



Proposed By-Law Amendments

On Wednesday, December 13, 2017, the CTCMPAO Council approved, in principle, proposed amendments to the By-Laws and directed they be circulated to members and key stakeholders for consultation.

See Appendix 2 for the proposed amendments with rationales in chart form.

Council is seeking feedback from members and key stakeholders on the proposed amendments. Prior to finalizing these changes, Council will carefully consider all comments and suggestions from our stakeholders, keeping in mind the College's mandate is to protect the public interest.

Your feedback is requested by **Thursday February 15, 2018.**

Comments may be submitted by completing the online survey, by email or mail.

Email: consultation@ctcmpao.on.ca

If submitting by email, please clearly indicate whether your comments are on behalf of yourself or an organization.

Mail: CTCMPAO – Consultation
55 Commerce Valley Drive West, Suite 705
Thornhill, ON L3T 7V9

Appendix 2

PROPOSED AMENDMENTS TO BY LAW NO. 1 OF THE COLLEGE OF TRADITIONAL CHINESE MEDICINE AND ACUPUNCTURISTS OF ONTARIO AND RATIONALE CHART (DECEMBER 2017)

PROPOSED CHANGES	RATIONALE / COMMENTS
	<p>Once any changes to the by-laws have been approved by Council, the formatting of the by-laws will change. The changes have been presented in the original formatting in order to make the changes easier to identify and compare to the original.</p> <p>It is the intent to reformat the by-laws with an improved numbering system that will be easier to adapt to changes. Also the order and organization of certain sections may change to make them more readable and user friendly. These formatting changes will not change the substantive content of the by-laws.</p>
<p>Definitions</p> <p>1. In these bBy-Laws, unless otherwise defined or required by the context,</p> <p>“Act” means the Regulated Health Professions Act, 1991 and the Traditional Chinese Medicine Act, 2006;</p> <p>“Auditor” means the accountant or firm of accountants duly licensed under the Public Accounting Act who have been appointed by Council;</p> <p>“By-Law” or “By-Laws” means the By-Laws of the College;</p> <p>“Code” means the Health Professions Procedural Code, which is Sschedule 2 of the RHPA;</p> <p>Regulated Health Professions Act;</p> <p>“College” means the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario;</p> <p>“Committee” means the committees established under s. 10 of the Code-Health Professions Procedural Code, called Ssstatutory committees, and the committees established under these bBy-Laws, called By-law committees;</p>	<p>Defined terms are capitalized. Throughout the by-laws there are corrections to defined terms that had not been capitalized.</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>“Council” means the Transitional Council of the College established appointed under section 13 of the Traditional Chinese Medicine Act, 2006 until it is replaced by the Council established under section 6 of the Traditional Chinese Medicine Act, 2006 at which point the word refers to that Council;</p> <p><u>“Council Member” (sometimes referred to as a “member of Council”) means a Member elected to Council or a Public Member appointed to Council</u></p> <p>“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; that the person may attend at meetings and participate in discussions of a committee, but the person cannot make or second motions or vote and is not counted as part of the quorum of the committee.</p> <p>“Member” means a member of person registered with the College unless, in the context, it means a member of the Council or a committee of the College or a member of the staff of the College;</p> <p><u>“non-Council member” means a Member who is not a member of the Council who has been appointed to a Committee;</u></p> <p><u>“President” and “Vice-President” mean, respectively, the President and the Vice-President of the College;</u></p> <p><u>“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;</u></p> <p>“Professional Member” means a person described in clause 6(1)(a) of the Act—a Member of the College elected to the Council in accordance with the by-laws except that for the Transitional Council it also includes a person who practices Traditional Chinese Medicine and who is not yet a Member or who has not been elected to the Council;</p>	

Appendix 2

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<p>“Public Member” means a person described in clause 6(1)(b) of the <u>Act</u> Traditional Chinese Medicine Act, 2006 and, for the Transitional Council it also excludes a practitioner of Traditional Chinese Medicine;</p> <p><u>“Register” means the Register required to be kept pursuant to the Code;</u></p> <p><u>“Registrar” means the Registrar of the College; and</u></p> <p>and</p> <p>“RHPA” means the <i>Regulated Health Professions Act</i>, 1991.</p>	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p><u>1.2 – Singular and Plural / Gender</u></p> <p><u>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.</u></p>	Administrative change to improve interpretation.
<p><u>1.3 – Legislative References</u></p> <p><u>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.</u></p>	Administrative change to improve interpretation.
<p><u>1.4 – Consistency with RHPA and Act</u></p> <p><u>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.</u></p>	Administrative change to improve interpretation.
<p><u>1.5 – Calculating Time</u></p> <p><u>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.</u></p>	Administrative change to improve interpretation.
<p><u>1.6 – Holidays</u></p> <p><u>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.</u></p>	Administrative change to improve interpretation.
<p>Banking and Finance</p> <p>3. The following provisions relating to Banking and Finance and is</p>	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
intended to reflect the practices of the College from April 1, 2012.	
Banking	The change in section 5 eliminates the need for this provision.
4. The Executive Committee shall appoint a Canadian chartered bank under the Bank Act (Canada) for the use of the College.	
5. <u>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”).</u> All money belonging to the College shall be deposited in the name of the College with the bank.	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.
6. The Registrar, <u>Deputy Registrar or other person authorized by Council</u> , may endorse any <u>cheque or other</u> 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.	The additional signatories increases flexibility while ensuring appropriate loss prevention restraints are still in place.
7. Delete Except for payments out of the petty cash fund, all College payments shall be made by cheques, drafts or orders for payment of money drawn on the College bank account.	This was deemed unnecessary. The operational function of how to make a payment on behalf of the College will be made by the staff of the College. The signing authority provisions will ensure that appropriate loss prevention restraints are in place.
Bank-Signing Authority	This adds the Deputy Registrar as a signatory.
8. 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 President, Vice-President, the Registrar <u>or the Deputy Registrar</u> and a member of the Executive Committee, are authorized to sign banking documents.	
Investments	This new section sets means that the Council will set the policy parameters for the investment of the College’s funds.
9. <u>All monies belonging to the College may be deposited or invested, within limitations set by Council.</u>	

Appendix 2

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<p>Funds not immediately required by the College may be invested. The Executive Committee shall recommend for approval of Council the investment strategies and select an investment dealer to implement investment of the College's funds in one or more of the following securities:</p> <ol style="list-style-type: none"> 1. bonds, debentures, or other evidences of indebtedness issued or guaranteed by the Government of Canada, the Government of Ontario or the Government of any other province of Canada, provided that such province, at the time of investment, was rated by the Dominion Bond Rating Service as one of the three best rated provinces in Canada; 2. deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued or endorsed by a Schedule 1 Canadian chartered bank. 	
<p>10. Council may authorize, by resolution, an officer or officers of the College to give directions to the investment dealer.</p>	<p>This requirement will be addressed in the Council policy noted in section 9.</p>
<p>Custody of Securities</p> <p>12. 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 Councilthe Executive Committee from time to time. Any securities and other documents shall be placed or removed only by any two of the following: the President, Vice-President, Registrar, <u>Deputy Registrar</u> and a member of the Executive Committee.</p>	<p>This adds the Deputy Registrar as a signatory and requires Council to set the policy parameters instead of the Executive Committee.</p>
<p>Borrowing</p> <p>13. Council may by resolution</p> <ol style="list-style-type: none"> 1. borrow money on the credit of the College; 2. limit or increase the amount to be borrowed; and <u>3.</u> sell or pledge securities of the College for such sums or prices as may be deemed expedient; <u>and</u> 	<p>The addition reflects modern accounting language and ensures appropriate loss prevention restraints are in place</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>4. <u>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-</u></p> <p>Petty Cash</p> <p>15. The College shall have a petty cash fund of \$500 to pay for expenditure items where payment by cheque is not practical. The Registrar may authorize payment of expenditure items not exceeding \$500 from the petty cash fund.</p>	<p>This was deemed unnecessary given the later provisions related to the authorization of expenses.</p>
<p>Authorization of Expenses</p> <p>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.</p>	<p>This adds the Deputy Registrar and Director of Finance to better reflect current practice, within the policy parameters set out in subsequent provisions.</p>
<p>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.</p>	<p>This adds the Deputy Registrar as a signatory. The additional signatories increases flexibility.</p>
<p>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</p>	<p>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.</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<u>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.</u>	
<p>19. <u>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.</u></p>	<p>The original provision was deemed unnecessary given the new sections 17 and 18.</p> <p>The prohibition on splitting an expense ensures that the loss prevention measures contained in sections 17 and 18 cannot be circumvented.</p>
<p>Auditors</p> <p>21. The Council shall <u>annually at its annual meeting or at its first meeting afterwards</u> appoint an auditor to audit the accounts of the College and to hold office for the ensuing year.</p>	<p>This provides greater flexibility for the timing of the appointment of the auditor while still ensuring that Council shall do so at least once a year.</p>
<p>Indemnification</p> <p>22. Every member of the Council or a <u>e</u>Committee, employee, appointee or other duly designated representative of the College and <u>each of</u> their heirs, executors and administrators, and estate and effects, <u>respectively</u>, shall from time to time and at all times be indemnified and saved harmless out of the funds of the College from and against,</p> <p>1. 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</p> <p><u>2.</u> all other <u>reasonable</u> costs, charges and expenses that he or she sustains or incurs in or about or in relation to the affairs thereof;<u>;</u> except such costs, charges or expenses as are occasioned by his or her own willful neglect or default.</p> <p><u>except such costs, charges or expenses as are occasioned by his or her own willful</u></p>	<p>Wording changes to clarify the meaning of the provision.</p> <p>This limits costs to reasonable expenses and costs and ensures that agents of the College are not reimbursed for willful neglect.</p>

Appendix 2

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<p><u>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.</u></p>	<p>This permits the College to determine whether to indemnify service providers engaged on behalf of the College (this will usually be set out in the provisions of the service contract with such providers).</p>
<p>Execution of Other Documents</p> <p>23. <u>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. All other contracts, documents or instruments in writing requiring the signature of the College may be signed by the Registrar together with one of the President, Vice-President or a member of the Executive Committee. All contracts, documents or instruments in writing so signed shall be binding upon the College without any further authorization or formality. The Council is also authorized from time to time, by resolution, to appoint any officer or officers, or any other person or persons, on behalf of the College either to sign contracts, documents or instruments in writing generally or specifically.</u></p>	<p>The additional signatories increases flexibility while ensuring appropriate loss prevention restraints are still in place.</p>
<p><u>23.1 Subject to section 23, all cheques and contracts may be signed by the Registrar alone in compliance with policies approved by Council from time to time.</u></p>	<p>This increases flexibility and better reflects current practice while ensuring that authorization for cheques and contracts complies with the policy parameters set by Council.</p>
<p>24. The term “contracts, documents or instruments in writing” as used in these by-laws <u>laws</u> 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.</p>	
<p>25. Except where otherwise provided by law, the Registrar may sign summonses, notices and orders on behalf of the College or any e<u>C</u>ommittee of the College.</p>	
<p>Election of Council Members</p>	<p>This is no longer required as this related to the transitional council.</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>27. An election by electoral district will take place to elect Council members described in section 4 of the Code. Members of the College will vote by mail in accordance with these by-laws.</p>	
<p>Electoral Districts</p> <p>28. 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):</p> <ol style="list-style-type: none"> 1. 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. 2. 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. 3. Electoral District 3: Central comprised of the city of Toronto and the regional municipality of York. 4. Electoral District 4: Central West comprised of the counties of Dufferin, Wellington, Haldimand, <u>Brant</u> and Norfolk, the regional municipalities of Halton, Niagara, Peel, <u>and</u> Waterloo, and the cities of <u>Brant</u>, Hamilton and Brantford. 5. Electoral District 5: West comprised of the counties of Essex, Bruce, Grey, Lambton, Elgin, Middlesex, Huron, Perth, Oxford, and the <u>regional municipality city</u> of Chatham- Kent. 	<p>The changes to the names of the districts are just to reflect updates to the names and classifications. There are no changes to the districts themselves.</p>
<p>Eligibility to Vote in an Electoral District</p> <p>29. A Member is eligible to vote in the electoral district in which the Member,</p>	<p>The shortened timeframe ensures that the electoral districts reflect a more accurate representation of member population.</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS														
<p>within 30 days as of January 1st, of the election year, primarily practices, or if the Member is not engaged in the practice of Traditional Chinese Medicine, in which the Member has primary residence.</p> <p>Number of Members per Electoral District</p> <p>30. 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.</p> <table border="1" data-bbox="113 477 1142 737"> <thead> <tr> <th data-bbox="113 477 600 513">Column 1</th><th data-bbox="600 477 1142 513">Column 2</th></tr> <tr> <th data-bbox="113 513 600 548">Electoral District</th><th data-bbox="600 513 1142 548">Number of Members</th></tr> </thead> <tbody> <tr> <td data-bbox="113 548 600 584">1</td><td data-bbox="600 548 1142 584">2</td></tr> <tr> <td data-bbox="113 584 600 620">2</td><td data-bbox="600 584 1142 620">1</td></tr> <tr> <td data-bbox="113 620 600 656">3</td><td data-bbox="600 620 1142 656">3</td></tr> <tr> <td data-bbox="113 656 600 691">4</td><td data-bbox="600 656 1142 691">2</td></tr> <tr> <td data-bbox="113 691 600 727">5</td><td data-bbox="600 691 1142 727">1</td></tr> </tbody> </table>	Column 1	Column 2	Electoral District	Number of Members	1	2	2	1	3	3	4	2	5	1	
Column 1	Column 2														
Electoral District	Number of Members														
1	2														
2	1														
3	3														
4	2														
5	1														
<p>Term of Office</p> <p>31. The term of office of a Member elected to Council is approximately three (3) 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.</p>															
<p>Staggered Terms</p> <p>33. An election of Members to Council shall be held:</p> <ol style="list-style-type: none"> 1. in 2013, again in 2016, again in 2017, and in every third year after that for Members from electoral districts 1 and 2; 2. in 2013, again in 2016, again in 2018, and in every third year after that for Members from electoral district 3; and 3. in 2013, again in 2016, and in every third year after that for Members from electoral districts 4 and 5. 	<p>Administrative change to eliminate the dates of elections that have occurred.</p>														

Appendix 2

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<p>Eligibility for Election</p> <p>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:</p> <ol style="list-style-type: none"> 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 <u>by a body that governs a profession, inside or outside of Ontario</u>; 4.no findings of professional misconduct, incompetence or incapacity has been made against the Member in the preceding six years <u>by a body that governs a profession, inside or outside of Ontario</u>; 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 <u>or by a similar committee of a body that governs a profession, inside or outside of Ontario</u>; 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 <u>or by a similar committee of a body that governs a profession, inside or outside of Ontario</u>; 8.the Member is not in default of payment of any fees to the College; 9.the Member is not <u>at present nor has been at any time within the last two years,</u> a director, owner, board member, officer or employee of any pProfessional Traditional Chinese Medicine a Association; other than a genuine international Traditional Chinese Medicine association as defined in section 84 of 	<p>This adds disciplinary proceedings of any other regulatory body.</p> <p>This adds incapacity proceedings of any other regulatory body.</p> <p>This adds orders from any other regulatory body.</p> <p>This adds orders from any other regulatory body.</p> <p>This adds a “cooling off” period of two years before being eligible for election and uses the new definition of “Professional Association”.</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>these by laws;</p> <p><u>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;</u></p> <p>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;</p> <p>11.the Member has not resigned from the Council in the preceding three years;</p> <p>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;</p> <p>13.the Member is not a member of the Council or of a Committee of the College of any other <u>college regulated under the RHPA</u>other health profession; and</p> <p><u>14.the Member has not been a member of the staff of the College at any time within the preceding onethree year;</u>5-</p> <p><u>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;</u></p>	<p>This means that a candidate must not have held a position of influence at an traditional Chinese medicine educational institution within two years of an election in order to avoid perceived and real conflicts of interest.</p> <p>This clarifies that a candidate cannot be Council or Committee member of another RHPA college. They could be a member of Council or Committee of a non-regulated health profession or a regulatory body for a health profession in another jurisdiction.</p> <p>This shortens “cooling off” period.</p> <p>Members engaged in legal action against the College will not be eligible to serve on Council.</p>
<p>40. The nomination shall be signed by the candidate and by at least three<u>five</u> (5) Members who support the nomination and who are eligible to vote in the electoral district in which the election is to be held.</p>	<p>This reduces the number of required supporters for a nomination.</p>
<p>Candidate’s Biography</p> <p>41. 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 <u>By-Laws</u>.</p>	
<p>Administering Elections</p>	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>44. 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, 1.appoint returning officers and scrutineers; 2.establish <u>procedures and any necessary deadlines including procedures and deadlines relating to the receiving and sending of notifications, biographies, ballots and any other election materials</u>a deadline for the receiving of votes; 3.provide for the notification of all candidates and Members of the results of the election; 4.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; and 5. <u>establish deadlines for any recounts and</u> provide for the destruction of <u>voting information</u>the record of ballots following an election; and - 6. <u>Do anything else that the Registrar deems necessary and appropriate to ensure that the election is fair and effective.</u></p>	<p>This clarifies the Registrar’s responsibilities with respect to all related election information.</p> <p>This clarifies the Registrar’s responsibilities with respect to all related election information.</p> <p>This addition gives the Registrar the ability to make adjustments as needed to address unexpected events.</p>
<p>Voting</p> <p>46. Voting for elections of member to Council shall be by mail ballot using the ballot supplied by the Registrar. 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: a. <u>a list of eligible candidates;</u> b. <u>the means to cast a ballot; and</u> c. <u>instructions for voting.</u></p>	<p>This clarifies the Registrar’s responsibilities and modernizes the language to recognize the use of electronic election processes.</p>
<p>Tallying Ballots</p> <p>48. On the date of the election, ballots received on or before the deadline for</p>	<p>This modernizes the language to recognize the use of electronic election processes.</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
receipt of ballots will be opened and counted by the Registrar. The Registrar shall establish procedures for the tabulating of votes.	
49. The Registrar shall certify the final vote tabulation count if he or she is satisfied that the votes were adequately counted.	This modernizes the language to recognize the use of electronic election processes.
50. Candidates or their representatives may be present when the Registrar counts the ballots and certifies the final vote count. 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.	The deletion of the current section 50 modernizes the language to recognize the use of electronic election processes. The new section 50 clarifies the Registrar's responsibilities in reporting and recording election results.
Request for a Recount 52. A candidate may require a recount by making a written request <u>to the Registrar</u> and <u>paying the elections recount fee</u> depositing the sum of \$150 to the College with the Registrar no more than 15 days after the date of an election.	This clarifies the process.
54. If the recount changes the election result, the full amount of the <u>elections recount fee</u> deposit shall be refunded to the candidate. If the recount does not change the election result, the College will keep the deposit to partially offset recount costs, including staff time.	This uses the correct fee language and eliminates the unnecessary explanation of the fee.
Postal Disruption <u>Exceptional Circumstances</u> 55. If a material component of the election employs the use of Canada's postal system and if there is an interruption of mail service during a nomination or election, the Registrar shall extend the holding of nominations and election for such minimum period of time as the Registrar considers necessary to compensate for the interruption. In exceptional circumstances, the Registrar may modify any time period respecting elections as the Registrar considers necessary to compensate for the exceptional circumstances.	This modernizes the language to recognize the use of electronic election processes and gives the Registrar the ability to make alterations to the process to address unanticipated events.
<u>Minor Irregularities Not Fatal</u> <u>55.1 Council shall not declare an election result to be invalid solely on the basis of</u>	This provision supports previous sections that have permitted the Registrar to make changes to the process as necessary while ensuring that the election process is fair.

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p><u>a minor irregularity regarding the requirements of these By-Laws or a procedure established by the Registrar.</u></p>	
<p>Grounds for Disqualification</p> <p>56. The Council shall, in accordance with the procedure described in these bBy-Laws, disqualify an elected <u>Professional</u> Member , including one appointed to fill a vacancy, from sitting on Council if the <u>Professionalelected</u> Member:</p> <ol style="list-style-type: none"> 1. <u>resigns from Council;</u> 2. is the subject of any disciplinary or incapacity proceeding <u>by a body that governs a professions, inside or outside of Ontario;</u> 3. <u>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;</u> 43. is found to be an incapacitated anMember by a panel of the Fitness to Practice Committee <u>or by a similar committee of a body that governs a profession, inside or outside of Ontario;</u> 54. fails to attend two consecutive meetings of the Council or of a Committee in which he or she is a 4member, without reasonable cause in the opinion of Council; 65. 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; 76. ceases to either have a primary practice of Traditional Chinese Medicine or primary residence in the electoral district in which the Member was elected; 87. becomes a director, owner, board member, officer or employee of any pProfessional <u>Traditional Chinese Medicine a</u>Association other than a genuine 	<p>A member who resigns is disqualified in order to ensure that someone who resigns to avoid disqualification or an investigation cannot run in the next election.</p> <p>Changes in paragraphs 2, 3, 4, 8, 8.1, 9, 16 and 17 mirror the eligibility requirements.</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>international Traditional Chinese Medicine association as defined in section 84 of these by-laws;</p> <p>8.1 <u>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;</u></p> <p>98. becomes a Member of the Council of or a committee of <u>any other the College regulated under the RHPA</u> of any other health profession;</p> <p>109. 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;</p> <p>11. <u>breaches section 36 of the RHPA which, in the opinion of Council, is of such a nature that warrants disqualification;</u></p> <p>120. 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;</p> <p>134. 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;</p> <p>142. remains, thirty days after notice, in default of providing any information required by the College;</p> <p>153. ceases to hold a <u>General</u> certificate of registration; or</p> <p>164. is found guilty of a criminal offence which, in the opinion of Council, is of such a nature that warrants disqualification; <u>or</u></p> <p>17. <u>Initiates, joins, materially contributes or continues a legal proceeding against the College or any Committee or representative of the College-</u></p>	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p><u>Effect of Disqualification</u></p> <p><u>56.1 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.</u></p>	<p>This clarifies the effect of disqualification.</p>
<p>Death, Resignation or Disqualification</p> <p>57. The seat of a <u>Professional</u>n-elected Member of Council shall be deemed to be vacant upon the death, resignation or disqualification of the Council Member.</p>	
<p>Vacancy</p> <p>58.If the seat of a n <u>Professional</u> elected Council 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,</p> <ol style="list-style-type: none"> 1. leave a seat vacant; or 2. appoint as a <u>Professional</u>n-elected 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 3. direct the Registrar to hold a n <u>by</u>-election in accordance with these bBy-l<u>By-l</u>aws for that electoral district. 	
<p>59. If the seat of a n <u>Professional</u>elected Council 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 n <u>by</u>-election in accordance with these bBy-l<u>By-l</u>aws for that electoral district.</p>	
<p><u>59.1 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.</u></p>	<p>This clarifies that the election process is essentially the same, however, permits the Registrar to make necessary modifications (e.g., timing).</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>RRemainder of Term</p> <p>60. The term of a <u>Professional</u> Member appointed or elected to Council under these bBy-laws shall continue until the time the former <u>Professional</u>Council Member's term would have expired.</p>	
<p>Inquiry into Disputed Election</p> <p>61. 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 Mmember 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.</p>	
<p>Procedures for the Election of Officers</p> <p>Nomination Procedure</p> <p>62. Before the first regular meeting of the <u>meeting of the newly elected</u> Council each calendar year or any other Council meeting designated for the purpose by Council resolution, 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.</p>	
<p>63. A <u>Council</u> 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.</p>	
<p><u>63.1 The Registrar or his or her designate shall conduct the election of Officers at the first meeting of the newly elected Council. The Registrar or his or her designate shall, with the concurrence of the Council, appoint three (3) returning officers to count the ballots and report the results to the Council.</u></p>	This clarifies the process.
<p>66. Where there is more than one candidate for the office, voting shall be</p>	This clarifies the process.

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>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.</p> <p>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.</p> <p><u>66.1 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.</u></p>	
<p><u>66.2 In the case of a tie, one returning officer will be directed to cast a deciding vote by lot.</u></p>	
<p>Election of the Vice-President</p> <p>67. <u>Once the President is elected, the Vice-President shall be elected in a similar manner.</u>The election of the Vice-President shall be conducted following the same procedures as election of the President.</p>	
<p><u>Term of Office</u></p> <p><u>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 meeting of the newly elected Council in the</u></p>	<p>Terms were not previously set out in the by-laws. This clarifies the terms and reflects current practice.</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<u>following year.</u>	
67.2 <u>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.</u>	This clarifies the process for replacing an officer mid-term.
Election of Executive Committee Members 68. The composition of the Executive Committee is subject to the 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. 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 s set out in section 147 of the By-laws.	This wording is simpler and easier to understand. The process remains the same.
Appointment of Members to Committees 69. Prior to the first <u>regular</u> meeting of the <u>newly elected</u> Council in each calendar year or any other Council meeting designated for the purpose by Council resolution, the Registrar shall invite each Council Member to indicate their preferences for <u>e</u> Committee appointment(s). A <u>Council</u> 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.	
70. 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 <u>e</u> Committees are representative of the Council and of the province. With the assistance of the Registrar, it shall then appoint <u>M</u> members for all <u>e</u> Committees. <u>By</u> At the next <u>no later than the next</u> Council meeting, the	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>chair of the Executive Committee shall then present the appointments to the Council. Following presentation of the appointments, Council may vary the appointments.</p>	
<p>Appointment of Non-Council Members to Committees</p> <p>71. The Council may appoint persons who are not Council Members to eCcommittees unless these bBy- laws indicate that only Council Members are part of the composition of the eCcommittee.</p> <p><u>71.1 A non-Council member is eligible for appointment to a Committee of the College or, subject to section 72.3, is eligible for re-appointment to a Committee of the College if, on the date of the appointment or re-appointment:</u></p> <ul style="list-style-type: none"> <u>a. the Member holds a General class of certificate of registration;</u> <u>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;</u> <u>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;</u> <u>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;</u> <u>e. the Member's certificate of registration has not been revoked or suspended in the six years preceding the date of the appointment;</u> <u>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;</u> <u>g. the Member is not in default of payment of any fees to the College;</u> <u>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</u> 	<p>Eligibility requirements for Non-Council members have been added that reflect the requirements for Council members.</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p><u>Professional Association;</u></p> <p>h.1. <u>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;</u></p> <p>i. <u>the Member has not been disqualified pursuant to section 56 in the three years preceding the date of the appointment;</u></p> <p>j. <u>the Member has not resigned from the Council or a Committee in the preceding three years;</u></p> <p>k. <u>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;</u></p> <p>l. <u>the Member is not a member of the Council or of a Committee of the College of any College regulated under the RHPA;</u></p> <p>m. <u>the Member has not been a member of the staff of the College at any time within the preceding one year; or</u></p> <p>n. <u>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.</u></p>	
<p>72. The Executive Committee, with the assistance of the Registrar, shall prepare for the Council a list of recommended <u>e</u>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 <u>e</u>Committee concerned. Appointment shall be approved by a majority of votes cast by the Council.</p>	
<p><u>Term of Office of Non-Council Members</u></p> <p><u>72.1 The term of office of a -non-Council member is three years from the date of appointment or re-appointment to the Committee.</u></p>	<p>Terms were not previously set out in the by-laws. This clarifies the terms and reflects current practice.</p>
<p><u>72.2 No non-Council member may be a member of the same Committee of the College for more than six consecutive years.</u></p>	<p>This adds a term limit for membership in a specific committee by non-Council members.</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p><u>72.3 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.</u></p>	<p>This sets a maximum term of 6 years for non-Council members (the limit for Council members is 9).</p>
<p>Appointment of Committee Chairs</p> <p>73. Each eCCommittee other than the Executive Committee shall elect its own chair from among its Mmmembers. The chair shall be a member of Council. The Council may remove the chair of a eCCommittee and appoint a different chair to take his or her place, if Council considers it appropriate to do so.</p>	
<p>74. The chair of a eCCommittee must understand the purpose and procedures of the eCCommittee to provide leadership to achieve its goals in a consistent, orderly and efficient manner. A eCCommittee chair appointed to undertake a specific project must be knowledgeable of the subject matter of that project.</p>	
<p>76. Specific duties of the President include:</p> <ol style="list-style-type: none"> 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, eCCommittee Mmmembers 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 	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>College;</p> <p>8. liaising with the Registrar on any issues relating to the interactions between Members of the Council and College staff;</p> <p>9. is an <i>ex officio</i> member of all eCommittees, except that the President shall not participate in a panel of a committee dealing with a Member specific issue; attendance at any eCommittee meetings will be at the discretion of the President; chairs of eCommittees shall file minutes and reports with the Registrar to keep the President informed; and;</p> <p>10. other duties as assigned by the Council from time to time.</p>	<p>The in of this restriction means that the President can serve on a panel of any committee. Panels are chosen by the chair of the committee so whether a President is selected for a panel is at the discretion of the chair of the committee.</p>
<p>Vice-President</p> <p>77. In the absence, inability or refusal to act of the President, tThe Vice-President shall have all the powers and shall perform all the duties of the President <u>in the event of the absence, or the inability of the President to act</u>. 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.</p>	
<p>Executive Committee Members</p> <p>79. DeletedThe Executive Committee Members are 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.</p>	<p>This provision is unnecessary. The Regulated Health Professions Act and the Health Professions Procedural Code sets out the accountabilities of the Executive Committee.</p>
<p>80. <u>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. Specific duties of the Executive Committee Members include:</u></p> <p>1. working in collaboration with the President, Vice President and Registrar to address issues, deliberate and decide on matters before the Executive Committee;</p> <p>2. learning and be informed of the regulatory and statutory obligations of the Committee and the College, its by laws, governance policies and established</p>	<p>This repeats what is set out in the RHPA.</p> <p>Terms of reference for a committee are better set out in policy approved by Council.</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>protocol;</p> <p>3.—preparing materials and the agenda for meetings of the Council; and</p> <p>4.—undertaking specific duties that may be delegated by the President or the Vice-President, unless not approved by the Council.</p> <p>5.—signing cheques and other financial documents in place of the President, Vice-President, if necessary.</p>	
<p>Duties of Council and Committee Members</p> <p>Conflicts of Interest</p> <p>81. All Mmembers of Council or its eCommittees 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.</p>	
<p>82. Council and eCommittee Members recognize that engaging in even an appearance of a conflict of interest by a Member of Council or its committees 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.</p>	
<p>83. A Mmember of Council or its eCommittees 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 <u>a Professional Association.</u>, any Traditional Chinese Medicine association other than a genuine international Traditional Chinese Medicine association as defined in section 84 of these by-laws.</p>	
<p>84. Deleted. A genuine international Traditional Chinese Medicine association must</p> <p>1.—be based outside of Canada;</p> <p>2.—have at least 80% of its membership from outside of Canada; and</p> <p>—have objects that are international in scope and would not usually engage in activities affecting the regulation of</p>	<p>This is no longer needed given the new definition of Professional Association set out in the definitions section.</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
Traditional Chinese Medicine in Canada.	
<p>85. Deleted. A Member of Council or its committees shall 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 a genuine international Traditional Chinese Medicine association 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. For example, a Member of Council should not participate or vote on any issue coming before Council in which the genuine international Traditional Chinese Medicine association of which he or she was an officer or director has taken a position.</p>	<p>This specificity is not required as it is adequately addressed in section 86.</p>
<p>86. A Mmember of Council or its eCcommittees 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 eCcommittees. For example, an educator in a Traditional Chinese Medicine school should not participate in any decisions relating to the status of that school, its program(s) or the acceptability for registration of graduates from that school.</p>	<p>Examples are not required in by-laws. They can be set out in a policy if clarification is required.</p>
<p>87. For the purposes of these Bby-Laws, the personal or financial interests, direct or indirect, of a parent, spouse, child or sibling of a Mmember of Council or its eCcommittees, or of a spouse of a parent, child or sibling of a Mmember of Council or its eCcommittees, are interpreted to be the interests of the Mmember of Council or its eCcommittees. Here, the term “spouse” includes a common-law spouse and a same sex partner of the person.</p>	
<p>88. Where a Mmember of Council or its eCcommittees 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 eCcommittees, 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</p>	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>Council or the eCCommittee and accept Council's or the eCCommittee's direction as to whether there is an appearance of a conflict.</p>	
<p>89. Where a Mmmember of Council or its eCCommittees 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 eCCommittees, he or she shall:</p> <ol style="list-style-type: none"> 1. prior to any consideration of the matter at the meeting, disclose the fact that he or she has a conflict of interest; 2. not take part in the discussion of, or vote on, any question in respect of the matter; 3. absent himself or herself from the portion of the meeting relating to the matter; <u>and</u> 4. not attempt in any way to influence the voting or do anything that might be perceived as attempting to influence the decision of other Mmmembers on the matter. 	
<p><u>89.1 Any member of Council or a Committee s-who believes that another member of Council or Committees has a conflict which has apparently not been declared, will, if possible, discuss the matter with the Mmmember. If the matter is not resolved to the satisfaction of the Mmmember 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:</u></p> <ol style="list-style-type: none"> <u>a. Cause an investigation of the alleged conflict to be had through the Executive Committee; Council will be informed.</u> <u>b. The Executive Committee's findings will be presented to Council for resolution.</u> <u>c. The decision of Council will be considered final.</u> 	<p>This sets out a process for the Council to address conflict of interest matters.</p>
<p>90. Every declaration of conflict of interest and the nature of the conflict shall be recorded in the minutes of the meeting.</p>	<p>The nature of a conflict does not have to be included in the minutes. A member may declare a conflict without explaining the nature of the conflict.</p>
<p>91. A Mmmember of Council or its eCCommittees shall not use College property or information of any kind to advance his or her own interests, direct or</p>	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
indirect.	
92. A M m member of Council or its e C committees may not hold any other position, contract or appointment, with the College while serving as a M m member of Council or its e C 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.	
Confidentiality	
93. Members of the Council and e C 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.	
94. 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 <i>Drug and Pharmacies Regulation Act</i> and every m M 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.	
95. Section 36(1) of the RHPA permits disclosure in a number of specific circumstances. Members of the Council and e C 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.	
96. Council and e C committee Members, staff and persons retained or appointed appointed by the College Members are required to sign, annually, the confidentiality agreement approved by Council.	
Code of Conduct	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
97. Council and e Council Members shall comply with the Code of Conduct.	
98. The Code of Conduct attached as Schedule 1 is the Code of Conduct for the College. Schedule 1 forms part of these b By-Laws.	
Media Communications and Speaking Engagements	
99. All media contacts <u>and requests for speaking engagements</u> shall be channeled and coordinated through the Registrar's office. Any M member of Council or e Council 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.	
100. 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 M member of Council or staff to perform this function, if necessary, under the circumstances.	
101. Unless authorized by the President, or in the absence of the President, the Vice- President, and the Registrar, a M member of Council or e Council shall not communicate with the media <u>or the public</u> to provide interviews or respond to inquiries or comment on issues concerning the regulation of traditional Chinese medicine or the operation of the College.	
Speaking Engagements	This level of detail is not required and it unnecessarily limits the flexibility of the College to accept speaking engagements.
104. Deleted All requests inviting the President, the Registrar and Members of Council or a committee to speak in his or her capacity as a representative of the College must be provided in writing to the Registrar's office giving details of the date, time and place, the topic and anticipated length of the presentation.	
105. Deleted The President, or in the absence of the President, the Vice-President and the Registrar will review all requests and determine whether to accept the invitation and the appropriate representative to address the topic.	This is now addressed in section 99.

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>Other than as described above, no Member of Council or a committee shall accept any request to make representations or speak on behalf of the College or in his or her capacity as a representative of the College.</p>	
<p>Removal of Council or Committee Member</p> <p>108. 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 56 other than paragraphs 1, 2, or 13.</p> <ol style="list-style-type: none"> 1. 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. 2. The Registrar shall report the complaint to the President or the Vice-President who shall bring the complaint to the Executive Committee if he or she believes that the complaint may warrant formal action. <u>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.</u> If the Executive Committee is unable to address the complaint it may appoint another Committee to fulfill its duties under this article. 2.1 <u>If the information received by the Registrar under this section 108 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.</u> 3. 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: <ol style="list-style-type: none"> a. censure of the Council or Committee Member verbally or in writing, b. removal of the Council or Committee Member from any Committee on 	<p>This clarifies what to do if a matter is related to a member of the Executive Committee.</p> <p>This clarifies what to do if a matter is related to the President.</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>which he or she serves,</p> <p>c. disqualification removal of a Professional Member from Council, or a report requesting removal of the Public Member concerned from the Council to the Public Appointments Secretariat.</p> <p>4. A decision finding that there has been a breach of duties or that a Council or Committee anMember meets the criteria for disqualification set out in article 56, and a decision to impose a particular sanction must be approved by a simple majority affirmative vote of Council Members present and voting.</p> <p>5. The Council or Committee anMember 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.</p>	
<p>Remuneration of Council and Committee Members</p> <p>109. Council and eCommittee Members will be remunerated and receive reimbursement for expenses according to the College's financial policies.</p>	
<p>Council Meetings</p> <p>Meetings of the Council</p> <p>110. Meetings of the Council shall be held <u>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 in Ontario at a place determined by the Registrar.</u> The Registrar shall serve as secretary of the Council.</p>	<p>This better reflects current practice.</p>
<p>112. 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 Mmembers of the Council.</p>	
<p>114. Subject to any regulations made under the Act<u>RHPA or the Code</u>, 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.</p>	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>115. Notice of Council meetings <u>stating the date, time and place of the meeting shall be communicated</u>shall be delivered, telephoned, mailed, emailed or faxed to each Council Member not less than five (5) 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.</p>	<p>This clarifies the required information for a notice and provides more flexibility in the delivery of the notice.</p>
<p>116. Subject to the provisions of the Act, the Council may call and hold 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. s. Such "Special Meetings" may be convened by the order of the President, or on the written request of any nine Members of the Council. 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 (5) days prior to the date of the Special Meeting. A Special Meeting may also be held without notice at any date, time and place provided that all Members of the Council are present in person or in a manner that allows all persons to participate in discussion simultaneously and instantaneously, or if all the absent Members have consented in writing to the holding of such a Special Meeting. The individual Member's written consent may be given before or after the Special Meeting.</p>	<p>This changes the number of members required to request a meeting from 9 to a majority of Council.</p> <p>This deletion eliminates the ability to hold a meeting without notice as a meeting without notice would not permit members of the public to attend.</p>
<p>117. The Council may only consider or transact at a regular meeting:</p> <ol style="list-style-type: none"> 1. all matters on the agenda; 2. matters brought by the Executive Committee or the Registrar; 3. recommendations and reports by eCcommittees; 4. matters of which notice was given by a Mm member of the Council at the preceding meeting or where written notice has been given 30 days in advance of the meeting; 5. such other matters, not included in the agenda, as the majority of <u>Council</u> Members in attendance determine to be of an urgent nature. 	
<p>118. <u>At a special meeting,</u> The Council may only consider or transact <u>the</u></p>	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
specific matter or matters referred to in section 116. at a Special Meeting the matter or matters for decision at the meeting contained in the notice of meeting given by the Registrar.	
120. 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.	
121. For the purpose of conducting meetings, the Council may appoint a non-voting chair who is not a M 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 B by- L aws 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.	
122. 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.	
123. 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.	
124. Except where otherwise provided in the Act, regulations or B by- L aws, 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 M 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.	
125. 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.	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
126. 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.	
127. A resolution signed by all M members of the Council is as valid and effective as if passed at a meeting of the Council held for the purpose.	
130. The chair may accept questions from M 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.	
131. The proceedings of the Council meeting shall be recorded in such form as the Council may, from time to time, require. The written record of the meeting, subject to any corrections made at a subsequent meeting, when duly approved at such meeting of the Council and signed by the presiding chair and the person purporting to be the recording officer of such meeting, shall be <i>prima facie</i> proof of the accuracy of the contents of such record.	Minutes must still be kept pursuant to the RHPA, however, they no longer need to be signed by the chair.
132. 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.	
133. The rules of order attached as Schedule 2 are the rules of order for meetings of the Council. Schedule 2 forms part of these b By-L aws.	
Meetings of the Executive Committee	Meeting procedures can be set out in policy.
134. The President shall serve as chair of the Executive Committee but may delegate the chair to another Member of the Executive Committee. The Registrar shall be secretary of the Executive Committee but may delegate the responsibilities to a member of the staff.	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
135.— Deleted Subject to the Act, the Executive Committee shall, between meetings of the Council possess all the powers of the Council with respect to the management and direction of the affairs of the College.	This is addressed section 80.
136.— Deleted The calling, time and place of meetings and the procedures for its meetings shall be determined by the Executive Committee.	
137.— Deleted The Executive Committee meetings are closed meetings. The Executive Committee however, may invite such officers, Members of the Council, employees of the College and consultants to attend at meetings to assist in the consideration of the business and affairs of the College.	
Meetings of All Committees	This is unnecessary.
138. Deleted Subject to the Act, and unless otherwise required by law, each committee shall meet from time to time at the direction of the Council or the Executive Committee or the chair or the majority of Members of each committee.	
139. Any eCommittee 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 <i>Statutory Powers Procedure Act</i> and any rules of procedure made under those Acts.	
140. Subject to the Act, and unless otherwise required by law, no formal notice is required for a meeting but any Member of staff involved in the committee's activities shall make reasonable efforts to notify all eCommittee Members informally of every meeting.	
141. The eCommittee chair or his or her appointee for the purpose shall preside over meetings of the eCommittee.	
142. – Every motion that comes before a eCommittee 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.	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>143. Deleted Except for hearings held pursuant to the Act, the presiding chair shall record the proceedings of every committee meeting or cause them to be recorded. The written records, when duly approved at a subsequent meeting of the committee, subject to any corrections made at such subsequent meeting and signed by the presiding chair for such meeting (or if the presiding chair is not available, some other suitable person), shall be prima facie proof of the accurate record of the meeting.</p>	
<p>144. Deleted The written record of every committee meeting shall be promptly deposited with the Registrar after the presiding chair of such meeting has signed it.</p>	
<p>Composition of Committees</p> <p>Statutory Committees</p> <p>Executive Committee</p> <p>146. The Executive Committee shall be composed of the President, the Vice-President and three (3) Mm members of the Council.</p>	
<p>147. Two of the Mm members of the Executive Committee shall be Public Members <u>and three shall be Professional Members-</u></p>	
<p>Registration Committee</p> <p>149. The Registration Committee shall be composed of:</p> <ol style="list-style-type: none"> at least two (2) Mm members of Council who are <u>Professional</u> Members of the College; at least one (1) Public Member; and one (1) or more Members of the College who are not Members of Council if Council so wishes. <p>Inquiries, Complaints and Reports Committee</p>	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>150. The Inquiries, Complaints and Reports Committee shall be composed of:</p> <ol style="list-style-type: none"> 1. at least two (2) Mm members of Council who are <u>Professional</u> Members of the College; 2. at least one (1) Public Member; and 3. one (1) or more Members of the College who are not Mm members of Council if Council so wishes. 	
<p>Discipline Committee</p> <p>151. The Discipline Committee shall be composed of every Mm member of Council and one or more Members of the College who are not Mm members of Council if Council so wishes.</p>	
<p>Fitness to Practice Committee</p> <p>152. The Fitness to Practice Committee shall be composed of every Mm member of Council and one or more Members of the College who are not Mm members of Council if Council so wishes.</p>	
<p>Quality Assurance Committee</p> <p>153. The Quality Assurance Committee shall be composed of:</p> <ol style="list-style-type: none"> 1. at least two (2) members of Council who are <u>Professional</u> Members of the College; 2. at least two (2) Public Members; and 3. one (1) or more Members of the College who are not mM members of Council if Council so wishes. 	
<p>Patient Relations Committee</p> <p>154. The Patient Relations Committee shall be composed of:</p> <ol style="list-style-type: none"> 1. at least one (1) mM member of Council who is a <u>Professional</u> Member of the College; 2. at least two (2) Public Members; and 	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
3. one (1) or more Members of the College who are not M members of Council if Council so wishes.	
By-Law Committees 155. Council may, by resolution, appoint and fill such other e Ccommittees it determines are necessary for the effective operation of the College. Council shall set the composition and appoint the M members of such e Ccommittees. Council shall set the mandate of each e Ccommittee it appoints.	
<u>155.1 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.</u>	This replaces the committee procedures set out in earlier provisions that have now been deleted.
All Committees Vacancies 156. Despite anything in these b By-Laws, a committee is properly constituted despite any vacancy so long as there are sufficient M members of the <u>Committee</u> to form a quorum of the e Ccommittee or a panel of the e Ccommittee.	
Quorum 157. Unless otherwise provided in the Act, the quorum of any e Ccommittee is three M members of the <u>Committee</u> .	
Panels 158. A e Ccommittee may meet in panels selected by the chair of the e Ccommittee.	
Removal of Committee Member 159. The Council may remove a M member of a e Ccommittee <u>pursuant to section 108</u> without a hearing.	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
Register Name and Business Address 160. Subject to section <u>Article</u> 168, 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.	
161. The Registrar may enter a name other than the name referred to in Article 160 7 , in the register if the Registrar: <ol style="list-style-type: none"> 1. has received a written request from the m<u>M</u>ember; 2. is satisfied that the Member has legally changed his or her name; and 3. is satisfied that the name change is not for any improper purpose. 	
162. The Registrar may enter in the register as an alternative name used by <u>a</u> Member any nicknames or abbreviations that the Member uses in any place of practice.	
164. A Member's business address shall include the name of the Member's employer or, if the Member is self-employed or is not practi <u>s</u> ing, the Member's business address shall include a notation to that effect.	
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: <ol style="list-style-type: none"> 1. if there have been any changes to the M<u>m</u>ember's name since the date of the Member's initial application for registration, the former names of the Member; 2. 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 	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>Member practices other than addresses of individual clients;</p> <p>3. Deleted the Member's email address;</p> <p>4. the Member's registration number;</p> <p>5. the date of the Member's initial registration with the College;</p> <p>6. the date on which each class of registration that the Member holds was obtained and, if applicable, the date on which each terminated;</p> <p>7. the Member's electoral district for elections to the Council;</p> <p>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;</p> <p>9. 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;</p> <p>9.1 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:</p> <p>a. a notation of the fact, including a summary of the caution;</p> <p>b. the date of the panel's decision; and</p> <p>c. where the decision of the panel is appealed, a notation of that fact, until the appeal is finally disposed of.</p> <p>9.2 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):</p>	<p>The member's email address will no longer appear on the public register.</p> <p>The member's educational background will no longer appear on the public register.</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>a. a notation of the fact, including a summary of the SCERP;</p> <p>b. the date of the panel's decision; and</p> <p>c. where the decision of the panel is appealed, a notation of that fact, until the appeal is finally disposed of.</p> <p>10. 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,</p> <p>a. a notation of that fact, including the date of the referral,</p> <p>b. a summary of each specified allegation,</p> <p>c. the notice of hearing;</p> <p>d. 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;</p> <p>e. if the hearing is awaiting scheduling, a statement to that fact; and</p> <p>f. (Revoked)</p> <p>g. 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.</p> <p>11. 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;</p> <p>12. any information jointly agreed to be placed on the register by the College and the Member;</p> <p>13. 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;</p>	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>14. 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> <p>15. 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;</p> <p>15.1 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;</p> <p>15.2 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,</p> <ul style="list-style-type: none"> a. a notation of that fact; b. the date of the referral if available; c. a brief summary of each allegation if available; and d. the notice of hearing if available. <p>16. 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,</p> <ul style="list-style-type: none"> i. a notation of the finding, ii. the name of the governing body that made the finding, iii. a brief summary of the facts on which the finding was based, iv. the penalty and any other orders made relative to the finding, v. the date the finding was made, and vi. information regarding any appeals of the finding; <p>17. where the College is aware that a finding of incapacity or similar finding has</p>	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>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,</p> <ul style="list-style-type: none"> i. the name of the governing body that made the finding, ii. the date the finding was made, iii. a summary of any order made, and iv. information regarding any appeals of the finding; <p>18. where a decision of the Discipline Committee has been published by the College with the Member's name or former name including,</p> <ul style="list-style-type: none"> i. a notation of that fact, and ii. identification of the specific publication of the College which contains the information; <p>18.1 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;</p> <p>18.2 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;</p> <p>18.3 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</p> <p>18.4 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,</p> <ul style="list-style-type: none"> i. a notation of that fact, including the date of the application; ii. the anticipated date of the hearing, if the hearing date has been set or the 	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>next scheduled date for the continuation of the hearing if the hearing has commenced;</p> <p>iii. 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;</p> <p>18.5 If an application to the Discipline Committee or Fitness to Practice Committee for reinstatement has been decided, the decision of the committee;</p> <p>18.6 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;</p> <p>19. where, during or as a result of a proceeding under section 25 of the Code a Member has resigned, a notation of that fact;</p> <p>19.1 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;</p> <p>20. 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; and</p> <p>21. 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; and</p> <p>22. Where, after June 1, 2016, the Registrar confirms whether the College is investigating a an Member because there is a compelling public interest in disclosing</p>	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>this information pursuant to 36(1)(g) of the RHPA, the fact that the member is under investigation; <u>and</u></p> <p><u>23. A notation of the Members's registration, membership or licensure with any other regulatory body inside or outside of Ontario, if known by the CollegeCollege-</u></p>	
<p>168. All of the information referred to in section 23 of the Code or as information recorded in the register in these <u>By-Laws</u> 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.</p> <p>168.1 Notwithstanding paragraphs 9.1 and 9.2 of section 167 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, <u>the notation</u> 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.</p>	
<p><u>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 a panel of the Inquiries, Complaints and Reports Committee and received the caution.</u></p>	Changes to the RHPA no longer permit removal of this information.
<p><u>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.</u></p>	Changes to the RHPA no longer permit removal of this information.
<p>168.4 If, upon application of the Member, and in the opinion of the Registrar, the information required by paragraph 18.2 of section 167 is no longer relevant to the <u>m</u>Member's suitability to practice, the information may be removed from the Register.</p>	
<p>Providing Information to the College</p>	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>169. If requested, the Member shall immediately provide the College with the following information, in the form requested by the College:</p> <ol style="list-style-type: none"> 1. information required to be maintained in the register in accordance with subsection 23(2) of the Code and these by-Laws; 2. 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; 3. the Member's e-mail addresses; 4. proof of professional liability insurance; 5. the Member's areas of practice and categories of clients seen; 6. information regarding the Member's employment including: <ol style="list-style-type: none"> i. the Member's title and position, ii. a description of the Member's role, duties, and responsibilities; 7. 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; 8. 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: <ol style="list-style-type: none"> i. the finding, ii. the name of the governing body that made the finding, iii. a brief summary of the facts on which the finding was based, iv. the penalty and any other orders made relative to the finding, v. the date the finding was made, and vi. information regarding any appeals of the finding; 9. 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: 	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<ul style="list-style-type: none"> i. the finding, ii. the name of the governing body that made the finding, iii. the date the finding was made, iv. a summary of any order made, and v. information regarding any appeals of the finding; <p>10. information about the Member's participation in the Quality Assurance program; and</p> <p>11. information for the purpose of compiling statistical data.</p>	
<p>Registrar</p> <p>171. After the proclamation of the Act, The Council shall appoint an employee of the College as its Registrar under subsection 9(2) of the Code.</p>	
<p>171.1 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, and it may appoint other employees as Deputy Registrar.</p>	This makes it explicit that the Council can appoint a Deputy Registrar.
<p>172. The Registrar is the Chief ExecutiveAdministrative Officer of the College.</p>	
<p>173. 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 Councilcarries out the statutory obligations of the Registrar set out in the Act.</p>	This clarifies that the Registrar is expected to perform duties set out in the by-laws and assigned by Council as well.
<p>174. Deleted The Registrar reports to the Council in:</p> <ul style="list-style-type: none"> 1. providing support to the Council and its committees in developing and implementing regulations, by-laws and policies and ensuring compliance with statutory obligations; 2. assisting the Council in its strategic planning process; 3. establishing and maintaining administrative, human resource, and financial operations of the office, in collaboration with the Council or Executive Committee, to ensure effective management within approved policies and budgets; 	Registrar responsibilities can be set out in the Registrar's job description and other directions approved by Council as appropriate.

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>4. acting as the custodian of the seal of the College and of all books, papers, records, correspondence, contracts and other documents belonging to the College;</p> <p>5. signing contracts, documents, and other instruments in writing as assigned by the Council or as are incidental to the office of the Registrar;</p> <p>6. recruiting and supervising staff, consultants and contractors;</p> <p>7. promoting and maintaining good relations and communications with practitioners, other regulatory bodies and stakeholders, government (including the Minister of Health and Long Term Care) and the public; and</p> <p>8. working in collaboration with the President, represents the College to relevant organizations to promote and build external relations and to further the objectives of the College.</p>	
Amendment of By-Laws	
175. The College's b 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 B by-Laws requires a vote of the majority of those in attendance and voting at the meeting.	
176. Advance notice is required for all motions or resolutions applying to the making, amending or revoking of a bylaw.	
177. Where obligated by the Code, proposed B by-Laws shall be circulated to every Member at least 60 days before Council approves them.	
178. 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.	
179. By-law No. 1 repeals and replaces the transitional by-laws enacted by the transitional Council.	This is no longer needed.
Fees (HST will be added to all fees)	
181. Schedule 4, as the same may be amended from time to time, sets out the	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>applicable fees and penalties that a Member, <u>Professional Corporation</u> or person shall pay to the College. Where no fee has been set out in the Schedule, a <u>Member</u> or person shall pay to the <u>College</u> the fee set by the Registrar for anything that the Registrar is required or authorized to do.</p>	
<p>182. 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 <u>by-laws</u> 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.</p>	
<p>183. The 2016 registration year for Members shall be from June 1, 2016 to May 31, 2017. The 2017 registration year for Members shall be from June 1, 2017 to March 31, 2018. Effective April 1, 2018, the registration year for Members shall be from April 1 to March 31 of the following year.</p>	
<p>185. Effective April 1, 2017 and each April 1 thereafter, each fee described in these <u>by-laws</u> 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.</p> <p>Membership of the College in <u>other National and International Organizations</u></p> <p>186. <u>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. The College shall become members of the following organizations and shall assume the payment of their annual assessments. The Council shall determine who will represent the Council at their meetings:</u></p> <ol style="list-style-type: none"> <u>1. Federation of Health Regulatory Colleges of Ontario</u> <u>2. Council on Licensure, Enforcement and Regulation (CLEAR)</u> <u>3. Canadian Alliance of Regulatory Bodies of Traditional Chinese Medicine Practitioners and Acupuncturists (CARB-TCMPA)</u> 	<p>By not listing specific organizations the College maintains greater flexibility in which organizations to join.</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
Health Professional Corporations Fees 187. The fee for the application for a certificate of authorization, including on any reinstatement of a certificate of authorization, for a professional corporation is \$162.86 (non refundable).	The fees for professional corporations have been moved to the fee schedule pursuant to section 181.
188. The fee for the issuance of a certificate of authorization is \$1085.76.	
189. The fee for the annual renewal of a certificate of authorization is \$1085.76.	
190. A professional corporation or a Member listed in the College's records as a shareholder of a professional corporation shall pay the an administrative fee set out in Schedule 4 of \$50 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.	
191. The fee for the issuing of a document or certificate respecting a professional corporation, other than the first certificate of authorization or one (1) annual renewal of a certificate of authorization is set out in Schedule 4 \$50 plus shipping cost.	
Professional Liability Insurance by Members 194. A practising Member in the General, Temporary or Student class must carry professional liability insurance with the following characteristics: <ol style="list-style-type: none"> 1. minimum of no less than \$1,000,000 per claim; 2. aggregate coverage of no less than \$5,000,000; 3. a deductible of no more than \$1,000 per claim; and 4. insurance is provided by an insurer licensed with the Financial Services Commission of Ontario. 	
195. A practising Member must upon request provide to the College proof of professional liability insurance in the form of a Certificate	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>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:</p> <ol style="list-style-type: none"> 1. policy number; 2. name of the insured that matches the name of the Member; 3. address of the insured; 4. policy period; 5. coverage details; and 6. retroactive date (i.e., the date from which similar coverage was in place before the current policy period started). 	
<p>SCHEDULE 1 TO THE BY-LAWS</p> <p>Code of Conduct for Members of the Council and All Committees</p> <ol style="list-style-type: none"> 1. This Schedule applies to Mm members of the Council and of all committees of the College. 2. Council and eCommittee 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: <ol style="list-style-type: none"> 1. be familiar and comply with the provisions of the Regulated Health Professions Act, 1991, RHPA its regulations and the Health Professions Procedural Code, the Traditional Chinese Medicine Act, 2006, its regulations, and the By-Laws and policies of the College; 2. <u>promote the public interest in his/her contributions and in all discussions and decision-making;</u> 3. <u>d</u>Direct all activities toward fulfilling the College's objects as specified in the <u>legislation;</u> 42. diligently take part in committee work and actively serve on committees as appointed by the Council; 	<p>Clarifies Council and Committee responsibilities.</p>

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>53. regularly attend meetings on time and participate constructively in discussions;</p> <p>64. offer opinions and express views on matters before the College, Council and committee, when appropriate;</p> <p>75. participate in all deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of Mm members on Council and committees;</p> <p>86. uphold the decisions made by a majority of Council and committees, regardless of the level of prior individual disagreement;</p> <p>97. place the interests of the College, Council and committee above all other interests;</p> <p>108. avoid and, where that is not possible, declare any appearance of or actual conflicts of interest;</p> <p>119. refrain from including or referencing Council or committee positions held at the College in any personal or business promotional materials, advertisements and business cards.</p> <p>120. 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 <i>RHPA</i>;</p> <p>131. refrain from communicating to Members, including other Council or eCommittee 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 Mm member of the panel or, where there is no</p>	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>panel, of the statutory committee dealing with the matter;</p> <p>142. respect the boundaries of staff whose role is not to report to or work for individual Council or €Committee Members;</p> <p>153. be respectful of others and not engage in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment; and-</p> <p>16. <u>Regularly evaluate his or her individual performance, and that of the collective to assure continuous improvement.</u></p>	
<p>SCHEDULE 2 TO THE BY-LAWS</p> <p>Rules of Order of the Council</p> <p>1. In this Schedule, "Member" means a Member of the Council.</p> <p>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.</p> <p>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.</p> <p>4. Staff persons and consultants with expertise in a matter may be permitted by the presiding office to answer specific questions about the matter.</p> <p>5. Observers at a Council meeting are not allowed to speak to a matter that is under debate.</p> <p>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</p>	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>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.</p> <p>7. No Member may speak longer than five minutes upon any motion except with the permission of Council.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>11. When a matter is being voted on, no Member shall enter or leave the Council room, and no further debate is permitted.</p> <p>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.</p> <p>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.</p> <p>14. Whenever the presiding officer is of the opinion that a motion offered to the Council is contrary to these rules or the Bby-Laws, he or she shall rule the motion out of order and give his or her reasons for doing so.</p>	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<p>15. The presiding officer shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council without debate.</p> <p>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.</p> <p>17. Members are not permitted to discuss a matter with observers while it is being debated.</p> <p>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.</p> <p>19. Members are to be silent while others are speaking.</p> <p>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.</p> <p>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.</p>	
<p>SCHEDULE 3 TO THE BY-LAWS</p> <p>Code of Ethics for Registered Members</p> <p>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:</p> <p>1. General Responsibility</p>	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<ul style="list-style-type: none"> ▪ 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. <p>2. Responsibility to Patients</p> <ul style="list-style-type: none"> ▪ 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. <p>3. Responsibility to Oneself and the Profession</p> <ul style="list-style-type: none"> ▪ 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; 	

Appendix 2

PROPOSED CHANGES	RATIONALE / COMMENTS
<ul style="list-style-type: none"> 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; <p>Be transparent and timely in providing information to patients, or a third party when requested or authorized by the patient or by law;</p> <p>Contribute to the ongoing development of TCM practices and pass on one's knowledge and skills to others;</p> <ul style="list-style-type: none"> Uphold the honour and dignity of the TCM profession. <p>4. Responsibility to the Public</p> <ul style="list-style-type: none"> 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			
<u>Item</u>	<u>Fee</u>	<u>HST 13%</u>	<u>Total</u>
<u>Fees Relating to General Class</u>	-	-	-
<u>Application</u>	<u>\$285.00</u>	<u>\$37.05</u>	<u>\$322.05</u>
<u>Registration</u>	<u>\$970.00</u>	<u>\$126.10</u>	<u>\$1,096.10</u>
<u>Prorated Registration</u>	-	-	-
<u>April 1, 2018 - June 31, 2018</u>	<u>\$970.00</u>	<u>\$126.10</u>	<u>\$1,096.10</u>
<u>July 1, 2018 - Sept 30, 2018</u>	<u>\$728.00</u>	<u>\$94.64</u>	<u>\$822.64</u>

Appendix 2

<u>October 1, 2018 - December 31, 2018</u>	<u>\$485.00</u>	<u>\$63.05</u>	<u>\$548.05</u>
<u>January 1, 2019 - March 31, 2019</u>	<u>\$243.00</u>	<u>\$31.59</u>	<u>\$274.59</u>
-	-	-	-
<u>Annual Renewal</u>	<u>\$1,142.00</u>	<u>\$148.46</u>	<u>\$1,290.46</u>
-	-	-	-
<u>Fees Relating to Inactive Class</u>	-	-	-
<u>Application</u>	<u>\$285.00</u>	<u>\$37.05</u>	<u>\$322.05</u>
<u>Registration</u>	<u>\$320.00</u>	<u>\$41.60</u>	<u>\$361.60</u>
<u>Annual Renewal</u>	<u>\$320.00</u>	<u>\$41.60</u>	<u>\$361.60</u>
-	-	-	-
<u>Fees Relating to Temporary Class</u>	-	-	-
<u>Application</u>	<u>\$285.00</u>	<u>\$37.05</u>	<u>\$322.05</u>
<u>Registration</u>	<u>\$970.00</u>	<u>\$126.10</u>	<u>\$1,096.10</u>
-	-	-	-
<u>Fees Relating to Professional Corporations</u>	-	-	-
<u>Application</u>	<u>\$169.00</u>	<u>\$21.97</u>	<u>\$190.97</u>
<u>Registration</u>	<u>\$1,129.00</u>	<u>\$146.77</u>	<u>\$1,275.77</u>
<u>Prorated Registration</u>	-	-	-
<u>April 1, 2018 - June 31, 2018</u>	<u>\$1,129.00</u>	<u>\$146.77</u>	<u>\$1,275.77</u>
<u>July 1, 2018 - Sept 30, 2018</u>	<u>\$847.00</u>	<u>\$110.11</u>	<u>\$957.11</u>
<u>October 1, 2018 - December 31, 2018</u>	<u>\$565.00</u>	<u>\$73.45</u>	<u>\$638.45</u>
<u>January 1, 2019 - March 31, 2019</u>	<u>\$282.00</u>	<u>\$36.66</u>	<u>\$318.66</u>
-	-	-	-
<u>Annual Renewal</u>	<u>\$1,129.00</u>	<u>\$146.77</u>	<u>\$1,275.77</u>
-	-	-	-
<u>Fees Relating to Student Class</u>	-	-	-
<u>Application</u>	<u>\$156.00</u>	<u>\$20.28</u>	<u>\$176.28</u>
<u>Registration</u>	<u>\$173.00</u>	<u>\$22.49</u>	<u>\$195.49</u>
<u>Prorated Registration</u>	-	-	-
<u>April 1, 2018 - June 31, 2018</u>	<u>\$173.00</u>	<u>\$22.49</u>	<u>\$195.49</u>

Appendix 2

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

