



College of Traditional Chinese Medicine
Practitioners and Acupuncturists of Ontario

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

**By-Laws of the
College of Traditional Chinese Medicine and
Acupuncturists of Ontario**

Approved: **March 6, 2018**
Amended: **April 1, 2018**

Table of Contents

1.	INTERPRETATION	11
1.01	Definitions.....	11
1.02	Singular and Plural / Gender.....	12
1.03	Legislative References	12
1.04	Consistency with RHPA and Act	12
1.05	Calculating Time	12
1.06	Holidays	12
2.	GENERAL.....	13
2.01	Seal	13
2.02	Seal Affixed	13
3.	BANKING AND FINANCE	13
3.01	Banking	13
3.02	Bank Signing Authority	13
3.03	Investments	13
3.04	Custody of Securities	13
3.05	Borrowing	14
3.06	Signing Authority.....	14
3.07	Fiscal Year	14
3.08	Auditors	15
3.09	Execution of Other Documents.....	15
4.	ELECTION OF COUNCIL MEMBERS.....	15
4.01	Electoral Districts	15
4.02	Eligibility to Vote in an Electoral District	16
4.03	Number of Members per Electoral District	16
4.04	Term of Office	16
4.05	Maximum Term.....	16
4.06	Staggered Terms	16
4.07	Election Date.....	17
4.08	Eligibility for Election.....	17
4.09	Nominations.....	18

4.10	Candidate’s Biography.....	18
4.11	Withdrawal of Nomination.....	18
4.12	Acclamation.....	18
4.13	Administering Elections.....	18
4.14	Ineligibility to Vote.....	19
4.15	Notice of Election.....	19
4.16	Voting.....	19
4.17	Number of Votes Cast.....	19
4.18	Vote Tabulation.....	19
4.19	Reporting and Recording Votes.....	20
4.20	Tie Vote.....	20
4.21	Request for a Recount.....	20
4.22	Holding Recount.....	20
4.23	Changing Results.....	20
4.24	Exceptional Circumstances.....	20
4.25	Minor Irregularities Not Fatal.....	20
4.26	Inquiry into Disputed Election.....	20
5.	DISQUALIFICATION.....	21
5.01	Grounds for Disqualification.....	21
5.02	Removal of Council or Committee Member.....	22
5.03	Effect of Disqualification.....	23
6.	VACANCIES.....	23
6.01	Death, Resignation or Disqualification.....	23
6.02	Vacancy.....	23
6.03	Manner of Holding By-Election.....	24
6.04	Term of Office for Members Filling Vacancies.....	24
7.	PROCEDURES FOR THE ELECTION OF OFFICERS.....	24
7.01	Nomination Procedure.....	24
7.02	Registrar to Conduct Election.....	24
7.03	Election of the President.....	24
7.04	Election of the Vice-President.....	25
	Once the President is elected, the Vice-President shall be elected in a similar manner.....	25
7.05	Term of Office.....	25

7.06	Election of Executive Committee Members	25
7.07	Transition Provisions	25
8.	DUTIES OF OFFICERS	25
8.01	President.....	25
8.02	Vice-President.....	26
8.03	Delegation to Executive Committee.....	26
9.	COMMITTEES.....	27
9.01	Appointment of Members to Committees	27
9.02	Appointment of Non-Council Members to Committees	27
9.03	Term of Office of Non-Council Members	28
9.04	Appointment of Committee Chairs	28
9.05	Duties of Chair.....	29
10.	DUTIES OF COUNCIL AND COMMITTEE MEMBERS	29
10.01	Conflicts of Interest	29
10.02	Confidentiality.....	30
10.03	Code of Conduct.....	31
10.04	Remuneration of Council and Committee Members	31
11.	COUNCIL AND COMMITTEE MEETINGS	31
11.01	Meetings of the Council.....	31
11.02	Meetings to be Public.....	31
11.03	Notice	31
11.04	Special Meetings	32
11.05	Business of Meetings.....	32
11.06	Agenda.....	32
11.07	Manner of Holding Meetings.....	32
11.08	Chair	32
11.09	Quorum	33
11.10	Voting	33
11.11	Written Resolutions	33
11.12	Deputations	33
11.13	Adjournment.....	34
11.14	Rules of Order	34
11.15	Meetings of All Committees	34

11.16	Language of Meetings	34
12.	COMMITTEES.....	34
	Statutory Committee Composition.....	34
12.01	Executive Committee	34
12.02	Registration Committee	35
12.03	Inquiries, Complaints and Reports Committee.....	35
12.04	Discipline Committee	35
12.05	Fitness to Practice Committee.....	35
12.06	Quality Assurance Committee	35
12.07	Patient Relations Committee.....	36
	By-Law Committees	36
12.08	Other Committees.....	36
	All Committees	36
12.09	Vacancies	36
12.10	Quorum	36
12.11	Panels	36
12.12	Removal of Committee Member	36
13.	REGISTER.....	37
13.01	Name and Business Address.....	37
13.02	Register Information Required by the Code.....	37
13.03	Additional Register Information.....	38
13.04	Providing Information to the College.....	42
14.	REGISTRAR.....	44
14.01	Council Appoints	44
14.02	Deputy Registrar	44
14.03	Chief Executive Officer	44
14.04	Registrar Duties.....	44
15.	MEDIA COMMUNICATIONS.....	44
15.01	Media Communications and Speaking Engagements	44
16.	REGISTRATION	45
16.01	Notice	45
16.02	Registration Year.....	45
16.03	Renewal Due Date.....	45

17.	FEES.....	46
17.01	Fee Schedule.....	46
17.02	Annual Increase.....	46
18.	PROFESSIONAL CORPORATIONS.....	48
18.01	Fees.....	48
18.02	Duty to Provide Information.....	48
19.	SEXUAL ABUSE FUNDING.....	49
20.	PROFESSIONAL LIABILITY INSURANCE.....	49
20.01	Professional Liability Insurance Requirement.....	49
20.02	Proof of Professional Liability Insurance.....	50
20.03	Professional Liability Insurance Eligibility.....	51
21.	INDEMNIFICATION.....	51
21.01	Indemnification.....	51
22.	MEMBERSHIP OF THE COLLEGE IN OTHER ORGANIZATIONS.....	51
23.	BY-LAWS AND AMENDMENTS.....	51
23.01	Make, Amend, Revoke By-Law.....	51
23.02	Notice.....	52
23.03	Circulation.....	52
23.04	Amendments.....	52
23.05	Record of By-Laws.....	52
	SCHEDULE 1 TO THE BY-LAWS - Code of Conduct for Members of the Council and All Committees.....	53
	SCHEDULE 2 TO THE BY-LAWS - Rules of Order of the Council.....	55
	SCHEDULE 3 TO THE BY-LAWS - Code of Ethics for Registered Members.....	57
	SCHEDULE 4 TO THE BY-LAWS – Fee Schedule.....	1
1.	INTERPRETATION.....	6
1.01	Definitions.....	6
1.02	Singular and Plural / Gender.....	7
1.03	Legislative References.....	7
1.04	Consistency with RHPA and Act.....	7
1.05	Calculating Time.....	7
1.06	Holidays.....	7
2.	GENERAL.....	8
2.01	Seal.....	8

2.02	Seal Affixed	8
3.	BANKING AND FINANCE	8
3.01	Banking	8
3.02	Bank Signing Authority	8
3.03	Investments	8
3.04	Custody of Securities	8
3.05	Borrowing	9
3.06	Signing Authority	9
3.07	Fiscal Year	9
3.08	Auditors	10
3.09	Execution of Other Documents	10
4.	ELECTION OF COUNCIL MEMBERS	10
4.01	Electoral Districts	10
4.02	Eligibility to Vote in an Electoral District	11
4.03	Number of Members per Electoral District	11
4.04	Term of Office	11
4.05	Maximum Term	11
4.06	Staggered Terms	11
4.07	Election Date	12
4.08	Eligibility for Election	12
4.09	Nominations	13
4.10	Candidate's Biography	13
4.11	Withdrawal of Nomination	13
4.12	Acclamation	13
4.13	Administering Elections	13
4.14	Ineligibility to Vote	14
4.15	Notice of Election	14
4.16	Voting	14
4.17	Number of Votes Cast	14
4.18	Vote Tabulation	14
4.19	Reporting and Recording Votes	15
4.20	Tie Vote	15
4.21	Request for a Recount	15

4.22	Holding Recount.....	15
4.23	Changing Results.....	15
4.24	Exceptional Circumstances.....	15
4.25	Minor Irregularities Not Fatal.....	15
4.26	Inquiry into Disputed Election.....	15
5.	DISQUALIFICATION.....	16
5.01	Grounds for Disqualification.....	16
5.02	Removal of Council or Committee Member.....	17
5.03	Effect of Disqualification.....	18
6.	VACANCIES.....	18
6.01	Death, Resignation or Disqualification.....	18
6.02	Vacancy.....	18
6.03	Manner of Holding By Election.....	19
6.04	Term of Office for Members Filling Vacancies.....	19
7.	PROCEDURES FOR THE ELECTION OF OFFICERS.....	19
7.01	Nomination Procedure.....	19
7.02	Registrar to Conduct Election.....	19
7.03	Election of the President.....	19
7.04	Election of the Vice President.....	20
7.05	Term of Office.....	20
7.06	Election of Executive Committee Members.....	20
7.07	Transition Provisions.....	20
8.	DUTIES OF OFFICERS.....	20
8.01	President.....	20
8.02	Vice President.....	21
8.03	Delegation to Executive Committee.....	2221
9.	COMMITTEES.....	22
9.01	Appointment of Members to Committees.....	22
9.02	Appointment of Non-Council Members to Committees.....	22
9.03	Term of Office of Non-Council Members.....	23
9.04	Appointment of Committee Chairs.....	2423
9.05	Duties of Chair.....	24
10.	DUTIES OF COUNCIL AND COMMITTEE MEMBERS.....	24

10.01	Conflicts of Interest	24
10.02	Confidentiality	2625
10.03	Code of Conduct	26
10.04	Remuneration of Council and Committee Members	26
11.	COUNCIL AND COMMITTEE MEETINGS	26
11.01	Meetings of the Council	26
11.02	Meetings to be Public	2726
11.03	Notice	2726
11.04	Special Meetings	27
11.05	Business of Meetings	27
11.06	Agenda	2827
11.07	Manner of Holding Meetings	2827
11.08	Chair	2827
11.09	Quorum	28
11.10	Voting	28
11.11	Written Resolutions	2928
11.12	Deputations	2928
11.13	Adjournment	29
11.14	Rules of Order	29
11.15	Meetings of All Committees	29
11.16	Language of Meetings	3029
12.	COMMITTEES	3029
	Statutory Committee Composition	3029
12.01	Executive Committee	3029
12.02	Registration Committee	30
12.03	Inquiries, Complaints and Reports Committee	30
12.04	Discipline Committee	30
12.05	Fitness to Practice Committee	3130
12.06	Quality Assurance Committee	3130
12.07	Patient Relations Committee	3231
	By-Law Committees	3231
12.08	Other Committees	3231
	All Committees	3231

12.09	<u>Vacancies</u>	<u>3231</u>
12.10	<u>Quorum</u>	<u>3231</u>
12.11	<u>Panels</u>	<u>3231</u>
12.12	<u>Removal of Committee Member</u>	<u>3231</u>
13.	<u>REGISTER</u>	<u>3332</u>
13.01	<u>Name and Business Address</u>	<u>3332</u>
13.02	<u>Register Information Required by the Code</u>	<u>3332</u>
13.03	<u>Additional Register Information</u>	<u>3433</u>
13.04	<u>Providing Information to the College</u>	<u>3837</u>
14.	<u>REGISTRAR</u>	<u>4039</u>
14.01	<u>Council Appoints</u>	<u>4039</u>
14.02	<u>Deputy Registrar</u>	<u>4039</u>
14.03	<u>Chief Executive Officer</u>	<u>4039</u>
14.04	<u>Registrar Duties</u>	<u>4039</u>
15.	<u>MEDIA COMMUNICATIONS</u>	<u>4039</u>
15.01	<u>Media Communications and Speaking Engagements</u>	<u>4039</u>
16.	<u>FEES</u>	<u>4140</u>
16.01	<u>Fee Schedule</u>	<u>4140</u>
17.	<u>REGISTRATION</u>	<u>4140</u>
17.01	<u>Notice</u>	<u>4140</u>
17.02	<u>Registration Year</u>	<u>4140</u>
17.03	<u>Renewal Due Date</u>	<u>4140</u>
17.04	<u>Annual Increase</u>	<u>4140</u>
18.	<u>HEALTH PROFESSIONAL CORPORATIONS</u>	<u>4241</u>
18.01	<u>Administrative Fee</u>	<u>4541</u>
18.02	<u>Issuing Document or Certificate</u>	<u>4541</u>
18.03	<u>Duty to Provide Information</u>	<u>4541</u>
19.	<u>SEXUAL ABUSE FUNDING</u>	<u>4642</u>
20.	<u>PROFESSIONAL LIABILITY INSURANCE</u>	<u>4642</u>
20.01	<u>Professional Liability Insurance Requirement</u>	<u>4642</u>
20.02	<u>Proof of Professional Liability Insurance</u>	<u>4742</u>
20.03	<u>Professional Liability Insurance Eligibility</u>	<u>4843</u>
21.	<u>INDEMNIFICATION</u>	<u>4843</u>

<u>21.01</u>	<u>Indemnification</u>	<u>4843</u>
<u>22.</u>	<u>MEMBERSHIP OF THE COLLEGE IN OTHER ORGANIZATIONS</u>	<u>4843</u>
<u>23.</u>	<u>BY LAWS AND AMENDMENTS</u>	<u>4843</u>
<u>23.01</u>	<u>Make, Amend, Revoke By Law</u>	<u>4843</u>
<u>23.02</u>	<u>Notice</u>	<u>4944</u>
<u>23.03</u>	<u>Circulation</u>	<u>4944</u>
<u>23.04</u>	<u>Amendments</u>	<u>4944</u>
<u>23.05</u>	<u>Record of By Laws</u>	<u>4944</u>
<u>SCHEDULE 1 TO THE BY LAWS – Code of Conduct for Members of the Council and All Committees</u>		<u>5045</u>
<u>SCHEDULE 2 TO THE BY LAWS – Rules of Order of the Council</u>		<u>5247</u>
<u>SCHEDULE 3 TO THE BY LAWS – Code of Ethics for Registered Members</u>		<u>5449</u>
<u>SCHEDULE 4 TO THE BY LAWS – Fee Schedule</u>		<u>5651</u>

1. INTERPRETATION

1.01 Definitions

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

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

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

1.02 Singular and Plural / Gender

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

1.03 Legislative References

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

1.04 Consistency with RHPA and Act

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

1.05 Calculating Time

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

1.06 Holidays

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

2. GENERAL

2.01 Seal



The seal depicted above is the seal of the College.

2.02 Seal Affixed

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

3. BANKING AND FINANCE

3.01 Banking

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

3.02 Bank Signing Authority

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

3.03 Investments

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

3.04 Custody of Securities

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

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

3.05 Borrowing

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

3.06 Signing Authority

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

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

3.07 Fiscal Year

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

3.08 Auditors

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

3.09 Execution of Other Documents

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

4. ELECTION OF COUNCIL MEMBERS

4.01 Electoral Districts

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

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

(iv) Electoral District 4: Central West comprised of the counties of Dufferin, Wellington, Haldimand, Brant and Norfolk, the regional municipalities of Halton, Niagara, Peel, and Waterloo, and the city of Hamilton.

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

4.02 Eligibility to Vote in an Electoral District

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

4.03 Number of Members per Electoral District

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

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

4.04 Term of Office

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

4.05 Maximum Term

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

4.06 Staggered Terms

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

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

4.07 Election Date

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

4.08 Eligibility for Election

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

- (i) the Member holds a General class of certificate of registration;
- (ii) the Member is eligible to vote in the electoral district in which the Member is nominated;
- (iii) the member is not the subject of any disciplinary or incapacity proceedings by a body that governs a profession, inside or outside of Ontario;
- (iv) no findings of professional misconduct, incompetence or incapacity has been made against the Member in the preceding six years by a body that governs a profession, inside or outside of Ontario;
- (v) a period of six years has elapsed since the Member complied with all aspects of an order imposed by the Discipline or Fitness to Practice Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
- (vi) the Member's certificate of registration has not been revoked or suspended in the six years preceding the date of nomination;
- (vii) the Member is not subject to any order, direction, or term, condition and limitation of the Discipline Committee, the Fitness to Practice Committee or the Quality Assurance Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
- (viii) the Member is not in default of payment of any fees to the College;
- (ix) the Member is not at present nor has been at any time within the last two years, a director, owner, board member, officer or employee of any Professional Association;
- (x) The Member is not at present nor has been at any time within the last two years, a director, owner, board member or officer of an educational institution relating to traditional Chinese medicine;
- (xi) the Member has not been disqualified from the Council or a Committee of the Council in accordance with section 5.01 in the preceding three years;
- (xii) the Member has not resigned from the Council in the preceding three years;
- (xiii) the Member does not have a conflict of interest to serve as a member of Council or has agreed to remove any such conflict of interest before taking office;

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

4.09 Nominations

- (i) The Registrar shall supervise the nomination of candidates.
- (ii) No later than 90 days before the date of an election, the Registrar shall notify every Member eligible to vote of the date, time and electoral district of the election and of the nomination procedure.
- (iii) The nomination of a candidate for election as a member of Council shall be in writing and shall be given to the Registrar at least 60 days before the date of the election (the “nomination deadline”).
- (iv) The nomination shall be signed by the candidate and by at least three Members who support the nomination and who are eligible to vote in the electoral district in which the election is to be held.

4.10 Candidate’s Biography

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

4.11 Withdrawal of Nomination

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

4.12 Acclamation

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

4.13 Administering Elections

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

- (i) appoint returning officers and scrutineers;

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

4.14 Ineligibility to Vote

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

4.15 Notice of Election

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

4.16 Voting

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

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

4.17 Number of Votes Cast

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

4.18 Vote Tabulation

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

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

4.19 Reporting and Recording Votes

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

4.20 Tie Vote

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

4.21 Request for a Recount

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

4.22 Holding Recount

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

4.23 Changing Results

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

4.24 Exceptional Circumstances

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

4.25 Minor Irregularities Not Fatal

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

4.26 Inquiry into Disputed Election

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

5. DISQUALIFICATION

5.01 Grounds for Disqualification

- (i) The Council shall, in accordance with the procedure described in these By-Laws, disqualify a Professional Member from sitting on Council if the Professional Member:
- a. resigns from Council;
 - b. is the subject of any disciplinary or incapacity proceeding by a body that governs a profession, inside or outside of Ontario;
 - c. is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
 - d. is found to be an incapacitated Member by a panel of the Fitness to Practice Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
 - e. fails to attend two consecutive meetings of the Council or of a Committee in which he or she is a member, without reasonable cause in the opinion of Council;
 - f. fails to attend a hearing or review of a panel for which the Member has been selected, without reasonable cause in the opinion of Council;
 - g. ceases to either have a primary practice of Traditional Chinese Medicine or primary residence in the electoral district in which the Member was elected;
 - h. becomes a director, owner, board member, officer or employee of any Professional Association;
 - i. becomes a director, owner, board member or officer of an educational institution relating to Traditional Chinese Medicine;
 - j. becomes a Member of the Council or a committee of any other college regulated under the RHPA;
 - k. breaches the conflict of interest provision(s) for Members of Council and Committees, in the opinion of the Council, after being given notice of the concern and an opportunity to respond to the concern;
 - l. breaches section 36 of the RHPA which, in the opinion of Council, is of such a nature that warrants disqualification;
 - m. fails to discharge properly or honestly any office to which the Member has been elected, in the opinion of the Council, after being given notice of the concern and an opportunity to respond;

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

5.02 Removal of Council or Committee Member

- (i) The following procedure shall be followed in the event that a Council or Committee Member is alleged to have contravened the duties of a Council or Committee Member or meets the criteria for disqualification set out in section 5.01 other than paragraphs a, b, or n.
 - a. A written complaint shall be filed with the Registrar. A complaint can be made by a member of the public, a Council or Committee Member or the Registrar. If a member of Council or a Committee receives such a complaint, he or she shall immediately file it with the Registrar.
 - b. The Registrar shall report the complaint to the President who shall bring the complaint to the Executive Committee if he or she believes that the complaint may warrant formal action. In the event that the information relates to another member of the Executive Committee, the President shall bring the information to the attention of the remaining members of the Executive Committee. If the Executive Committee is unable to address the complaint it may appoint another Committee to fulfill its duties under this article.
 - c. If the information received by the Registrar under this section 5.02 relates to the President, the Registrar shall bring the information to the Vice-President who shall follow the same steps set out in paragraph b.
 - d. If the Executive Committee or any Committee appointed by the Executive Committee, after any investigation it deems appropriate, believes that the complaint may warrant formal action, it shall call a meeting of Council. Council shall determine whether there has been a breach of duties or whether the criteria for disqualification have been met and, if so, impose the appropriate sanction. The appropriate sanction can include one or more of the following:
 - 1. censure of the Council or Committee Member verbally or in writing,

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

5.03 Effect of Disqualification

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

6. VACANCIES

6.01 Death, Resignation or Disqualification

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

6.02 Vacancy

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

6.03 Manner of Holding By-Election

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

6.04 Term of Office for Members Filling Vacancies

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

7. PROCEDURES FOR THE ELECTION OF OFFICERS

7.01 Nomination Procedure

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

7.02 Registrar to Conduct Election

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

7.03 Election of the President

- (i) At the meeting of the Council when the election of officers shall take place, the Registrar shall present the names of candidates who have indicated their interest for the position of President.
- (ii) Where there is only one candidate, the Registrar shall declare the candidate elected by acclamation.
- (iii) Where there is more than one candidate for the office, voting shall be conducted by secret ballot.
- (iv) If there are more than two candidates in an election, successive ballots shall be conducted until one candidate receives a majority of the votes cast. The candidate or candidates who receive the fewest votes in a ballot shall be dropped in the next ballot.
- (v) In the case of a tie, one returning officer will be directed to cast a deciding vote by lot.

7.04 Election of the Vice-President

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

7.05 Term of Office

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

7.06 Election of Executive Committee Members

Once the Vice-President has been elected, the remaining Executive Committee positions shall be elected in a similar manner ensuring that there are an appropriate number of Professional Members and Public Members as set out in section 12.01 of the By-laws.

7.07 Transition Provisions

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

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

8. DUTIES OF OFFICERS

8.01 President

- (i) The President, in conjunction with the Council, is ultimately responsible for fulfilling the mandate, objectives and strategic plans of the College. He or she is directly accountable to the Council and indirectly accountable to the government, the public and the profession for the effective governance of the College in accordance with all applicable legislative requirements.
- (ii) Specific duties of the President include:
 - a. presiding as chair of all meetings of the Council, the Executive Committee and of Members, unless a non-voting chair has been appointed to facilitate the meeting;

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

8.02 Vice-President

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

8.03 Delegation to Executive Committee

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

9. COMMITTEES

9.01 Appointment of Members to Committees

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

9.02 Appointment of Non-Council Members to Committees

- (i) The Council may appoint persons who are not Council Members to Committees unless these By- Laws indicate that only Council Members are part of the composition of the Committee.
- (ii) A non-Council member is eligible for appointment to a Committee of the College or, subject to section 9.03, is eligible for re-appointment to a Committee of the College if, on the date of the appointment or re-appointment:
 - a. the Member holds a General class of certificate of registration;
 - b. the Member is not the subject of any disciplinary or incapacity proceedings by a body that governs a profession, inside or outside of Ontario;
 - c. no findings of professional misconduct, incompetence or incapacity has been made against the Member in the preceding six years by a body that governs a profession, inside or outside of Ontario;
 - d. a period of six years has elapsed since the Member complied with all aspects of an order imposed by the Discipline or Fitness to Practice Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
 - e. the Member's certificate of registration has not been revoked or suspended in the six years preceding the date of the appointment;
 - f. the Member is not subject to any order, direction, or term, condition and limitation of the Discipline Committee, the Fitness to Practice Committee or the Quality Assurance Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
 - g. the Member is not in default of payment of any fees to the College;

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

9.03 Term of Office of Non-Council Members

- (i) The term of office of a non-Council member is approximately three years from the date of appointment or re-appointment to the Committee.
- (ii) No non-Council member may be a member of the same Committee of the College for more than six consecutive years.
- (iii) A Member who has served as a non-Council member for six consecutive years is not eligible for appointment as a non-Council member until at least one year has passed since the Member last served as a non-Council member.

9.04 Appointment of Committee Chairs

Each Committee other than the Executive Committee shall elect its own chair from among its members. The chair shall be a member of Council. The Council may remove the chair of a

Committee and appoint a different chair to take his or her place, if Council considers it appropriate to do so.

9.05 Duties of Chair

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

10. DUTIES OF COUNCIL AND COMMITTEE MEMBERS

10.01 Conflicts of Interest

- (i) All members of Council or its Committees have a duty to carry out their responsibilities to serve and protect the interest of the public. As such, they must not engage in any activities or in decision-making of any matters where they have a personal or financial interest, whether directly or indirectly.
- (ii) Council and Committee Members recognize that engaging in even an appearance of a conflict of interest can bring discredit to the College, would amount to a breach of the fiduciary obligation of the person to the College and can create liability for both the College and the person involved.
- (iii) A member of Council or its Committees shall be perceived to have a conflict of interest in a matter, if he or she holds a responsible position such as director, owner, board member or officer for, or is an employee of a Professional Association.
- (iv) A member of Council or its Committees would be perceived to have conflict of interest in a matter, if he or she holds a responsible position such as director, owner, board member or officer in or is an employee of another organization where his or her duties may be seen by a reasonable person as influencing his or her judgment in the matter under consideration of the Council or its Committees.
- (v) For the purposes of these By-Laws, the personal or financial interests, direct or indirect, of a parent, spouse, child or sibling of a member of Council or its Committees, or of a spouse of a parent, child or sibling of a member of Council or its Committees, are interpreted to be the interests of the member of Council or its Committees. Here, the term "spouse" includes a common-law spouse and a same sex partner of the person.
- (vi) Where a member of Council or its Committees believes that he or she may have a conflict of interest in any matter which is the subject of deliberation or action by the Council or its Committees, he or she shall consult, as needed, with the President, the Registrar or legal counsel and, if there is any doubt about the matter, declare the potential conflict to the Council or the Committee and accept Council's or the Committee's direction as to whether there is an appearance of a conflict.

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

10.02 Confidentiality

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

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

- 36. (1) Every person employed, retained or appointed for the purposes of the administration of this Act, a health profession Act or the *Drug and Pharmacies*

Regulation Act and every member of a Council or committee of a College shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person.

- (ii) Section 36(1) of the RHPA permits disclosure in a number of specific circumstances. Members of the Council and Committees, staff and persons retained or appointed by the College need to understand when those exceptions apply and seek advice if they are in doubt.
- (iii) Council and Committee Members, staff and persons retained or appointed by the College are required to sign, annually, the confidentiality agreement approved by Council.

10.03 Code of Conduct

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

10.04 Remuneration of Council and Committee Members

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

11. COUNCIL AND COMMITTEE MEETINGS

11.01 Meetings of the Council

- (i) Meetings of the Council shall be held at the head office of the College or at any other place as may be determined by the Registrar or Council from time to time. The Registrar shall serve as secretary of the Council.
- (ii) The Council shall hold, in a calendar year, at least three regular meetings called by the President.
- (iii) The Council may, by resolution, determine to hold additional regular meetings and shall fix the date, time and place of any such meeting. Such additional meetings may also be called by the President, or on the written request of any nine members of the Council.

11.02 Meetings to be Public

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

11.03 Notice

- (i) Subject to any regulations made under the RHPA or the Code, reasonable notice of Council meetings shall be given to the Members of the College, to the Minister and to the public in a manner that Council may determine from time to time.

- (ii) Notice of Council meetings stating the date, time and place of the meeting shall be communicated to each Council Member not less than five days prior to the date of the meeting. The accidental omission to give notice or the non-receipt of any notice by any Council Member shall not invalidate any resolution passed or any proceedings taken at any Council meeting.

11.04 Special Meetings

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

11.05 Business of Meetings

- (i) The Council may only consider or transact at a regular meeting:
 - a. all matters on the agenda;
 - b. matters brought by the Executive Committee or the Registrar;
 - c. recommendations and reports by Committees;
 - d. matters of which notice was given by a member of the Council at the preceding meeting or where written notice has been given 30 days in advance of the meeting;
 - e. such other matters, not included in the agenda, as the majority of Council Members in attendance determine to be of an urgent nature.
- (ii) At a special meeting, the Council may only consider or transact the specific matter or matters referred to in section 11.04.

11.06 Agenda

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

11.07 Manner of Holding Meetings

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

11.08 Chair

- (i) For the purpose of conducting meetings, the Council may appoint a non-voting chair who is not a member of the Council or of the College to preside at all meetings or at a meeting. The appointed chair shall function solely as an arbiter of procedures in accordance with procedures in these By- Laws and shall not participate in deliberations. Before assuming his or her duties,

the appointed chair shall undertake to maintain confidentiality of all matters coming before the Council that are not part of an open meeting of the Council in accordance with the Act.

- (ii) In the absence of an appointed chair, the President, or his or her delegate, shall preside over meetings. The Vice-President shall preside where the President is absent. In the absence of both the President and the Vice-President, the Council Members present shall select from among themselves a Council Member to chair the meeting.

11.09 Quorum

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

11.10 Voting

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

11.11 Written Resolutions

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

11.12 Deputations

- (i) The President may effect arrangements to allocate specific time during the meeting to receive and hear deputations on specific topics relevant to the affairs of the College requested by non-Members of the Council. No such deputation shall be permitted unless a written request has been provided to the Executive Committee not less than 10 business days before the Council meeting and the Executive Committee gives permission.
- (ii) Unless the chair otherwise determines, each deputation shall be allowed a maximum of two speakers and a maximum of ten minutes to make a presentation. The chair may grant additional time if he or she considers it appropriate.

- (iii) The chair may accept questions from members of the Council to seek clarification from the speaker. Neither the Council Member nor the speaker shall engage in debate or in direct or indirect discussion with each other or other persons present.

11.13 Adjournment

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

11.14 Rules of Order

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

11.15 Meetings of All Committees

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

11.16 Language of Meetings

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

12. COMMITTEES

Statutory Committee Composition

12.01 Executive Committee

- (i) The Executive Committee shall be composed of the President, the Vice- President and three (3) members of the Council.

(ii) Two of the members of the Executive Committee shall be Public Members and three shall be Professional Members.

(iii) The President shall be the chair of the Executive Committee.

12.02 Registration Committee

(i) The Registration Committee shall be composed of:

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

12.03 Inquiries, Complaints and Reports Committee

(i) The Inquiries, Complaints and Reports Committee shall be composed of:

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

12.04 Discipline Committee

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

12.05 Fitness to Practice Committee

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

12.06 Quality Assurance Committee

(i) The Quality Assurance Committee shall be composed of:

- a. at least two (2) members of Council who are Professional Members;
- b. at least two (2) Public Members; and
- c. one (1) or more Members of the College who are not members of Council if Council so wishes.

12.07 Patient Relations Committee

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

By-Law Committees

12.08 Other Committees

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

All Committees

12.09 Vacancies

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

12.10 Quorum

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

12.11 Panels

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

12.12 Removal of Committee Member

The Council may remove a member of a Committee pursuant to section 5.02.

13. REGISTER

13.01 Name and Business Address

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

13.02 Register Information Required by the Code

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

13.03 Additional Register Information

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

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

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

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

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

13.04 Providing Information to the College

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

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

- e. the Member's email address;
- f. where an ~~an~~-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 practise a profession inside or outside of Ontario,
- g. any current charges against the Member, in respect of a federal, provincial or other offence;
- h. any findings of guilt, made by a court after June 1, 2016, against the Member in respect of a provincial, federal or other offence;
- i. any currently existing conditions, terms, orders, directions or agreements, relating to the custody or release of the Member in respect of a provincial, federal or other offence; and
- j. any amendment, change, termination or alteration to a supervision agreement between a Member in the Student Class and his or her supervisor.

14. REGISTRAR

14.01 Council Appoints

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

14.02 Deputy Registrar

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

14.03 Chief Executive Officer

The Registrar is the Chief Executive Officer of the College.

14.04 Registrar Duties

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

15. MEDIA COMMUNICATIONS

15.01 Media Communications and Speaking Engagements

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

~~16.~~ FEES

~~16.01~~ Fee Schedule

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

~~17.16.~~ REGISTRATION

~~17.01~~16.01 Notice

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

~~17.02~~16.02 Registration Year

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

~~17.03~~16.03 Renewal Due Date

The annual renewal of a certificate of registration and payment of annual fees are ~~is~~ due on or before March 31st of each year.

17.04 Annual Increase

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

17. FEES**17.01 Fee Schedule**

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

17.02 Annual Increase

Effective April 1st, 2018 and each April 1st thereafter, each fee described in Schedule 4 may be increased, by Council resolution, by two percent (2%) and rounded up to the nearest dollar.

17.03 Payment of Fees

- (i) Any fee or penalty charged or imposed by the College not paid by a Member shall be included as part of a Member's next annual membership fee.
- (ii) If a Member fails to pay a fee or penalty or part thereof: (a) the Registrar must give the Member notice if the College intends to suspend the Member; and (b) may suspend the Member's certificate of registration for failure to pay the fee or penalty within 30 days after notice is given.
- (iii) Requests for a waiver of any fee must be submitted in writing by regular mail, fax or email to the Registrar.

17.04 Application Fee

- (i) A person, who submits an application for an initial certificate of registration, or a Member who submits an application to change the class of a certificate of registration, or an application to reinstate a previously held certificate after suspension from the College or for a reinstatement hearing, shall pay a non-refundable application fee.
- (ii) A Member shall be exempted from paying an application fee if a Member submits an application to change the class of a certificate of registration at the time the Member submits an annual registration renewal.

17.05 Initial Registration Fee

After an applicant is notified by the College that the application for a certificate of registration has been approved, an initial application registration fee (according to the quarter of the year falling between the date the certificate of registration is issued and March 31st in the same registration year) is-are payable before the issuance of the initial certificate of registration or the reinstatement of a certificate of registration.

17.06 Annual Fee

(i) Every Member shall pay an annual fee for each certificate of registration in each registration year.

~~e March 31~~ ~~forty five~~ ~~March 31~~

(ii) When a former Member is reinstated via the Discipline or Fitness to Practise Committee, they shall be subject to the initial registration fee regime as set out in article 17.05. Other than specified circumstances outlined in the By-Laws there shall normally be no proration or refund of annual fees. A portion of all or any prescribed fee may be waived only at the discretion of the Registrar. A Member who resigns or who is revoked from the College shall not be entitled to a refund of the annual fee in whole or in part.

Registrar

17.07 Change of Class and Proration of Fee

When a Member transfers from one class to another, the fess shall be the difference between the two fees. If the transfer results in fees owing to the Member, the College shall refund the pro-rated fee to the Member.

17.08 Late Fee

(i) A Member shall pay a penalty if the Member fails to pay the annual fee, and/or fails to send a fully completed Annual Registration Renewal Application form, on or before the day on which the fee and annual renewal form are due.

(ii) When the incomplete Annual Registration Renewal Application form has been returned and it is not remedied by ~~March 31st~~, the late fee is also payable.

(iii) When a declined credit card is not remedied by ~~March 31st~~, then in addition to the fees for the ~~returned cheque or~~ declined credit card, the late fee is also payable.

17.09 Reinstatement and Fees

(i) A reinstatement fee shall be paid, in addition to all fees and penalties, in order to reinstate a certificate of any class that has been administratively suspended by the Registrar.

(ii) A reinstatement fee shall be paid by an applicant requesting a reinstatement hearing to consider the reinstatement of their certificate of registration

17.10 Other Fees

(i) Members and applicants are subject to other fees. Council will make all efforts to identify the other fees in Schedule 4 subject to Article 17.01.

18. ~~and any associated late fees~~ HEALTH PROFESSIONAL CORPORATIONS

~~18.18.01~~ Fees

(i) An application fee shall be paid for a certificate of authorization for a professional corporation.

(ii) A registration fee shall be paid for issuing or reinstating a certificate of authorization for a professional corporation.

(iii) The annual renewal and annual fee for a certificate of authorization for a professional corporation shall be provided and paid on or before March 31 each year.

(iv) A professional corporation or a Member listed in the College's records as a shareholder of a professional corporation shall pay an administrative fee 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 thirty days of the notice being sent.

~~18.01~~ Administrative Fee

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

~~18.02~~ Issuing Document or Certificate

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

~~18.03~~ 18.02 Duty to Provide Information

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

19. SEXUAL ABUSE FUNDING

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

20. PROFESSIONAL LIABILITY INSURANCE

20.01 Professional Liability Insurance Requirement

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

- a. minimum of no less than \$1,000,000 per claim;
- b. aggregate coverage of no less than \$5,000,000;

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

20.02 Proof of Professional Liability Insurance

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

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

20.03 Professional Liability Insurance Eligibility

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

21. INDEMNIFICATION

21.01 Indemnification

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

22. MEMBERSHIP OF THE COLLEGE IN OTHER ORGANIZATIONS

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

23. BY-LAWS AND AMENDMENTS

23.01 Make, Amend, Revoke By-Law

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

23.02 Notice

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

23.03 Circulation

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

23.04 Amendments

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

23.05 Record of By-Laws

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

SCHEDULE 1 TO THE BY-LAWS

Code of Conduct for Members of the Council and All Committees

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

- o. be respectful of others and not engage in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment; and
- p. regularly evaluate his or her individual performance, and that of the collective to assure continuous improvement.

SCHEDULE 2 TO THE BY-LAWS

Rules of Order of the Council

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

15. The presiding officer shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council without debate.
16. The above rules may be relaxed by the chair if it appears that greater informality is beneficial in the particular circumstances unless the Council requires strict adherence.
17. Members are not permitted to discuss a matter with observers while it is being debated.
18. Members shall turn off cell phones during Council meetings and, except during a break in the meeting, shall not use a cell phone, blackberry or other electronic device. Laptops shall only be used during Council meetings to review materials related to the matter under debate (e.g., electronic copies of background documents) and to make personal notes of the debate.
19. Members are to be silent while others are speaking.
20. In all cases not provided for in these rules or by other rules of Council, the current edition of Robert's Rules of Order shall be followed so far as they may be applicable.
21. These rules shall apply, with necessary modifications, to meetings conducted by teleconference or any other electronic means permitted by the By-Laws, including audio or teleconference.

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

Code of Ethics for Registered Members

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

1. General Responsibility

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

2. Responsibility to Patients

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

3. Responsibility to Oneself and the Profession

- Acknowledge the limitation of one's knowledge, skills and judgment;
- State one's qualification and experience honestly and fairly;
- Continually upgrade one's knowledge, skills and judgment to improve one's services to patients;
- Respect other health professionals and members of the TCM profession;
- Refrain from passing judgment on the services of another health professional or another member of the TCM profession, except when required in the interest of the patient and after obtaining appropriate information;
- Collaborate with other members of the TCM profession and with other health professionals in the interest of the patient and the public;

- Be transparent and timely in providing information to patients, or a third party when requested or authorized by the patient or by law;
- Contribute to the ongoing development of TCM practices and pass on one's knowledge and skills to others;
- Uphold the honour and dignity of the TCM profession.

4. Responsibility to the Public

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

SCHEDULE 4 TO THE BY-LAWS

Item	Fee
Fees Relating to General Class	-
Application	\$285.00
<i>April 1, 2018 – June 30, 2018</i>	\$969.00
<i>July 1, 2018 – Sept 30, 2018</i>	\$727.00
<i>October 1, 2018 – December 31, 2018</i>	\$485.00
<i>January 1, 2019 – March 31, 2019</i>	\$242.00
-	-
Annual Renewal	\$1,141.00
-	-
Fees Relating to Inactive Class	-
Application	\$285.00
Registration	\$319.00
Annual Renewal	\$319.00
-	-
Fees Relating to Temporary Class	-
Application	\$285.00
Registration	\$969.00
-	-
Fees Relating to Professional Corporations	-
Application	\$169.00
<i>April 1, 2018 – June 30, 2018</i>	\$1,128.00
<i>July 1, 2018 – Sept 30, 2018</i>	\$846.00

<i>October 1, 2018—December 31, 2018</i>	\$564.00
<i>January 1, 2019—March 31, 2019</i>	\$282.00
-	-
Annual Renewal	\$1,128.00
-	-
Fees Relating to Student Class	-
Application	\$156.00
<i>April 1, 2018—June 30, 2018</i>	\$173.00
<i>July 1, 2018—Sept 30, 2018</i>	\$130.00
<i>October 1, 2018—December 31, 2018</i>	\$87.00
<i>January 1, 2019—March 31, 2019</i>	\$43.00
-	-
Annual Renewal	\$208.00
-	-
Fees Relating to Examinations	-
— Application	\$300.00
<i>TCM Practitioner</i>	-
— Written Examination	\$550.00
— Clinical Case Study Examination	\$550.00
<i>Acupuncturist</i>	-
— Written Examination	\$350.00
— Clinical Case Study Examination	\$450.00
<i>Request for Rescore</i>	-
— Written Examination	\$50.00
— Clinical Case Study Examination	\$350.00

-	-
Other Fees	-
Transfer to another class <u>(2 years or more since entry to inactive)</u>	\$171.00
<u>(general to inactive; student or inactive (within 2 years) to general</u> Reinstatement	\$251.00
Late Renewal	30% of the Annual Renewal
Safety Program	\$107.00
Jurisprudence Program	\$107.00
Application for Variation	\$270.00
Duplicate Certificate/ <u>Name Change</u>	\$507.00
Letter of Standing	\$75114.00
Request for Application Documentation <u>Access to Record Duplication</u>	\$504.00
Service Charge for declined payments	\$502.00

<u>Item</u>	<u>Fee</u>
<u>Fees Relating to Applications for Initial Registration for General Class</u>	
<u>Application Fee</u>	<u>\$250.00</u>
<u>Registration Fee (first year of registration pro-rated by quarter in which registered)</u>	
<u>April 1 - June 30</u>	<u>\$1,300.00</u>
<u>July 1 - September 30</u>	<u>\$975.00</u>
<u>October 1 - December 31</u>	<u>\$650.00</u>
<u>January 1 - March 31</u>	<u>\$325.00</u>
<u>Fees Relating to Renewal of a Certificate of Registration for General Class</u>	
<u>Annual Renewal</u>	<u>\$1,300.00</u>
<u>Late Payment Fee</u>	
<u>Reinstatement Fee</u>	
<u>Fees Relating to Certificate of Registration for Inactive Class</u>	
<u>Annual Renewal</u>	<u>\$300.00</u>
<u>Late Payment Fee</u>	<u>\$50.00</u>
<u>Reinstatement Fee</u>	<u>\$250.00</u>

Fees Relating to Student Class	
Application Fee	\$50.00
Registration Fee (first year of registration pro-rated by quarter in which registered)	
<i>April 1 - June 30</i>	\$200.00
<i>July 1 – September 30</i>	\$150.00
<i>October 1 - December 31</i>	\$100.00
<i>January 1 - March 31</i>	\$50.00
Annual Renewal for Certificate of Registration for Student Class	\$200.00
Late Payment Fee	
Reinstatement Fee	
Fees Relating to Professional Corporations and Certificates of Authorization	
Application Fee	\$50.00
Registration Fee (first year of registration pro-rated by quarter in which registered)	
<i>April 1 - June 30</i>	\$200.00
<i>July 1 – September 30</i>	\$150.00
<i>October 1 - December 31</i>	\$100.00
<i>January 1 - March 31</i>	\$50.00
Annual Renewal for Certificate of Authorization	\$200.00
Late Payment Fee	

<u>Fees Relating to Examinations</u>	
<u>Application Fee</u>	<u>\$300.00</u>
<u>TCM Practitioner</u>	
<u>Written Examination</u>	<u>\$550.00</u>
<u>Clinical Case Study Examination</u>	<u>\$550.00</u>
<u>Acupuncturist</u>	
<u>Written Examination</u>	<u>\$450.00</u>
<u>Clinical Case Study Examination</u>	<u>\$350.00</u>
<u>Request for Rescore</u>	
<u>Written Examination</u>	<u>\$50.00</u>
<u>Clinical Case Study Examination</u>	<u>\$350.00</u>
<u>Other Fees</u>	
<u>Application to Change Class [General to Inactive, Inactive to General (less than 2 years of initial entry to Inactive Class)]</u>	<u>\$50.00</u>
<u>Application to Change Class (Inactive to General more than 2 years since entry to Inactive Class)</u>	<u>\$200.00</u>
<u>Committee Ordered Assessment Fee*</u>	<u>\$600.00</u>
<u>Election Recount Fee</u>	<u>\$150.00</u>
<u>Safety Program</u>	<u>\$100.00</u>
<u>Jurisprudence Program</u>	<u>\$100.00</u>
<u>Letter of Good Standing</u>	<u>\$75.00</u>
<u>Duplicate Certificate/Name Change</u>	<u>\$50.00</u>
<u>Request for Duplicate Records</u>	<u>\$50.00</u>
<u>Service Charge for declined payments</u>	<u>\$50.00</u>

*For an assessment or re-assessment ordered by a Statutory Committee or a panel thereof