



NAME	Determining Good Character Policy		
TYPE	Registration		
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Background

CTCMPAO's Registration Regulation has several requirements that are collectively known as the "Good Character" requirement. A requirement for registration in a regulated profession is that the applicants and members display evidence of good character during the application process and throughout their registration with the College. The purpose of the Good Character requirement is to protect the public through the maintenance of high ethical standards and ensuring applicants for registration and members meet those standards.

For the purpose of this policy an "applicant" is an applicant for registration with CTCMPAO and a "member" is a member of CTCMPAO.

Applicants and members are required to self-disclose any past and current findings of professional misconduct, incompetence, incapacity, professional negligence or malpractice, and any offences.¹

If an applicant discloses this conduct, the Registrar may refer the application to the Registration Committee for a determination of whether the applicant meets the Good Character requirement. The Committee has some discretion in determining if the applicant should be registered, or registered with restrictions.

If a member discloses this conduct, the Registrar may refer the member to the Inquiries, Complaints and Reports (ICR) Committee for a determination of whether the member requires remedial or disciplinary measures. In addition, the Registrar can administratively revoke a member's certificate of registration where he or she made a false or misleading statement in his/her application for registration.

It is important, therefore, for applicants and members to recognize that declaring conduct does not automatically disqualify an applicant from registration or automatically result in disciplinary action. The consequences of the conduct are dependent upon all of the circumstances of the case. It is helpful for applicants and members to provide full and accurate details of the conduct and to offer as much relevant information as possible on subsequent events.

CTCMPAO reminds applicants and members that information provided on the registration and renewal forms must be true and complete. It may demonstrate unsuitability to become a member or be considered an act of professional misconduct to provide false information to the College.

¹ Members should carefully review s. 5 of the Registration Regulation to ensure that they are aware of all information that must be reported to the College. Further, s. 169 of the College By-Law provides additional information that must be provided to the College.



This policy outlines the considerations and procedures in determining if an applicant or member meets the Good Character requirement of the Registration Regulation.

Considerations

Nature of Conduct

The Registration or ICR Committee will consider a number of factors related to the nature of the finding, including but not limited to:

- Is the conduct a criminal offence;
- Does the conduct relate to the practice of Traditional Chinese Medicine/Acupuncture or another regulated profession;
- Was there a termination, suspension or limitation of employment as a result of this conduct; and
- Was there a revocation, suspension or limitation of a professional licence, or a denial of a licence or certificate of registration as a result of this conduct.

Suitability of the Applicant/Member to practise Traditional Chinese Medicine/Acupuncture

The Registration or ICR Committee will consider a number of factors in determining if the conduct affects suitability to practise, including but not limited to:

- Nature of the conduct, degree of dishonesty or breach of trust;
- Motivation;
- Duration;
- Isolated or repeated incident;
- Prior history and/or warning;
- Concealment;
- Violence related to conduct;
- Intoxication or impairment; and
- Issues related to physical or mental capacity.

Subsequent Conduct

The Registration or ICR Committee will consider a number of factors relevant to the subsequent conduct of the applicant or member, including but not limited to:

- Recognition and acknowledgement of the inappropriateness of the conduct and acceptance of responsibility for it;
- Changes implemented to prevent a repetition of the conduct;
- Amount of time elapsed since the conduct occurred and subsequent demonstration of good character since;
- Participation in treatment, education or other activity to address the conduct.



Procedures

In considering the conduct as it relates to the registration of the applicant or member, the Registration or ICR Committee may request additional information from the applicant or member, including but not limited to:

- A detailed account of the conduct;
- Relevant documents related to the conduct (e.g. records, court document, regulatory files)
- An explanation from the applicant or member;
- Evidence of prior and subsequent behavior;
- A completed professional portfolio detailing past work history, volunteer work, education and continuing education and professional development;
- Reference letter(s) from past and current employers, professional colleagues and other sources;
- Letter(s) of standing from regulators where the applicant or member practised Traditional Chinese Medicine/Acupuncturist or another regulated profession;
- Current police check;
- Details of actions taken to address the conduct; and
- Any other relevant documents.

Applicants:

If the Registrar is concerned that the Good Character requirement has not been met, the Registrar will refer the application to the Registration Committee. After all the information has been presented by the applicant and considered, the Registration Committee may:

1. Determine that the Good Character requirement has been met, or can be waived, and direct the Registrar to issue a certificate of registration; or
2. Determine that the applicant needs to submit additional documentation; or
3. Determine that the applicant be granted a certificate of registration if Terms, Conditions or Limitations are imposed on his or her certificate of registration; or
4. Determine that the applicant should be granted a certificate of registration if the applicant completes additional training specified by the panel; or
5. Direct the Registrar to deny the applicant a certificate of registration.

Members:

If the Registrar is concerned that the member's conduct amounts to an act of professional misconduct, the Registrar can ask the ICR Committee to authorize the appointment of an investigator. The investigator will investigate the matter and the Registrar will then present a report to the member and the ICR Committee. After all of the information has been presented by the member and considered, the ICR Committee may take any action consistent with its powers under section 26 of the Health Professions Procedural Code, Schedule 2 of the *Regulated Health Professions Act, 1991*.



In both circumstances a Decision and Reasons will be rendered (unless the Registration Committee decides to direct the Registrar to issue a certificate of registration or the ICR Committee refers specified allegations of professional misconduct to the Discipline Committee). An applicant may appeal any decisions rendered by the Registration to the Health Professions Review and Appeal Board. A member cannot appeal a decision of the ICR Committee if the Registrar initiated the investigation.

Legislative Context

Registration Regulation Requirements for issuance of certificate of registration, any class

4.(1) An applicant must satisfy the following requirements for the issuance of a certificate of registration of any class:

1. The applicant must, at the time of application, provide written details about any of the following that relate to the applicant, and where any of the following change with respect to the applicant after submitting the application but before the issuance of a certificate, the applicant must immediately provide written details with respect to the change:
 - i. A finding of guilt for any of the following:
 - A. A criminal offence.
 - B. An offence resulting in either a fine greater than \$1,000.00 or any form of custody or detention.
 - ii. A finding of professional misconduct, incompetence or incapacity, or any similar finding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction.
 - iii. A current proceeding for professional misconduct, incompetence or incapacity, or any similar proceeding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction.
 - iv. A finding of professional negligence or malpractice in any jurisdiction.
 - v. A refusal by any body responsible for the regulation of a profession in any jurisdiction to register or license the applicant.
 - vi. An attempt to pass a registration examination required for the purposes of being licensed or certified to practise any regulated health profession, whether in Ontario or another jurisdiction, that has not resulted in a passing grade.
 - vii. Whether the applicant was in good standing at the time he or she ceased being registered, whether in Ontario or another jurisdiction, with a body responsible for the regulation of a profession.
 - viii. Where the applicant is a member of another regulated profession in Ontario or any regulated profession in another jurisdiction, any failure by the applicant to comply with any obligation to pay fees or provide information to the body responsible for the regulation of such professions, the initiation of any investigations by such bodies in respect of the applicant or the imposition of sanctions on the applicant by such bodies.



- ix. Any other event that would provide reasonable grounds for the belief that the applicant will not practise traditional Chinese medicine in a safe and professional manner.
2. The applicant must, at the time of application, provide the Registrar with the results of a criminal background check.
3. The applicant's previous conduct must afford reasonable grounds for the belief that he or she will practise the profession in a safe and professional manner.
4. The applicant must be able to speak, read and write either English or French with reasonable fluency.
5. The applicant must not have a physical or mental condition or disorder that would make it desirable in the interest of the public that he or she not be issued a certificate of registration unless, should the applicant be given a certificate of registration, the imposition of a term, limit or condition on that certificate is sufficient to address such concerns.
6. If the applicant is registered by any body responsible for the regulation of any other profession in Ontario or of any profession in any other jurisdiction, the applicant's registration must be in good standing and must continue to be in good standing until such time as the applicant is issued a certificate of registration.
7. If the applicant ceased being registered with any body responsible for the regulation of a profession in Ontario or in any other jurisdiction, the applicant must have been in good standing at the time he or she ceased being registered.
8. The applicant must provide evidence satisfactory to the Registrar that the applicant will have professional liability insurance in the amount and in the form required under the by-laws as of the anticipated date for the issuance of his or her certificate of registration. O. Reg. 27/13, s. 4 (1).

The Registration Regulation also requires that a **Member** satisfies the following requirements:

Terms, conditions and limitations of every certificate

5. (1) Every certificate of registration is subject to the following terms, conditions and limitations:
 1. The member shall provide the College with written details about any of the following that relate to the member no later than 30 days after the event occurs:
 - i. A finding of professional misconduct, incompetence or incapacity, or any similar finding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction.
 - ii. A current proceeding for professional misconduct, incompetence or incapacity, or any similar proceeding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction.
 - iii. A finding of professional negligence or malpractice in any jurisdiction.
 - iv. A refusal by any body responsible for the regulation of a profession in any jurisdiction to register or license the member.



- v. An attempt to pass a registration examination required for the purposes of being licensed or certified to practise any regulated health profession, whether in Ontario or another jurisdiction, that has not resulted in a passing grade.
- vi. Whether the member was in good standing at the time he or she ceased being registered with a body responsible for the regulation of a profession in Ontario or any other jurisdiction.
- vii. Where the member is a member of another regulated profession in Ontario or any regulated profession in another jurisdiction, any failure by the member to comply with any obligation to pay fees or provide information to the body responsible for the regulation of such professions, the initiation of any investigations by such bodies in respect of the member or the imposition of sanctions on the member by such bodies.
- viii. Any other event that would provide reasonable grounds for the belief that the member will not practise traditional Chinese medicine in a safe and professional manner.