



College of Traditional Chinese Medicine
Practitioners and Acupuncturists of Ontario

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

Council Meeting

Thursday, May 5, 2022



Excerpt from the Regulated Health Professions Act, 1991

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

Duty of College

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

Objects of College

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

Duty

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

SCHEDULE 1 TO THE BY-LAWS

Code of Conduct for Members of the Council and All Committees

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

PROVISION 11.16 OF THE BY-LAWS - Language of Meetings

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

SCHEDULE 2 TO THE BY-LAWS

Rules of Order of the Council

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

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

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

Code of Ethics for Registered Members

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

1. General Responsibility

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

2. Responsibility to Patients

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

3. Responsibility to Oneself and the Profession

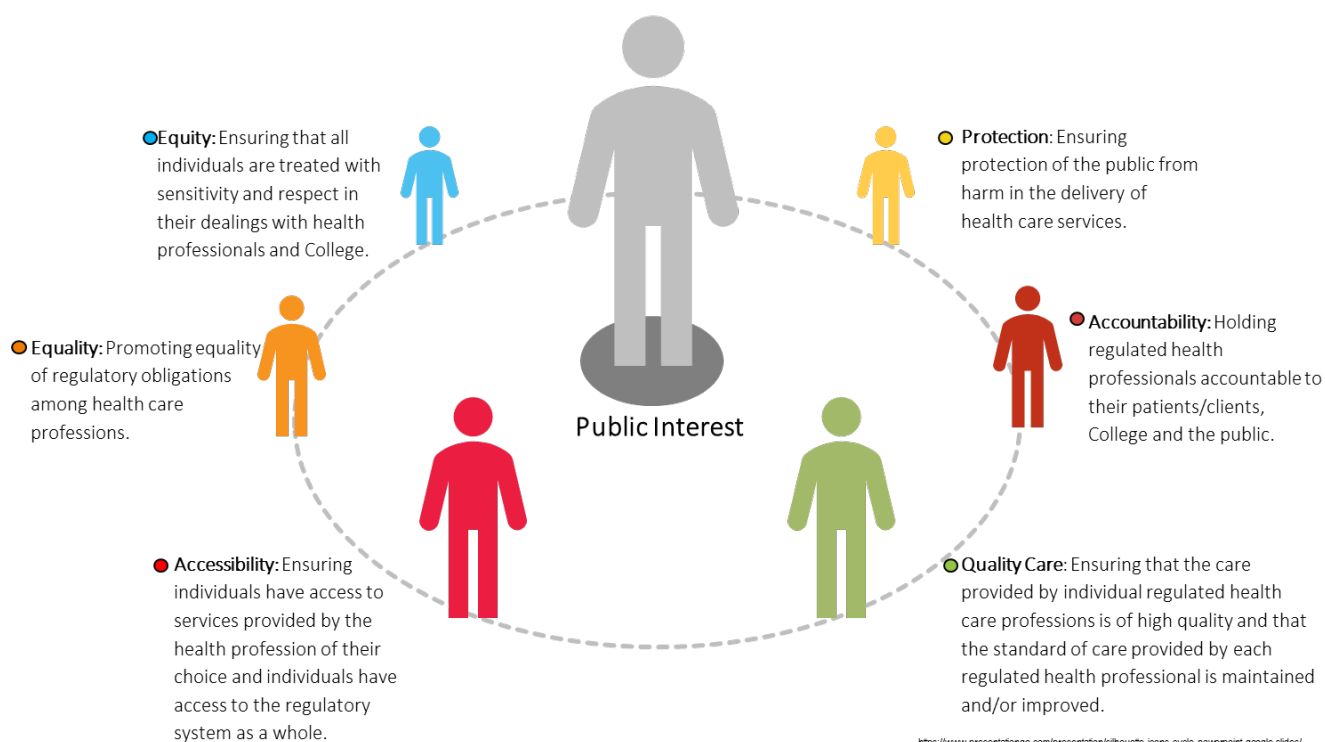
- Acknowledge the limitation of one's knowledge, skills and judgment;
- State one's qualification and experience honestly and fairly;
- Continually upgrade one's knowledge, skills and judgment to improve one's services to patients;
- Respect other health professionals and members of the TCM profession;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

4. Responsibility to the Public

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

PUBLIC INTEREST

in the context of the College Performance Measurement Framework



Decision Making Tool for Council

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

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

BRIEFING ON MEETING PROCEDURE

Guideline for Observers Attending a Virtual Council Meeting

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

Individuals attending as observers are requested to:

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

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

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

Robert's Rules of Order – Quick Reference

1. All those who wish to speak to an item MUST go through the Chair.
2. The Chair will keep a list of who wishes to speak. The Chair will call on you to speak.
3. Please raise your hand to let the Chair know you wish to speak.
4. To speak more than once to the same item, you need to wait till everyone else has had a chance to speak.
5. You may ask only one question at a time.
6. Voting is done by a show of hands. If a secret ballot is necessary (i.e. elections) paper ballots are used. For teleconference meetings, members are asked to voice their vote.
7. Each item to be decided will have a MOTION. A motion will be moved and seconded prior to discussion.
8. Should an amendment be made to the motion, the amended motion will be the item to be discussed and voted upon.
9. An amendment to a motion may be done as a “friendly” amendment, meaning the person who made the motion agrees with the change. And once again, the amended motion is the one that is voted upon.
10. Once the Chair calls an end to the discussion, a vote will be taken on the motion or amended motion.
11. Council members will be asked to vote:
 - a. in favour of the motion;
 - b. opposed to the motion; or
 - c. abstain from voting.(Abstentions do not affect the outcome of the vote)
12. A simple majority is required to pass a motion. (50% plus 1)
13. All votes will be noted by the minute taker.



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

AGENDA

Council Meeting
Thursday, May 5, 2022
2:00 p.m. – 4:45 p.m.
via Webex

Item	Open/ In-Camera	Time	Speaker	Action
1. Welcome and Call to Order	Open Session	2:00 p.m. (5 mins)	D. Worrada <i>Chair</i>	Information
2. Declarations of Conflicts of Interest	Open Session	2:05 p.m. (5 mins)	D. Worrada <i>Chair</i>	Information
3. Briefing on Meeting Procedure	Open Session	2:10 p.m. (5 mins)	D. Worrada <i>Chair</i>	Information
4. Adoption of the Agenda	Open Session	2:15 p.m. (5 mins)	D. Worrada <i>Chair</i>	Motion
5. Registrar & CEO Remarks	Open Session	2:20 p.m. (5 mins)	A. Zeng <i>Registrar & CEO</i>	Information
ELECTION OF OFFICERS				
6. Election Process Overview a) Appointment of Scrutineers	Open Session	2:25 p.m. (10 mins)	D. Worrada <i>Chair</i>	Motion
7. Election: President	Open Session	2:35 p.m. (5 mins)	D. Worrada <i>Chair</i>	
8. Election: Vice-President	Open Session	2:40 p.m. (25 mins)	D. Worrada <i>Chair</i>	
9. Election: Executive Committee Members	Open Session	3:05 p.m. (30 mins)	D. Worrada <i>Chair</i>	Motion
BREAK				
10. Executive Committee Meeting	In-Camera	3:45 p.m. (25 mins)	President	Motion
11. Committee Appointments Announcement	Open Session	4:10 p.m. (5 mins)	President	Information
IN CAMERA SESSION				
		4:15 p.m. (20 mins)		Motion

Item	Open/ In-Camera	Time	Speaker	Action
The meeting will move in-camera in accordance with Section 7.(2)b of the Health Professions Procedural Code.				
12. Chinese Language Entry to Practice Examinations	Open Session	4:35 p.m. (5 mins)	A. Zeng <i>Registrar & CEO</i>	Motion
13. Next Meeting Dates and Meeting Effectiveness Survey	Open Session	4:40 p.m. (5 mins)	D. Worrada <i>Chair</i>	Information
14. Adjournment	Open Session	4:45 p.m.	D. Worrada <i>Chair</i>	Motion

FOR INFORMATION

Grey Areas #265, April 2022



College of Traditional Chinese Medicine
Practitioners and Acupuncturists of Ontario

Ordre des praticiens en médecine traditionnelle
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Agenda # 5

Registrar & CEO Remarks

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



**Executive Council of Ontario
Order in Council**

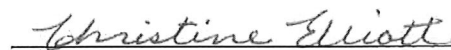
On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

**Conseil exécutif de l'Ontario
Décret**

Sur la recommandation de la personne soussignée, le lieutenant-gouverneur de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit :

PURSUANT TO clause 6(1)(b) of the *Traditional Chinese Medicine Act, 2006*, **Iftikhar Choudry** of Brampton be appointed as a part-time member of the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario to serve at the pleasure of the Lieutenant Governor in Council for a period not exceeding one year, effective the date this Order in Council is made.

EN VERTU DE l'alinéa 6 (1) b) de la *Loi de 2006 sur les praticiens en médecine traditionnelle chinoise*, **Iftikhar Choudry** de Brampton est nommé au poste de membre à temps partiel du Conseil de l'Ordre des praticiens en médecine traditionnelle chinoise et des acupuncteurs de l'Ontario pour exercer son mandat à titre amovible à la discrétion du lieutenant-gouverneur en conseil, pour une période maximale d'un an à compter du jour de la prise du présent décret.


Recommended: Minister of Health
Recommandé par : La ministre de la Santé


Concurred: Chair of Cabinet
Appuyé par : Le président | la présidente du Conseil des ministres

Approved and Ordered:
Approuvé et décrété le : MAR 30 2022


Lieutenant Governor
La lieutenante-gouverneure

O.C. | Décret : 817 / 2022



**Executive Council of Ontario
Order in Council**

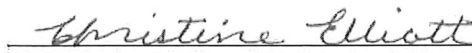
On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

**Conseil exécutif de l'Ontario
Décret**

Sur la recommandation de la personne soussignée, le lieutenant-gouverneur de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit :

PURSUANT TO clause 6(1)(b) of the *Traditional Chinese Medicine Act, 2006*, **Judy Cohen** of North York be appointed as a part-time member of the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario to serve at the pleasure of the Lieutenant Governor in Council for a period not exceeding one year, effective the date this Order in Council is made.

EN VERTU DE l'alinéa 6 (1) b) de la *Loi de 2006 sur les praticiens en médecine traditionnelle chinoise*, **Judy Cohen** de North York est nommée au poste de membre à temps partiel du Conseil de l'Ordre des praticiens en médecine traditionnelle chinoise et des acupuncteurs de l'Ontario pour exercer son mandat à titre amovible à la discrétion du lieutenant-gouverneur en conseil, pour une période maximale d'un an à compter du jour de la prise du présent décret.


Recommended: Minister of Health
Recommandé par : La ministre de la Santé


Concurred: Chair of Cabinet
Appuyé par : Le président | la présidente du Conseil des ministres

Approved and Ordered:
Approuvé et décrété le : MAR 30 2022


Lieutenant Governor
La lieutenant-gouverneure



**Executive Council of Ontario
Order in Council**

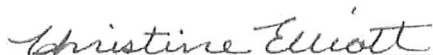
On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

**Conseil exécutif de l'Ontario
Décret**

Sur la recommandation de la personne soussignée, le lieutenant-gouverneur de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit :

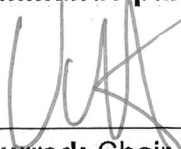
PURSUANT TO clause 6(1)(b) of the *Traditional Chinese Medicine Act, 2006*, **Kimberley Bishop** of Bancroft be appointed as a part-time member of the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario to serve at the pleasure of the Lieutenant Governor in Council for a period not exceeding one year, effective the date this Order in Council is made.

EN VERTU DE l'alinéa 6 (1) b) de la *Loi de 2006 sur les praticiens en médecine traditionnelle chinoise*, **Kimberley Bishop** de Bancroft est nommée au poste de membre à temps partiel du Conseil de l'Ordre des praticiens en médecine traditionnelle chinoise et des acupuncteurs de l'Ontario pour exercer son mandat à titre amovible à la discrétion du lieutenant-gouverneur en conseil, pour une période maximale d'un an à compter du jour de la prise du présent décret.



Recommended: Minister of Health

Recommandé par : La ministre de la Santé



Concurred: Chair of Cabinet

Appuyé par : Le président | la présidente du Conseil des ministres

Approved and Ordered: MAR 30 2022
Approuvé et décrété le :


Lieutenant Governor
La lieutenante-gouverneure

O.C. | Décret : 816 / 2022



**Executive Council of Ontario
Order in Council**

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

**Conseil exécutif de l'Ontario
Décret**

Sur la recommandation de la personne soussignée, le lieutenant-gouverneur de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit :

PURSUANT TO clause 6(1)(b) of the *Traditional Chinese Medicine Act, 2006*, **Maureen Morton** of Komoka be appointed as a part-time member of the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario to serve at the pleasure of the Lieutenant Governor in Council for a period not exceeding one year, effective the date this Order in Council is made.

EN VERTU DE l'alinéa 6 (1) b) de la *Loi de 2006 sur les praticiens en médecine traditionnelle chinoise*, **Maureen Morton** de Komoka est nommée au poste de membre à temps partiel du Conseil de l'Ordre des praticiens en médecine traditionnelle chinoise et des acupuncteurs de l'Ontario pour exercer son mandat à titre amovible à la discrétion du lieutenant-gouverneur en conseil, pour une période maximale d'un an à compter du jour de la prise du présent décret.

Christine Elliott

Recommended: Minister of Health

Recommandé par : La ministre de la Santé

[Signature]

Concurred: Chair of Cabinet

Appuyé par : Le président | la présidente du Conseil des ministres

Approved and Ordered: MAR 30 2022
Approuvé et décrété le :

[Signature]

**Lieutenant Governor
La lieutenante-gouverneure**

O.C. | Décret : 819 / 2022



College of Traditional Chinese Medicine
Practitioners and Acupuncturists of Ontario

Ordre des praticiens en médecine traditionnelle
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Agenda # 6

Election Process Overview

Speaker: D. Worrada, Chair

Action: Motion



FOR: FYI

SUBJECT: Elections Process Overview

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

President	Page 21
Vice-President	Page 24
Executive Committee Member	Page 27

With the concurrence (i.e. approval) of Council, two members of the College staff and Rebecca Durcan of Steinecke Maciura LeBlanc will act as scrutineers for the voting process.

1. Where there is only one candidate for the office, the said candidate shall be acclaimed.
2. Where there is more than one candidate for the office, voting shall be conducted by secret ballot. The candidate who receives a majority of the votes cast (i.e. 50% + 1) on a ballot shall be declared elected.
3. 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.
4. 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, one of the Scrutineers shall break the tie by lot and the member who prevailed shall then proceed to the next round until one candidate receives a majority of votes.
5. This procedure shall be followed until one candidate receives a majority of the votes cast on a ballot.

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

The election will be conducted virtually. The following voting process will be used.

1. Once the candidates have made their opening comments, a scrutineer will send an email with the list of candidates to all Council members.



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2. Council members will reply to the email with the name of their selected candidate.
3. Council members will be given a 5-minute time limit to respond with their vote.
4. The scrutineer will tally the votes, verify with the other scrutineers, and relay the winner to the Chair. The Chair will announce the result.

Executive Committee's Exercise of Council's Powers

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

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

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



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Agenda # 7

Election: President

Speaker: D. Worrada, Chair



FOR: FYI

SUBJECT: Elections – President

Election of the President

The election of the President is subject to Section 7.03 of the College By-Laws.

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

Where there is more than one candidate for the office, voting shall be conducted by secret ballot and for this purpose, the Registrar shall, with the concurrence of the Council, appoint three (3) returning officers to count the ballots and report the results to the Council. The candidate who receives a majority of the votes cast on a ballot shall be declared elected.

Where no candidate receives a majority of the votes cast on the ballot, the one receiving the lowest number of votes on the ballot shall be deleted from the next ballot and a fresh vote shall take place. If there is a tie on the lowest number of votes for two members, there shall be a recount. If there is still a tie, the Registrar shall break the tie by lot and one member shall then proceed to the next round of the election process until one candidate receives a majority of votes.

This procedure shall be followed until one candidate receives a majority of the votes cast on a ballot. Where an issue arises during an election that is not governed by this paragraph, the Registrar shall, with the concurrence of the Council, adopt a fair and democratic process including, where appropriate, selection by the Registrar by lot.

Duties of the President

The specific duties of the President are set out in Section 8.01 of the College By-Laws.

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



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- a. presiding as chair of all meetings of the Council, the Executive Committee and of Members, unless a non-voting chair has been appointed to facilitate the meeting;
- b. overseeing the operations and performance of the Council;
- c. working with the Registrar to ensure smooth, efficient conduct of all meetings and that decisions of the Council and Executive Committee are implemented;
- d. participating in cultivating, recruiting and orienting new Council Members, officers, committee Members and chairs, and volunteers;
- e. overseeing and ensuring that a process is in place to evaluate the performance and employment conditions of the Registrar;
- f. representing the College as the authorized spokesperson on Council policies and positions to promote the mandate and objectives of the College;
- g. signing contracts, documents or instruments in writing as required by the College;
- h. liaising with the Registrar on any issues relating to the interactions between Members of the Council and College staff;
- i. is an ex-officio member of all committees; attendance at any committee meetings will be at the discretion of the President; chairs of committees shall file minutes and reports with the Registrar to keep the President informed; and
- j. other duties as assigned by the Council from time to time.



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Agenda # 8

Election: Vice-President

Speaker: D. Worrada, Chair



FOR: FYI

SUBJECT: Elections – Vice-President

Election of the Vice-President

The election of the Vice-President is subject to Section 7.04 of the College By-Laws.

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

Where there is more than one candidate for the office, voting shall be conducted by secret ballot and for this purpose, the Registrar shall, with the concurrence of the Council, appoint three (3) returning officers to count the ballots and report the results to the Council. The candidate who receives a majority of the votes cast on a ballot shall be declared elected.

Where no candidate receives a majority of the votes cast on the ballot, the one receiving the lowest number of votes on the ballot shall be deleted from the next ballot and a fresh vote shall take place. If there is a tie on the lowest number of votes for two members, there shall be a recount. If there is still a tie, the Registrar shall break the tie by lot and one member shall then proceed to the next round of the election process until one candidate receives a majority of votes.

This procedure shall be followed until one candidate receives a majority of the votes cast on a ballot. Where an issue arises during an election that is not governed by this paragraph, the Registrar shall, with the concurrence of the Council, adopt a fair and democratic process including, where appropriate, selection by the Registrar by lot.

Duties of the Vice-President

The duties of the Vice-President are set out in Section 8.02 of the College By-Laws.

- (i) The Vice-President shall have all the powers and shall perform all the duties of the President in the event of the absence, or the inability of the President to act. The Vice-President is directly accountable to the Council and indirectly accountable to the government, the public and the profession for the effective governance of the College in accordance with all applicable legislative requirements.
- (ii) Specific duties of the Vice-President include:



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- a. serving on the Executive Committee;
- b. any duties delegated by the President unless not approved by the Council;
- c. acting as a signing officer on cheques and other documents as required by the Council; and
- d. other duties as assigned by the Council from time to time.



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Agenda # 9

Election: Executive Committee Members

Speaker: D. Worrada, Chair

Action: Motion



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FOR: FYI

SUBJECT: Elections – Executive Committee Members

Election and Composition

The election and composition of the Executive Committee is subject to Sections 7.06 and 12.01 of the College by-laws.

The three Executive Committee Members shall be elected following a procedure similar to the election of the President. The Executive Committee shall be composed of the President, the Vice-President and three (3) Members of the Council. Two of the Members of the Executive Committee shall be Public Members. The President shall be the chair of the Executive Committee.



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Agenda # 10

Executive Committee Meeting

Speaker: President

Action: Motion



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Agenda # 11

Committee Appointments Announcement

Speaker: President
Action: Information



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Agenda # 12

Chinese Language Entry to Practice Examinations

Speaker: A. Zeng, Registrar & CEO

Action: Motion

Ministry of Health
Ministry of Long-Term Care

Assistant Deputy Minister
Strategic Policy, Planning & French
Language Services Division

438 University Avenue, 10th floor
Toronto ON M7A 2A5

Ministère de la Santé
Ministère des Soins de longue durée

Sous-ministre adjoint
Division des politiques et de la planification stratégiques,
et des services en français

438 avenue University, 10^e étage
Toronto ON M7A 2A5



April 20, 2022

Richard Guo Qing Dong
President

College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario
55 Commerce Valley Drive West, Suite 705
Thornhill ON L3T 7V9

Dear Mr. Dong:

Thank you for your letter of April 6, 2022, to the Honourable Christine Elliott, Deputy Premier and Minister of Health regarding Schedule 5 of Bill 88 and the College of Traditional Chinese Medicine and Acupuncturists of Ontario's (College) work to implement Chinese-language entry-to-practice examinations.

The Ministry appreciates the work of the College's Council to support the introduction of Chinese-language exams and looks forward to continuing to work with the College to advance this work in the coming months.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Court".

Sean Court
Assistant Deputy Minister

c: CTCMPAO Council Members
Ann Zeng, Registrar and CEO, CTCMPAO
Allison Henry, Director, HWROB, Ministry of Health

Ministry of Health
Ministry of Long-Term Care

Assistant Deputy Minister
Strategic Policy, Planning & French
Language Services Division

438 University Avenue, 10th floor
Toronto ON M7A 2A5

Ministère de la Santé
Ministère des Soins de longue durée

Sous-ministre adjoint
Division des politiques et de la planification stratégiques,
et des services en français

438 avenue University, 10^e étage
Toronto ON M7A 2A5



April 20, 2022

Ann Zeng
Registrar and CEO
College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario
55 Commerce Valley Drive West, Suite 705
Thornhill ON L3T 7V9

Dear Ms. Zeng:

Thank you for your letter of March 30, 2022, regarding updates on the work of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (College) to implement Chinese-language entry-to-practice exams.

Your letter outlines the College's funding and resource needs to support the adoption of Chinese-language exams as well as several other implementation considerations for which the College is seeking direction. My office will be in touch to arrange a meeting to further discuss these issues.

The Ministry appreciates the work of the College to support the introduction of Chinese-language exams and looks forward to continuing to work with the College to advance this work in the coming months.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Court".

Sean Court
Assistant Deputy Minister

c: College Council Members
Allison Henry, Director, HWROB, Ministry of Health



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Agenda # 13

Next Meeting Dates and Meeting Effectiveness Survey

Speaker: D. Worrada, Chair

Action: Information

Meeting Date: Month Day Year
May 5 2022



2022 Council Meeting Dates

*All dates are tentative and are subject to change.

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

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

by Julie Maciura
April 2022 - No. 265

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

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

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

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

Burden of Proof

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

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

HPARB has also said:

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

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

FOR MORE INFORMATION

This newsletter is published by Steinecke Maciura LeBlanc, a law firm practising in the field of professional regulation. If you are not receiving a copy and would like one, please contact: Steinecke Maciura LeBlanc, 401 Bay Street, Suite 2308, P.O. Box 23, Toronto, ON M5H 2Y4, Tel: 416-599-2200 Fax: 416-593-7867, E-Mail: info@sml-law.com

WANT TO REPRINT AN ARTICLE

A number of readers have asked to reprint articles in their own newsletters. Our policy is that readers may reprint an article as long as credit is given to both the newsletter and the firm. Please send us a copy of the issue of the newsletter which contains a reprint from Grey Areas.

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

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

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

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

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

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

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

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

Unsuitable Conduct

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

Grey Areas

A COMMENTARY ON LEGAL ISSUES AFFECTING PROFESSIONAL REGULATION

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

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

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

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

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

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

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

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

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

Grey Areas

A COMMENTARY ON LEGAL ISSUES AFFECTING PROFESSIONAL REGULATION

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

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

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

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

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

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

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