



NOTICE TO MEMBERS

November 25, 2014

Background:

On November 6, 2013, Bill 70, An Act to amend the Regulated Health Professions Act, 1991, (“RHPA”) received Royal Assent and became law.

Currently, subsection 1 (3) of the Health Professions Procedural Code, which is Schedule 2 to the Regulated Health Professions Act, 1991, sets out a definition of “sexual abuse” that includes certain conduct, behaviour and remarks between a patient and a member of a regulated health profession. A new subsection [1(5)] of the Code provides for an exception where the patient is the member’s spouse and the conduct, behaviour or remark does not occur while the member is engaged in the practice of the profession. The exception is only available to a member of a particular health profession if the member’s College makes a regulation that adopts the exception.

The Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario at its November 10, 2014 Council meeting approved the circulation of the proposed Spousal Exception Regulation. A requirement of the RHPA is that the College circulate for a period of sixty days to members and stakeholders to allow for feedback. Following the sixty day notice period, the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario will consider the submissions received and if warranted, give approval to the proposed regulation. The proposed regulation would then be submitted to the Government of Ontario for approval.

Currently, a member would be in breach of the RHPA’s sexual abuse provisions if they treat their spouse. The proposed regulation would create an exception and, once approved by the Government of Ontario, the proposed regulation would allow Practitioners to treat their spouses.

Proposed Spousal Exception Regulation

“Conduct, behaviours or remarks that would otherwise constitute sexual abuse of a patient by a member under the definition of “sexual abuse” in subsection 1(3) of the Health Professional Procedural Code of the Regulated Health Professions Act, 1991, shall not constitute sexual abuse, if

- a) The patient is the member’s spouse; and
- b) The member is not engaged in the practice of Traditional Chinese Medicine at the time the conduct, behaviour or remarks occur.”

Deadline

We look forward to receiving your written comments by the **January 25, 2015 deadline**.

Please submit your comments by email (preferred) to registrar@ctcmpao.on.ca, using the [stakeholder feedback form](#).

Alternatively, you may fax your submission to 416.214.0879 or mail your submission to:

Purposed Regulation Feedback
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Acupuncturists of Ontario
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