



November 28, 2014

DELIVERED VIA REGULAR MAIL & E-MAIL

Suzanne McGurn
Assistant Deputy Minister Health Human Resources Strategy Division
Ministry of Health and Long-Term Care
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Toronto ON M7A 1R3
E-mail: Suzanne.McGurn@ontario.ca

Dear Ms. McGurn:

**RE: Transparency practices by the College of Traditional Chinese Medicine
Practitioners and Acupuncturists of Ontario**

The College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the “College”) is pleased to provide this report to you about its current transparency practices and how it intends to enhance those transparency practices. This College takes the transparency of its processes and activities seriously. It is continuously expanding the nature and extent of the information that it makes available to the public. It will continue to do so as it systematically reviews its processes, considers the evolution of public expectations and analyzes legislative initiatives. However, the College also recognizes that it must balance the benefits of transparency against the legitimate privacy expectations of those it regulates and the unforeseen consequences of making certain information public.

CURRENT TRANSPARENCY PRACTICES

The College already has a high degree of transparency. The following description provides a brief overview.

Core Values

The College came into existence on April 1, 2013. Despite the fact that it is a young college, it recognizes its role and duty and is committed to acting in the public interest.

The College appreciates that it is communicating to the public (about what the College does) and to its members (as to what is involved in regulation as traditional Chinese medicine and acupuncture were not regulated in Ontario before April 1, 2013).

The College recognizes that its most potent and efficacious communicator is its website. It is for this reason that the College has devoted resources to its website maintenance to ensure that pertinent and relevant information is communicated not only to the public but to its members. As you will note below, the website is the College’s forum to communicate upcoming events,

expectations of members, and provide clarity on regulatory and legal matters. The College anticipates buttressing the abilities of its website so that it can provide additional information. We describe this in greater detail below.

Starting in the new year the College will introduce a newsletter called, “Qi”. This again will provide insight into the operations of the College.

Council Activities

Council meetings are open to the public.

Dates of council meetings are posted on our website (www.ctcmpao.on.ca). The public is clearly advised that although they are invited to attend, they may be excluded if the meeting goes in camera in accordance with s. 7 of the *Health Professions Procedural Code*.

Highlights of all meetings are posted on the website so that members of the profession and the public are aware of the decisions made and discussion during the meeting.

Council also reports to the Minister quarterly and annually on its regulatory activities and operations. A copy of the College’s annual report is also placed on its website.

Regulations, By-laws, Standards and Policies

The College is committed to ensuring that the public and stakeholders are kept up to date on any amendments or proposed amendments to our regulations, by-laws and/or policies.

In accordance with s. 94(2) and 95(1.4) of the *Health Professions Procedural Code*, the College circulates any necessary by-law or regulation amendments to all members so that their input and feedback can be reviewed by Council. The College has even taken to circulating proposed by-law amendments that are not required to be circulated with the intent of ensuring transparency amongst its membership. This most recently occurred in May of 2014 when Council voted to amend the election schedule for council members.

Our website has a dedicated section devoted to consultations which provides all members of the College and the public with an overview of what is currently being circulated for consultation in addition to previous issues which are archived for public viewing.

Under the Regulation Information tab on our website, all regulations, policies and the College by-law are easily accessible.

Public Register

The College’s public register is on its website. It places the following information on its public register, in accordance with section 23 of the *Health Professions Procedural Code* (“Code”):

1. Each member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder.
2. Each member's class of registration.
3. The terms, conditions and limitations that are in effect on each certificate of registration.
4. A notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 and has not been finally resolved, until the matter has been resolved.
5. The result, including a synopsis of the decision, of every disciplinary and incapacity proceeding, unless a panel of the relevant committee makes no finding with regard to the proceeding.
6. A notation of every finding of professional negligence or malpractice, which may or may not relate to the member's suitability to practise, made against the member, unless the finding is reversed on appeal.
7. A notation of every revocation or suspension of a certificate of registration.
8. A notation of every revocation or suspension of a certificate of authorization.
9. Information that a panel of the Registration, Discipline or Fitness to Practise Committee specifies shall be included.
10. Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
11. Where, during or as a result of a proceeding under section 25, a member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.

The College is in the process of updating its register so that it can place the following information on its register:

- The name, business address and business telephone number of every health profession corporation.
- The names of the shareholders of each health profession corporation who are members of the College.

Currently, the College's website does not have the capability of including this information on the register. At its inception, the College's priority was posting available information to the register. When the College came into being in April 2013 it had not issued any certificates of authorization for health profession corporations. Since that date, certificates have been issued. Therefore, the College will update its register so that this information can be posted on the register. In the interim, the College is considering posting this information on a dedicated section of the website so that the public can still view this information.

Section 167 of the College By-Laws mandates that in addition to the information as set out above, the College register will contain further information. Although the College collects and tracks all of the information as set out in s. 167, the College register is currently not able to post all of this information. If the information is not currently posted on the register, the College will consider how to best relay the information to the public and to its members until the register has

the capability to do so. This will ensure that the College continuously meets the needs for transparency set by the Minister of Health. We provide below a list of this additional information and a status update:

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| 1. | 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 | The College collects all of this information from its Members. However, it is unable, at the current time, to place this information on the register. The College is currently making efforts to update its register so that this information can be included on the register. |
| 2. | 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 practises other than addresses of individual clients; | Currently, the College register only has the capability to list one employer or if the Member is self-employed, one address. The College is currently making efforts to update its register so that this information can be included on the register. |
| 3. | the Member's email address; | Posted on Register |
| 4. | the Member's registration number; | Posted on Register |
| 5. | the date of the Member's initial registration with the College; | Posted on Register |
| 6. | the date on which each class of registration that the Member holds was obtained and, if applicable, the date on which each terminated; | The College is currently making efforts to update its register so that this information can be included on the register. |
| 7. | the Member's electoral district for elections to the Council; | The College is currently making efforts to update its register so that this information can be included on the register. |

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| 8. | the name of the educational institution where the Member obtained any certificates, diplomas or degrees in Traditional Chinese Medicine, the type of certificates, diplomas or degrees obtained and the date each was issued; | The College is currently making efforts to update its register so that this information can be included on the register. |
| 9. | 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; | <p>Please note that as of today's date, only one Member has ceased to be a Member. This was as a result of an administrative revocation.</p> <p>The College is currently making efforts to update its register so that this information can be included on the register.</p> |
| 10. | <p>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,</p> <ol style="list-style-type: none"> a. a notation of that fact, including the date of the referral, b. a summary of each specified allegation, and c. any hearing dates, including dates for the continuation of the hearing; | <p>Please note that as of today's date, the ICRC has not referred any matter to the DC.</p> <p>The College is currently making efforts to update its register so that this information can be included on the register when required.</p> |
| 11. | 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; | <p>Please note that as of today's date, the ICRC has not referred any matter to the FTPC.</p> <p>The College is currently making efforts to update its register so that this information can be included on the register when required.</p> |

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| 12. | any information jointly agreed to be placed on the register by the College and the Member; | Please note that as of today's date, this has not been triggered. The College is currently making efforts to update its register so that this information can be included on the register when required. |
| 13. | 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; | Posted on register. |
| 14. | 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; | Please note that as of today's date, an interim order has not been ordered. The College is currently making efforts to update its register so that this information can be included on the register when required. |
| 15. | 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; | The College is currently making efforts to update its register so that this information can be included on the register. |
| 16. | 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, <ul style="list-style-type: none"> I. a notation of the finding, II. the name of the governing body that made the finding, III. a brief summary of the facts on which the finding was based, IV. the penalty and any other orders made relative to the finding, V. the date the finding was made, and VI. information regarding any appeals of the finding | Please note that as of today's date, the College is not aware of any such findings against its Members. The College is currently making efforts to update its register so that this information can be included on the register when required. |

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| 17. | <p>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,</p> <ul style="list-style-type: none"> I. the name of the governing body that made the finding, II. the date the finding was made, III. .a summary of any order made, and IV. information regarding any appeals of the finding; | <p>Please note that as of today's date, the College is not aware of any such findings against its Members.</p> <p>The College is currently making efforts to update its register so that this information can be included on the register when required.</p> |
| 18. | <p>where a decision of the Discipline Committee has been published by the College with the Member's name or former name including,</p> <ul style="list-style-type: none"> I. a notation of that fact, and II. identification of the specific publication of the College which contains the information; | <p>Please note that as of today's date, the DC has not conducted a hearing.</p> <p>The College is currently making efforts to update its register so that this information can be included on the register when required.</p> |
| 19. | <p>where, during or as a result of a proceeding under section 25 of the Code a Member has resigned, a notation of that fact;</p> | <p>Please note that as of today's date, a Member has not resigned as a result of s. 25 of the Code.</p> <p>The College is currently making efforts to update its register so that this information can be included on the register when required.</p> |

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| 20. | in addition to the name of every health profession corporation of which the Member is a shareholder, the business address, business telephone number, business e-mail address, if there is one, and any operating names of the health profession corporation; and | Please note that as of today's date, the register does not yet have the capability to list health profession corporation information on the register. The College is currently making efforts to update its register so that this information can be included on the register when required. |
| 21. | 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. | Posted on register |

Registration Process

The College provides detailed resources about its registration requirements and process on its website. In addition, the College reports to the Fairness Commissioner of Ontario at least annually about its registration practices. The Fair Registration Practice report is available on the OFC website as well as on the College's website.

In addition, the College provides applicants for registration with the information in its files related to their application in accordance with section 16 of the *Code*.

Complaints and Investigations Process

The College provides detailed resources about its complaints and investigation process on its website.

An informative PDF sheet (found at <http://www.ctcmpao.on.ca/Media/en/Forms/CTCMPAO%20Complaint%20Forms.pdf>) allows members of the public to readily see how a complaint is filed and what happens along the complaint continuum. Attached to this document is a complaint form which assists complainants to provide the necessary information. As you will note, the documents provides frequently asked questions – and the answers – which injects transparency into this difficult process. Such questions include the following:

- How does the process begin?
- What happens next?
- Can the Committee award money or damages?
- How will the Committee deal with my complaint?
- What happens once a decision is made?

Significant training is devoted to this committee to ensure that all decisions are supported by well-considered reasons which buttress the sense of transparency in its decision.

Complaints decisions (where the result is something other than a referral to discipline or a referral for an incapacity inquiry) may be appealed by either party to the Health Professions Appeal and Review Board (“HPARB”). HPARB decisions are available on the internet on the CanLII website.

Discipline

The College provides detailed descriptions of its discipline process on its website.

Discipline hearings are open to the public. Rare exceptions are made only in cases where an individual’s strong privacy or legal interests are in jeopardy (e.g., personal medical information, victims of sexual abuse).

As of today’s date, the College has not conducted a discipline hearing. The ICRC and the Council will be discussing how the public will be notified when the ICRC refers specified allegations of professional misconduct or incompetence to the Discipline Committee.

Significant training will be devoted to this committee to ensure that all decisions will be supported by well-considered reasons which will buttress the sense of transparency in its decision.

A summary of discipline findings will be recorded on the public register. Most will be recorded permanently. There is the possibility that less serious findings could be removed after six years if the practitioner satisfies the Discipline Committee that continued public access no longer serves the public interest.

The College is considering where it will post the Decisions and Reasons of the Discipline Committee so that it is easily accessible by the public.

All appeals of discipline decisions will be heard in open court and all appeal decisions will be publicly available, usually online.

The College will clearly make full disclosure of all information relevant to a discipline matter to the practitioner so that he or she can make full answer and defence.

Fitness to Practise

The College provides detailed resources about its Fitness to Practise process on its website.

As of today's date, the College has not conducted a Fitness to Practise hearing.

Because Fitness to Practise matters involve the personal health information of the practitioner, usually involving mental illness or addiction, human rights considerations mandates a high degree of privacy. By virtue of the Code, Fitness to Practise hearings are closed to the public. However, when a referral is made, a notation, including the date of the referral will be posted on the register. In adherence to s. 23 of the *Health Professions Procedural Code*, if the Fitness to Practise committee makes a finding of incapacity, it will also be placed on the register.

Significant training will be devoted to this committee to ensure that all decisions will be supported by well-considered reasons which will buttress the sense of transparency in its decision.

All appeals of the Fitness to Practise Committee's decisions will be heard in open court and all appeal decisions will be publicly available, usually online.

The College will clearly make full disclosure of all information relevant to the incapacity concerns to the practitioner so that he or she can make full answer and defence.

Quality Assurance

The College provides detailed information about its Quality Assurance Program on its website.

A summary and a PDF version of the Quality Assurance Program is available under the "Resources and Publications" tab on its website.

Since the purpose of the Quality Assurance Program, as provided by the Code, is to work with practitioners to enhance their practice, it is conducted on a "no blame" basis. The program is constructive and positive, looking for ways to improve practise rather than identifying misconduct. The legislation requires that quality assurance information about individual practitioners be kept confidential. However, if significant concerns are discovered in the course of operating the quality assurance program, they are reported to the complaints and investigations process and often become publicly available through that process.

Significant training is devoted to this committee to ensure that all decisions are supported by well-considered reasons which buttress the sense of transparency in its decision.

Communications and Outreach

The College keeps its website updated with relevant “News and Events” including, but not limited to:

- Updates on legal challenges
- Postings from the Ministry which advise members of potential health alerts
- GST/HST Exemption news from the Department of Finance
- Reminders to the profession of what is and is not permitted as a member of the College
- Reminders for important deadlines
- Results of Council elections
- Dates of Technical Briefing sections

This not only assists members of the College but assures members of the public that the College is making efforts to disseminate relevant and helpful information.

The College also has a specific section entitled “Regulation Questions” which attempts to assist members. The College recognizes that it is a new college and that its member may be new to professional regulation. As such, it has made efforts to relay information to its members not only through “Regulation Questions” but also through the “FAQs” tab.

The College has been made aware that some members have been provided with information that runs contrary to that being provided by the College. Therefore, the College created a Myths and Facts page which will hopefully allow members to clarify their position and ensure compliance with the College requirements.

Finally, the College provides “Fact Sheets” to assist its members on topics such as *Professional Titles and Certification* and the *Registration Examination*.

Discretionary Disclosure Provisions

The College has the discretion to make information available to appropriate authorities under section 36 of the *Regulated Health Professions Act* (the “Act”). The circumstances where disclosure can be made under these provisions include the following:

- (a) to the extent that the information is available to the public under this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*;
- (b) in connection with the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*, including, without limiting the generality of this, in connection with anything relating to the registration of members, complaints about members, allegations of members’ incapacity, incompetence or acts of professional misconduct or the governing of the profession;
- (c) to a body that governs a profession inside or outside of Ontario;
- (d) as may be required for the administration of the *Drug Interchangeability and Dispensing Fee Act*, the *Healing Arts Radiation Protection Act*, the *Health Insurance Act*, the *Independent Health Facilities Act*, the *Laboratory and*

Specimen Collection Centre Licensing Act, the Ontario Drug Benefit Act, the Coroners Act, the Controlled Drugs and Substances Act (Canada) and the Food and Drugs Act (Canada);

- (e) to a police officer to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
- (f) to the counsel of the person who is required to keep the information confidential under this section;
- (g) to confirm whether the College is investigating a member, if there is a compelling public interest in the disclosure of that information;
- (h) where disclosure of the information is required by an Act of the Legislature or an Act of Parliament; and
- (i) if there are reasonable grounds to believe that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons.

In exercising the discretion to disclose information, the College considers the risk of harm that could result if the information is or is not disclosed, any harm to the College's own processes by making disclosure and the fairness to the practitioner. For example, if a practitioner is applying for registration with another regulator (either in Ontario or elsewhere) the College will usually advise the other regulator of any concerns about the practitioner's conduct, competence or capacity. In addition, the College often shares the results of its investigations with other Colleges whose practitioners were also involved in the incident, such as at a multi-disciplinary practice. The College is actively considering developing and publishing guidelines on how this discretion will be exercised so that the public and practitioners better know how these decisions are made.

Inspections

The College does not operate an inspection program.

Languages

The College has not finalized its Patient Relations Program. In order to ensure that the Ontario public is aware of the College's Program, it intends to publish the program, initially, in English and French on the College website.

The College then intends to publish the program on the College website in a variety of languages.

Accessibility

The College accommodates all requests for accessible communication for people with disabilities to the point of undue hardship.

NEW AND ENHANCED MEASURES

The College is making increased transparency a priority. The College is working closely with the Federation of Health Regulatory Colleges of Ontario (“FHRCO”) as it analyzes the work done by the Advisory Group of Regulatory Excellence (“AGRE”) group. The College has attended a number of FHRCO sessions on the topic during the last month.

The issue of enhancing transparency will be on the Council agenda at every meeting during the next year as the Council looks for ways to enhance transparency of College processes.

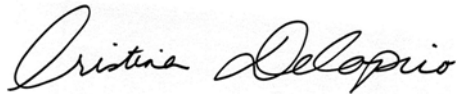
During 2015 it is anticipated that the College will discuss, publicly consult on and, where appropriate, implement the following transparency measures (timelines will be released once they are finalized):

1. Expanding the focus of transparency in the College’s strategic plan.
2. Conducting a complete review of the College’s website to ensure that it describes in plain and accessible language and with intuitive search features all of the programs and regulatory activities of the College.
3. Reviewing its consultation process for regulations, by-laws and policies to ensure that all members of the public have a full opportunity to participate effectively in the process.
4. Placing relevant information from criminal proceedings on the public register through an amendment of the by-laws.
5. Placing significant complaints decisions on the public register through an amendment of the by-laws.
6. Placing additional significant information about practitioners obtainable from other regulators on the public register through an amendment of the by-laws.
7. Placing information about prosecutions of unauthorized practise or holding out on the public register through an amendment of the by-laws.
8. Placing confirmations made under 36(1)(g) of the *RHPA* when the College is investigating a member, where there is a compelling public interest in the disclosure of that information, on the public register through an amendment of the by-laws.
9. Placing the full Notice of Hearing on the College website after a practitioner has been referred to discipline for a hearing.
10. Developing and publishing guidelines articulating when discretionary disclosure of information will be made including the circumstances where the College will report apparently criminal behaviour by practitioners to the police.
11. Maintaining a separate page of full-text discipline decisions on the College’s website.
12. Creating a social media presence.

The College is looking forward to working with the Ministry and the Federation of Health Regulatory Colleges of Ontario as it pursues these and other transparency initiatives.

The College will place this report, along with the letter from the Minister of Health and Long Term Care, Hon. Dr. Eric Hoskins of October 4, 2014 and your letter of October 28, 2014 on our website as soon as possible.

Sincerely,



Cristina DeCaprio
Registrar and CEO



Joanne Pritchard-Sobhani
President