



### **Highlights of 6<sup>th</sup> Meeting of Council**

For the 6<sup>th</sup> Meeting of Council, held on April 7, 2014 from 9:33 a.m. to 3:49 p.m. at 163 Queen Street East, 4<sup>th</sup> Floor, Toronto, Ontario. 11 observers and members of the media were in attendance.

#### ***Office of the Fairness Commissioner Presentation***

A representative from the Office of the Fairness Commissioner (OFC) joined Council to congratulate the College on completing its first Fair Registration Practices Report, noting that it was very well done. The College worked closely with the OFC in completing the report and was conscientious in utilizing fair access principles in its registration processes.

#### ***Registration Examinations – Pan-Canadian Written and Clinical Case-Study Examinations***

The first Registration Examinations – Pan-Canadian Written and Clinical Case-Study Examinations were offered nationally in October 2013 and January 2014 by the Canadian Alliance of Regulatory Bodies for Traditional Chinese Medicine Practitioners and Acupuncturists (CARB-TCMPA).

The offering of the first Pan-Canadian Examinations nationally is a major step forward for the traditional Chinese medicine (TCM) profession in the development of reliable, valid examinations that assess fairly in a consistent and transparent manner candidates applying for registration to practice as TCM practitioners or TCM Acupuncturists in Ontario. The Examinations use the same standards and process to ensure safe, effective and ethical practices to evaluate both Canadian and internationally-trained candidates. The Pan-Canadian examinations also ensure quality standards and facilitate labour mobility across each province in Canada. These new graduates reflect the changing environment across Canada, in which TCM has become a viable and recognized primary care profession.

#### ***Grandparented Class of Registration Application Deadline***

The College had embarked on a significant public media campaign to remind practitioners that March 31, 2014 was the deadline for applications for certificates of registration in the Grandparented class of registration. The College placed over 50 advertisements in local and mainstream newspapers targeting seven different language groups: English, Cantonese, Mandarin, Russian, French, Korean, Vietnamese, Indian, and Iranian. This was a massive undertaking to ensure that the College reached out to all eligible candidates for Grandparenting. Candidates applying for registration to the College were no longer eligible to apply for certificates of registration in the Grandparented class of registration as of April 1, 2014. Five hundred and three (503) applications for the Grandparented class were subsequently received in the month of March.

#### ***Registration Updates***

As of April 1, 2014 the College has registered 2174 candidates, receiving 3,131 applications in total. The College recognizes that members' educational background and experience are quite diverse. As of March 17, 2014, 2,161 members' self-declarations in applying for registration indicated that 51 languages and dialects are being spoken, including all identified as English, Mandarin, Cantonese, Taiwanese and or Shanghainese, Tagalog-Austronesian, Sinhalese, Finnish, Persian, Kurdish, German, Dutch, Danish, Japanese, Vietnamese, Korean, Italian, Spanish, Hebrew, and Slavic (Russian, Ukrainian etc.) The College has a very diverse membership base.

#### ***Doctor Title***

The College is committed to guiding and assisting members in understanding their roles as regulated professionals and has sent out a memo from the Registrar informing members about the illegal use of the Doctor title. The memo reminded members that to date, the legislature had not approved a class of

registration for members who could use the Doctor title. Accordingly, no member can use the title Doctor or its abbreviations and it is a breach of the *Regulated Health Professions Act, 1991* (RHPA) to use the title Doctor in association with the provision of TCM or Acupuncture. Only the members of those Colleges authorized to use the title Doctor as listed in the RHPA may do so.

The College is in the process of conducting feasibility studies with regard to developing the preliminary and necessary requirements for a class of registration that will permit members to use the title Doctor in the future.

#### **Bill 70**

The College is in the process of conducting feasibility studies with regard to developing a regulation under Bill 70.

#### **PLAR**

Information sessions to assist Grandparented members in preparing for Prior Learning Assessment and Recognition (PLAR) will take place in June. It is expected that the 3<sup>rd</sup> party agency managing the PLAR process will be ready to receive applications for PLAR in June 2014. For Grandparented members practicing with a language accommodation plan, special information sessions will be offered for those to assist them in understanding the PLAR process.

#### **Statutory Committees**

The College has successfully transitioned to fulfilling its mandate to protect the public in achieving operational status of its statutory committees.

#### **GST/HST Exemption**

On February 11, 2014, the federal budget was released, indicating that acupuncture services are likely to be made exempt from GST/HST and that the Department of Finance had drafted the relevant legislation. The College advises that members seek expert advice on how the exemption of GST/HST will affect their practice.

#### **Canadian Life & Health Insurance Association**

The President and College staff participated in a teleconference with the Canadian Life & Health Insurance Association to clarify the *Traditional Chinese Medicine Act, 2006* (TCMA) and its scope of practice. The meeting was an opportunity for the College to provide accurate information to insurers about the scope of practice of the College's members, in order for insurance companies to be able to process patient claims based on accurate information about TCM practice and patient care delivery. The College will continue to dialogue with agencies and government to ensure that provisions of the TCMA are correctly interpreted.

#### **Labour Mobility**

Data was collected and compiled towards the completion of a report due to the Ministry regarding registration under Labour Mobility pursuant to the *Agreement on Internal Trade*. The report was successfully completed and filed on February 28, 2014.

#### **Interprofessional Collaboration and Stakeholder Meetings**

The College successfully hosted the first annual CTCMPAO Symposium on the Scope of Practice of Traditional Chinese Medicine on February 21, 2014 at the College. The Registrars and other staff from the seven other health regulatory bodies that also have the controlled act of acupuncture attended. The College's presentation clarified section 19 of the TCMA that exempts eight health regulatory colleges for the purpose of performing acupuncture in accordance with the standard of practice and within the scope of practice of these Colleges.

### ***Humber College***

At the request of Humber College, College representatives met with Humber College advisors who were interested in moving forward with a two-year and three-year diploma program in TCM. Humber College has set up an Ad-Hoc Advisory Committee to elicit feedback from stakeholders as to its development plans. The College will be participating in the advisory group, with the sole purpose of clarifying what the entry-to-practice requirements are for the profession under the Registration Regulation. The College will participate in any such committees for other educational institutions when requested to do so.

### ***New Office Location***

Pursuant to the previous instructions received from Council, the Registrar and senior staff have secured a new office location for the College. A lease has been successfully executed for the premises at 55 Commerce Valley Drive in Markham. The new premises are currently being constructed and the College plans to be in its new home by August.

### ***College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario Wins the Legal Challenge by the Federation et al.***

#### **Judicial Review**

On January 31, 2014, the Divisional Court released its decision in Yuan, Li, et al vs. the Transitional Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario and the Minister of Health and Long-Term Care. The Court dismissed the application made by Yuan, Li et al, meaning that the College (CTCMPAO) won the court case.

The following determination was made:

- The Registration Regulation was not inconsistent with the TCMA
- The Registration Regulation did not breach s.7 of the Charter of Rights and Freedoms
- The Registration Regulation did not breach s. 15 of the Charter of Rights and Freedoms
- No member of the College could use the doctor title in the provision of healthcare, until a regulation was passed which allowed College members to qualify for the doctor title

#### **Cost Awarded to the College (CTCMPAO)**

On February 28, 2014 the Court ordered Yuan, Li and other applicants to pay \$30,000 to the College and \$15,000 to the Ministry.

### ***Proposed By-Law Amendments: Staggered Elections***

The Executive Committee has concerns regarding provisions in the By-Laws relating to the staggered aspects of Council election terms, feeling that a delay in the commencement of the staggered system of elections will allow for greater continuity of expertise on Council from Council year to Council year during the College's initial years of formation, when the stability of the College's leadership is of greatest importance. This would enhance the Council's duty to serve and protect the public interest.

The Committee therefore proposed that section 33 of the By-Laws be amended to allow elections for all five districts to be frozen until the year 2016, at which time a staggered system of elections would be implemented. Section 33 would be revised as appears below:

*33. An election of Members to Council shall be held:*

- 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.*

A chart appears below with the proposed new election dates for each district:

<b>District</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
	2016	2016	2016	2016	2016
	2017	2017	2018	2019	2019
	2020	2020	2021	2022	2022

This By-Law amendment does not require circulation to members. However, Council is circulating the proposed amendments to members for a period of 30 days for feedback to ensure transparency and fairness. Members may access the feedback form on the College's [website](#).

***Policy on Safety Program Rewrites***

Council approved that there will be no restrictions as to the number of times that Grandparented and General class applicants are able to write the Safety Program Test.

***Annual Renewal***

Members are required to renew their membership as of June 1, 2014. Members will be able to renew online or by mail. The Application Guide will be available in April 2014.

***General Registration***

Application Forms for the General class of registration will be available as of the latter part of April to early May 2014.

***Application for Variation***

The Registration Committee is working with the College's Legal Counsel to develop a process to allow members to apply for a variation in their title/designation.

***Policy for Registering in Renewal Period***

Applicants successful in applying a certificate of registration just prior to the deadline for Grandparented applications will be given a choice to either register for 2013-2014 and pay the standard registration fee and renew their membership on June 1, 2014, paying a renewal fee, or wait to be registered for 2014-2015 and just pay the registration fee. Applicants cannot not use the protected titles or practise the controlled acts until registered. The College will provide the available options to successful candidates.

***Quality Assurance***

All members are expected to be carrying out Quality Assurance (QA) activities and meet their QA requirements. The College's Peer Practice Assessment Program will be running by the end of the year.

***By-Law Amendments: Fees***

Council received and considered in detail five hundred and three (503) responses from members in response to its circulation of proposed By-Law amendments from January to March 2014. Council subsequently approved the following amendments to the College By -Laws:

Section 200 of the College By-Laws:

*Effective June 1, each fee [but for 2014-2015] described in these by-laws shall be increased annually by 2% plus the percentage increase in the Consumer Price Index for goods and services in Ontario as published by Statistics Canada or any successor organization.*

Section 181 of the College By-laws:

*The application fee for registration is \$252.75 (non-refundable).*

Section 182 of the College By-Laws:

*The registration fee for a Grandparented certificate of registration for either category is \$859.35. The annual renewal fee for a Grandparented certificate of registration for either category is \$1011.00.*

Section 183 of the College By-Laws:

*The registration fee for a General certificate of registration for either category is \$859.35. The annual renewal fee for a General certificate of registration for either category is \$1011.00.*

Section 184 of the College By-Laws:

*The registration fee for a General (Provisional) certificate of registration for either category is \$859.35. The annual renewal fee for a General (Provisional) certificate of registration for either category is \$1011.00.*