions will be discussed;]			

Item	Open/ In-Camera	Time	Speaker
17. Minutes of the September 25, 2017 meeting	In-Camera – Section 7.(2) b Contains financial information	3:00 p.m.	J. Dunsdon <i>Chair</i>
18. Financial Update a) Highlights and Points of Interest 3 rd Quarter b) TCMPAO Statement 3 rd Quarter c) Balance Sheet 3 rd Quarter d) Profit & Loss 3 rd Quarter	In-Camera – Section 7.(2) b Contains financial information	2:35 p.m.	F. Ortale <i>Director IT, Finance & Corp Services</i>
19. Budget Review a) 2018-2019 Budget Proposal b) 2018-2019 Budget Proposal Summary	In-Camera – Section 7.(2) b Contains financial information	2:45 p.m.	F. Ortale <i>Director IT, Finance & Corp Services</i>
20. Business Arising from In-Camera Session	Open Session	3:45 p.m.	J. Dunsdon <i>Chair</i>
21. Other Business	Open Session	3:50 p.m.	J. Dunsdon <i>Chair</i>
22. Meeting Effectiveness Form a) Report on results from Sept 25, 2017 b) Meeting Effectiveness Form	Open Session	3:55 p.m.	J. Dunsdon <i>Chair</i> F. Woolcott <i>President</i>
23. Next Meeting a) Monday, June 18, 2018	Open Session	4:00 p.m.	J. Dunsdon <i>Chair</i>
24. Adjournment	Open Session	4:00 p.m.	J. Dunsdon <i>Chair</i>



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

**MEETING OF COUNCIL
MINUTES**

December 13, 2017 from 8:30 a.m. to 2:40 p.m.
705-55 Commerce Valley Drive West, Thornhill, ON L3T 7V9

IN ATTENDANCE

Chair

Jim Dunsdon

Council

Ferne Woolcott	President
Terry Hui	Vice-President
Yvonne Blackwood	Public Member
Ming C. Cha	Professional Member (via teleconference)
Christine Fung	Professional Member
Barrie Haywood	Public Member
Maureen Hopman	Public Member (via teleconference)
Feng Li Huang	Professional Member
Christine Lang	Professional Member
Henry Maeots	Public Member
Cal McDonald	Public Member (via teleconference)
Martial Moreau	Public Member
Martin Perras	Professional Member
Yuqi Yang	Professional Member
Xianmin Yu	Professional Member
Jin Qi (Jackie) Zeng	Professional Member

Staff

Allan Mak	Registrar and CEO
Stamatis Kefalianos	Deputy Registrar and Director Statutory Programs
Francesco Ortale	Director, IT, Finance and Corporate Services
Michele Pieragostini	Manager, Quality Assurance & Professional Practice
Ann Zeng	Manager, Registration and Exams
Dianne Cook	Executive Assistant
Temi Adewumi	Recorder

Legal Counsel

Rebecca Durcan	Steinecke Maciura LeBlanc LLP
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Observers

Jane Cheung, Chinese Medicine and Acupuncture Association
Inessa Khvoshnyanskaya (until 12:00 p.m.)

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Nathalie Xian Yi Yan (until 9:45 a.m.)

1. Welcome and Call to Order

After calling the meeting to order at 8:30 a.m., the Chair welcomed all participants to the December 13, 2017 meeting of the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario.

2. Declarations of Conflict of Interest and Reminder of Confidentiality

The Chair asked if any Council members had any conflicts of interest with regard to the matters being considered by Council at the day's meeting and reminded Council that in-camera discussions are not to be shared outside of the meeting.

No conflicts of interest were declared.

3. Briefing on Meeting Procedure

The Chair provided an overview of the meeting procedure to both Council members and observers.

4. Adoption of the Agenda

The agenda was adopted as presented.

MOTION: C. Lang – J. Zeng

THAT the Agenda of the December 13, 2017 Meeting of the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario be adopted as presented.

CARRIED

5. Consent Agenda

- a) September 25, 2017 Meeting Minutes
- 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 Practice Committee Report

The Chair outlined the contents of the consent agenda.

MOTION: H. Maeots – C. Fung

THAT the Consent Agenda of the December 13, 2017 Meeting of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario, be approved as presented.

CARRIED

6. President's Remarks

The President welcomed all Council, staff and observers to the meeting. The College is continuing to fulfill its mandate with the regulation of TCM and is ensuring that its policies and practices remain exemplary. The role of the registration exam is to ensure qualified professionals, and the development of policies and

Meeting of the Council

College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario
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guidelines ensure that members grow professionally.

The strategic plan for the College, developed two years ago, has guided the work of the College and will be renewed in the future. It has been accompanied by a detailed work plan and budget.

Appreciation was expressed to all Council members, as well as best wishes for the upcoming holiday season.

7. Registrar and CEO Remarks

The Registrar thanked all for attending the meeting, and provided the following updates.

PLAR: PLAR closed as of July 1, 2017 and the October 31, 2017 deadline for those members who were allowed additional attempts has also closed. The November 1, 2017 deadline for Grandparented members to submit transfer applications to the General class has also passed. There are now 2,000 General class members, of whom 1,700 were originally Grandparented members. The College has received 220 transfer applications and staff will follow up with 70 members who completed PLAR, but have not applied to transfer. It is anticipated that there will be 2,200 to 2,300 General class members by April 1, 2018.

Pan-Canadian examination: the written exam was held on October 14. 217 candidates took the exam, and 134 passed. Out of the 62% pass rate, 58% were R.Ac, 66% were R.TCMP. The clinical exam is scheduled for January 2018.

The examination consultants and other provincial partners are working to improve the efficiency of the written exam, and to facilitate its delivery via computer-based format.

Eight new entry-level competencies have been added to the profile. A survey was sent to members to validate the new competencies and the entire competency profile.

Doctor title: A consultant has been hired and will conduct environmental scan for Phase 1. This will involve interviewing and meeting with members, schools, government agencies, as well as conducting surveys and focus groups. The goal is to determine the benefits of the Doctor title to the public, health care, as well as future training requirements and education. It is anticipated that the process will start early 2018. A work plan has now been developed and shared with the College.

Advertising guidelines: the guidelines have been posted on the website and shared with members. A webinar video will soon be made available to aid members with their practice.

Governance: This has featured policy development, committee training and orientation, and development of Terms of Reference for each statutory committee. The By-Laws are also being revised. As the strategic plan will expire in April 2018, another strategic planning session will occur next year.

The Jurisprudence and Safety tests have now been moved in house.

Operations: Ms. Ceci was recently hired as Professional Conduct and Hearings Assistant.

Communications: The College launched social media in October, with accounts on Twitter, Facebook, LinkedIn and YouTube. The website is being continually updated, and the Annual Report is now available on the website.

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Thank yous were extended to all Council and staff for their hard work, along with best wishes for the season. Staff were commended for their work on registration and communications.

8. Annual Election of Officers

a) Briefing Note

In accordance with Section 62-68 of the By-laws, the next meeting of the Council will occur on Tuesday, March 6, 2018. March 5 is reserved for the Council's strategic planning session.

MOTION: T. Hui – M. Moreau

THAT the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approves the Election of Officers to be held at the first official meeting of Council of the calendar year Tuesday, March 6, 2018.

CARRIED

9. Committee Composition

a) Briefing Note

An update on the committees' composition was presented to the Council. A non-Council member has resigned from ICRC, and Mr. Perras has been moved from the QA Committee to ICRC.

MOTION: H. Maeots – C. Lang

THAT the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario approves the composition of committees as amended.

CARRIED

10. Work Plan

a) Updated Work Plan

b) Strategic Plan Update

The Registrar provided an update on the following work plan items.

- A draft of the By-Laws was presented at the December 14 meeting.
- The 2018-2019 budget will be presented at the Council's meeting in March 2018.
- A consulting firm has been hired for the Doctor Title project, and a kick-off meeting was held in October 2017.
- As part of governance, Council has conducted its first meeting evaluation.
- PLAR: the deadline for completion has now passed, and staff are reviewing transfer applications. The Grandparented class will expire April 1, 2018.
- QAC: The Committee has completed training for its members, and has created a work plan for future development of the QA Program.
- Pan-Canadian examination: the entry-level competencies have been updated and validated. A contract has now been signed with the examination consultant, and future developments, such as additional exam dates and transition to computer-based format are being planned.

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- Website: The College's website content is under continuous review, and registration content will be clarified to provide more detail. Social media accounts have also been set up.
- Value-based organizational review: Ms. Elizabeth Ceci joined the College as the Professional Conduct and Hearings Assistant.

Most of the key activities in the strategic plan have been accomplished, with the exception of acupuncture standards, for which future plans include the formation of a committee and collaboration with other colleges. A formal communication plan is in progress and a new strategic plan is set for March 2018.

11. Risk Management

- a) Briefing Note
- b) Risk Management Plan Update

Mr. Kefalianos provided an overview of the risk management report as part of the update at each Council meeting. The report identifies all the risks to the College, which are recorded in a risk register.

The Q3 report presented changes related to quality assurance. The QAC has now created 13 new policies, and the risk assessment has been lowered to medium. Its work plan outlines a full assessment of the QA program, with a potential overhaul starting in 2019.

Going forward, the risk register will outline uncompleted tasks. For items such as committee training, Terms of Reference still need to be completed.

12. TCM Conference/Chinese Delegates

- a) Briefing Note
- b) Media Clippings

The Registrar provided an update on the TCM conference, which was organized by various TCM associations and held at the Markham Civic Centre, with both local and international participants. The College was represented by the President, Vice-President and Registrar.

The meeting also provided an opportunity to meet with delegates from China, and a sharing of information on regulation in Ontario. There was also coverage in Chinese newspapers.

13. By-Laws

- a) Briefing Note
- b) Amended By-Laws

Mr. Kefalianos provided an overview of the amended By-Laws. A motion had been passed at the September Council meeting to have legal counsel prepare the written draft. An overview of proposed changes was provided:

Major changes:

- Banking (Sections 4, 5, 6): Control has been moved from the Executive Committee to Council. This eliminates the need for the Executive Committee to select a bank and reflects current operational activities, in compliance with already established, financial operations.

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- Authorization of expenses: (Sections 16, 17, 18, 19): The amount of expenditure that the Registrar is authorized to spend was reduced.
- Eligibility to vote (Section 29): There is now a shortened time frame for eligibility, so that electoral districts can reflect more accurate representation.
- Eligibility for election (Section 36): This section lists the criteria for exclusion from election. There is also a new requirement of a two-year cooling off period for those members who have held positions of responsibility in professional associations and TCM educational institutions.
- Election of Council: The language has been modernized to recognize the electronic voting process and procedures.
- Terms of office for President and Vice President (Section 67.1, 2): Terms were not included in the previous versions. This section now outlines the process of replacing officers mid-term, and the alignment of the election of officers with the current year. The election of the President, Vice-President and Committee composition will be held during the first Council meeting of the new year.
- Appointment of non-Council members to committees: New eligibility requirements have been outlined.
- Public register (Section 160): This has been updated to reflect current practice, and outline new additions in compliance with current legislation.
- Schedule 4 (fee schedule): Fees remain the same, but have been adjusted to reflect CPI plus 2%. In addition, references to the Grandparented class have been removed, and the registration fee has been prorated. The fee also applies to professional corporations and the Student class.

The By-Laws will take effect as of April 1, 2018.

Staff were commended for addressing immediate measures and best practice, as the By-Laws are the administrative tool the College uses to implement its mandate.

In-depth review

Page 8: Banking

A straw vote was conducted and most Council members agreed to increase the amount for authorization of expenses from \$10,000 to \$25,000. A public member abstained from the vote.

Amendment to Section 18:

"All cheques or payments issued on behalf of the College not in excess of \$10,000.00, excluding salaries, or such other amount as may be determined by the Council shall be signed by any ~~one~~ **two** of the following: Registrar, Deputy Registrar, Director of Finance, the President, Vice-President, or other such person as Council may designate, with the exception of the person to whom the cheque is made payable. At least one signature must be from the Registrar, Deputy Registrar or Director of Finance."

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Section 5: It was requested that legal counsel provide clarity for why the terms “Schedule 1” and “Schedule 2” have been used, as legislation may require use of the terms.

Section 185: Fees have been adjusted to reflect the 2% increase with CPI. As the College is still in transition from the Grandparented class, fees will not be changed until final membership numbers are determined. For the current By-Laws, the fees have only been adjusted to reflect the new prices.

The By-Laws will undergo another review once feedback has been obtained from stakeholders. It was also recommended by the Chair that contested items could be tabled in a motion for circulation to members.

MOTION: C. Lang – J. Zeng

THAT the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario directs that the draft amended By-Laws be circulated to members and stakeholders for a 60-day consultation as required by the RHPA, for consideration prior to final approval.

CARRIED

IN-CAMERA SESSION

Minutes of the in-camera session are recorded separately.

20. Business arising from In-Camera session

MOTION: C. Lang – J. Zeng

THAT the In-Camera Minutes of the Meeting of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario, held on September 25, 2017 be approved as presented.

CARRIED

Abstained: C. MacDonald, M. Hopman

MOTION: M. Moreau – C. Fung

THAT the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario accept VVC as the consultant to conduct the Strategic Planning Session.

CARRIED

21. Other Business

There was no other business.

22. Meeting Effectiveness Form

- a) Report on results from September 25, 2017
- b) Meeting Self-Assessment Form

Council members were provided with a brief overview of the September 25 evaluation and were encouraged to complete the assessment form. Members who participated via teleconference were asked to email the form to Ms. Woolcott.

Meeting of the Council

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23. Next Meeting

- a) Tuesday, March 6, 2018
- b) 2018 Meeting Dates

The 2018 Council meeting dates are:

- March 5: Strategic Planning Meeting
- March 6
- June 18
- September 24
- December 11: New Council member training
- December 12

MOTION: C. Lang – Y. Blackwood

THAT the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario accepts the dates as presented.

CARRIED

24. Adjournment

The meeting was adjourned at 2:41 p.m.

MOTION: B. Haywood – M. Perras

THAT the meeting of the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario of December 13, 2017 be adjourned until the next meeting or at the call of the President.

CARRIED



FOR: Information

SUBJECT: Executive Committee Report

The Executive Committee met twice in person on January 29, 2018 and February 27, 2018 since the previous Council meeting held December 13, 2017 at which the last Executive Committee report was given.

FOR INFORMATION

1. By-Law Amendments

The Executive Committee reviewed the By-Laws following the consultation process. The amendments were based on an overall update to the By-laws including signing authority, election processes, committee compositions and the public registry. The proposed final changes will be reviewed by Council at the March 6, 2018 meeting. It is expected the By-Laws will take effect as of April 1, 2018.

2. Budget Review

The 2018-2019 draft Budget was reviewed by the Committee and a motion was passed to recommend the draft budget to be presented at the Council meeting, March 6, 2018.

3. Doctor Title

An update was provided to the Committee in regards to the status of the Environmental scan conducted by the Consultants. Currently the consultants are conducting a literature review and holding interviews with key informants, including schools, associations, other health profession regulators, and the public. It is expected that the final report for the environmental scan will be provided in September 2018.

4. Strategic Planning Session

The Executive was provided an overview of the plans for the Strategic Planning Session scheduled for March 5, 2018.

5. Registrar and CEO Annual Review

The Executive Committee conducted the annual performance management review for the Registrar and CEO of the College.

6. Council Meeting Effectiveness Form

The Executive Committee reviewed the results of the Meeting Effectiveness Survey from the December 13, 2017 meeting. Overall, positive comments were provided on meeting efficiency and equal opportunity for discussion. Suggestions were made to make meeting packages more user friendly and to permit more time to discuss important items on the agenda.

FOR: Information

SUBJECT: Registration Committee Report

Registration Committee Members

Terry Wai Tin Hui (Chair) Ferne Woolcott
Martial Moreau Ming
C. Cha Feng Li Huang
Maureen Hopman Jin
Qi Zeng Barrie
Haywood

Since the last Council meeting, The Registration Committee held two panel meetings on December 7, 2017 and January 24, 2018.

FOR INFORMATION

1. UPDATE ON TRANSFER PROCESS COMMUNICATIONS

To ensure Grandparented members have access to required information and be able to fulfil their obligation to transfer to General Class in due time, the Committee undertook the following communication plan:

- The College continued reach out to members who have passed PLAR, but not yet transferred to encourage them to complete and submit their transfer application.
 - The College contacted members who had not completed PLAR by mail and email to remind them that their registration will expire on April 1, 2018, and what the appropriate next steps are. These members were also given the option to submit a transfer application if they were unable to successfully complete PLAR due to exceptional circumstances.
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2. 2018-2019 REGISTRATION RENEWAL

Due to the new renewal deadline of April 1, 2018, the College opened the renewal process to members on February 1, 2018. Only members registered in the General, Student, or Inactive Classes are able to renew. Grandparented Class members who are still completing the transfer process must wait until they have been transferred to the General Class to renew their registration.

So far, 213 members out of the 2110 eligible members have successfully submitted their renewal.

3. 2017 PAN-CANADIAN EXAMINATION

On January 20, 2018 166 candidates attempted the Clinical Component of the 2017 Pan-Canadian Examination.

The College expects to return the results to candidates in late March or early April.

4. APPEAL TO HEALTH PROFESSIONS APPEAL AND REVIEW BOARD (HPARB) AND HUMAN RIGHTS TRIBUNAL OF ONTARIO COMPLAINTS (HRTTO)

The College currently does not have any outstanding HPARB or HRTTO appeals on Registration Committee decisions.

5. REGISTRATION COMMITTEE PANEL UPDATES

In accordance with Section 15 (2) of the *Health Professions Procedural Code*, the Registrar refers an application for registration to the Registration Committee if the Registrar has doubts, on reasonable grounds, about whether the applicant fulfills the registration requirements.

The Registration Committee Panel has met twice since the last Council meeting to discuss applications referred by the Registrar. Registration Committee Panel Members deliberated on:

- 17 Transfer Applications. 4 were approved, 9 were approved with TCLs, 2 were refused, and 2 remain outstanding.
- 1 requests for title variation was approved.

6. REGISTRATION UPDATES AS OF February 8, 2018

Total Registered Members: **2645**

Grandparented Members		General Members		Student Members	
R. TCMP	R. Ac	R. TCMP	R. Ac	R. TCMP	R. Ac
175	330	1109	991	2	1

Inactive Members	Resigned	Suspended	Revoked
37	245	400	91

Grandparented Members practising with Written Language Plan: **99** General Members practising with Written Language Plan: **119** Members practicing with terms, conditions and limitations: **458**

2018 JURISPRUDENCE COURSE TESTS

Passed	Failed	Total
33	0	33

2018 SAFETY PROGRAM TESTS

Passed	Failed	Total
34	0	34

PLAR RESULTS:

Successful	Unsuccessful	Total
1993	132	2127



FOR: Information

SUBJECT: Inquiries, Complaints and Reports Committee Report for 2017/2018 – Q4
(January – March) as at February 21, 2018

Committee Members:

Panel 1

C. Lang, R. TCMP, Professional Member (Committee Chair, Chair of Panel 1)
Y. Yang, R. TCMP, Professional Member
J. Zeng, Professional Member
M. Hopman, Public Member Yvonne
Blackwood, Public Member

Panel 2

C. McDonald, Public Member (Committee Chair of Panel 2)
X. Yu, R.Ac, Professional Member
M. Perras, R. TCMP, Professional Member
N. Wright, R. Ac, non-Council Member

The Committee 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.

The two Panels met twice in Q4 to date. Teleconferences were held on January 12, January 31, 2018 and February 20, 2018. A teleconference is scheduled for February 23 and March 26, 2018.

The ICRC imposed one interim order to suspend a Member's certificate of Registration.

New Cases and Nature of Concerns

Complaints	Nature of Concerns	Registrar Report Investigations	Nature of Concerns
2	1- Record Keeping 2- Controlled Acts outside scope	2	2-Providing false and/or misleading information

Completed Cases and Outcomes

Complaints	Outcomes	Registrar Reports Investigations	Outcomes
1	1- Oral caution and SCERP	4	2 - Take No Action due to Undertaking 2- Referral to Discipline

Complaints cases before Health Professions Appeal and Review Board

New Cases	Pending Cases
2	0

Pending Cases

Complaints	Registrar Report Investigations	Incapacity Inquiries	Total # cases
15	24	0	39

Note: This information is current to February 21, 2018.



FOR: Information

SUBJECT: Quality Assurance Committee Report

Quality Assurance Committee Members

Ming C. Cha	Professional Member (Chair)
Christine Kit Yee Fung	Professional Member
Terry Wai Tin Hui	Professional Member
Xianmin Yu	Professional Member
Heino (Henry) Maeots	Public Member
Cal McDonald	Public Member
Ferne Woolcott	Public Member

Since the last Council meeting, the Quality Assurance Committee has not held a meeting.

2017 Self-Assessment Selection

On November 15, 2017, 260 members, equivalent to 10% of the membership, were selected at random to submit their 2017 self-assessment forms. Members were provided with 90 days to submit their forms with a deadline of February 16, 2018. As of the deadline, 244 submissions have been received resulting in 16 members who did not make a submission. Of these, 237 submissions were approved and 7 submissions are incomplete. A notice was sent to outstanding members to provide them with a final deadline of March 23, 2018 to comply with the annual requirements of the QA Program.

Record Keeping Webinar

A one-hour webinar was created to support members' compliance with the College's Record Keeping Standards and Guidelines. The Committee has a teleconference meeting scheduled for February 26, 2018 to view and evaluate the webinar. When the webinar is approved, members will be able to sign up for a session to view it live. These members will also be surveyed for their feedback and suggestions for other webinars.

Next Meeting

A teleconference meeting is scheduled for February 26, 2018.

This report is current to February 21, 2018 in anticipation of the Council meeting scheduled for March 6, 2018.



FOR: Information

SUBJECT: Patient Relations Committee Report

Patient Relations Committee Members

Christine Kit Yee Fung	Professional Member (Chair)
Christine Lang	Professional Member
Feng Li Huang	Professional Member
Martin Perras	Professional Member
Heino (Henry) Maeots	Public Member
Martial Moreau	Public Member
Ferne Woolcott	Public Member
Yvonne Blackwood	Public Member
Barrie Haywood	Public Member

FOR INFORMATION

Funding for Therapy

There was no application for funding for therapy and counselling related to sexual abuse in this reporting period.

Next meeting

A Patient Relations Committee orientation is anticipated to be scheduled for March 2018.



FOR: Information

SUBJECT: Discipline Committee Report by Quarter (Q4- January 1, 2018 – to date)

Every member of council is a member of the Discipline Committee.

The Committee has scheduled 3 discipline hearings in Q4 to date. Two are contested hearings, and one is a penalty hearing.

The Committee completed and released their decision in one case: [CTCMPAO v. Dan Micu](#). The decision is available on the College's website. As a result of this decision, the Discipline Panel issued an Interim Order to suspend the Member's Certificate of Registration until the conclusion of the penalty hearing.

Two pre-hearing conferences have been occurred in this quarter to date.

The table below summarizes the members before the Discipline Committee in the quarter:

Member Name	Hearing Dates	Format/Type of Hearing	Nature of Allegations
Yan, Nathalie Xian Yi	February 12- 26, 2018	Contested Hearing	<ul style="list-style-type: none">• Failing to keep records in accordance with the Standards• Submitting an account or charge that the members knows is false and misleading
Cheung, Yatwah	March 19-23, 2018	Contested Hearing	<ul style="list-style-type: none">• Contravened a standard of practice of the profession• Failing to keep records in accordance with the Standards• Failing to reply appropriately to a reasonable request by a patient• Use of Doctor title

Micu, Dan	March 28, 2018	Penalty Hearing	<ul style="list-style-type: none"> • Sexual abuse of a patient • Verbally, physically, psychologically and/or emotionally abused patient • Contravened a standard of practice of the profession
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As of this date, there were 11 open cases which have been referred to the Discipline Committee by the Inquiries, Complaints and Reports Committee.



FOR: Information

SUBJECT: Fitness to Practice Committee Report for 2017/2018 – Q4 to date (January to March) as at February 21, 2018

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

The committee has not had a meeting since the last Council report. There have not been any referrals to date in Q4.

Cases referred to Committee

New Cases	Pending Cases
0	0

This report is current to February 21, 2018 in anticipation of the Council meeting scheduled for March 6, 2018.



FOR: FYI

SUBJECT: Elections Process Overview

The process for the elections of officers (President, Vice-President and Executive Committee Members) to Council is subject to the College By-Laws. The process for the election of each position, their duties and the eligible nominees for each position as well as the required composition of the Executive Committee, are spelled out in the following documents:

President	Document 9
Vice-President	Document 10
Executive Committee Member	Document 11

College staff and Rebecca Durcan, LLP, of Steinecke, Maciura, Leblanc will act as scrutineers for the voting process.

1. Where there is more than one candidate for the office, voting shall be conducted by secret ballot. The candidate who receives a majority of the votes cast on a ballot shall be declared elected. With 16 people voting, a majority is 9 votes or more.
2. Where no candidate receives a majority of the votes cast on the ballot, the one receiving the lowest number of votes on the ballot shall be deleted from the next ballot and a fresh vote shall take place.
3. If there is a tie on the lowest number of votes for two members, there shall be a recount. If there is still a tie, the Registrar shall break the tie by lot and one member shall then proceed to the next round of the election process until one candidate receives a majority of votes.
4. This procedure shall be followed until one candidate receives a majority of the votes cast on a ballot.
5. Where two or more positions are available for a Professional Member or Public Member of the Council on the Executive Committee, they may be elected on one ballot.

Prior to the vote for each position, each nominee for each position will be allowed a maximum of two minutes to speak to Council regarding their candidacy for the position.



FOR: FYI

SUBJECT: Elections: President

Election of the President

The election of the President is subject to Sections 64-66 of the College By-Laws.

At the meeting of the Council when the election of officers shall take place, the Registrar shall present the names of candidates who have indicated their interest for the position of President. Where there is only one candidate, the Registrar shall declare the candidate elected by acclamation.

Where there is more than one candidate for the office, voting shall be conducted by secret ballot and for this purpose, the Registrar shall, with the concurrence of the Council, appoint three (3) returning officers to count the ballots and report the results to the Council. The candidate who receives a majority of the votes cast on a ballot shall be declared elected. Where no candidate receives a majority of the votes cast on the ballot, the one receiving the lowest number of votes on the ballot shall be deleted from the next ballot and a fresh vote shall take place. If there is a tie on the lowest number of votes for two members, there shall be a recount. If there is still a tie, the Registrar shall break the tie by lot and one member shall then proceed to the next round of the election process until one candidate receives a majority of votes. This procedure shall be followed until one candidate receives a majority of the votes cast on a ballot. Where an issue arises during an election that is not governed by this paragraph, the Registrar shall, with the concurrence of the Council, adopt a fair and democratic process including, where appropriate, selection by the Registrar by lot.

Duties of the President

The duties of the President are subject to Sections 75-76 of the College By-Laws.

The President, in conjunction with the Council, is ultimately responsible for fulfilling the mandate, objectives and strategic plans of the College. He or she is directly accountable to the Council and indirectly accountable to the government, the public and the profession for the effective governance of the College in accordance with all applicable legislative requirements.

Specific duties of the President include:

1. Presiding as chair of all meetings of the Council, the Executive Committee and of Members, unless a non-voting chair has been appointed to facilitate the meeting;
2. Overseeing the operations and performance of the Council;
3. Working with the Registrar to ensure smooth, efficient conduct of all meetings and that decisions of the Council and Executive Committee are implemented;
4. Participating in cultivating, recruiting and orienting new Council Members, officers, committee Members and chairs, and volunteers;
5. Overseeing and ensuring that a process is in place to evaluate the performance and employment conditions of the Registrar;
6. Representing the College as the authorized spokesperson on Council policies and positions to promote the mandate and objectives of the College;
7. Signing contracts, documents or instruments in writing as required by the College;



8. Liaising with the Registrar on any issues relating to the interactions between Members of the Council and College staff;
9. Is an ex-officio member of all committees, except that the President shall not participate in a panel of a committee dealing with a Member-specific issue; attendance at any committee meetings will be at the discretion of the President; chairs of committees shall file minutes and reports with the Registrar to keep the President informed.
10. Other duties as assigned by the Council from time to time.



FOR: FYI

SUBJECT: Elections: Vice-President

Election of the Vice-President

The election of the Vice-President is subject to Section 67 of the College By-Laws.

At the meeting of the Council when the election of officers shall take place, the Registrar shall present the names of candidates who have indicated their interest for the position of Vice-President. Where there is only one candidate, the Registrar shall declare the candidate elected by acclamation.

Where there is more than one candidate for the office, voting shall be conducted by secret ballot and for this purpose, the Registrar shall, with the concurrence of the Council, appoint three (3) returning officers to count the ballots and report the results to the Council. The candidate who receives a majority of the votes cast on a ballot shall be declared elected. Where no candidate receives a majority of the votes cast on the ballot, the one receiving the lowest number of votes on the ballot shall be deleted from the next ballot and a fresh vote shall take place. If there is a tie on the lowest number of votes for two members, there shall be a recount. If there is still a tie, the Registrar shall break the tie by lot and one member shall then proceed to the next round of the election process until one candidate receives a majority of votes. This procedure shall be followed until one candidate receives a majority of the votes cast on a ballot. Where an issue arises during an election that is not governed by this paragraph, the Registrar shall, with the concurrence of the Council, adopt a fair and democratic process including, where appropriate, selection by the Registrar by lot.

Duties of the Vice-President

The duties of the Vice-President are subject to Sections 77-78 of the College By-Laws.

In the absence, inability or refusal to act of the President, the Vice-President shall have all the powers and shall perform all the duties of the President. The Vice-President is directly accountable to the Council and indirectly accountable to the government, the public and the profession for the effective governance of the College in accordance with all applicable legislative requirements.

Specific duties of the Vice-President include:

1. Serving on the Executive Committee;
2. Any duties delegated by the President unless not approved by the Council;
3. Acting as a signing officer on cheques and other documents as required by the Council; and
4. Other duties as assigned by the Council from time to time.



FOR: FYI

SUBJECT: Elections: Executive Committee Members

Election and Composition

The election and composition of the Executive Committee is subject to Sections 68, 146, 147 and 148 of the College by-laws.

The President and Vice-President shall be Members of the Executive Committee. Each of the remaining Members of the Executive Committee shall be elected following a procedure similar to the election of the President. Where two or more positions are available for a Professional Member or Public Member of the Council, they may be elected on one ballot. NOTE: The By-Laws allow for one ballot for two positions, the process being used is one ballot for each position when two positions are available.

The Executive Committee shall be composed of the President, the Vice-President and three (3) Members of the Council. Two of the Members of the Executive Committee shall be Public Members. The President shall be the chair of the Executive Committee.

Executive Committee's Exercise of Council's Powers

The Executive Committee's exercise of Council's powers is subject to Section 12 of the Health Professions Procedural Code, Schedule 2 of the *Regulated Health Professions Act, 1991*.

Between the meetings of the Council, the Executive Committee has all the powers of the Council with respect to any matter that, in the Committee's opinion, requires immediate attention, other than the power to make, amend or revoke a regulation or by-law.

If the Executive Committee exercises a power of the Council under subsection (1), it shall report on its actions to the Council at the Council's next meeting.



Meeting Date:	March 6, 2018
Issue:	By-law Review
Reported By:	Stamatis Kefalianos
Action:	For Decision

Issue:

Executive Committee is asked to approve the proposed changes to the College's by-laws.

Background:

Executive will recall that in the October meeting it reviewed a significantly revised version of the College's by-laws. Council in December provided advice on the content of the updated by-laws and in keeping with the requirements of the RHPA, sent them to the College's members and other stakeholders for input prior to final approval.

A summary of the feedback results is provided below.

Please note that the number of people who responded to the request for feedback on the by-laws is somewhat lower. The College made the same kind of efforts to communicate the opportunity to comment as we would have on any other consultation. However, there are some factors that we think may have contributed to the lower response rate:

- The complete by-law is a long and complex document to read and provide feedback upon;
- Most of the specific changes upon which we sought feedback do not necessarily affect every member;
- Even the changes that have the potential to affect most members were not expected to have significant impact on most members.

It is also important to note that although the by-law was distributed to members and other stakeholders for feedback, most of the feedback came from College members. In fact, of the 121 people who responded to the question in which they were asked about themselves, 111 of them were College members. Nine was members of the public and 5 was a member of another health profession. Two people identified were from the same professional association, the Chinese Medicine and Acupuncture Association of Canada (CMAAC).



Feedback obtained from the Consultation

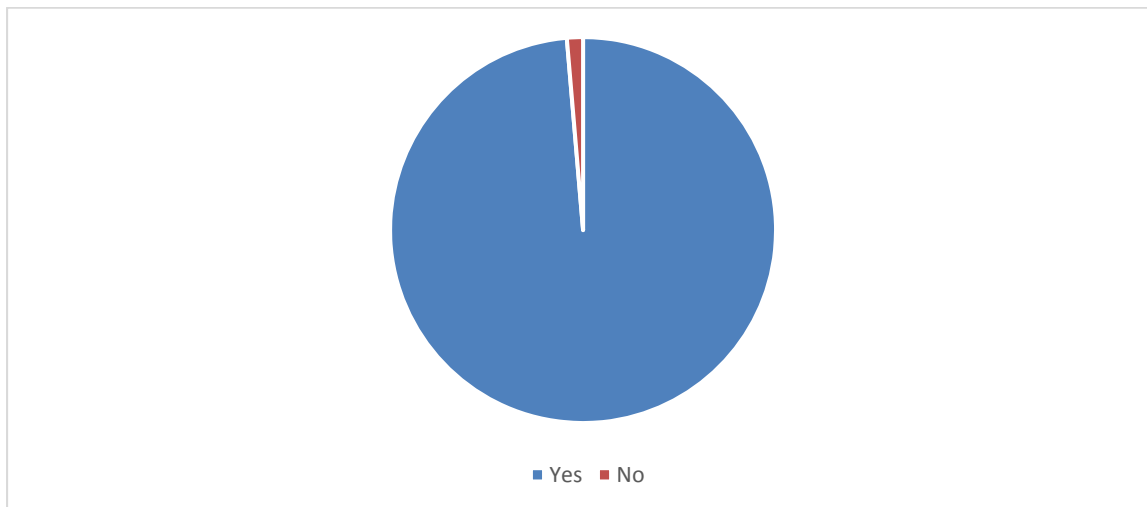
1. Banking

Relevant sections: By-law sections 4, 5 & 6

Council proposed the College's money is deposited in a secure Canadian bank. Eliminating the need for Executive Committee to select the bank (former section 4) reflects the fact that operational activities should be performed by the staff of the College in compliance with policy set by Council. The additional signatories increase flexibility while ensuring appropriate loss prevention restraints are still in place.

Feedback

74 people responded to the request for feedback on this issue. 73, or 99% agreed that the College should be deposited in a secured Canadian bank and with the additional signatories.



Very few concerns were identified with the proposed change. One concern included the following:

- One person did not understand and found it suspicious why the bank doesn't need to be a chartered bank anymore.
- The CMAAC prefers to use "Schedule 1 or Schedule 2 bank under the Bank Act, S.C 1991, c.46 (the "Act") and the amendments that come into force."



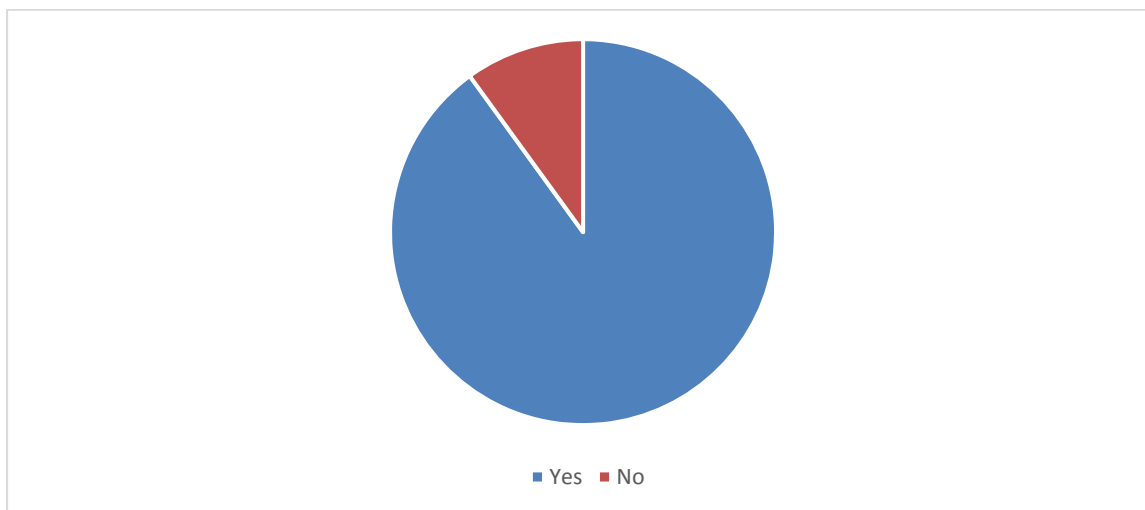
2. Authorization of Expenses

Relevant sections: By-law sections 16, 17, 18, and 19

Council proposed to increase the number of available signatories to include flexibility. It also ensures that the person to whom a cheque is payable cannot be a signatory of the payment.

Feedback

60 people responded to the request for feedback on this issue. 54, or 90% agreed that the College should increase the number of available signatories.



2 people made comments on this proposed change:

- CMAAC were in agreement with the proposal.
- One person would prefer that the College not invest any excess funds. There is a market risk and there will be temptation to spend the money if there is any available.
-

3. Eligibility for Election to Council

Relevant section: By-Law 36

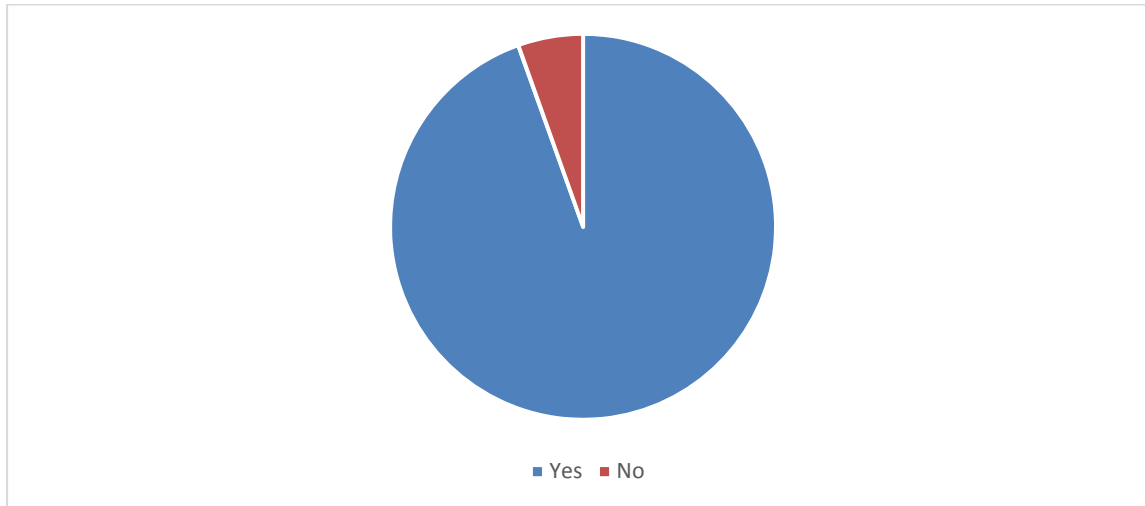
Council proposed the list of criteria to exclude members from running for election as an elected member is expanded to include:

- Disciplinary proceedings of any other regulatory body
- Incapacity proceedings of any other regulatory body
- Order of any regulatory body
- A “cooling off” period of two years for holding a position of responsibility with a professional association and/or TCM education institution
- Participation in a legal proceeding against the College



Feedback

55 people responded to the request for feedback on this issue. 52, or 95% agreed that the College should extend the list of criteria it uses to exclude people from running for Council.



Very few concerns were identified with the proposed change. The few concerns included the following:

- Three people suggested that the cooling off period should be no more than 1 year. The CMAAC also suggested the cooling off period is unduly long and cited the College of Physiotherapists and the College of Physician and Surgeons of Ontario of only having a 1 year cooling off period in their own respected by-laws.
- One person suggested that the original clause is better.

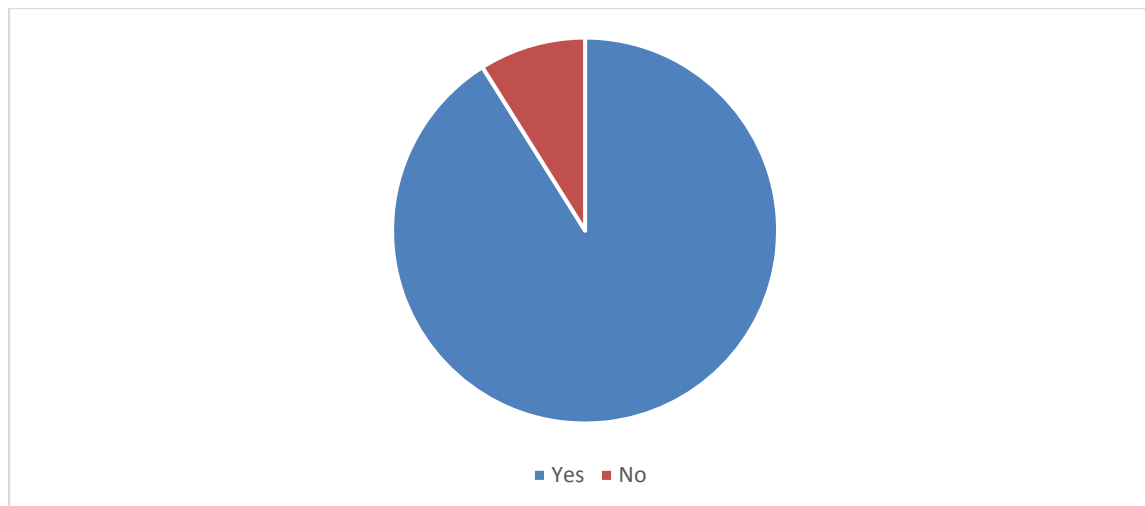
4. Terms of Office (President & Vice-President)

Relevant sections: By-law sections 67.1 and 67.2.

Council proposed to clarify the terms and reflect current practice of choosing the President and Vice-President. The proposal also clarifies the process for replacing an officer mid-term.

Feedback

56 people responded to the request for feedback on this issue. 51, or 91% agreed with the Council proposal to clarify the terms.



Three people made comments on this proposal:

- Based on the comments, it was clear that many of the respondents were not clear on the intent of the proposal. Two people, including the CMAAC, seemed to confuse the terms of office for the president and vice-president provisions with vacancies of terms of an elected council member.

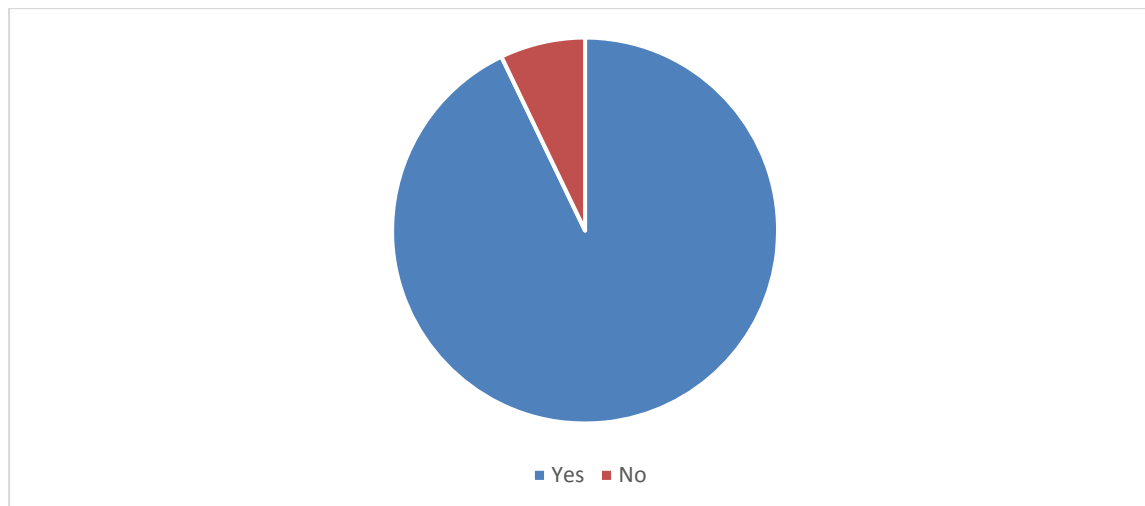
5. Additional Register Information

Relevant sections: 167, 168.2 & 168.3

Council proposed changes to what appears on the public register. In addition to aligning with changes made from minister's regulation, a member's email address and education background will no longer appear on the register. Additional information that Council proposes to appear includes languages spoken by a member and whether a member belongs to another regulatory body.

Feedback

56 people responded to the request for feedback on this issue. 52, or 93% agreed with what information should be posted on the public register:



Very few concerns were identified with the proposed change. The few concerns included the following:

- One person suggested that they received a substantial increase in SPAM emails since emails was made public.
- One person felt that education should remain in the public register as it is vital information for the public to assess the qualification of the practitioner.

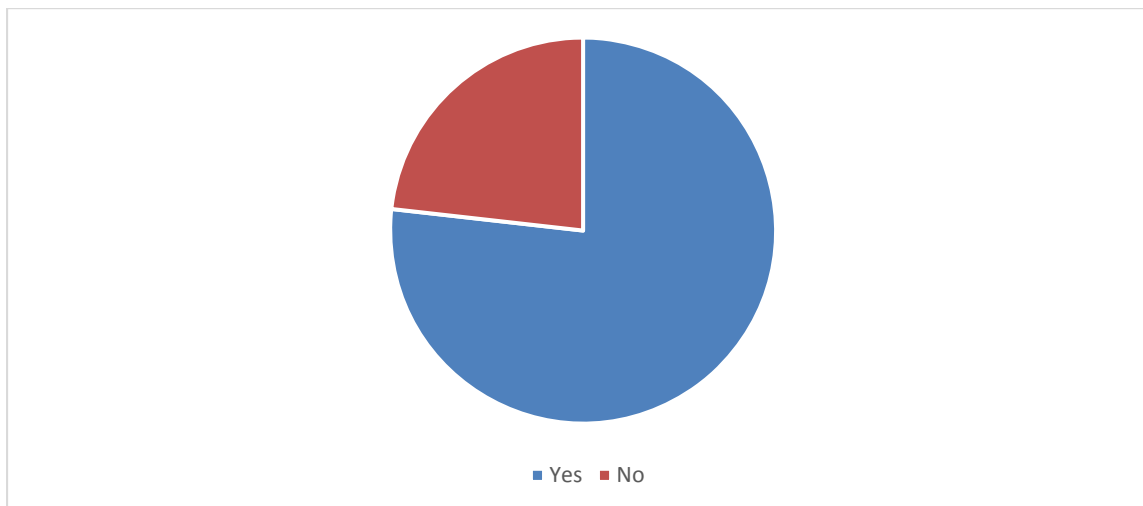
6. Fee Schedule

Relevant section: By-law Schedule 4

Council proposed the updated Fee Schedule remain the same but have been adjusted in 2018-19 to reflect the Consumer Price Index plus 2%. The Fee Schedule has been re-organized for better clarity and any references to grandparenting fees has been removed. Council also proposed prorating the initial registration fee quarterly based on the time the application is complete rather than when the application is eligible for registration is fairer to the applicant as they only pay for the months that they are registered.

Feedback

56 people responded to the request for feedback on this issue. 43, or 77% agreed with the Fee Schedule and 13, or 23% did not agree with the proposal.



11 people offered comments on the proposal.

- Almost all comments received suggested that the actual amounts of the fees were too high.
- None of the comments were directed towards the pro-rated registration fee.

Summary of Feedback

Based on the feedback received, there is no strong opposition to the majority of the policy-based proposals. However, some people do have concerns which do not appear to be broadly shared by the profession.

With respect to the fee schedule, there is some opposition to the 2018-19 fee changes despite the College only updating fees based on CPI index and an additional 2% as was previously allowed in the by-laws.

Based on the overall tenure of the feedback, there do not seem to be any issues that require substantial reconsideration in the by-law itself.

Decision Sought:

That Executive Committee recommend the proposed revisions to the by-laws be brought forward to Council for approval.

Attachments:

Appendix 1 – CTCMPAO Consultation survey and survey results

Appendix 2 – Proposed College By-Laws



CTCMAO Consultation

Proposed By-Law Amendments

Dear Member and Colleague:

Your feedback is requested on proposed amendments to the CTCMAO By-Law on a number of areas including; banking, authorization of expenses, eligibility of elections, term of office, additional register information and fee schedule.

We value your opinions and comments and thank you for taking the time to respond to this survey. The following survey asks you a few questions about the proposed By-Laws and will take approximately 5 minutes to complete.

The results of the survey will be shared with Council at the meeting on March 5, 2018 and additional amendments may be made as a result of the feedback.

Note:

Black Font = existing By-Law

Text Underline Red Font = proposed addition

~~Strikethrough~~ = proposed deletion

The survey is anonymous. The results will be collated and posted on the College website.

Thank you for your participation in this important initiative.



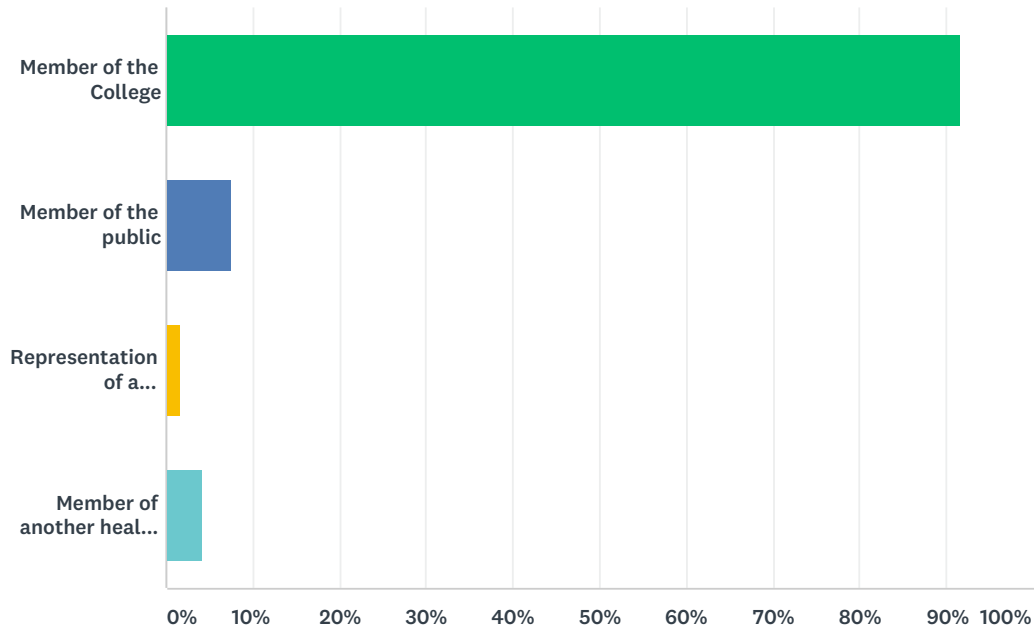
CTCMAO Consultation

1 Are you a ...

- ☐ Member of the College
- ☐ Member of the public
- ☐ Representation of a professional association
- ☐ Member of another health profession

Q1 Are you a ...

Answered: 121 Skipped: 3



ANSWER CHOICES		RESPONSES	
Member of the College		91.74%	111
Member of the public		7.44%	9
Representation of a professional association		1.65%	2
Member of another health profession		4.13%	5
Total Respondents: 121			



CTCMAO Consultation

4, 5, & 6 - Banking

Proposed amendments to current By-Law

4. ~~Deleted~~ The Executive Committee shall appoint a Canadian chartered bank under the Bank Act (Canada) for the use of the College.

5. All money belonging to the College shall be deposited in the name of the College with one or more banks (which shall be a Schedule 1 or Schedule 2 bank under the Bank Act (Canada)(the "bank"). ~~All money belonging to the College shall be deposited in the name of the College with the bank.~~

6. The Registrar, Deputy Registrar or other person authorized by Council, may endorse any cheque or other negotiable instrument for collection on account of the College through the bank or for deposit to the credit of the College with the bank. ~~The College's rubber stamp may be used for such endorsement.~~

Rationale

The change in section 5 eliminates the need for this provision (formerly section 4).

This change sets the policy parameter that ensures the College's money is deposited in a secure Canadian bank. Eliminating the need for the Executive Committee to select the bank (former section 4) reflects the fact that operational activities should be performed by the staff of the College in compliance with policy set by Council and committees.

The additional signatories increases flexibility while ensuring appropriate loss prevention restraints are still in place.

2 Are you in agreement with the proposal?

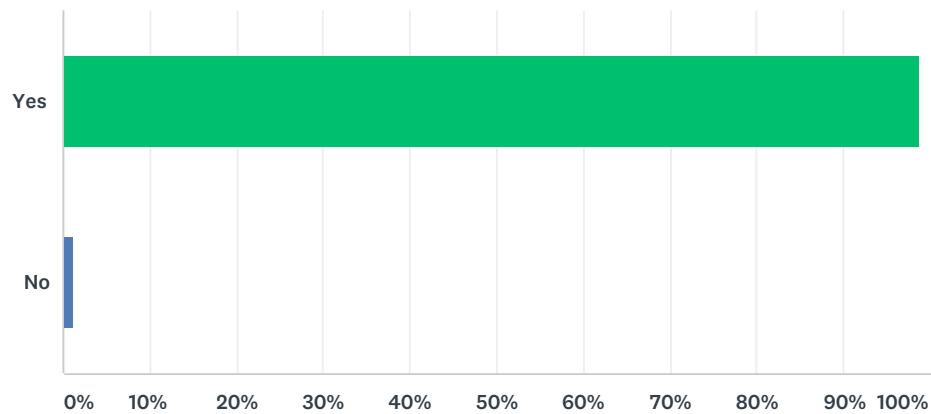
☐ Yes

☐ No

Comments

Q2 Are you in agreement with the proposal?

Answered: 74 Skipped: 50



ANSWER CHOICES		RESPONSES	
Yes		98.65%	73
No		1.35%	1
Total Respondents: 74			

#	COMMENTS	DATE
1	5.Proposed to read "Schedule 1 or Schedule 2 bank under the Bank Act, S.C. 1991, c.46 (the "Act") and the amendments that come into force." Rationale: Official short title of the Act.	2/12/2018 5:28 PM
2	I don't understand and find it suspicious why the bank doesn't need to be a chartered bank anymore	1/28/2018 1:19 PM
3	5. ... "Schedule 1 or Schedule 2 bank under the Bank Act, S.C. 1991, c.46 (the "Act") and the amendments that come into force."	1/19/2018 4:58 PM



CTC MPAO Consultation

16, 17, 18, & 19 - Authorization of Expenses

Proposed amendments to current By-Law

16. ~~The President, Vice President, or a member of the Executive Committee and~~ Any two of the Registrar, the Deputy Registrar or the Director of Finance and a member of the Executive Committee may approve purchases or leasing of goods and acquisition of services in accordance with the following provisions.

17. ~~The Registrar may authorize expenses not exceeding \$25,000 if the expenditure has previously been approved as an item in the College budget.~~ All cheques or payments issued on behalf of the College in excess of \$25,000.00, excluding salaries, or such other amounts as may be determined by the Council from time to time, must be signed by one of the Registrar or Deputy Registrar and one of the President, Vice-President or such other person as Council may designate.

18. ~~The Registrar and one of the President, Vice President or a member of the Executive Committee may authorize expenses in excess of \$25,000, if the expenditure has previously been approved as an item in the College budget.~~ All cheques or payments issued on behalf of the College not in excess of \$25,000.00, excluding salaries, or such other amount as may be determined by the Council shall be signed by any two of the following: Registrar, Deputy Registrar, Director of Finance, President, Vice-President, and any other such person as Council may designate, with the exception of the person to whom the cheque is made payable. At least one signature must be from the Registrar, Deputy Registrar or Director of Finance.

19. ~~If the expenditure is not an item in the College budget, the Executive Committee shall review and make recommendations to Council for approval.~~ The Registrar or Deputy Registrar may not make any payment where amounts or orders have been split to avoid the limit on purchases or where due diligence has not been exercised with respect to potential or actual conflicts of interest.

Rationale

This adds the Deputy Registrar and Director of Finance to better reflect current practice, within the policy parameters set out in subsequent provisions.

This increases the number of available signatories to include flexibility. It also ensures that the person to whom a cheque is payable cannot be a signatory of the payment.

The original provision was deemed unnecessary given the new sections 17 and 18.

3 Are you in agreement with the proposal?

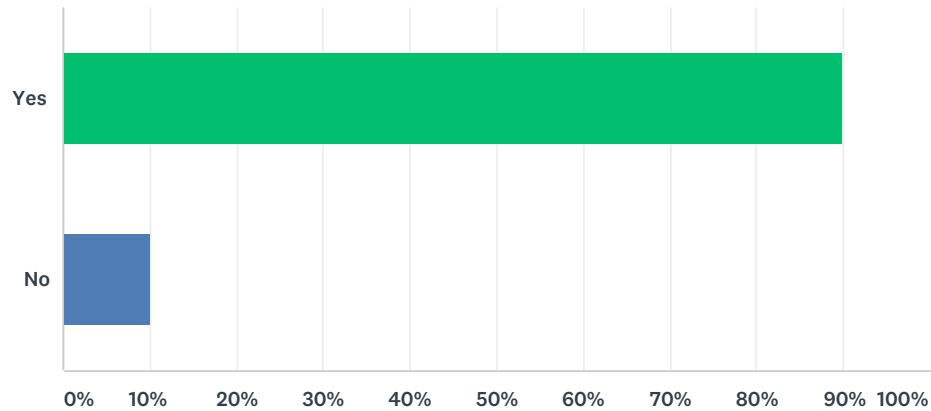
☐ Yes

☐ No

Comments

Q3 Are you in agreement with the proposal?

Answered: 60 Skipped: 64



ANSWER CHOICES		RESPONSES	
Yes		90.00%	54
No		10.00%	6
Total Respondents: 60			

#	COMMENTS	DATE
1	N.A.	2/12/2018 5:28 PM
2	The current annual renewal fees are comparatively high; rather than investing any excess funds available the college should return them to the practitioners by reducing the annual renewal fees. There is a counter-party risk with any investment in addition to a market risk and there will be the temptation to spend the money if there is any extra available.	12/22/2017 10:37 PM



CTCMAO Consultation

36 - Eligibility for Election

Proposed amendments to current By-Law

36. A Member is eligible for election to Council in an electoral district, if on the closing date of nominations and anytime up to and including the date of the election:

1. the Member holds a General class of certificate of registration;
2. the Member is eligible to vote in the electoral district in which the Member is nominated;
3. the member is not the subject of any disciplinary or incapacity proceedings by a body that governs a profession, inside or outside of Ontario;
4. no findings of professional misconduct, incompetence or incapacity has been made against the Member in the preceding six years by a body that governs a profession, inside or outside of Ontario;
5. a period of six years has elapsed since the Member complied with all aspects of an order imposed by the Discipline or Fitness to Practice Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
6. the Member's certificate of registration has not been revoked or suspended in the six years preceding the date of nomination;
7. the Member is not subject to any order, direction, or term, condition and limitation of the Discipline Committee, the Fitness to Practice Committee or the Quality Assurance Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
8. the Member is not in default of payment of any fees to the College;
9. the Member is not at present nor has been at any time within the last two years a director, owner, board

member, officer or employee of any Professional ~~Traditional Chinese Medicine~~ Association; ~~other than a genuine Traditional Chinese Medicine association as defined in section 84 of these by-laws;~~

9.1 The Member is not at present nor has been at any time within the last two years, a director, owner, board member or officer of an educational institution relating to traditional Chinese medicine;

10. the Member has not been disqualified from the Council or a Committee of the Council in accordance with section 56 in the preceding three years;

11. the Member has not resigned from the Council in the preceding three years;

12. the Member does not have a conflict of interest to serve as a member of Council or has agreed to remove any such conflict of interest before taking office;

13. the Member is not a member of the Council or of a Committee of the College of any ~~other college regulated under the RHPA; health profession;~~

14. the Member has not been a member of the staff of the College at any time within the preceding ~~one~~ three years;

15. the Member has not initiated, joined, continued or materially contributed to a legal proceeding against the College or any Committee or representative of the College;

Rationale

The list of criteria to exclude members from running for election as an elected member is expanded to include:

- Disciplinary proceedings of any other regulatory body
- Incapacity proceedings of any other regulatory body
- Orders of any regulatory body
- A “cooling off” period of two years for holding a position of responsibility with a professional association and/or TCM education institution
- Participation in a legal proceeding against the College

4 Are you in agreement with the proposal?

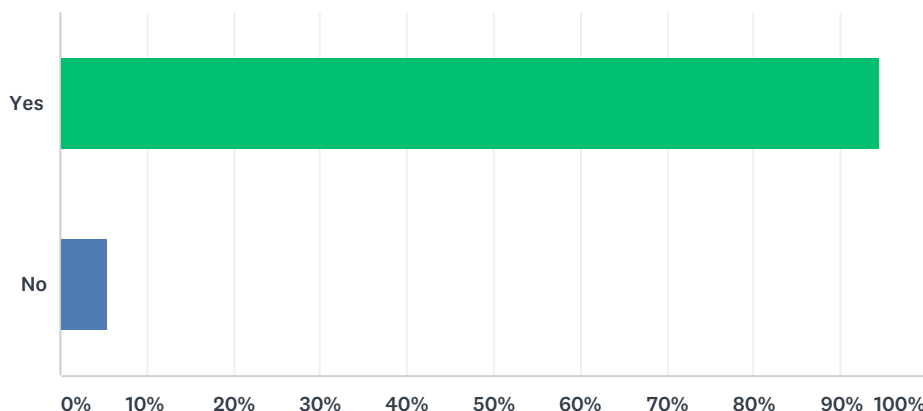
☐ Yes

☐ No

Comments

Q4 Are you in agreement with the proposal?

Answered: 55 Skipped: 69



ANSWER CHOICES	RESPONSES	
Yes	94.55%	52
No	5.45%	3
Total Respondents: 55		

#	COMMENTS	DATE
1	Cooling off period should usually last for 12 months only.	2/15/2018 8:24 PM
2	Cooling off period should be no more than 1 year as is the case with other colleges eg. CPO and CPSO	2/15/2018 4:40 PM
3	Bylaw No. 36 (9) & (9.1). Comments: Two years "cooling-off" period from professional associations/ TCM educational establishment is unduly long. Proposed: One year "cooling-off" period is reasonable. Rationale: Two years "cooling-off" period from professional associations/ TCM educational establishment is unduly long. Cited: CPO By-laws No.8 (i) & (j) Eligibility for Election 8 (i) -the Member is not and has not been in the 12 months before the election, a director, officer, committee member, employee, or holder of any position of decision-making influence of any organization of physiotherapists that has as its primary mandate the promotion of the physiotherapy profession; 8 (j) -the Member does not hold and has not held in the 12 months before the election, a responsible position with any organization or group whose mandate or interests conflict with the mandate of the College.	2/12/2018 5:30 PM
4	I think the original clause 13 is better.	12/14/2017 5:33 PM



CTC MPAO Consultation

67.1 & 67.2 – Term of Office (President & Vice-President)

Proposed amendments to current By-Law

67.1 The term of office of the President and Vice-President commences immediately following their election and expires upon the election of the new President and Vice-President at the first regular meeting of Council in the following year.

67.2 In the event an officer resigns, dies, or otherwise ceases to act, the Council shall elect a new officer from among its members to hold office for the remainder of the year.

Rationale

Terms were not previously set out in the by-laws. This clarifies the terms and reflects current practice.

This clarifies the process for replacing an officer mid-term.

5 Are you in agreement with the proposal?

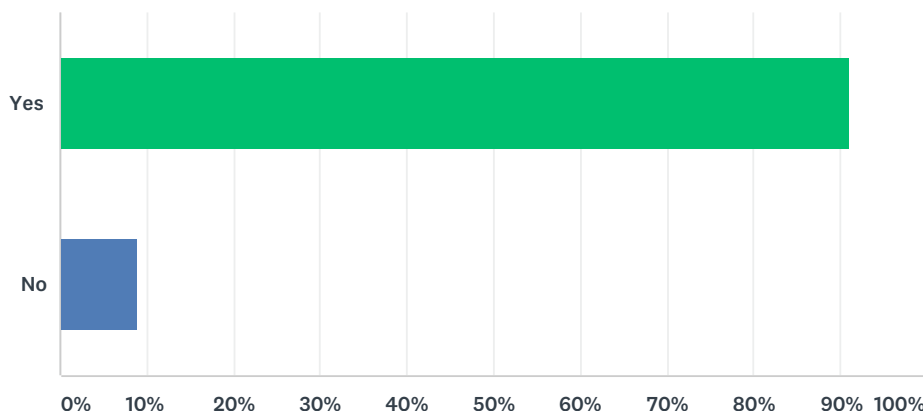
☐ Yes

☐ No

Comments

Q5 Are you in agreement with the proposal?

Answered: 56 Skipped: 68



ANSWER CHOICES	RESPONSES	
Yes	91.07%	51
No	8.93%	5
TOTAL		56

#	COMMENTS	DATE
1	a) If the remainder of that Officer's term is less than one year, Council shall: leave the office vacant; or elect/ appoint a successor from amongst the Council Members. This will save more money and effort. b) If the remainder of the term of office became vacant is more than one year, the Registrar shall hold a by-election for the electoral district.	2/15/2018 8:29 PM
2	Yes if the remaining terms is less than 1 year. Otherwise a by-election should be done so that members can be better represented with a vote.	2/15/2018 4:42 PM
3	67.2 ... Proposed: a) If the remainder of that Officer's term is less than one year, Council shall: leave the office vacant; or elect/ appoint a successor from amongst the Council Members. b) If the remainder of the term of office became vacant is more than one year, the Registrar shall hold a by-election for the electoral district. Rationale: More considerations on the impacts of the duration of the term of office.	2/12/2018 5:31 PM



CTCMAO Consultation

167, 168.2 & 168.3 – Additional Register Information

Proposed amendments to current By-Law

Additional Register Information

167. In addition to the information set out in subsection 23(2) of the Code, the register shall contain the following information with respect to each Member:

3. ~~Deleted:~~ the Member's email address;

8. ~~languages spoken by the Member~~ the name of the educational institution where the member obtained any certificates, diplomas or degrees in Traditional Chinese Medicine, the type of certificates, diplomas or degrees obtained and the date each was issued;

23. A notation of the Member's registration, membership or licensure with any other regulatory body inside or outside of Ontario, if known by the College.

~~168.2 The information required by paragraph 9.1 of section 167 shall be removed from the Register after twenty four months once the Registrar is satisfied that the Member has appeared before the panel of the Inquiries, Complaints and Reports Committee and received the caution.~~

~~168.3 The information required by paragraph 9.2 of section 167 shall be removed from the Register once the Registrar is satisfied that the Member has successfully completed the SCERP that was the subject of the decision of the panel of the Inquiries, Complaints and Reports Committee.~~

Rationale

The member's email address and education background will no longer appear on the public register.

The public register will contain the languages spoken of a member and whether a member belongs to another regulatory body.

Changes to the RHPA no longer permit removal of ICRC decisions to impose oral cautions and/or SCERPs.

6 Are you in agreement with the proposal?

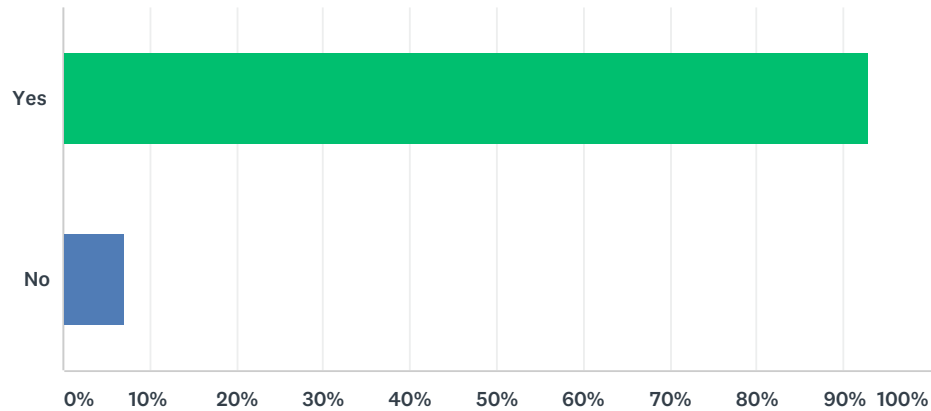
☐ Yes

☐ No

Comments

Q6 Are you in agreement with the proposal?

Answered: 56 Skipped: 68



ANSWER CHOICES		RESPONSES	
Yes		92.86%	52
No		7.14%	4
TOTAL			56

#	COMMENTS	DATE
1	I have received a substantial increase in SPAM emails since my information was made public	1/22/2018 10:33 AM
2	the member's education should remain in the public register as it is vital information for the public to assess the qualification of the practitioner	12/22/2017 10:42 PM



CTCMAO Consultation

Schedule 4 Fee Schedule

Proposed amendments to current By-Laws

2018-2019 Fee Schedule			
Item	Fee	HST 13%	Total
Fees Relating to General Class			
Application	\$285.00	\$37.05	\$322.05
Initial Registration (first year of registration pro-rated by quarter in which registered)			
<i>April 1, 2018 - June 31, 2018</i>	\$970.00	\$126.10	\$1,096.10
<i>July 1, 2018 - Sept 30, 2018</i>	\$728.00	\$94.64	\$822.64
<i>October 1, 2018 - December 31, 2018</i>	\$485.00	\$63.05	\$548.05
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Annual Renewal	\$1,142.00	\$148.46	\$1,290.46
Fees Relating to Inactive Class			
Application	\$285.00	\$37.05	\$322.05
Registration	\$320.00	\$41.60	\$361.60
Annual Renewal	\$320.00	\$41.60	\$361.60
Fees Relating to Temporary Class			
Application	\$285.00	\$37.05	\$322.05
Registration	\$970.00	\$126.10	\$1,096.10

Fees Relating to Professional Corporations			
Application	\$169.00	\$21.97	\$190.97
Initial Registration (first year of registration pro-rated by quarter in which registered)			
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Acupuncturist			
Written Examination	\$350.00	\$45.50	\$395.50
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Other Fees			
Transfer to another class	\$171.00	\$22.23	\$193.23
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Request for Application Documentation	\$54.00	\$7.02	\$61.02
Service Charge for declined payments	\$52.00	\$6.76	\$58.76

Rationale

To improve the transparency of the fee schedule for all applicants and members.

Prorating the initial general certificate of registration fee quarterly based on the time the application is complete rather than when the applicant is eligible for registration is fairer to the applicant as they only pay for the months that they are registered.

The fees remain the same but have been adjusted in 2018-19 to reflect Consumer Price Index plus 2%. Any references to grandparenting fees have been removed. The fee schedule has been re-organized for better clarity.

7 Are you in agreement with the proposal?

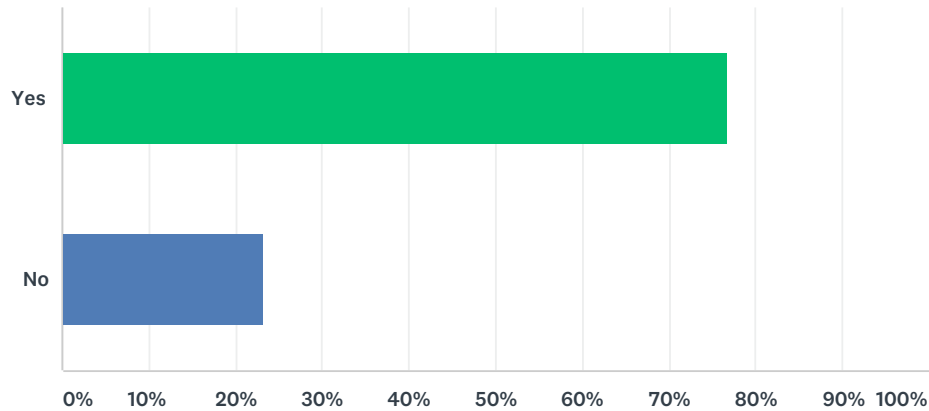
☐ Yes

☐ No

Comments

Q7 Are you in agreement with the proposal?

Answered: 56 Skipped: 68



ANSWER CHOICES	RESPONSES	
Yes	76.79%	43
No	23.21%	13
Total Respondents: 56		

#	COMMENTS	DATE
1	Annual renewal fee is definitely too high compare to other professions that are governed under RHPA. For example, annual fee for RMT is only at \$500 while their fee schedules on treatment usually set out high than that of Chinese medicine and acupuncture. I do not understand what is the rationale on having our renewal fee setting so high. This not only discourage to those who want to stay but also deter those who want to enter to the profession. Take a look at the age range of your members, they are due for retirement considerations. Keeping a high renewal fee will suppress the development of the profession in the long run.	2/15/2018 9:07 PM
2	These fees are among the highest. They are becoming increasingly a barrier to prospective members and renewing members. Fees should be in line with average income level for practitioners.	2/15/2018 4:44 PM
3	Annual renewal fee for all classes of Members are too high compared with average income from most Members: that only deter those who may want to enter this profession, don't understand the rationale behind. To discourage potential student members or to suppress the profession development in this province? Or both?	2/12/2018 5:55 PM
4	Does that mean that any grandparent member becomes a general class member?	1/28/2018 1:33 PM

5	<p>While I agree fees can raise with inflation, I absolutely do not agree with the additional 2% for annual renewal, in the strongest terms. We have some of the highest fees among health professional (we pay DOUBLE what RMTS, physiotherapists pay). Even Chiropractors pay slightly less, and their fee includes membership to an active professional association who lobbys to protect them. I am absolutely not in agreement with anything that raises fees more than inflation. Especially while their members continue to be able to use, and benefit from using, acupuncture. This takes business away from registered acupuncturists, leaving us with lower incomes and more work to do in terms of patient education. The CTCMPAO is mandated to protect the public and allowing other less trained professionals to use it is, in my professional opinion, not protecting the public. I believe that protecting the public should also include educating the public in terms of what they can expect when they see an RAc or TCMP vs some other less trained professional using acupuncture. By allowing other professions to use acupuncture it appears to the public as though special training and education are not necessary, it's confusing and they do not know what type of therapy they are getting. Chiropractors are told in their CEU courses they don't need to swab acupuncture points! So patients then come to see us and ask why we are doing it. They are also told to disregard, or are not even taught, certain point contraindications which is dangerous. I am aware they are only suppose to use acupuncture "within their scope of practice" and are "regulated by their own colleges" but I am also aware a multiple other professionals (RMT, physio and chiro) using traditional acupuncture points to treat issues not related to muscular skeletal health. I think the CTCMPAO should be doing a lot more to protect the public from practitioners who do not have adequate training, it's dangerous, negligent and confusing to the public. Calling acupuncture "dry needling" is a ridiculous way to get around the rules and should not be tolerated. This is also used as a way to make acupuncture by RAcS and TCMPs appear less scientific and dry needling more 'medically based'. One dry needling text book used to train physios even states that RAcS and RTCMPs do not have medically based training in terms of anatomy. As if we just needle into a person with no regard for what muscles or organs are beneath the skin. The college could be doing a lot more to educate the public that RAcS and RTCMPs training and education include anatomy, and physiology, we just use different words to describe our diagnosis. In the USA there are now many states who have banned dry needling, and the use of any type of acupuncture by non Acupuncturists (this includes chiro, physio, rmt) because it is so unsafe and the public is at risk. It seems it would be quite easy to prove these other regulated professionals are not following the guidelines set out by their own colleges. I hope you do take my comments to heart, begin to think critically about what can be done and I look forward to seeing some form of change in the near future.</p>	1/25/2018 10:46 AM
6	I think the fees are too high	12/22/2017 8:30 PM
7	The fees are much higher than fees for other colleges.	12/18/2017 1:58 PM
8	I do not agree fee schedule.	12/16/2017 7:31 AM
9	I think the fees are too high and also I believe that the timing is awful due to tax season. It would be less of a financial burden to move to a quarterly or monthly fee payment like the Chiropractic college has done or at least consider this.	12/15/2017 4:17 PM
10	Can the college decrease membership renewal fee as it is much higher than membership fee for other college	12/14/2017 10:32 PM
11	Existing amount is already too high to justify the inflation amount increase. The high fee discourages interest from the existing members and myself from renewal. And the high fee discourage public interest in joining this profession given that there are already too many restrictions on how to advertise to promote business. I am considering terminating my license and exit this profession due to various restrictions on advertising seeing other professionals such as chiropractic allow public review, endorsements and recommendations; dentist allow showing pictures of patients with before and after treatments; doctor posting positive patient reviews on their clinics; this profession have the restrictions other health professions do not experience. It is like profession discrimination within the industry sector.	12/14/2017 4:29 PM



CTC MPAO Consultation

- 8 Please use the space below to add any additional comments you may have regarding the proposed By-Law changes

- 9 How did you find out about this consultation? (Select all that apply)

- ☐ Email from colleague/friend
- ☐ Social Media (e.g. Facebook, Twitter, LinkedIn)
- ☐ College's homepage
- ☐ Other (please specify)

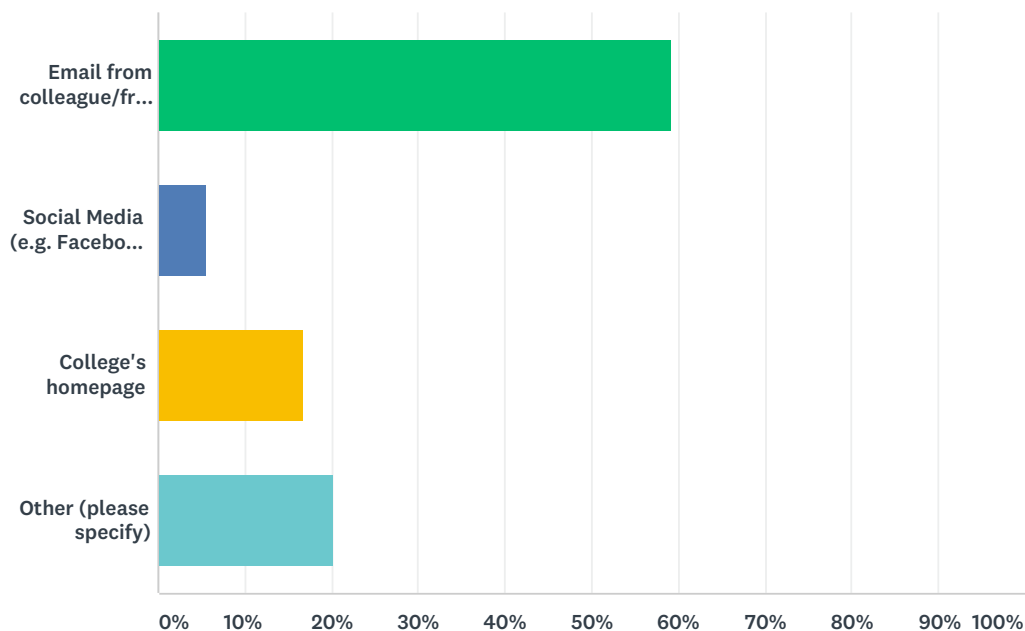
The College would like to thank you for taking the time to complete this survey.

Answered: 11 Skipped: 113

9 / 10

Q9 How did you find out about this consultation? (Select all that apply)

Answered: 54 Skipped: 70



ANSWER CHOICES	RESPONSES	
Email from colleague/friend	59.26%	32
Social Media (e.g. Facebook, Twitter, LinkedIn)	5.56%	3
College's homepage	16.67%	9
Other (please specify)	20.37%	11
Total Respondents: 54		

#	OTHER (PLEASE SPECIFY)	DATE
1	College email	2/13/2018 2:46 PM
2	Email from the college	1/22/2018 10:34 AM
3	official email	12/22/2017 10:46 PM
4	Email	12/20/2017 10:09 PM
5	Email from College	12/18/2017 11:28 AM
6	Email from the college	12/16/2017 7:27 PM
7	my email	12/16/2017 7:32 AM
8	Email from college	12/15/2017 8:01 PM
9	email from CTCMPAO	12/15/2017 4:17 PM
10	My R.Ac	12/14/2017 11:25 PM
11	email ctcmpao	12/14/2017 5:29 PM

From: [REDACTED]
Sent: February-13-18 11:59 AM
To: Consultation
Subject: Ageement
Attachments: [REDACTED] Proposed amendments to By-Laws 12Feb2018Final CH (1) (1).pdf

Hi [REDACTED]

I read it and I agree. Hope everything is better in 2018.

Yours sincerely,
[REDACTED]

Proposed By-Law Amendments

Submitted by: 
February 12, 2018

All Comments are in **BLUE**

4, 5 & 6 Banking

Proposed amendments to current By-Law

4. ~~Deleted The Executive Committee shall appoint a Canadian chartered bank under the Bank Act (Canada) for the use of the College.~~

5. All money belonging to the College shall be deposited in the name of the College with one or more banks (which shall be a Schedule 1 or Schedule 2 bank under the Bank Act (Canada)(the "bank"). All money belonging to the College shall be deposited in the name of the College with the bank.

6. The Registrar, Deputy Registrar or other person authorized by Council, may endorse any cheque or other negotiable instrument for collection on account of the College through the bank or for deposit to the credit of the College with the bank. ~~The College's rubber stamp may be used for such endorsement.~~

Rationale

The change in section 5 eliminates the need for this provision (formerly section 4).

This change sets the policy parameter that ensures the College's money is deposited in a secure Canadian bank. Eliminating the need for the Executive Committee to select the bank (former section 4) reflects the fact that operational activities should be performed by the staff of the College in compliance with policy set by Council and committees.

The additional signatories increases flexibility while ensuring appropriate loss prevention restraints are still in place.

2 Are you in agreement with the proposal?

☒ **Yes**

☐ No

Comments

5. Proposed wording:

..."Schedule 1 or Schedule 2 bank under the *Bank Act*, S.C. 1991, c.46 (the "Act") and the amendments that come into force."...

Rationale: Official short title of the Act to be used.

Proposed By-Law Amendments

Submitted by: [REDACTED]
February 12, 2018

16, 17, 18, & 19 - Authorization of Expenses

16, 17, 18 19

Proposed amendments to current By-Law

16. ~~The President, Vice President, or a member of the Executive Committee and~~ Any two of the Registrar, ~~the Deputy Registrar or the Director of Finance and a member of the Executive Committee~~ may approve purchases or leasing of goods and acquisition of services in accordance with the following provisions.

17. ~~The Registrar may authorize expenses not exceeding \$25,000 if the expenditure has previously been approved as an item in the College budget.~~ All cheques or payments issued on behalf of the College in excess of \$25,000.00, excluding salaries, or such other amounts as may be determined by the Council from time to time, must be signed by one of the Registrar or Deputy Registrar and one of the President, Vice-President or such other person as Council may designate.

18. ~~The Registrar and one of the President, Vice President or a member of the Executive Committee may authorize expenses in excess of \$25,000, if the expenditure has previously been approved as an item in the College budget.~~ All cheques or payments issued on behalf of the College not in excess of \$25,000.00, excluding salaries, or such other amount as may be determined by the Council shall be signed by any two of the following: Registrar, Deputy Registrar, Director of Finance, President, Vice-President, and any other such person as Council may designate, with the exception of the person to whom the cheque is made payable. At least one signature must be from the Registrar, Deputy Registrar or Director of Finance.

19. ~~If the expenditure is not an item in the College budget, the Executive Committee shall review and make recommendations to Council for approval.~~ The Registrar or Deputy Registrar may not make any payment where amounts or orders have been split to avoid the limit on purchases or where due diligence has not been exercised with respect to potential or actual conflicts of interest.

Rationale

This adds the Deputy Registrar and Director of Finance to better reflect current practice, within the policy parameters set out in subsequent provisions.

This increases the number of available signatories to include flexibility. It also ensures that the person to whom a cheque is payable cannot be a signatory of the payment.

The original provision was deemed unnecessary given the new sections 17 and 18.

3 Are you in agreement with the proposal?

☒ Yes

☐ No

Comments

N.A.

Proposed By-Law Amendments

Submitted by: [REDACTED]
February 12, 2018

36 - Eligibility for Election

Proposed amendments to current By-Law

36. A Member is eligible for election to Council in an electoral district, if on the closing date of nominations and anytime up to and including the date of the election:

1. The Member holds a General class of certificate of registration;
2. The Member is eligible to vote in the electoral district in which the Member is nominated;
3. The member is not the subject of any disciplinary or incapacity proceedings by a body that governs a profession, inside or outside of Ontario;
4. no findings of professional misconduct, incompetence or incapacity has been made against the Member in the preceding six years by a body that governs a profession, inside or outside of Ontario;
5. a period of six years has elapsed since the Member complied with all aspects of an order imposed by the Discipline or Fitness to Practice Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
6. the Member's certificate of registration has not been revoked or suspended in the six years preceding the date of nomination;
7. the Member is not subject to any order, direction, or term, condition and limitation of the Discipline Committee, the Fitness to Practice Committee or the Quality Assurance Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
8. the Member is not in default of payment of any fees to the College;
9. the Member is not at present nor has been at any time within the last two years, a director, owner, board member, officer or employee of any Professional ~~Traditional Chinese Medicine~~ Association; ~~other than a genuine Traditional Chinese Medicine association as defined in section 84 of these by-laws;~~
- 9.1 The Member is not at present nor has been at any time within the last two years, a director, owner, board member or officer of an educational institution relating to traditional Chinese medicine;
10. the Member has not been disqualified from the Council or a Committee of the Council in accordance with section 56 in the preceding three years;
11. the Member has not resigned from the Council in the preceding three years;
12. the Member does not have a conflict of interest to serve as a member of Council or has agreed to remove any such conflict of interest before taking office;
13. the Member is not a member of the Council or of a Committee of the College of any other college regulated under the RHPA; ~~health profession;~~

Proposed By-Law Amendments

Submitted by: [REDACTED]
February 12, 2018

14. the Member has not been a member of the staff of the College at any time within the preceding one ~~three~~ years;

15. the Member has not initiated, joined, continued or materially contributed to a legal proceeding against the College or any Committee or representative of the College;

Rationale

The list of criteria to exclude members from running for election as an elected member is expanded to include:

- Disciplinary proceedings of any other regulatory body
- Incapacity proceedings of any other regulatory body
- Orders of any regulatory body

- A “cooling off” period of two years for holding a position of responsibility with a professional association and/or TCM education institution

- Participation in a legal proceeding against the College

4. Are you in agreement with the proposal?



Yes



No

Comments:

Bylaw No. 36 (9) & (9.1).

Proposed amendment:

One year “cooling-off” period.

Rationale:

Two years “cooling-off” period from professional associations/ TCM educational establishment is unduly long.

Cited:

CPO By-laws No.8 (i) & (j) Eligibility for Election

8 (i) -the Member is not and has not been in the 12 months before the election, a director, officer, committee member, employee, or holder of any position of decision-making influence of any organization of physiotherapists that has as its primary mandate the promotion of the physiotherapy profession;

8 (j) -the Member does not hold and has not held in the 12 months before the election, a responsible position with any organization or group whose mandate or interests conflict with the mandate of the College.

Proposed By-Law Amendments

Submitted by: 
February 12, 2018

67.1 & 67.2 – Term of Office (President & Vice-President)

Proposed amendments to current By-Law

67.1 The term of office of the President and Vice-President commences immediately following their election and expires upon the election of the new President and Vice-President at the first regular meeting of Council in the following year.

67.2 In the event an officer resigns, dies, or otherwise ceases to act, the Council shall elect a new officer from among its members to hold office for the remainder of the year.

Rationale

Terms were not previously set out in the by-laws. This clarifies the terms and reflects current practice.

This clarifies the process for replacing an officer mid-term.

5 Are you in agreement with the proposal?



Yes



No

67.2 ...

Proposed amendments:

“ a) If the remainder of that Officer’s term is less than one year, Council shall: leave the office vacant; or elect/ appoint a successor from amongst the Council Members.

b) If the remainder of the term of office became vacant is more than one year, the Registrar shall hold a by-election for the electoral district.”

Rationale:

More considerations on the impacts of the duration of the term of office

Proposed By-Law Amendments

Submitted by: [REDACTED]
February 12, 2018

167, 168.2 & 168.3 – Additional Register Information

Proposed amendments to current By-Law

Additional Register Information

167. In addition to the information set out in subsection 23(2) of the Code, the register shall contain the following information with respect to each Member:

3. ~~Deleted; the Member's email address;~~

8. ~~languages spoken by the Member the name of the educational institution where the member obtained any certificates, diplomas or degrees in Traditional Chinese Medicine, the type of certificates, diplomas or degrees obtained and the date each was issued;~~

23. A notation of the Member's registration, membership or licensure with any other regulatory body inside or outside of Ontario, if known by the College.

~~168.2 The information required by paragraph 9.1 of section 167 shall be removed from the Register after twenty four months once the Registrar is satisfied that the Member has appeared before the panel of the Inquiries, Complaints and Reports Committee and received the caution.~~

~~168.3 The information required by paragraph 9.2 of section 167 shall be removed from the Register once the Registrar is satisfied that the Member has successfully completed the SCERP that was the subject of the decision of the panel of the Inquiries, Complaints and Reports Committee.~~

Rationale

The member's email address and education background will no longer appear on the public register.

The public register will contain the languages spoken of a member and whether a member belongs to another regulatory body.

Changes to the RHPA no longer permit removal of ICRC decisions to impose oral cautions and/or SCERPs.

6 Are you in agreement with the proposal?

☒ Yes

☐ No

Comments

N.A.

Proposed By-Law Amendments

Submitted by: 
February 12, 2018Schedule 4 Fee SchedulesProposed amendments to current By-Laws

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Yes



No.

Comments:

- Annual renewal fee for all classes of Members are too high compared with average income from most Members since regulation: that only deter those who may want to enter into this profession. Don't understand the rationale behind.
- Will definitely discourage the potential student members or suppress the development of the profession in this province, or even both.

Proposed By-Law Amendments

Submitted by: [REDACTED]
February 12, 2018

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Service Charge for declined payments	\$52.00	\$6.76	\$58.76

Proposed By-Law Amendments

Submitted by: [REDACTED]
February 12, 2018

Rationale

To improve the transparency of the fee schedule for all applicants and members.

Prorating the initial general certificate of registration fee quarterly based on the time the application is complete rather than when the applicant is eligible for registration is fairer to the applicant as they only pay for the months that they are registered.

The fees remain the same but have been adjusted in 2018-19 to reflect Consumer Price Index plus 2%. Any references to grandparenting fees have been removed. The fee schedule has been re-organized for better clarity.

7. Are you in agreement with the proposal?

☐

Yes

☒

No

Comments: **In the long run, help developing TCM profession could save provincial government funding to the whole healthcare system.**

Please use the space below to add any additional comments you may have regarding the proposed By-Law changes

9 How did you find out about this consultation? (Select all that apply)

☒

Email from colleague/friend

☐

Social Media (e.g. Facebook, Twitter, LinkedIn)

☒

College's homepage

☐

Other (please specify)

The College would like to thank you for taking the time to complete this survey.

From: [REDACTED]
Sent: February-13-18 1:48 PM
To: Consultation
Subject: Consultation- Proposed Amendments to By-Laws
Attachments: [REDACTED] Proposed amendments to By-Laws 13Feb2018 CH.pdf

Dear Sir/ Madame,

Attached please find our response to the recent Public Consultation of the above-captioned for your perusal.

[REDACTED]

Proposed By-Law Amendments

Submitted by: [REDACTED]

All Comments are in **BLUE**

4, 5 & 6 Banking

Proposed amendments to current By-Law

4. ~~Deleted~~ The Executive Committee shall appoint a Canadian chartered bank under the Bank Act (Canada) for the use of the College.

5. All money belonging to the College shall be deposited in the name of the College with one or more banks (which shall be a Schedule 1 or Schedule 2 bank under the Bank Act (Canada)(the "bank"). All money belonging to the College shall be deposited in the name of the College with the bank.

6. The Registrar, Deputy Registrar or other person authorized by Council, may endorse any cheque or other negotiable instrument for collection on account of the College through the bank or for deposit to the credit of the College with the bank. ~~The College's rubber stamp may be used for such endorsement.~~

Rationale

The change in section 5 eliminates the need for this provision (formerly section 4).

This change sets the policy parameter that ensures the College's money is deposited in a secure Canadian bank. Eliminating the need for the Executive Committee to select the bank (former section 4) reflects the fact that operational activities should be performed by the staff of the College in compliance with policy set by Council and committees.

The additional signatories increases flexibility while ensuring appropriate loss prevention restraints are still in place.

2 Are you in agreement with the proposal?

☒ Yes

☐ No

Comments

5. Proposed wording:

..."Schedule 1 or Schedule 2 bank under the *Bank Act*, S.C. 1991, c.46 (the "Act") and the amendments that come into force."...

Rationale: Official short title of the Act to be used.

Proposed By-Law Amendments

Submitted by: [REDACTED]

16, 17, 18, & 19 - Authorization of Expenses

16, 17, 18 19

Proposed amendments to current By-Law

16. ~~The President, Vice President, or a member of the Executive Committee and~~ Any two of the Registrar, ~~the Deputy Registrar or the Director of Finance and a member of the Executive Committee~~ may approve purchases or leasing of goods and acquisition of services in accordance with the following provisions.

17. ~~The Registrar may authorize expenses not exceeding \$25,000 if the expenditure has previously been approved as an item in the College budget.~~ All cheques or payments issued on behalf of the College in excess of \$25,000.00, excluding salaries, or such other amounts as may be determined by the Council from time to time, must be signed by one of the Registrar or Deputy Registrar and one of the President, Vice-President or such other person as Council may designate.

18. ~~The Registrar and one of the President, Vice President or a member of the Executive Committee may authorize expenses in excess of \$25,000, if the expenditure has previously been approved as an item in the College budget.~~ All cheques or payments issued on behalf of the College not in excess of \$25,000.00, excluding salaries, or such other amount as may be determined by the Council shall be signed by any two of the following: Registrar, Deputy Registrar, Director of Finance, President, Vice-President, and any other such person as Council may designate, with the exception of the person to whom the cheque is made payable. At least one signature must be from the Registrar, Deputy Registrar or Director of Finance.

19. ~~If the expenditure is not an item in the College budget, the Executive Committee shall review and make recommendations to Council for approval.~~ The Registrar or Deputy Registrar may not make any payment where amounts or orders have been split to avoid the limit on purchases or where due diligence has not been exercised with respect to potential or actual conflicts of interest.

Rationale

This adds the Deputy Registrar and Director of Finance to better reflect current practice, within the policy parameters set out in subsequent provisions.

This increases the number of available signatories to include flexibility. It also ensures that the person to whom a cheque is payable cannot be a signatory of the payment.

The original provision was deemed unnecessary given the new sections 17 and 18.

3 Are you in agreement with the proposal?

☒ Yes

☐ No

Comments

N.A.

Proposed By-Law Amendments

Submitted by: [REDACTED]

36 - Eligibility for Election

Proposed amendments to current By-Law

36. A Member is eligible for election to Council in an electoral district, if on the closing date of nominations and anytime up to and including the date of the election:

1. The Member holds a General class of certificate of registration;
2. The Member is eligible to vote in the electoral district in which the Member is nominated;
3. The member is not the subject of any disciplinary or incapacity proceedings by a body that governs a profession, inside or outside of Ontario;
4. no findings of professional misconduct, incompetence or incapacity has been made against the Member in the preceding six years by a body that governs a profession, inside or outside of Ontario;
5. a period of six years has elapsed since the Member complied with all aspects of an order imposed by the Discipline or Fitness to Practice Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
6. the Member's certificate of registration has not been revoked or suspended in the six years preceding the date of nomination;
7. the Member is not subject to any order, direction, or term, condition and limitation of the Discipline Committee, the Fitness to Practice Committee or the Quality Assurance Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
8. the Member is not in default of payment of any fees to the College;
9. the Member is not at present nor has been at any time within the last two years, a director, owner, board member, officer or employee of any Professional ~~Traditional Chinese Medicine~~ Association; ~~other than a genuine Traditional Chinese Medicine association as defined in section 84 of these by-laws;~~
- 9.1 The Member is not at present nor has been at any time within the last two years, a director, owner, board member or officer of an educational institution relating to traditional Chinese medicine;
10. the Member has not been disqualified from the Council or a Committee of the Council in accordance with section 56 in the preceding three years;
11. the Member has not resigned from the Council in the preceding three years;
12. the Member does not have a conflict of interest to serve as a member of Council or has agreed to remove any such conflict of interest before taking office;
13. the Member is not a member of the Council or of a Committee of the College of any other college regulated under the RHPA; ~~health profession;~~

Proposed By-Law Amendments

Submitted by: [REDACTED]

14. the Member has not been a member of the staff of the College at any time within the preceding one ~~three~~ years;

15. the Member has not initiated, joined, continued or materially contributed to a legal proceeding against the College or any Committee or representative of the College;

Rationale

The list of criteria to exclude members from running for election as an elected member is expanded to include:

- Disciplinary proceedings of any other regulatory body
- Incapacity proceedings of any other regulatory body
- Orders of any regulatory body

- A “cooling off” period of two years for holding a position of responsibility with a professional association and/or TCM education institution

- Participation in a legal proceeding against the College

4. Are you in agreement with the proposal?



Yes



No

Comments:

Bylaw No. 36 (9) & (9.1).

Proposed amendment:

One year “cooling-off” period.

Rationale:

Two years “cooling-off” period from professional associations/ TCM educational establishment is unduly long.

Cited:

CPO By-laws No.8 (i) & (j) Eligibility for Election

8 (i) -the Member is not and has not been in the 12 months before the election, a director, officer, committee member, employee, or holder of any position of decision-making influence of any organization of physiotherapists that has as its primary mandate the promotion of the physiotherapy profession;

8 (j) -the Member does not hold and has not held in the 12 months before the election, a responsible position with any organization or group whose mandate or interests conflict with the mandate of the College.

Proposed By-Law Amendments

Submitted by: [REDACTED]

67.1 & 67.2 – Term of Office (President & Vice-President)

Proposed amendments to current By-Law

67.1 The term of office of the President and Vice-President commences immediately following their election and expires upon the election of the new President and Vice-President at the first regular meeting of Council in the following year.

67.2 In the event an officer resigns, dies, or otherwise ceases to act, the Council shall elect a new officer from among its members to hold office for the remainder of the year.

Rationale

Terms were not previously set out in the by-laws. This clarifies the terms and reflects current practice.

This clarifies the process for replacing an officer mid-term.

5 Are you in agreement with the proposal?



Yes



No

67.2 ...

Proposed amendments:

“ a) If the remainder of that Officer’s term is less than one year, Council shall: leave the office vacant; or elect/ appoint a successor from amongst the Council Members.

b) If the remainder of the term of office became vacant is more than one year, the Registrar shall hold a by-election for the electoral district.”

Rationale:

More considerations on the impacts of the duration of the term of office

Proposed By-Law Amendments

Submitted by: [REDACTED]

167, 168.2 & 168.3 – Additional Register Information

Proposed amendments to current By-Law

Additional Register Information

167. In addition to the information set out in subsection 23(2) of the Code, the register shall contain the following information with respect to each Member:

3. ~~Deleted; the Member's email address;~~

8. ~~languages spoken by the Member the name of the educational institution where the member obtained any certificates, diplomas or degrees in Traditional Chinese Medicine, the type of certificates, diplomas or degrees obtained and the date each was issued;~~

~~23. A notation of the Member's registration, membership or licensure with any other regulatory body inside or outside of Ontario, if known by the College.~~

~~168.2 The information required by paragraph 9.1 of section 167 shall be removed from the Register after twenty four months once the Registrar is satisfied that the Member has appeared before the panel of the Inquiries, Complaints and Reports Committee and received the caution.~~

~~168.3 The information required by paragraph 9.2 of section 167 shall be removed from the Register once the Registrar is satisfied that the Member has successfully completed the SCERP that was the subject of the decision of the panel of the Inquiries, Complaints and Reports Committee.~~

Rationale

The member's email address and education background will no longer appear on the public register.

The public register will contain the languages spoken of a member and whether a member belongs to another regulatory body.

Changes to the RHPA no longer permit removal of ICRC decisions to impose oral cautions and/or SCERPs.

6 Are you in agreement with the proposal?

☒ Yes



No

Comments

N.A.

Proposed By-Law Amendments

Submitted by: [REDACTED]

Schedule 4 Fee Schedules

Proposed amendments to current By-Laws

2018-2019 Fee Schedule			
Item	Fee	HST 13%	Total
Fees Relating to General Class			
Application	\$285.00	\$37.05	\$322.05
Initial Registration (first year of registration pro-rated by quarter in which registered)			
<i>April 1, 2018 - June 31, 2018</i>	\$970.00	\$126.10	\$1,096.10
<i>July 1, 2018 - Sept 30, 2018</i>	\$728.00	\$94.64	\$822.64
<i>October 1, 2018 - December 31, 2018</i>	\$485.00	\$63.05	\$548.05
<i>January 1, 2019 - March 31, 2019</i>	\$243.00	\$31.59	\$274.59
Annual Renewal	\$1,142.00	\$148.46	\$1,290.46
Fees Relating to Inactive Class			
Application	\$285.00	\$37.05	\$322.05
Registration	\$320.00	\$41.60	\$361.60
Annual Renewal	\$320.00	\$41.60	\$361.60
Fees Relating to Temporary Class			
Application	\$285.00	\$37.05	\$322.05
Registration	\$970.00	\$126.10	\$1,096.10



Yes



No.

Comments:

- Annual renewal fee for all classes of Members are too high compared with average income from most Members since regulation: that only deter those who may want to enter into this profession. Don't understand the rationale behind.
- Will definitely discourage the potential student members or suppress the development of the profession in this province, or even both.

Proposed By-Law Amendments

Submitted by:

Fees Relating to Professional Corporations			
Application	\$169.00	\$21.97	\$190.97
Initial Registration (first year of registration pro-rated by quarter in which registered)			
April 1, 2018 - June 31, 2018	\$1,129.00	\$146.77	\$1,275.77
July 1, 2018 - Sept 30, 2018	\$847.00	\$110.11	\$957.11
October 1, 2018 - December 31, 2018	\$565.00	\$73.45	\$638.45
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Annual Renewal	\$1,129.00	\$146.77	\$1,275.77
Fees Relating to Student Class			
Application	\$156.00	\$20.28	\$176.28
Initial Registration (first year of registration pro-rated by quarter in which registered)			
April 1, 2018 - June 31, 2018	\$173.00	\$22.49	\$195.49
July 1, 2018 - Sept 30, 2018	\$130.00	\$16.90	\$146.90
October 1, 2018 - December 31, 2018	\$87.00	\$11.31	\$98.31
January 1, 2019 - March 31, 2019	\$44.00	\$5.72	\$49.72
Annual Renewal	\$208.00	\$27.04	\$235.04
Fees Relating to Examinations			
Application	\$300.00	\$39.00	\$339.00
TCM Practitioner			
Written Examination	\$550.00	\$71.50	\$621.50
Clinical Case Study Examination	\$550.00	\$71.50	\$621.50
Acupuncturist			
Written Examination	\$350.00	\$45.50	\$395.50
Clinical Case Study Examination	\$450.00	\$58.50	\$508.50
Request for Rescore			
Written Examination	\$50.00	\$6.50	\$56.50
Clinical Case Study Examination	\$350.00	\$45.50	\$395.50
Other Fees			
Transfer to another class	\$171.00	\$22.23	\$193.23
Reinstatement	\$251.00	\$32.63	\$283.63
Late Renewal	30% of the Annual Renewal		
Safety Program	\$107.00	\$13.91	\$120.91
Jurisprudence Program	\$107.00	\$13.91	\$120.91
Application for Variation	\$270.00	\$35.10	\$305.10
Duplicate Certificate	\$57.00	\$7.41	\$64.41
Letter of Standing	\$114.00	\$14.82	\$128.82
Request for Application Documentation	\$54.00	\$7.02	\$61.02
Service Charge for declined payments	\$52.00	\$6.76	\$58.76

Proposed By-Law Amendments

Submitted by: [REDACTED]

Rationale

To improve the transparency of the fee schedule for all applicants and members.

Prorating the initial general certificate of registration fee quarterly based on the time the application is complete rather than when the applicant is eligible for registration is fairer to the applicant as they only pay for the months that they are registered.

The fees remain the same but have been adjusted in 2018-19 to reflect Consumer Price Index plus 2%. Any references to grandparenting fees have been removed. The fee schedule has been re-organized for better clarity.

7. Are you in agreement with the proposal?

☐

Yes

☒

No

Comments: **In the long run, help developing TCM profession could save provincial government funding to the whole healthcare system.**

Please use the space below to add any additional comments you may have regarding the proposed By-Law changes

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☒

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☐

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☒

College's homepage

☐

Other (please specify)

The College would like to thank you for taking the time to complete this survey.

END

From: [REDACTED]
Sent: February-14-18 2:37 PM
To: Consultation
Subject: Proposed amendments
Attachments: [REDACTED] Proposed amendments to By-Laws 12Feb2018Final CH (1) copy.pdf; ATT00001.htm

Proposed By-Law Amendments

Submitted by: 
February 12, 2018

All Comments are in **BLUE**

4, 5 & 6 Banking

Proposed amendments to current By-Law

4. ~~Deleted The Executive Committee shall appoint a Canadian chartered bank under the Bank Act (Canada) for the use of the College.~~

5. ~~All money belonging to the College shall be deposited in the name of the College with one or more banks (which shall be a Schedule 1 or Schedule 2 bank under the Bank Act (Canada)(the "bank"). All money belonging to the College shall be deposited in the name of the College with the bank.~~

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Rationale

The change in section 5 eliminates the need for this provision (formerly section 4).

This change sets the policy parameter that ensures the College's money is deposited in a secure Canadian bank. Eliminating the need for the Executive Committee to select the bank (former section 4) reflects the fact that operational activities should be performed by the staff of the College in compliance with policy set by Council and committees.

The additional signatories increases flexibility while ensuring appropriate loss prevention restraints are still in place.

2 Are you in agreement with the proposal?

☒ **Yes**

☐ No

Comments

5. Proposed wording:

..."Schedule 1 or Schedule 2 bank under the *Bank Act*, S.C. 1991, c.46 (the "Act") and the amendments that come into force."...

Rationale: Official short title of the Act to be used.

Proposed By-Law Amendments

Submitted by: [REDACTED]
February 12, 2018

16, 17, 18, & 19 - Authorization of Expenses

16, 17, 18 19

Proposed amendments to current By-Law

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Rationale

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The original provision was deemed unnecessary given the new sections 17 and 18.

3 Are you in agreement with the proposal?

☒ Yes

☐ No

Comments

N.A.

Proposed By-Law Amendments

Submitted by: [REDACTED]
February 12, 2018

36 - Eligibility for Election

Proposed amendments to current By-Law

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Proposed By-Law Amendments

Submitted by: [REDACTED]
February 12, 2018

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Rationale

The list of criteria to exclude members from running for election as an elected member is expanded to include:

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- Orders of any regulatory body

- A “cooling off” period of two years for holding a position of responsibility with a professional association and/or TCM education institution

- Participation in a legal proceeding against the College

4. Are you in agreement with the proposal?



Yes



No

Comments:

Bylaw No. 36 (9) & (9.1).

Proposed amendment:

One year “cooling-off” period.

Rationale:

Two years “cooling-off” period from professional associations/ TCM educational establishment is unduly long.

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Proposed By-Law Amendments

Submitted by: 
February 12, 2018

67.1 & 67.2 – Term of Office (President & Vice-President)

Proposed amendments to current By-Law

67.1 The term of office of the President and Vice-President commences immediately following their election and expires upon the election of the new President and Vice-President at the first regular meeting of Council in the following year.

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5 Are you in agreement with the proposal?



Yes



No

67.2 ...

Proposed amendments:

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Rationale:

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Proposed By-Law Amendments

Submitted by: [REDACTED]
February 12, 2018

167, 168.2 & 168.3 – Additional Register Information

Proposed amendments to current By-Law

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Changes to the RHPA no longer permit removal of ICRC decisions to impose oral cautions and/or SCERPs.

6 Are you in agreement with the proposal?

☒ Yes

☐ No

Comments

N.A.

Proposed By-Law Amendments

Submitted by: [REDACTED]
February 12, 2018

Schedule 4 Fee Schedules

Proposed amendments to current By-Laws

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- ☐ Yes
☒ No.

Comments:

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Proposed By-Law Amendments

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February 12, 2018

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April 1, 2018 - June 31, 2018	\$173.00	\$22.49	\$195.49
July 1, 2018 - Sept 30, 2018	\$130.00	\$16.90	\$146.90
October 1, 2018 - December 31, 2018	\$87.00	\$11.31	\$98.31
January 1, 2019 - March 31, 2019	\$44.00	\$5.72	\$49.72
Annual Renewal	\$208.00	\$27.04	\$235.04
Fees Relating to Examinations			
Application	\$300.00	\$39.00	\$339.00
TCM Practitioner			
Written Examination	\$550.00	\$71.50	\$621.50
Clinical Case Study Examination	\$550.00	\$71.50	\$621.50
Acupuncturist			
Written Examination	\$350.00	\$45.50	\$395.50
Clinical Case Study Examination	\$450.00	\$58.50	\$508.50
Request for Rescore			
Written Examination	\$50.00	\$6.50	\$56.50
Clinical Case Study Examination	\$350.00	\$45.50	\$395.50
Other Fees			
Transfer to another class	\$171.00	\$22.23	\$193.23
Reinstatement	\$251.00	\$32.63	\$283.63
Late Renewal	30% of the Annual Renewal		
Safety Program	\$107.00	\$13.91	\$120.91
Jurisprudence Program	\$107.00	\$13.91	\$120.91
Application for Variation	\$270.00	\$35.10	\$305.10
Duplicate Certificate	\$57.00	\$7.41	\$64.41
Letter of Standing	\$114.00	\$14.82	\$128.82
Request for Application Documentation	\$54.00	\$7.02	\$61.02
Service Charge for declined payments	\$52.00	\$6.76	\$58.76

Proposed By-Law Amendments

Submitted by: [REDACTED]
February 12, 2018

Rationale

To improve the transparency of the fee schedule for all applicants and members.

Prorating the initial general certificate of registration fee quarterly based on the time the application is complete rather than when the applicant is eligible for registration is fairer to the applicant as they only pay for the months that they are registered.

The fees remain the same but have been adjusted in 2018-19 to reflect Consumer Price Index plus 2%. Any references to grandparenting fees have been removed. The fee schedule has been re-organized for better clarity.

7. Are you in agreement with the proposal?

☐

Yes

☒

No

Comments: **In the long run, help developing TCM profession could save provincial government funding to the whole healthcare system.**

Please use the space below to add any additional comments you may have regarding the proposed By-Law changes

9 How did you find out about this consultation? (Select all that apply)

☒

Email from colleague/friend

☐

Social Media (e.g. Facebook, Twitter, LinkedIn)

☒

College's homepage

☐

Other (please specify)

The College would like to thank you for taking the time to complete this survey.

From: [REDACTED]
Sent: February-15-18 9:56 AM
To: Consultation
Subject: [REDACTED] Proposed amendments to By-Laws

Dear CTCMPAO,

I agree with [REDACTED] Proposed amendments to By-Laws that I received.

Thank you.

Best regards,

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



College of Traditional Chinese Medicine
Practitioners and Acupuncturists of Ontario

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

**By Law ~~No. 1~~ of
the
College of Traditional Chinese Medicine and
Acupuncturists of Ontario**

College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario

Version V1.50

Approved by the Council on:	14 February, 2017
Amended on:	24 March, 2017
Effect Date on:	14 February, 2017

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1. INTERPRETATION

1.01. Definitions

In these By-Laws, unless otherwise defined or required by the context,

“Act”	means the <i>Traditional Chinese Medicine Act, 2006</i> ;
“Auditor”	means the accountant or firm of accountants duly licensed under the <i>Public Accounting Act</i> who have been appointed by Council;
“By-Law” or “By-Laws”	means the By-Laws of the College;
“Code”	means the <i>Health Professions Procedural Code</i> , which is Schedule 2 of the RHPA;
“College”	means the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario;
“Committee”	means the committees established under section 10 of the Code, called statutory committees, and the committees established under these By-Laws, called By-law committees;
“Council”	means the Council of the College established under section 6 of the Act;
“Council Member” (sometimes referred to as a “member of Council”)	means a Member elected to Council or a Public Member appointed to Council;
“Ex-officio”	means “by virtue of the office” and, for greater certainty, unless otherwise specifically provided for, an ex-officio member of a Committee has all of the rights, responsibilities and powers of any other member of the Committee, including the right to vote and to be counted as part of quorum;
“Member”	means a member of the College;
“non-Council member”	means a Member who is not a member of the Council who has been appointed to a Committee;
“President” and “Vice-President”	means, respectively, the President and the Vice-President of the College;

“Professional Association”	means an organized group of individuals who promote and advocate for the interests of the profession related to Traditional Chinese Medicine or acupuncture, but does not include a school whose sole purpose is to educate;
“Professional Member”	means a person described in clause 6(1)(a) of the Act;
“Public Member”	means a person described in clause 6(1)(b) of the Act ;
“Register”	means the Register required to be kept pursuant to the Code;
“Registrar”	means the Registrar of the College; and
“RHPA”	means the <i>Regulated Health Professions Act, 1991</i> .

1.02. Singular and Plural / Gender

In these and all By-Laws of the College, the singular shall include the plural, the plural shall include the singular; words expressed in one gender shall include all genders.

1.03. Legislative References

Any reference in these By-Laws to a statute, a regulation or a section of a statute or regulation shall be deemed to apply to any re-enactment or amendment of that statute, regulation or section, as the case may be.

1.04. Consistency with RHPA and Act

All provisions of these By-Laws shall be interpreted in a manner consistent with the RHPA and the Act and where any inconsistency is found to exist, the inconsistent provision shall, where practical, be severed from these By-Laws.

1.05. Calculating Time

A reference in these and all By-Laws of the College to the number of days between two events means calendar days and excludes the day on which the first event happens and includes the day on which the second event happens.

1.06. Holidays

A time limit in these and all By-Laws of the College that would otherwise expire on a holiday or a weekend is extended to include the next day that is not a holiday or a weekend.

2. GENERAL

2.01. Seal



The seal depicted above is the seal of the College.

2.02. Seal Affixed

The seal of the College shall, when required, be affixed to contracts, documents or instruments in writing, by a person authorized to sign the document

3. BANKING AND FINANCE

3.01. Banking

All money belonging to the College shall be deposited in the name of the College with one or more banks (which shall be a Schedule 1 or Schedule 2 bank under the Bank Act (Canada) (the “bank”).

3.02. Bank Signing Authority

- (i) The Registrar, Deputy Registrar or other person authorized by Council, may endorse any cheque or other negotiable instrument for collection on account of the College through the bank or for deposit to the credit of the College with the bank.
- (ii) Council from time to time may authorize, by resolution, officers or other persons, whether or not they are officers of the College, to sign contracts, documents, cheques and other instruments pertaining to the College’s bank account. In the absence of such a resolution, any two of the Registrar or the Deputy Registrar and a member of the Executive Committee, are authorized to sign banking documents.

3.03. Investments

- (i) All monies belonging to the College may be deposited or invested, within limitations set by Council.
- (ii) All share certificates, bonds, debentures, notes or obligations belonging to the College shall be issued in the name of the College.

3.04. Custody of Securities

All securities owned by the College shall be lodged, in the name of the College, with a Canadian chartered bank or a Canadian trust company, or in a safety deposit box, or held in accounts with

such brokerage houses as may be authorized by Council from time to time. Any securities and other documents shall be placed or removed only by any two of the Registrar, Deputy Registrar and a member of the Executive Committee.

3.05. **Borrowing**

- (i) Council may by resolution
 - a. borrow money on the credit of the College;
 - b. limit or increase the amount to be borrowed;
 - c. sell or pledge securities of the College for such sums or prices as may be deemed expedient; and
 - d. charge, mortgage, hypothecate or pledge all or any currently owned subsequently acquired real or personal, moveable or immovable property of the College, including book debts, rights, powers, franchises and undertakings, to secure any such debt obligations or any money borrowed or other debt or liability of the College
- (ii) The Executive Committee shall from time to time review the terms and conditions of the monies borrowed and make recommendations to Council to schedule repayment.

3.06. **Signing Authority**

Any two of the Registrar, the Deputy Registrar or the Director of Finance and a member of the Executive Committee may approve purchases or leasing of goods and acquisition of services in accordance with the following provisions:

- (i) All cheques or payments issued on behalf of the College in excess of \$25,000.00, excluding salaries, or such other amounts as may be determined by the Council from time to time, must be signed by one of the Registrar or Deputy Registrar and one of the President, Vice-President or such other person as Council may designate.
- (ii) All cheques or payments issued on behalf of the College not in excess of \$25,000.00, excluding salaries, or such other amount as may be determined by the Council shall be signed by any two of the following: Registrar, Deputy Registrar, Director of Finance, the President, Vice-President, or other such person as Council may designate, with the exception of the person to whom the cheque is made payable. At least one signature must be from the Registrar, Deputy Registrar or Director of Finance.
- (iii) The Registrar or Deputy Registrar may not make any payment where amounts or orders have been split to avoid the limit on purchases or where due diligence has not been exercised with respect to potential or actual conflicts of interest.

3.07. **Fiscal Year**

The fiscal year of the College shall be from April 1st to March 31st of the following year.

3.08. Auditors

The Council shall annually appoint an auditor to audit the accounts of the College and to hold office for the ensuing year.

3.09. Execution of Other Documents

- (i) Deeds, mortgages and real property leases requiring the signature of the College shall be signed by the President or the Vice-President together with either the Registrar or the Deputy Registrar and shall be binding upon the College without any further authorization or formality. Council may by resolution appoint any officer or officers or any person or persons on behalf of the College either to sign deeds, mortgages and real property leases.
- (ii) Subject to section 3.09(i), all cheques and contracts may be signed by the Registrar alone in compliance with policies approved by Council from time to time.
- (iii) The term “contracts, documents or instruments in writing” as used in these By-Laws is intended to include deeds, mortgages, hypothecs, charges, conveyances, transfers and assignments of property, real or personal, movable or immovable, powers of attorney, agreements, releases, receipts and discharges for the payment of money or other obligations, conveyances, transfers and assignments of shares, bonds, debentures or other securities and all paper writings.
- (iv) Except where otherwise provided by law, the Registrar may sign summonses, notices and orders on behalf of the College or any Committee of the College.

4. ELECTION OF COUNCIL MEMBERS**4.01. Electoral Districts**

The following are the Electoral Districts for all Council Member elections (with necessary modifications by the Registrar to ensure that the entire province is covered and that there is no overlap of Districts):

- (i) Electoral District 1: North East. North East comprised of the districts of Kenora, Rainy River, Thunder Bay, Algoma, Cochrane, Manitoulin, Parry Sound, Nipissing, Timiskaming, and Sudbury; the district municipality of Muskoka; and the city of Greater Sudbury; the counties of Frontenac, Hastings, Lanark, Renfrew, Lennox and Addington; the united counties of Leeds and Grenville, Prescott and Russell, Stormont, Dundas, Glengarry; and the cities of Prince Edward and Ottawa.
- (ii) Electoral District 2: Central East comprised of the counties of Haliburton, Northumberland, Peterborough, and Simcoe, the city of Kawartha Lakes, and the regional municipality of Durham.
- (iii) Electoral District 3: Central comprised of the city of Toronto and the regional municipality of York.

- (iv) Electoral District 4: Central West 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.
- (v) Electoral District 5: West comprised of the counties of Essex, Bruce, Grey, Lambton, Elgin, Middlesex, Huron, Perth, Oxford, and the regional municipality of Chatham- Kent.

4.02. Eligibility to Vote in an Electoral District

A Member is eligible to vote in the electoral district in which the Member, within 30 days of the election, primarily practices, or if the Member is not engaged in the practice of Traditional Chinese Medicine, in which the Member has primary residence.

4.03. Number of Members per Electoral District

For each electoral district referred to in column 1 of the following table, there shall be elected to Council the number of Members set out opposite in column 2.

Column 1	Column 2
Electoral District	Number of members
1	2
2	1
3	3
4	2
5	1

4.04. Term of Office

The term of office of a Member elected to Council is approximately three years, commencing with the first regular meeting of Council immediately following the election. The Member shall continue to serve in office until the Member's successor takes office in accordance with these By- Laws.

4.05. Maximum Term

A Member who has served on Council for nine consecutive years is ineligible for election to Council until a full three-year term has passed since that Member last served on Council. The first nine-year period does not commence until after the first election in each electoral district.

4.06. Staggered Terms

- (i) An election of Members to Council shall be held:
 - a. in 2017, and in every third year after that for Members from electoral districts 1 and 2;
 - b. in 2018, and in every third year after that for Members from electoral district 3; and

- c. in 2016, and in every third year after that for Members from electoral districts 4 and 5.

4.07. Election Date

The Registrar, as directed by Council, shall set the date for election to Council of candidates in each electoral district.

4.08. Eligibility for Election

A Member is eligible for election to Council in an electoral district, if on the closing date of nominations and anytime up to and including the date of the election:

- (i) the Member holds a General class of certificate of registration;
- (ii) the Member is eligible to vote in the electoral district in which the Member is nominated;
- (iii) the member is not the subject of any disciplinary or incapacity proceedings by a body that governs a profession, inside or outside of Ontario;
- (iv) no findings of professional misconduct, incompetence or incapacity has been made against the Member in the preceding six years by a body that governs a profession, inside or outside of Ontario;
- (v) a period of six years has elapsed since the Member complied with all aspects of an order imposed by the Discipline or Fitness to Practice Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
- (vi) the Member's certificate of registration has not been revoked or suspended in the six years preceding the date of nomination;
- (vii) the Member is not subject to any order, direction, or term, condition and limitation of the Discipline Committee, the Fitness to Practice Committee or the Quality Assurance Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
- (viii) the Member is not in default of payment of any fees to the College;
- (ix) the Member is not at present nor has been at any time within the last two years, a director, owner, board member, officer or employee of any Professional Association;
- (x) The Member is not at present nor has been at any time within the last two years, a director, owner, board member or officer of an educational institution relating to traditional Chinese medicine;
- (xi) the Member has not been disqualified from the Council or a Committee of the Council in accordance with section ~~5.014-27~~ in the preceding three years;
- (xii) the Member has not resigned from the Council in the preceding three years;
- (xiii) the Member does not have a conflict of interest to serve as a member of Council or has agreed to remove any such conflict of interest before taking office;

- (xiv) the Member is not a member of the Council or of a Committee of the College of any other college regulated under the RHPA;
- (xv) the Member has not been a member of the staff of the College at any time within the preceding one year;
- (xvi) the Member has not initiated, joined, continued or materially contributed to a legal proceeding against the College or any Committee or representative of the College.

4.09. **Nominations**

- (i) The Registrar shall supervise the nomination of candidates.
- (ii) No later than ~~690~~ days before the date of an election, the Registrar shall notify every Member eligible to vote of the date, time and electoral district of the election and of the nomination procedure.
- (iii) The nomination of a candidate for election as a member of Council shall be in writing and shall be given to the Registrar at least ~~6045~~ days before the date of the election (the "nomination deadline").
- (iv) The nomination shall be signed by the candidate and by at least three Members who support the nomination and who are eligible to vote in the electoral district in which the election is to be held.

4.10. **Candidate's Biography**

The candidate shall provide to the Registrar by the nomination deadline or such later date as the Registrar permits, biographical information in a manner acceptable to the Registrar for the purpose of distribution to eligible Members in accordance with the By- Laws.

4.11. **Withdrawal of Nomination**

The candidate may withdraw his or her nomination for election to Council no later than 30 days before the date of the election.

4.12. **Acclamation**

If the number of candidates nominated for an electoral district is less than or equal to the number of members to be elected in that electoral district, the Registrar shall declare those candidates to be elected by acclamation.

4.13. **Administering Elections**

The Registrar shall supervise and administer the election of candidates and, for the purpose of carrying out that duty, the Registrar may, subject to the By-Laws,

- (i) appoint returning officers and scrutineers;

- (ii) establish procedures and any necessary deadlines including procedures and deadlines relating to the receiving and sending of notifications, biographies, ballots and any other election materials;
- (iii) provide for the notification of all candidates and Members of the results of the election;
- (iv) if there has been a non-compliance with a nomination or election requirement, determine whether the non-compliance should be waived in circumstances where the fairness of the election will not be affected;
- (v) establish deadlines for any recounts and provide for the destruction of voting information following an election; and
- (vi) do anything else that the Registrar deems necessary and appropriate to ensure that the election is fair and effective.

4.14. **Ineligibility to Vote**

A Member is ineligible to vote in a council election if the Member is in default of payment of any fees prescribed by by-law or any fine or order for costs to the College imposed by the College or court of law or is in default in providing any information required by the College.

4.15. **Notice of Election**

No later than ~~30~~24 days before the date of an election, the Registrar shall send to every Member eligible to vote in an electoral district in which an election is to take place, a list of the candidates, the candidates' biographical information if provided and an explanation of the voting procedure.

4.16. **Voting**

Except for an election in which the Registrar has declared a candidate elected to the Council by acclamation, the Registrar shall send every Member entitled to vote in an electoral district in which an election is to take place:

- (i) a list of eligible candidates;
- (ii) the means to cast a ballot; and
- (iii) instructions for voting.

4.17. **Number of Votes Cast**

A Member may cast as many votes on a ballot in an election of Members to the Council as there are Members to be elected to Council from the electoral district in which the Member is eligible to vote. A Member shall not cast more than one vote for any one candidate.

4.18. **Vote Tabulation**

- (i) The Registrar shall establish procedures for the tabulating of votes.

- (ii) The Registrar shall certify the final vote tabulation if he or she is satisfied that the votes were adequately counted.

4.19. **Reporting and Recording Votes**

The Registrar shall honestly and accurately report the vote counts in each election, record the results of each count and thereby determine the result of each election.

4.20. **Tie Vote**

If there is a tie in an election of Members to the Council, there shall be an automatic recount, following which if there is still a tie, the Registrar shall break the tie by lot.

4.21. **Request for a Recount**

A candidate may require a recount by making a written request to the Registrar and paying the elections recount fee of \$150 to the College no more than 15 days after the date of an election.

4.22. **Holding Recount**

The Registrar shall hold a recount no more than 10 days after receiving the request.

4.23. **Changing Results**

If the recount changes the election result, the full amount of the elections recount fee shall be refunded to the candidate.

4.24. **Exceptional Circumstances**

In exceptional circumstances, the Registrar may modify any time period respecting elections as the Registrar considers necessary to compensate for the exceptional circumstances.

4.25. **Minor Irregularities Not Fatal**

Council shall not declare an election result to be invalid solely on the basis of a minor irregularity regarding the requirements of these By-Laws or a procedure established by the Registrar.

4.26. **Inquiry into Disputed Election**

If, within 90 days from the date of the election, the Council is of the opinion that there is a reasonable ground for doubt or dispute as to the validity of the election of any member of Council, the Council shall hold an inquiry and decide whether the election of the Member is valid and, if an election is found to be invalid, the Council shall direct another election to be held.

5. **DISQUALIFICATION**

5.01. Grounds for Disqualification

- (i) The Council shall, in accordance with the procedure described in these By-Laws, disqualify a Professional Member from sitting on Council if the Professional Member:
- a. resigns from Council;
 - b. is the subject of any disciplinary or incapacity proceeding by a body that governs a profession, inside or outside of Ontario;
 - c. is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
 - d. is found to be an incapacitated Member by a panel of the Fitness to Practice Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
 - e. fails to attend two consecutive meetings of the Council or of a Committee in which he or she is a member, without reasonable cause in the opinion of Council;
 - f. fails to attend a hearing or review of a panel for which the Member has been selected, without reasonable cause in the opinion of Council;
 - g. ceases to either have a primary practice of Traditional Chinese Medicine or primary residence in the electoral district in which the Member was elected;
 - h. becomes a director, owner, board member, officer or employee of any Professional Association;
 - i. ~~The Member is not at present nor has been at any time within the last two years,~~ becomes a director, owner, board member or officer of an educational institution relating to Traditional Chinese Medicine;
 - j. becomes a Member of the Council of or a committee of any other college regulated under the RHPA;
 - k. breaches the conflict of interest provision(s) for Members of Council and Committees, in the opinion of the Council, after being given notice of the concern and an opportunity to respond to the concern;
 - l. breaches section 36 of the RHPA which, in the opinion of Council, is of such a nature that warrants disqualification;
 - m. fails to discharge properly or honestly any office to which the Member has been elected, in the opinion of the Council, after being given notice of the concern and an opportunity to respond;

- n. remains, thirty days after notice, in default of payment of any fees prescribed by By-Law or any fine or order for costs imposed by the College or court of law under the Act;
- o. remains, thirty days after notice, in default of providing any information required by the College;
- p. ceases to hold a General certificate of registration;
- q. is found guilty of a criminal offence which, in the opinion of Council, is of such a nature that warrants disqualification; or
- r. Initiates, joins, materially contributes or continues a legal proceeding against the College or any Committee or representative of the College.

5.02. Removal of Council or Committee Member

(i) The following procedure shall be followed in the event that a Council or Committee Member is alleged to have contravened the duties of a Council or Committee Member or meets the criteria for disqualification set out in section 5.01 other than paragraphs a, b, or n.

- a. A written complaint shall be filed with the Registrar. A complaint can be made by a member of the public, a Council or Committee Member or the Registrar. If a member of Council or a Committee receives such a complaint, he or she shall immediately file it with the Registrar.
- b. The Registrar shall report the complaint to the President who shall bring the complaint to the Executive Committee if he or she believes that the complaint may warrant formal action. In the event that the information relates to another member of the Executive Committee, the President shall bring the information to the attention of the remaining members of the Executive Committee. If the Executive Committee is unable to address the complaint it may appoint another Committee to fulfill its duties under this article.
- c. If the information received by the Registrar under this section 5.02 relates to the President, the Registrar shall bring the information to the Vice-President who shall follow the same steps set out in paragraph b.
- d. If the Executive Committee or any Committee appointed by the Executive Committee, after any investigation it deems appropriate, believes that the complaint may warrant formal action, it shall call a meeting of Council. Council shall determine whether there has been a breach of duties or whether the criteria for disqualification have been met and, if so, impose the appropriate sanction. The appropriate sanction can include one or more of the following:
 - 1. censure of the Council or Committee Member verbally or in writing,

- 2. removal of the Council or Committee Member from any Committee on which he or she serves,
- 3. disqualification of a Professional Member from Council, or a report requesting removal of the Public Member concerned from the Council to the Public Appointments Secretariat.
- e. A decision finding that there has been a breach of duties or that a Council or Committee Member meets the criteria for disqualification set out in section 5.02, and a decision to impose a particular sanction must be approved by a simple majority affirmative vote of Council Members present and voting.
- f. The Council or Committee Member whose conduct is the subject of concern shall not take part in the deliberation or vote, however, he or she shall be given a reasonable opportunity to respond to the allegation.

5.02-5.03. Effect of Disqualification

A Professional Member who is disqualified by Council ceases to be a member of Council and ceases to be a member of any Committee of which he or she is a member.

~~5.03.1.01. Death, Resignation or Disqualification~~

~~The seat of a Professional Member shall be deemed to be vacant upon the death, resignation or disqualification of the Council Member.~~

6. VACANCIES

6.01. Death, Resignation or Disqualification

The seat of a Professional Member shall be deemed to be vacant upon the death, resignation or disqualification of the Council Member.

6.01-6.02. Vacancy

- (i) If the seat of a Professional Member becomes vacant in an electoral district no more than 12 months before the expiry of the Member's term of office, the Council may,
 - a. leave a seat vacant; or
 - b. appoint as a Professional Member the candidate, if any, who had the most votes of all the unsuccessful candidates in the last election of Council Members for that electoral district; or
 - c. direct the Registrar to hold a by-election in accordance with these By-Laws for that electoral district.

- (ii) If the seat of a Professional Member becomes vacant in an electoral district more than 12 months before the expiry of the Member's term of office, the Registrar shall hold a by-election in accordance with these By-Laws for that electoral district.

~~6.02-6.03.~~ **Manner of Holding By-Election**

A by-election shall be held in the same manner and shall be subject to the same criteria and processes as a regular election, subject to any necessary modifications.

~~6.03-6.04.~~ **Term of Office for Members Filling Vacancies**

The term of a Professional Member appointed or elected to Council under these By-Laws shall continue until the time the former Professional Member's term would have expired.

7. PROCEDURES FOR THE ELECTION OF OFFICERS

7.01. Nomination Procedure

- (i) Before the first meeting of the newly elected Council, the Registrar shall send an invitation to all Council Members requesting any person wishing to stand for election to the offices of the President, Vice-President and Executive Committee Member to indicate so in writing to the Registrar.
- (ii) A Council Member's written intent must be supported by the signatures of two other Council Members and be returned to the Registrar no later than 5:00 p.m. seven days before the meeting of the Council when the election of officers shall take place.

7.02. Registrar to Conduct Election

The Registrar or his or her designate shall conduct the election of Officers at the first Council meeting of the newly elected Council. The Registrar or his or her designate shall, with the concurrence of the Council, appoint three returning officers to count the ballots and report the results to the Council.

7.03. Election of the President

- (i) At the meeting of the Council when the election of officers shall take place, the Registrar shall present the names of candidates who have indicated their interest for the position of President.
- (ii) Where there is only one candidate, the Registrar shall declare the candidate elected by acclamation.
- (iii) Where there is more than one candidate for the office, voting shall be conducted by secret ballot.

- (iv) If there are more than two candidates in an election, successive ballots shall be conducted until one candidate receives a majority of the votes cast. The candidate or candidates who receive the fewest votes in a ballot shall be dropped in the next ballot.
- (v) In the case of a tie, one returning officer will be directed to cast a deciding vote by lot.

7.04. Election of the Vice-President

Once the President is elected, the Vice-President shall be elected in a similar manner.

7.05. Term of Office

- (i) The term of office of the President and Vice-President commences immediately following their election and expires upon the election of the new President and Vice-President at the first regular meeting of the newly elected Council in the following year.
- (ii) In the event an officer resigns, dies, or otherwise ceases to act, the Council shall elect a new officer from among its members to hold office for the remainder of the year.

7.06. Election of Executive Committee Members

Once the Vice-President has been elected, the remaining Executive Committee positions shall be elected in a similar manner ensuring that there are an appropriate number of Professional Members and Public Members as set out in section 129.01 of the By-laws.

7.07. Transition Provisions

Notwithstanding the provisions set out above in this Article 7, the timing for the election of and the terms of office of officers and other members of the Executive Committee are as follows:

- (i) The term of office for members of Council who are elected as President, Vice-President and those who are elected as the remaining members of the Executive Committee in 2018 shall expire upon the election of the new President and Vice-President at the firstsecond regular meeting of the newly elected Council in 2019 (approximately March 2019).
- (ii) The term of office for members of Council who are elected as President, Vice-President and those who are elected as the remaining members of the Executive Committee in 2019 shall expire upon the election of the new President and Vice-President and remaining members of the Executive at the first regular meeting of the newly elected Council in 2019 2020 (approximately JanuaryDecember 20192020).

8. DUTIES OF OFFICERS

8.01. President

- (i) The President, in conjunction with the Council, is ultimately responsible for fulfilling the mandate, objectives and strategic plans of the College. He or she is directly accountable to the Council and indirectly accountable to the government, the public and the profession for the effective governance of the College in accordance with all applicable legislative requirements.
- (ii) Specific duties of the President include:
 - a. presiding as chair of all meetings of the Council, the Executive Committee and of Members, unless a non-voting chair has been appointed to facilitate the meeting;
 - b. overseeing the operations and performance of the Council;
 - c. working with the Registrar to ensure smooth, efficient conduct of all meetings and that decisions of the Council and Executive Committee are implemented;
 - d. participating in cultivating, recruiting and orienting new Council Members, officers, Committee members and chairs, and volunteers;
 - e. overseeing and ensuring that a process is in place to evaluate the performance and employment conditions of the Registrar;
 - f. representing the College as the authorized spokesperson on Council policies and positions to promote the mandate and objectives of the College;
 - g. signing contracts, documents or instruments in writing as required by the College;
 - h. liaising with the Registrar on any issues relating to the interactions between members of the Council and College staff;
 - i. is an ex officio member of all Committees; attendance at any Committee meetings will be at the discretion of the President; chairs of Committees shall file minutes and reports with the Registrar to keep the President informed; and
 - j. other duties as assigned by the Council from time to time.

8.02. Vice-President

- (i) The Vice-President shall have all the powers and shall perform all the duties of the President in the event of the absence, or the inability of the President to act. The Vice- President is directly accountable to the Council and indirectly accountable to the government, the public and the profession for the effective governance of the College in accordance with all applicable legislative requirements.
- (ii) Specific duties of the Vice-President include:
 - a. serving on the Executive Committee;
 - b. any duties delegated by the President unless not approved by the Council;
 - c. acting as a signing officer on cheques and other documents as required by the Council; and

- d. other duties as assigned by the Council from time to time.

8.03. **Delegation to Executive Committee**

Pursuant to the RHPA, between the meetings of Council, the Executive has all the powers of the Council with respect to any matter that, in the Committee's opinion, requires immediate attention, other than the power to make, amend or revoke a regulation or bylaw in accordance with the Act.

9. **COMMITTEES**

9.01. **Appointment of Members to Committees**

- (i) Prior to the first meeting of the newly elected Council, the Registrar shall invite each Council Member to indicate their preferences for Committee appointment(s). A Council Member's written intent must be returned to the Registrar no later than 5:00 p.m. seven days before the meeting of the Council when election of officers shall take place.
- (ii) As soon as possible after election of the Executive Committee, it shall meet. It shall review the information provided to the Registrar by individual Council Members regarding their committee preferences. It shall also consider other relevant factors including past experience, conflicts of interest, workload and ensuring that Committees are representative of the Council and of the province. With the assistance of the Registrar, it shall then appoint members for all Committees. By no later than the next Council meeting, the chair of the Executive Committee shall then present the appointments to the Council. Following presentation of the appointments, Council may vary the appointments.

9.02. **Appointment of Non-Council Members to Committees**

- (i) The Council may appoint persons who are not Council Members to Committees unless these By-Laws indicate that only Council Members are part of the composition of the Committee.
- (ii) A non-Council member is eligible for appointment to a Committee of the College or, subject to section 79.03, is eligible for re-appointment to a Committee of the College if, on the date of the appointment or re-appointment:
 - a. the Member holds a General class of certificate of registration;
 - b. the Member is not the subject of any disciplinary or incapacity proceedings by a body that governs a profession, inside or outside of Ontario;
 - c. no findings of professional misconduct, incompetence or incapacity has been made against the Member in the preceding six years by a body that governs a profession, inside or outside of Ontario;
 - d. a period of six years has elapsed since the Member complied with all aspects of an order imposed by the Discipline or Fitness to Practice Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;

- e. the Member's certificate of registration has not been revoked or suspended in the six years preceding the date of the appointment;
 - f. the Member is not subject to any order, direction, or term, condition and limitation of the Discipline Committee, the Fitness to Practice Committee or the Quality Assurance Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
 - g. the Member is not in default of payment of any fees to the College;
 - h. the Member is not nor has been at any time within the last two years, a director, owner, board member, officer or employee of any Professional Association;
 - i. the Member is not at present nor has been at any time within the last two years, a director, owner, board member or officer of an educational institution relating to Traditional Chinese Medicine;
 - j. the Member has not been disqualified pursuant to section 5.01 4.27 in the three years preceding the date of the appointment;
 - k. the Member has not resigned from the Council or a Committee in the preceding three years;
 - l. the Member does not have a conflict of interest to serve as a member of a Committee or has agreed to remove any such conflict of interest before accepting an appointment;
 - m. the Member is not a member of the Council or of a Committee of the College of any College regulated under the RHPA;
 - n. the Member has not been a member of the staff of the College at any time within the preceding one year; or
 - o. the Member has not initiated, joined, continued or materially contributed to a legal proceeding against the College or any Committee or representative of the College.
- (i) The Executive Committee, with the assistance of the Registrar, shall prepare for the Council a list of recommended Committee appointments that are to be filled by persons who are not Council Members. The list shall have the recommended names arranged in order of the Executive Committee's preference and include documentation of each person's qualifications relating to the work of the Committee concerned. Appointment shall be approved by a majority of votes cast by the Council.

9.03. Term of Office of Non-Council Members

- (i) The term of office of a non-Council member is approximately three years from the date of appointment or re-appointment to the Committee.
- (ii) No non-Council member may be a member of the same Committee of the College for more than six consecutive years.

- (iii) A Member who has served as a non-Council member for ~~more than~~ six consecutive years is not eligible for appointment as a non-Council member until at least one year has passed since the Member last served as a non-Council member.

9.04. Appointment of Committee Chairs

Each Committee other than the Executive Committee shall elect its own chair from among its members. The chair shall be a member of Council. The Council may remove the chair of a Committee and appoint a different chair to take his or her place, if Council considers it appropriate to do so.

9.05. Duties of Chair

The chair of a Committee must understand the purpose and procedures of the Committee to provide leadership to achieve its goals in a consistent, orderly and efficient manner. A Committee chair appointed to undertake a specific project must be knowledgeable of the subject matter of that project.

10. DUTIES OF COUNCIL AND COMMITTEE MEMBERS

10.01. Conflicts of Interest

- (i) All members of Council or its Committees have a duty to carry out their responsibilities to serve and protect the interest of the public. As such, they must not engage in any activities or in decision-making of any matters where they have a personal or financial interest, whether directly or indirectly.
- (ii) Council and Committee Members recognize that engaging in even an appearance of a conflict of interest can bring discredit to the College, would amount to a breach of the fiduciary obligation of the person to the College and can create liability for both the College and the person involved.
- (iii) A member of Council or its Committees shall be perceived to have a conflict of interest in a matter, if he or she holds a responsible position such as director, owner, board member or officer for, or is an employee of a Professional Association.
- (iv) A member of Council or its Committees would be perceived to have conflict of interest in a matter, if he or she holds a responsible position such as director, owner, board member or officer in or is an employee of another organization where his or her duties may be seen by a reasonable person as influencing his or her judgment in the matter under consideration of the Council or its Committees.
- (v) For the purposes of these By-Laws, the personal or financial interests, direct or indirect, of a parent, spouse, child or sibling of a member of Council or its Committees, or of a spouse of a parent, child or sibling of a member of Council or its Committees, are interpreted to be the

interests of the member of Council or its Committees. Here, the term “spouse” includes a common-law spouse and a same sex partner of the person.

- (vi) Where a member of Council or its Committees believes that he or she may have a conflict of interest in any matter which is the subject of deliberation or action by the Council or its Committees, he or she shall consult, as needed, with the President, the Registrar or legal counsel and, if there is any doubt about the matter, declare the potential conflict to the Council or the Committee and accept Council’s or the Committee’s direction as to whether there is an appearance of a conflict.
- (vii) Where a member of Council or its Committees believes that he or she has a conflict of interest, including an appearance of a conflict of interest, in any matter which is the subject of deliberation or action by the Council or its Committees, he or she shall:
 - a. prior to any consideration of the matter at the meeting, disclose the fact that he or she has a conflict of interest;
 - b. not take part in the discussion of, or vote on, any question in respect of the matter;
 - c. absent himself or herself from the portion of the meeting relating to the matter; and
 - d. not attempt in any way to influence the voting or do anything that might be perceived as attempting to influence the decision of other members on the matter.
- (viii) Any member of Council or a Committee who believes that another member of Council or a Committee has a conflict which has apparently not been declared, will, if possible, discuss the matter with the member. If the matter is not resolved to the satisfaction of the Member who perceives the conflict, she or he shall discuss it with the President. If the President believes it warrants further action he or she will:
 - a. Cause an investigation of the alleged conflict to be had through the Executive Committee; Council will be informed.
 - b. The Executive Committee’s findings will be presented to Council for resolution.
 - c. The decision of Council will be considered final.
- (ix) Every declaration of conflict of interest shall be recorded in the minutes of the meeting.
- (x) A member of Council or its Committees shall not use College property or information of any kind to advance his or her own interests, direct or indirect.
- (xi) A member of Council or its Committees may not hold any other position, contract or appointment, with the College while serving as a member of Council or its Committees. There is a one-year waiting period before the individual may apply for a staff or consultant position with the College. This includes, but is not limited to positions as peer assessor, investigator, examiner or staff.

10.02. Confidentiality

- (i) Members of the Council and Committees, staff and persons retained or appointed by the College are required to maintain confidentiality of information that comes before them in the course of discharging their duties until disclosure is authorized by the Council or as otherwise provided in Section 36(1) of the RHPA.

Section 36 (1) of the RHPA states, in part, as follows:

- 36. (1) Every person employed, retained or appointed for the purposes of the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act* and every member of a Council or committee of a College shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person.
- (ii) Section 36(1) of the RHPA permits disclosure in a number of specific circumstances. Members of the Council and Committees, staff and persons retained or appointed by the College need to understand when those exceptions apply and seek advice if they are in doubt.
- (iii) Council and Committee Members, staff and persons retained or appointed by the College are required to sign, annually, the confidentiality agreement approved by Council.

10.03. Code of Conduct

- (i) Council and Committee Members shall comply with the Code of Conduct.
- (ii) The Code of Conduct attached as Schedule 1 is the Code of Conduct for the College. Schedule 1 forms part of these By-Laws.

~~10.04. Removal of Council or Committee Member~~

- ~~(i) The following procedure shall be followed in the event that a Council or Committee Member is alleged to have contravened the duties of a Council or Committee Member or meets the criteria for disqualification set out in section 4.27 other than paragraphs a, b, or n.~~
 - ~~a. A written complaint shall be filed with the Registrar. A complaint can be made by a member of the public, a Council or Committee Member or the Registrar. If a member of Council or a Committee receives such a complaint, he or she shall immediately file it with the Registrar.~~
 - ~~b. The Registrar shall report the complaint to the President who shall bring the complaint to the Executive Committee if he or she believes that the complaint may warrant formal action. In the event that the information relates to another member of the Executive Committee, the President shall bring the information to the attention of the remaining members of the Executive Committee. If the Executive Committee is unable to address the complaint it may appoint another Committee to fulfill its duties under this article.~~

- ~~e. If the information received by the Registrar under this section 8.04 relates to the President, the Registrar shall bring the information to the Vice-President who shall follow the same steps set out in paragraph 2.~~
- ~~d. If the Executive Committee or any Committee appointed by the Executive Committee, after any investigation it deems appropriate, believes that the complaint may warrant formal action, it shall call a meeting of Council. Council shall determine whether there has been a breach of duties or whether the criteria for disqualification have been met and, if so, impose the appropriate sanction. The appropriate sanction can include one or more of the following:~~
 - ~~1. censure of the Council or Committee Member verbally or in writing,~~
 - ~~2. removal of the Council or Committee Member from any Committee on which he or she serves,~~
 - ~~3. disqualification of a Professional Member from Council, or a report requesting removal of the Public Member concerned from the Council to the Public Appointments Secretariat.~~
- ~~e. A decision finding that there has been a breach of duties or that a Council or Committee Member meets the criteria for disqualification set out in section 4.27, and a decision to impose a particular sanction must be approved by a simple majority affirmative vote of Council Members present and voting.~~
- ~~f. The Council or Committee Member whose conduct is the subject of concern shall not take part in the deliberation or vote, however, he or she shall be given a reasonable opportunity to respond to the allegation.~~

10.05-10.04 Remuneration of Council and Committee Members

Council and Committee Members will be remunerated and receive reimbursement for expenses according to the College's financial policies.

11. COUNCIL AND COMMITTEE MEETINGS

11.01. Meetings of the Council

- (i) Meetings of the Council shall be held at the head office of the College or at any other place as may be determined by the Registrar or Council from time to time. The Registrar shall serve as secretary of the Council.
- (ii) The Council shall hold, in a calendar year, at least three regular meetings called by the President.

- (iii) The Council may, by resolution, determine to hold additional regular meetings and shall fix the date, time and place of any such meeting. Such additional meetings may also be called by the President, or on the written request of any nine members of the Council.

11.02. Meetings to be Public

Meetings of the Council are open to the public. However, the public may be excluded from any meeting or part of a meeting pursuant to section 7 of the Code.

11.03. Notice

- (i) Subject to any regulations made under the RHPA or the Code, reasonable notice of Council meetings shall be given to the Members of the College, to the Minister and to the public in a manner that Council may determine from time to time.
- (ii) Notice of Council meetings stating the date, time and place of the meeting shall be communicated to each Council Member not less than five days prior to the date of the meeting. The accidental omission to give notice or the non-receipt of any notice by any Council Member shall not invalidate any resolution passed or any proceedings taken at any Council meeting.

11.04. Special Meetings

A special meeting of Council may be called by the President or the majority of Council Members by submitting to the Registrar a written request for the meeting containing the matter or matters for decision at the meeting. Notice stating the date, time and place of the meeting and the general nature of the business to be transacted shall be given by the Registrar to each Council Member not less than five days prior to the date of the Special Meeting.

11.05. Business of Meetings

- (i) The Council may only consider or transact at a regular meeting:
 - a. all matters on the agenda;
 - b. matters brought by the Executive Committee or the Registrar;
 - c. recommendations and reports by Committees;
 - d. matters of which notice was given by a member of the Council at the preceding meeting or where written notice has been given 30 days in advance of the meeting;
 - e. such other matters, not included in the agenda, as the majority of Council Members in attendance determine to be of an urgent nature.
- (ii) At a special meeting, the Council may only consider or transact the specific matter or matters referred to in section [119.04](#).

11.06. Agenda

The President shall establish, or cause to be established, the agenda for each meeting of the Council.

11.07. **Manner of Holding Meetings**

Except for conducting a hearing, a Council meeting may be held in any manner that allows all Council Members to participate in discussion with each other simultaneously and instantaneously.

11.08. **Chair**

- (i) For the purpose of conducting meetings, the Council may appoint a non-voting chair who is not a member of the Council or of the College to preside at all meetings or at a meeting. The appointed chair shall function solely as an arbiter of procedures in accordance with procedures in these By- Laws and shall not participate in deliberations. Before assuming his or her duties, the appointed chair shall undertake to maintain confidentiality of all matters coming before the Council that are not part of an open meeting of the Council in accordance with the Act.
- (ii) In the absence of an appointed chair, the President, or his or her delegate, shall preside over meetings. The Vice-President shall preside where the President is absent. In the absence of both the President and the Vice-President, the Council Members present shall select from among themselves a Council Member to chair the meeting.

11.09. **Quorum**

Except where otherwise provided by the Act, a majority of Council Members constitutes a quorum for the transaction of business for any meeting of the Council.

11.10. **Voting**

- (i) Except where otherwise provided in the Act, regulations or By-Laws, every motion coming before any meeting shall be decided by a majority of votes cast at the meeting, including the chair, provided that the chair is a member of the Council. In the case of equality of votes, the chair shall not have a second vote and the motion shall be considered to be defeated.
- (ii) Every vote at a meeting shall be by a show of hands or as the chair (subject to a vote without debate by the Council) of the meeting shall otherwise determine. A roll call vote shall be taken if requested by a Council Member, unless the chair had determined voting by secret ballot. In the case of teleconference meetings, roll call votes shall be taken.
- (iii) In the event of a roll call vote, the Registrar shall request each Council Member in turn to record his or her vote and such vote shall be recorded in the minutes of the meeting relating to the motion or resolution under consideration.

11.11. **Written Resolutions**

A resolution signed by all members of the Council is as valid and effective as if passed at a meeting of the Council held for the purpose.

11.12. Deputations

- (i) The President may effect arrangements to allocate specific time during the meeting to receive and hear deputations on specific topics relevant to the affairs of the College requested by non-Members of the Council. No such deputation shall be permitted unless a written request has been provided to the Executive Committee not less than 10 business days before the Council meeting and the Executive Committee gives permission.
- (ii) Unless the chair otherwise determines, each deputation shall be allowed a maximum of two speakers and a maximum of ten minutes to make a presentation. The chair may grant additional time if he or she considers it appropriate.
- (iii) The chair may accept questions from members of the Council to seek clarification from the speaker. Neither the Council Member nor the speaker shall engage in debate or in direct or indirect discussion with each other or other persons present.

11.13. Adjournment

Whether or not a quorum is present, the presiding chair may from time to time, with the consent of the Council Members present, adjourn any properly called meeting to a fixed time and place, and provided that a quorum is present, any matter brought before the original meeting may be considered and transacted at a reconvened meeting.

11.14. Rules of Order

The rules of order attached as Schedule 2 are the rules of order for meetings of the Council. Schedule 2 forms part of these By-Laws.

11.15. Meetings of All Committees

- (i) Any Committee meeting held for a purpose other than conducting a hearing may be held in any manner that allows all persons to participate in discussion simultaneously and instantaneously. Hearings may be conducted in accordance with the provisions of the Act, and the *Statutory Powers Procedure Act* and any rules of procedure made under those Acts.
- (ii) Subject to the Act, and unless otherwise required by law, no formal notice is required for a meeting but staff shall make reasonable efforts to notify all Committee Members informally of every meeting.
- (iii) The Committee chair or his or her appointee for the purpose shall preside over meetings of the Committee.
- (iv) Every motion that comes before a Committee shall be decided by a majority of the votes cast at the meeting, including that of the presiding chair. If there is an equality of votes on a motion, the motion shall be deemed to have been lost.

11.16. Language of Meetings

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

12. COMMITTEES**Statutory Committee Composition****12.01. Executive Committee**

- (i) The Executive Committee shall be composed of the President, the Vice- President and three (3) members of the Council.
- (ii) Two of the members of the Executive Committee shall be Public Members and three shall be Professional Members.
- (iii) The President shall be the chair of the Executive Committee.

12.02. Registration Committee

- (i) The Registration Committee shall be composed of:
 - a. at least two (2) members of Council who are Professional Members;
 - b. at least one (1) Public Member; and
 - c. one (1) or more Members of the College who are not Members of Council if Council so wishes.

12.03. Inquiries, Complaints and Reports Committee

- (i) The Inquiries, Complaints and Reports Committee shall be composed of:
 - a. at least two (2) members of Council who are Professional Members;
 - b. at least one (1) Public Member; and
 - c. one (1) or more Members of the College who are not members of Council if Council so wishes.

12.04. Discipline Committee

The Discipline Committee shall be composed of every member of Council and one or more Members of the College who are not members of Council if Council so wishes.

12.05. Fitness to Practice Committee

The Fitness to Practice Committee shall be composed of every member of Council and one or more Members of the College who are not members of Council if Council so wishes.

12.06. Quality Assurance Committee

- (i) The Quality Assurance Committee shall be composed of:
 - a. at least two (2) members of Council who are Professional Members;
 - b. at least two (2) Public Members; and
 - c. one (1) or more Members of the College who are not members of Council if Council so wishes.

12.07. Patient Relations Committee

- (i) The Patient Relations Committee shall be composed of:
 - a. at least one (1) member of Council who is a Professional Member;
 - b. at least two (2) Public Members; and
 - c. one (1) or more Members of the College who are not members of Council if Council so wishes.

By-Law Committees

12.08. Other Committees

- (i) Council may, by resolution, appoint and fill such other Committees it determines are necessary for the effective operation of the College. Council shall set the composition and appoint the members of such Committees. Council shall set the mandate of each Committee it appoints.
- (ii) The duties and responsibilities of each Committee shall be those set out in these by-laws, the RHPA, the Code and the terms of reference for that Committee, as approved by Council, where applicable.

All Committees

12.09. Vacancies

Despite anything in these By-Laws, a committee is properly constituted despite any vacancy so long as there are sufficient members of the Committee to form a quorum of the Committee or a panel of the Committee.

12.10. Quorum

Unless otherwise provided in the Act, the quorum of any Committee is three members of the Committee.

12.11. Panels

A Committee may meet in panels selected by the chair of the Committee.

12.12. Removal of Committee Member

The Council may remove a member of a Committee pursuant to section 8.04.

13. REGISTER**13.01. Name and Business Address**

- (i) Subject to section 13.01(ii), a Member's name in the register shall be the full name indicated on the documents used to support the Member's initial registration with the College.
- (ii) The Registrar may enter a name other than the name referred to in section 13.01(i), in the register if the Registrar
 - a. has received a written request from the Member;
 - b. is satisfied that the Member has legally changed his or her name; and
 - c. is satisfied that the name change is not for any improper purpose.
- (iii) The Registrar may enter in the register as an alternative name used by a Member any nicknames or abbreviations that the Member uses in any place of practice.
- (iv) A Member's business address in the register shall be the address of the location in Ontario where the Member is employed or self-employed as a practitioner of Traditional Chinese Medicine. In the event that the Member is employed or self-employed as a practitioner of Traditional Chinese Medicine in more than one location in Ontario, the Member's business address shall be the location where the Member generally works, or anticipates to work, the most hours. In the event that the Member is not employed or self-employed in Ontario as a practitioner of Traditional Chinese Medicine, the Registrar shall enter as the Member's business address the location designated by the Member or any other location for the Member known by the College.
- (v) A Member's business address shall include the name of the Member's employer or, if the Member is self-employed or is not practising, the Member's business address shall include a notation to that effect.
- (vi) A Member's business telephone number shall be the telephone number of the location in Ontario where the Member is employed or self-employed as a practitioner of Traditional Chinese Medicine. In the event that the Member is employed or self-employed as a practitioner of Traditional Chinese Medicine in more than one location in Ontario, the Member's business telephone number shall be the telephone number of the location where the Member generally works, or anticipates to work, the most hours. In the event that the Member is not employed or self-employed in Ontario as a practitioner of Traditional Chinese Medicine, the register shall not contain a business telephone number for the Member.

13.02. Register Information Required by the Code

The Registrar shall maintain a register in accordance with section 23 of the Code.

13.03. Additional Register Information

- (i) In addition to the information set out in subsection 23(2) of the Code, the register shall contain the following information with respect to each Member:
- a. if there have been any changes to the Member's name since the date of the Member's initial application for registration, the former names of the Member;
 - b. the name, address and telephone number of every employer for whom the Member is employed as a practitioner of Traditional Chinese Medicine and, if the Member is self-employed as a practitioner of Traditional Chinese Medicine, the address and telephone number of the locations where the Member practices other than addresses of individual clients;
 - c. the Member's registration number;
 - d. the date of the Member's initial registration with the College;
 - e. the date on which each class of registration that the Member holds was obtained and, if applicable, the date on which each terminated;
 - f. the Member's electoral district for elections to the Council;
 - g. language(s) spoken by the Member;
 - h. if the Member ceased to be a Member, a notation specifying the reason for the termination of membership and the date upon which the Member ceased to be a member;
 - i. where, on or after June 1, 2016, a panel of the Inquiries, Complaints and Reports Committee requires the Member to appear before a panel of the Inquiries, Complaints and Reports Committee to be cautioned:
 - 1. a notation of the fact, including a summary of the caution;
 - 2. the date of the panel's decision; and
 - 3. where the decision of the panel is appealed, a notation of that fact, until the appeal is finally disposed of.
 - j. where, on or after June 1, 2016, a panel of the Inquiries, Complaints and Reports Committee requires the Member to complete a specified continuing education or remediation program (SCERP):
 - 1. a notation of the fact, including a summary of the SCERP;
 - 2. the date of the panel's decision; and

3. where the decision of the panel is appealed, a notation of that fact, until the appeal is finally disposed of.
- k. for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the Code and has not been finally resolved, until the matter has been resolved,
 1. a notation of that fact, including the date of the referral,
 2. a summary of each specified allegation,
 3. the notice of hearing;
 4. the anticipated date of the hearing if the hearing date has been set or the next scheduled date for the continuation of the hearing if the hearing was adjourned to a specific date or if the hearing was adjourned without a specific date, a notation to that effect;
 5. if the hearing is awaiting scheduling, a statement to that fact; and
 6. if the hearing of evidence and arguments is completed and the parties are awaiting a decision of the Discipline Committee, a statement of that fact.
- l. a notation, including the date of the referral, for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Fitness to Practice Committee under section 61 of the Code and has not been finally resolved, until the matter has been resolved;
- m. any information jointly agreed to be placed on the register by the College and the Member;
- n. where the Member's certificate of registration is subject to any term, conditions and limitations, the reason for them and the date they took effect;
- o. where the Member's certificate of registration is subject to an interim order, a notation of that fact, the nature of the order and the date that the order took effect;
- p. where the Member's certificate of registration is subject to a suspension for failure to pay a fee, the reason for the suspension and the date of the suspension in addition to the fact of the suspension;
- q. where the College is aware that the Member is currently registered or licensed to practice a profession inside or outside of Ontario, a notation of that fact;
- r. where the College is aware that a pending allegation of professional misconduct or incompetence or a similar allegation has been referred to a discipline type of hearing against the Member registered or licensed to practice a profession inside or outside of Ontario,

1. a notation of that fact;
 2. the date of the referral if available;
 3. a brief summary of each allegation if available; and
 4. the notice of hearing if available.
- s. where the College is aware that a finding of professional misconduct or incompetence or similar finding has been made against the Member by a body that governs a profession, inside or outside of Ontario, and that finding has not been reversed on appeal,
1. a notation of the finding,
 2. the name of the governing body that made the finding,
 3. a brief summary of the facts on which the finding was based,
 4. the penalty and any other orders made relative to the finding,
 5. the date the finding was made, and
 6. information regarding any appeals of the finding;
- t. where the College is aware that a finding of incapacity or similar finding has been made against the Member by a body that governs a profession, inside or outside of Ontario, and that finding has not been reversed on appeal, a notation of the finding,
1. the name of the governing body that made the finding,
 2. the date the finding was made,
 3. a summary of any order made, and
 4. information regarding any appeals of the finding;
- u. where a decision of the Discipline Committee has been published by the College with the Member's name or former name including,
1. a notation of that fact, and
 2. identification of the specific publication of the College which contains the information;
- v. a summary of any current charges against the Member, of which the College is aware, in respect of a federal, provincial or other offence that the Registrar believes is relevant to the Member's suitability to practice;
- w. a summary of any findings of guilt, of which the College is aware, made by a court after June 1, 2016, against the Member in respect of a provincial, federal or other offence that the Registrar believes is relevant to the Member's suitability to practice;

- x. a summary of any currently existing conditions, terms, orders, directions or agreements, of which the College is aware, relating to the custody or release of the Member in respect of a provincial, federal or other offence that the Registrar believes is relevant to the Member's suitability to practice;
- y. for every application to the Discipline Committee or Fitness to Practice Committee for reinstatement that has not been finally resolved, until that matter has been resolved,
 - 1. a notation of that fact, including the date of the application;
 - 2. the anticipated date of the hearing, if the hearing date has been set or the next scheduled date for the continuation of the hearing if the hearing has commenced;
 - 3. if the hearing has been adjourned and no future date has been set, the fact of that adjournment, and if the decision is under reserve, that fact;
- z. if an application to the Discipline Committee or Fitness to Practice Committee for reinstatement has been decided, the decision of the committee;
- aa. where the Member's certificate of registration is reinstated, the effective date of the reinstatement and where reinstated by a panel of the Discipline or Fitness to Practice Committee, the name of the Committee responsible for the reinstatement;
- bb. where, during or as a result of a proceeding under section 25 of the Code a Member has resigned, a notation of that fact;
- cc. where applicable, a summary of any restriction on the Member's right to practice resulting from an undertaking given by the Member to the College or an agreement entered into between the Member and the College;
- dd. in addition to the name of every health profession corporation of which the Member is a shareholder, the business address, business telephone number, ~~business e-mail address, if there is one,~~ and any operating names of the health profession corporation;
- ee. any of the information in respect of a former Member that was on the register just before the membership terminated, for a period of at least two years after the termination of membership, except for any information related to discipline proceedings in Ontario, in which case it shall be entered on the register for a period of fifty years after the termination of membership;
- ff. where, after June 1, 2016, the Registrar confirms whether the College is investigating a Member because there is a compelling public interest in disclosing this information pursuant to 36(1)(g) of the RHPA, the fact that the member is under investigation; and

gg. a notation of the Member's registration, membership or licensure with any other regulatory body inside or outside of Ontario, if known by the College.

- (ii) All of the information referred to in section 23 of the Code or as information recorded in the register in these By-Laws is information designated to be withheld from the public pursuant to subsection 23(6) of the Code such that the Registrar may refuse to disclose to an individual or post on the College's website any or all of that information if the Registrar has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.
- (iii) Notwithstanding paragraphs i and j of section 13.03(i) where, after a review, the Inquiries, Complaints and Reports Committee has been required to remove or vary the appearance for a caution or a SCERP, the notation may be removed once the Committee makes its new decision. Where the original requirement to appear for a caution or to complete a SCERP has been varied, the Registrar may enter a summary of the process leading up to and the results of the variation.
- (iv) If, upon application of the Member, and in the opinion of the Registrar, the information required by paragraph w of section 13.03(i) is no longer relevant to the Member's suitability to practice, the information may be removed from the Register.

13.04. Providing Information to the College

- (i) If requested, the Member shall immediately provide the College with the following information, in the form requested by the College:
 - a. information required to be maintained in the register in accordance with subsection 23(2) of the Code and these By-Laws;
 - b. the address and telephone number of the Member's primary residence in Ontario and, if the Member does not reside in Ontario, the address and telephone number of the Member's primary residence;
 - c. the Member's e-mail addresses;
 - d. proof of professional liability insurance;
 - e. the Member's areas of practice and categories of clients seen;
 - f. information regarding the Member's employment including:
 - 1. the Member's title and position,
 - 2. a description of the Member's role, duties, and responsibilities;
 - g. information about the Member's registration with any other body that governs a profession, whether inside or outside of Ontario, including the name of the governing body, the Member's registration or licence number and the date the Member first became registered;

- h. information about any finding of professional misconduct or incompetence or similar finding that has been made against the Member by a body that governs a profession, inside or outside of Ontario, where that finding has not been reversed on appeal, including:
 - 1. the finding,
 - 2. the name of the governing body that made the finding,
 - 3. a brief summary of the facts on which the finding was based,
 - 4. the penalty and any other orders made relative to the finding,
 - 5. the date the finding was made, and
 - 6. information regarding any appeals of the finding;
 - i. information about any finding of incapacity or similar finding that has been made against the Member by a body that governs a profession, inside or outside of Ontario, where that finding has not been reversed on appeal, including:
 - 1. the finding,
 - 2. the name of the governing body that made the finding,
 - 3. the date the finding was made,
 - 4. a summary of any order made, and
 - 5. information regarding any appeals of the finding;
 - j. information about the Member's participation in the Quality Assurance program; and
 - k. information for the purpose of compiling statistical data.
- (ii) The Member shall notify the College, in writing, of any changes to the following information within 30 days of the effective date of the change:
- a. the Member's name,
 - b. the address and telephone number of the Member's primary residence in Ontario and, if the Member does not reside in Ontario, the address and telephone number of the Member's primary residence,
 - c. the Member's business address or business telephone number,
 - d. the name, address or telephone number of any employer for whom the Member is employed as a practitioner of Traditional Chinese Medicine, and, if the Member is self-employed as a practitioner of Traditional Chinese Medicine, any changes to the address or telephone number of the location where the Member practices other than addresses of individual clients,

- e. the Member's email address;
- f. where a pending allegation of professional misconduct or incompetence or a similar allegation has been referred to a discipline type of hearing against the Member registered or licensed to practice a profession inside or outside of Ontario,
- g. any current charges against the Member, in respect of a federal, provincial or other offence;
- h. any findings of guilt, made by a court after June 1, 2016, against the Member in respect of a provincial, federal or other offence;
- i. any currently existing conditions, terms, orders, directions or agreements, relating to the custody or release of the Member in respect of a provincial, federal or other offence
- j. any amendment, change, termination or alteration to a supervision agreement between a Member in the Student Class and his or her supervisor.

14. REGISTRAR

14.01. Council Appoints

The Council shall appoint an employee of the College as its Registrar under subsection 9(2) of the Code.

14.02. Deputy Registrar

The Council may appoint a Deputy Registrar to exercise the powers and to perform the duties, powers and functions of the Registrar when the Registrar is absent or unable to act or when there is a vacancy in the office of the Registrar.

14.03. Chief Executive Officer

The Registrar is the Chief Executive Officer of the College.

14.04. Registrar Duties

The Registrar shall perform those duties and responsibilities set out in the RHPA, the Act, the regulations and the By-Laws of the College as well as duties and responsibilities as shall be assigned by Council.

15. MEDIA COMMUNICATIONS

15.01. Media Communications and Speaking Engagements

- (i) All media contacts and requests for speaking engagements shall be channeled and coordinated through the Registrar's office. Any member of Council or Committee being asked by media representatives to provide interviews or to respond to inquiries or to comment on issues concerning the regulation of traditional Chinese medicine or the operation of the College should refer them to the Registrar's office.
- (ii) The President, or in the absence of the President, the Vice- President, and the Registrar are authorized spokespersons of the College. They may request a member of Council or staff to perform this function, if necessary, under the circumstances.
- (iii) Unless authorized by the President, or in the absence of the President, the Vice- President, and the Registrar, a member of Council or Committee shall not communicate with the media or the public to provide interviews or respond to inquiries or comment on issues concerning the regulation of traditional Chinese medicine or the operation of the College.
- (iv) All messages to the media and to the public must be consistent with the approved policies and positions of the College.

16. FEES

16.01. Fee Schedule

Schedule 4, as the same may be amended from time to time, sets out the applicable fees and penalties that a Member, Professional Corporation or person shall pay to the College. Where no fee has been set out in the Schedule, a Member or person shall pay to the College the fee set by the Registrar for anything that the Registrar is required or authorized to do.

17. REGISTRATION

17.01. Notice

At least 45 days before the annual fees are due, the Registrar shall send to each Member, a notice stating that the annual fees are due, setting out the amount of the annual fee for each category of registration, and a request for information required under the regulations and the By-Laws of the College. The obligation to pay the annual fee continues even if the Registrar fails to provide the notice or the Member fails to receive such notice.

17.02. Registration Year

The registration year for Members shall be from April 1st to March 31st of the following year.

17.03. Renewal Due Date

The annual renewal of a certificate of registration is due on or before March 31st of each year.

17.04. Annual Increase

Effective April 1st, 2017 and each April 1st thereafter, each fee described in these By-Laws shall be increased by the percentage increase in the annual Consumer Price Index for goods and services in Ontario as published by Statistics Canada or any successor organization plus two percent (2%) and rounded up to the nearest dollar.

18. HEALTH PROFESSIONAL CORPORATIONS

18.01. Administrative Fee

A professional corporation or a Member listed in the College's records as a shareholder of a professional corporation shall pay the administrative fee set out in Schedule 4 for each notice sent by the Registrar to the professional corporation or Member for failure of the professional corporation to renew its certificate of authorization on time. The fee is due within 30 days of the notice being sent.

18.02. Issuing Document or Certificate

The fee for the issuing of a document or certificate respecting a professional corporation, other than the first certificate of authorization or one annual renewal of a certificate of authorization is set out in Schedule 4.

18.03. Duty to Provide Information

- (i) Every Member of the College shall, for every professional corporation of which the Member is a shareholder, provide in writing the following information on the application and annual renewal forms for a certificate of authorization, upon the written request of the Registrar within 30 days and upon any change in the information within 30 days of the change:
 - a. the name of the professional corporation as registered with the Ministry of Government Services;
 - b. any business names used by the professional corporation;
 - c. the name, as set out in the register, and registration number of each shareholder of the professional corporation;
 - d. the name, as set out in the register, of each officer and director of the professional corporation, and the title or office held by each officer and director;
 - e. the principal practice address, telephone number, facsimile number and email address of the professional corporation;
 - f. the address and telephone number of all other locations, other than residences of clients, at which the professional services offered by the professional corporation are provided; and
 - g. a brief description of the professional activities carried out by the professional corporation.

19. SEXUAL ABUSE FUNDING

- (i) The Patient Relations Committee may require therapists and counsellors who are providing therapy or counselling funded through the program and persons who are receiving such therapy or counselling to provide a written statement, signed in each case by the therapist or counsellor and by the person which statement shall contain:
- a. details of the therapist or counsellor's training and experience;
 - b. confirmation that the therapy or counselling is being provided to the client; and
 - c. confirmation that the funds received will be devoted only to therapy or counselling that is related in whole or in part to the sexual abuse by the Member.

20. PROFESSIONAL LIABILITY INSURANCE**20.01. Professional Liability Insurance Requirement**

A practising Member in the General, Temporary or Student class must carry professional liability insurance with the following characteristics:

- a. minimum of no less than \$1,000,000 per claim;
- b. aggregate coverage of no less than \$5,000,000;
- c. a deductible of no more than \$1,000 per claim; and
- d. insurance is provided by an insurer licensed with the Financial Services Commission of Ontario.

20.02. Proof of Professional Liability Insurance

A practising Member must upon request provide to the College proof of professional liability insurance in the form of a Certificate of Insurance issued by the insurer acceptable to the Registrar (or such other form that is acceptable to the Registrar) which must include the following information:

- a. policy number;
- b. name of the insured that matches the name of the Member;
- c. address of the insured;
- d. policy period;
- e. coverage details; and
- f. retroactive date (i.e., the date from which similar coverage was in place before the current policy period started).

20.03. Professional Liability Insurance Eligibility

An applicant for registration must provide a declaration that he or she is eligible for professional liability insurance coverage and that he or she will submit proof of professional liability insurance coverage in the form of a Certificate of Insurance issued by the insurer acceptable to the Registrar (or such other form that is acceptable to the Registrar) no less than 30 days after his or her registration is approved. The Registrar shall not issue the certificate of registration until actual proof of coverage is received.

21. INDEMNIFICATION

21.01. Indemnification

- (i) Every member of the Council or a Committee, employee, appointee or other duly designated representative of the College and each of their heirs, executors and administrators, and estate and effects, respectively, shall from time to time and at all times be indemnified and saved harmless out of the funds of the College from and against,
 - a. all costs, charges and expenses whatsoever that he or she sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him or her, for or in respect of any act, deed, matter or thing whatsoever, made done or permitted by him or her, in or about the execution of the duties of his or her office, and
 - b. all other reasonable costs, charges and expenses that he or she sustains or incurs in or about or in relation to the affairs thereof; except such costs, charges or expenses as are occasioned by his or her own willful neglect or default.
 - c. except such costs, charges or expenses as are occasioned by his or her own willful neglect or default. Where the person is a commercial service provider (e.g., a private investigator hired to conduct an investigation), the College has discretion as to whether or not to provide indemnity.

22. MEMBERSHIP OF THE COLLEGE IN OTHER ORGANIZATIONS

The College may maintain memberships in any organizations that are of benefit to the College, and shall pay annual fees and other fees required for the memberships.

23. BY-LAWS AND AMENDMENTS

23.01. Make, Amend, Revoke By-Law

The College's By-Laws may be made, amended or revoked in the same manner as other resolutions or motions that appear before Council. A motion to amend or revoke these By-Laws requires a vote of the majority of those in attendance and voting at the meeting.

23.02. Notice

Advance notice is required for all motions or resolutions applying to the making, amending or revoking of a bylaw.

23.03. Circulation

Where obligated by the Code, proposed By-Laws shall be circulated to every Member at least 60 days before Council approves them.

23.04. Amendments

Every by-law and every amendment and revocation of it shall be dated and numbered according to the date on which it was passed, certified by the President or Vice- President and by the Registrar, sealed and maintained in a book in its chronological order.

23.05. Record of By-Laws

The Registrar shall maintain a consolidated by-law that contains the results of every by-law and amendment made.

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.

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.

SCHEDULE 4 TO THE BY-LAWS

2018-2019 Fee Schedule			
Item	Fee	HST 13%	Total
Fees Relating to General Class			
Application	\$285.00	\$37.05	\$322.05
Initial Registration (first year of registration pro-rated by quarter in which registered)			
<i>April 1, 2018 - June 30, 2018</i>	\$969.00	\$125.97	\$1,094.97
<i>July 1, 2018 - Sept 30, 2018</i>	\$727.00	\$94.51	\$821.51
<i>October 1, 2018 - December 31, 2018</i>	\$485.00	\$63.05	\$548.05
<i>January 1, 2019 - March 31, 2019</i>	\$242.00	\$31.46	\$273.46
Annual Renewal	\$1,141.00	\$148.33	\$1,289.33
Fees Relating to Inactive Class			
Application	\$285.00	\$37.05	\$322.05
Registration	\$319.00	\$41.47	\$360.47
Annual Renewal	\$319.00	\$41.47	\$360.47
Fees Relating to Temporary Class			
Application	\$285.00	\$37.05	\$322.05
Registration	\$969.00	\$125.97	\$1,094.97
Fees Relating to Professional Corporations			
Application	\$169.00	\$21.97	\$190.97
Initial Registration (first year of registration pro-rated by quarter in which registered)			
<i>April 1, 2018 - June 30, 2018</i>	\$1,128.00	\$146.64	\$1,274.64
<i>July 1, 2018 - Sept 30, 2018</i>	\$846.00	\$109.98	\$955.98
<i>October 1, 2018 - December 31, 2018</i>	\$564.00	\$73.32	\$637.32
<i>January 1, 2019 - March 31, 2019</i>	\$282.00	\$36.66	\$318.66
Annual Renewal	\$1,128.00	\$146.64	\$1,274.64
Fees Relating to Student Class			
Application	\$156.00	\$20.28	\$176.28
Initial Registration (first year of registration pro-rated by quarter in which registered)			
<i>April 1, 2018 - June 30, 2018</i>	\$173.00	\$22.49	\$195.49
<i>July 1, 2018 - Sept 30, 2018</i>	\$130.00	\$16.90	\$146.90
<i>October 1, 2018 - December 31, 2018</i>	\$87.00	\$11.31	\$98.31
<i>January 1, 2019 - March 31, 2019</i>	\$43.00	\$5.59	\$48.59

Annual Renewal	\$208.00	\$27.04	\$235.04
Fees Relating to Examinations			
Application	\$300.00	\$39.00	\$339.00
TCM Practitioner			
Written Examination	\$550.00	\$71.50	\$621.50
Clinical Case Study Examination	\$550.00	\$71.50	\$621.50
Acupuncturist			
Written Examination	\$350.00	\$45.50	\$395.50
Clinical Case Study Examination	\$450.00	\$58.50	\$508.50
Request for Rescore			
Written Examination	\$50.00	\$6.50	\$56.50
Clinical Case Study Examination	\$350.00	\$45.50	\$395.50
Other Fees			
Transfer to another class	\$171.00	\$22.23	\$193.23
Reinstatement	\$251.00	\$32.63	\$283.63
Late Renewal	30% of the Annual Renewal		
Safety Program	\$107.00	\$13.91	\$120.91
Jurisprudence Program	\$107.00	\$13.91	\$120.91
Application for Variation	\$270.00	\$35.10	\$305.10
Duplicate Certificate	\$57.00	\$7.41	\$64.41
Letter of Standing	\$114.00	\$14.82	\$128.82
Request for Application Documentation	\$54.00	\$7.02	\$61.02
Service Charge for declined payments	\$52.00	\$6.76	\$58.76

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