



**DRAFT AMENDMENTS TO THE BY-LAWS OF THE  
COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO**

EXISTING BY-LAW	AUGUST 2018 DRAFT	COMMENTARY
<b>13. REGISTER</b>	<p><b>13.01 Names and Business Address</b></p> <p>(i) Subject to section 13.01(ii), a Member's name in the <del>R</del>Register shall be the full name indicated on the documents used to support the Member's initial registration with the College.</p> <p>(ii) The Registrar may enter a name other than the name referred to in section 13.01(i), in the <del>R</del>register if the Registrar [...]</p> <p>(iii) The Registrar may enter in the <del>R</del>register as an alternative name used by a Member any nicknames or abbreviations that the Member uses in any place of practice.</p> <p>(iv) A Member's business address in the <del>R</del>register shall be the address of the location in Ontario where the Member is employed or self-employed as a practitioner of Traditional Chinese Medicine. In the event that the Member is employed or self-employed as a practitioner of Traditional Chinese Medicine in more than one location in Ontario, the Member's business address shall be the location where the Member generally works, or anticipates to work, the most hours. In the event that the Member is not employed or self-employed in Ontario as a practitioner of Traditional Chinese Medicine, the Registrar shall enter as the Member's business address the location designated by the Member or any other location for the Member known by the College.</p>	<p>Revised for clarity and accuracy.</p>
	<p><b>13.02 Register Information Required by the Code</b></p> <p>The Registrar shall maintain a <del>R</del>register in accordance with section 23 of the Code.</p>	<p>Revised for clarity.</p>

	<p><b>13.03 Additional Register Information</b></p> <p>(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:</p> <p>[...]</p> <p>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;</p> <p><del>c. the Member's registration number</del> [Deleted];</p> <p>[...]</p> <p>e. the date on which each class of registration that the Member holds was obtained and, if applicable, the date on which each <u>was suspended or</u> terminated;</p> <p>[...]</p> <p><u>h. all changes in status of a certificate of registration or certificate of authorization and the effective date of the change</u> [New];</p> <p>[...]</p> <p>l. a notation, including the date of the referral, for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Fitness to Practice Committee under section</p>	<p>Revised for clarity.</p> <p>There is concern that access to this information may assist with fraudulent billing. There is arguably no public interest in making this information public.</p> <p>To clarify that the date of suspension (and not just termination) will be posted.</p> <p>Out of an abundance of caution, all changes in status and the effective date will be posted. This will ensure that all suspensions, expirations, etc will be posted to ensure transparency.</p> <p>Revised for clarity.</p>
--	---	---

	<p>61 of the Code and has not been finally resolved, until the matter has been resolved;</p> <p>m. any information jointly agreed to be placed on the <u>R</u>egister by the College and the Member;</p> <p>[...]</p> <p>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;</p> <p>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,</p> <p>[...]</p> <p>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;</p> <p>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;</p> <p>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,</p>	<p>Revised for clarity.</p>
--	---	---

	<p>federal or other offence that the Registrar believes is relevant to the Member’s suitability to practise;</p> <p>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,</p> <p>[...]</p> <p>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; <u>and</u></p> <p>[...]</p> <p>z. if an application to the Discipline Committee or Fitness to Practise Committee for reinstatement has been decided, the decision of the <u>C</u>ommittee;</p> <p>aa. where the Member’s certificate of registration is reinstated, the effective date of the reinstatement and <del>where reinstated by a panel of the Discipline or Fitness to Practice Committee,</del> the name of the Committee responsible for the reinstatement;</p> <p>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 <u>including the nature of the investigation</u>;</p> <p>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;</p> <p>[...]</p>	<p>Revised for clarity.</p> <p>By inserting the “and” there is clarity as to what needs to be posted.</p> <p>Revised for clarity.</p> <p>Revised for clarity.</p> <p>This simply ensures that when a Member resigns as a result of section 25 (which is when a Member resigns while being investigated) the nature of the investigation is included. This ensures transparency to the public.</p> <p>Revised for clarity.</p>
--	---	---

	<p>ee. any of the information in respect of a former Member that was on the <u>R</u>egister just before the membership terminated, for a period of <del>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</del> fifty years after the termination of membership;</p> <p>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 <u>M</u>ember is under investigation; and</p> <p>[...]</p> <p>(ii) All of the information referred to in section 23 of the Code or as information recorded in the <u>R</u>egister 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 <u>website Register</u> any or all of that information if the Registrar has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.</p> <p>(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<del>ee</del>, the information may be removed from the Register.</p>	<p>Keeping information about former Members on the Register for only two years is not in keeping with what is now expected of regulators. The Code was amended to now include date of death of Members (and arguably former Members). This communicates a need for such information to be posted for an expanded period of time. By ensuring that all information remains fifty years after the termination (which can include revocation, resignation, etc) the College is ensuring transparency.</p> <p>Revised for clarity.</p> <p>Revised for clarity.</p>
	<p><b>13.04 Providing Information to the College</b></p> <p>[...]</p> <p>(i) a. information required to be maintained in the <u>R</u>egister in accordance with subsection 23(2) of the Code and these By-Laws;</p>	<p>Revised for clarity.</p>

	<p>[...]</p> <p>(ii) f. where an <u>pending</u> 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,</p> <p>[...]</p> <p>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; <u>and</u></p>	<p>Revised for clarity. The term “pending” is not necessary when an allegation has been referred.</p> <p>Revised for clarity.</p>
<p><b>16. FEES</b></p>	<p><del><b>16.01 Fee Schedule</b></del></p> <p><del>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 persona 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.</del></p> <p>[Removed]</p>	<p>Replaced by Article 17.</p>
<p><del><b>17</b></del> <b>[16]. REGISTRATION</b></p>	<p><del><b>17.01</b></del> <b>16.01 Notice</b></p> <p>At least 45 days before the <u>annual renewal and</u> annual fees are due, the Registrar shall send to each Member, a notice stating that the annual <u>renewal and</u> 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 <u>remit the annual renewal and</u> pay the annual fee continues even if the Registrar fails to provide the notice or the Member fails to receive such notice.</p>	<p>Clarifying that notice period applies to renewal application and fees.</p>

	<p><del>17.03</del> <b>16.03 Renewal Due Date</b></p> <p>The annual renewal of a certificate of registration <u>and payment of annual fees are is</u> due on or before March 31st of each year.</p> <p><del>17.04 Annual Increase</del></p> <p><del>Effective April 1<sup>st</sup>, 2017 and each April 1<sup>st</sup> 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. [Removed]</del></p>	<p>Clarifying due date applies to renewal application and fees.</p> <p>The Annual Increase was moved to 17.02. Further, the increase in CPI has been removed. Fees may only be increased by a 2% increase. This will reduce the annual increase.</p>
<p><b>17. FEES [New]</b></p>	<p><u>17.01 Fee Schedule</u></p> <p><u>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.</u></p>	<p>Instead of setting out the fees directly in the By-Laws, a distinct chart (Schedule 4) has been included to set out all identifiable fees.</p>
	<p><u>17.02 Annual Increase</u></p> <p><u>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.</u></p>	<p>The fees in Schedule 4 can be increased by 2% if Council passes a motion to do so. The increase shall be capped at 2%.</p>
	<p><u>17.03 Payment of Fees</u></p> <p><u>(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.</u></p>	<p>Avoiding fees for one year will not disappear with the year ending. This will be included in the next annual renewal.</p>

	<p><u>(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.</u></p> <p>—</p> <p><u>(iii) Requests for a waiver of any fee must be submitted in writing by regular mail, fax or email to the Registrar.</u></p> <p>—</p>	<p>This will encourage members to keep up to date. Clarifying to the Membership that if a fee is not paid, they can be suspended.</p> <p>The College acknowledges that some Member may run into financial difficulty. If a Member wishes to waive a fee, a request must be made to the Registrar explaining the request. The Registrar will then decide if the request shall be granted.</p>
	<p><b>17.04 Application Fee</b></p> <p><u>(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.</u></p> <p><u>(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.</u></p>	<p>This clarifies that all new certificates will first require an application fee. The exception is when a Member submits an application to change the class at the time of the annual renewal. There is no need to charge such a fee as the administrative costs will not be incurred.</p>
	<p><b>17.05 Initial Registration Fee</b></p> <p><u>After an applicant is notified by the College that the application for a certificate of registration has been approved, an initial 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 payable before the issuance of the initial certificate of registration or the reinstatement of a certificate of registration.</u></p>	<p>This clarifies that when a new applicant is admitted to the College, their first fee will be pro-rated dependent on when they became a Member.</p>

	<p><b>17.06 Annual Fee</b></p> <p><u>(i) Every Member shall pay an annual fee for each certificate of registration in each registration year.</u></p> <p><u>(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</u></p>	<p>This provision clarifies that an annual fee is required.</p> <p>The full annual fee for Members is required unless the Member has entered through the hearing reinstatement process. A refund will not be provided upon termination. The Registrar has the ability to waive fees in specified situations.</p>
	<p><b>17.07 Change of Class and Proration of Fee</b></p> <p><u>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.</u></p>	<p>This provisions clarifies that a Member who transfers will not be required to pay two sets of full fees. The fee from the first class will be offset against the cost of the second class.</p>
	<p><b>17.08 Late Fee</b></p> <p><u>(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.</u></p> <p><u>(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.</u></p> <p><u>(iii) When a declined credit card is not remedied by March 31st, then in addition to the fees for the declined credit card, the late fee is also payable.</u></p>	<p>This provision clarifies that if the annual fee or Annual Registration Renewal is late, a late fee will be charged.</p>

	<p><b>17.09 Reinstatement and Fees</b></p> <p><u>(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.</u></p> <p><u>(ii) A reinstatement fee shall be paid by an applicant requesting a reinstatement hearing to consider the reinstatement of their certificate of registration</u></p>	<p>If a Member is suspended due to administrative reasons (i.e. not Disciplinary) then they need to pay a reinstatement fee (in addition to any other fee that was incurred).</p> <p>If a Member was suspended due to disciplinary or incapacity concerns, they need to request hearing to permit reinstatement. A reinstatement fee is required in those situation.</p>
<p><b>18. PROFESSIONAL CORPORATIONS</b></p>	<p><b>18.01 Fees</b></p> <p><u>(i) An application fee shall be paid for a certificate of authorization for a professional corporation.</u></p> <p><u>(ii) A registration fee shall be paid for issuing or reinstating a certificate of authorization for a professional corporation.</u></p> <p><u>(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.</u></p> <p><u>(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.</u></p>	<p>This provision clarifies that a fee is required when a Member first submits an application to create a professional corporation.</p> <p>In order to maintain the professional corporation, an annual fee must be paid.</p> <p>This provision clarifies that both the fee and the renewal form must be provided by March 31.</p> <p>This provision clarifies that shareholders of the professional corporation (which must be Members) will be responsible for any reminder letters sent to the professional corporation.</p>

	<p><del><b>18.01 Administrative Fee</b></del></p> <p><del>A professional corporation or a Member listed in the College's records as a shareholders 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.</del></p>	<p>These provisions have been somewhat incorporated into the provisions directly above but modified for clarity.</p>
	<p><del><b>18.02 Issuing Document of Certificate</b></del></p> <p><del>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.</del></p>	
<b>SCHEDULE 1 TO THE BY-LAWS</b>	No change.	No change.
<b>SCHEDULE 2 TO THE BY-LAWS</b>	No change.	No change.
<b>SCHEDULE 3 TO THE BY-LAWS</b>	No change.	No change.
<b>SCHEDULE 4 TO THE BY-LAWS</b>	[Removed]	See 2019 – 2020 Fees Schedule below

<b>2019 – 2020 Fees Schedule</b>		
<b>Item</b>	<b>Fee</b>	<b>Commentary</b>
<b>Fees Relating to Applications for Initial Registration for General Class</b>		<p>All fees are broken down related to class of registration for ease and clarity.</p> <p>The HST has been deleted for all College fees. In many cases fees have been reduced from previous years.</p> <p>Initial registration fee is prorated on a quarterly basis in which registered.</p>
Application Fee	\$250.00	
Registration Fee (first year of registration pro-rated by quarter in which registered)		
<i>April 1 - June 30</i>	\$1,300.00	
<i>July 1 - September 30</i>	\$975.00	
<i>October 1 - December 31</i>	\$650.00	
<i>January 1 - March 31</i>	\$325.00	
<b>Fees Relating to Renewal of a Certificate of Registration for General Class</b>		
Annual Renewal	\$1,300.00	
Late Payment Fee	\$200.00	
Reinstatement Fee	\$250.00	
<b>Fees Relating to Certificate of Registration for Inactive Class</b>		
Annual Renewal	\$300.00	
Late Payment Fee	\$50.00	
Reinstatement Fee	\$250.00	

<b>Fees Relating to Student Class</b>	
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	\$50.00
Reinstatement Fee	\$50.00
<b>Fees Relating to Professional Corporations and Certificates of Authorization</b>	
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	\$50.00

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

\* For an assessment or re-assessment ordered by any Statutory Committee or a panel thereof except for an assessment that occurs as a result of a random-type selection.