

Approved Work Plan for 2008-2010

The approved work plan aimed at completing development and legal drafting of the Registration and Professional Misconduct Regulations for submission to the Ministry of Health and Long-Term Care (MOHLTC) before the terms of appointment of the transitional Council and of the Registrar expire in 2010. Subject to accomplishing all planned activities on time and Government approval of the draft regulations, the College could start registration of members in 2011. Council further directed the Registrar and the Finance Committee to prepare a budget to implement the work plan. The budget would be submitted to MOHLTC to obtain loans to pay for the activities.

Participation in Inter-provincial Drafting of TCM Practice Competencies

To avoid duplication and to pool resources, the College would work with the College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia (CTCMA-BC) and counterparts in other provinces in the drafting of TCM practice competencies. The Executive Committee was asked to recommend appointment of a member to represent the College to the Project Planning/Management Committee and to recommend criteria for the appointment of TCM practitioners to participate in the drafting of competencies with practitioners from other province(s).

Organization of Workshops to Validate Entry-to-Practice Competencies for Acupuncturists

Approval was given to organize three workshop sessions on November 17, 18 and 19, 2008 for practitioners to review and validate the draft competencies for acupuncturists developed jointly by British Columbia, Alberta and Quebec. The

workshop sessions would be led by the project consultant, David Cane of Catalysis Consulting and would be held in London, Toronto and Ottawa. Individuals who could not take part in person could request survey questionnaires from the Registrar to provide input in writing. Details of the validation workshops and other processes would be announced on the College website.

Mutual Recognition (MRA) Meeting

The federal, provincial and territorial governments are working to revise Chapter 7 (Labour Mobility) of the Agreement on Internal Trade (AIT). As a regulator, the College is expected to comply so that "any worker certified for an occupation by a regulatory authority of one province or territory shall be recognized as qualified to practice that occupation by all other provinces and territories" by August 2009. Council appointed Joanne Pritchard-Sobhani to accompany the Registrar to represent the College at the November 6-7, 2008 MRA meeting in Montreal.

Communications Committee Terms of Reference

The Communications Committee is a by-law committee accountable to the Council. It works collaboratively with the Registrar and designated staff/consultant to develop communication plans and major initiatives.

Publication of College Newsletter
Council approved publication of a newsletter as the official communication vehicle of the College.

Negotiation of MOU and Loan Agreement with MOHLTC

Council authorized the Registrar and legal counsel to present to representatives of the

Ministry on identified issues and acceptable principles respecting the draft MOU and loan agreement between the College and MOHLTC.

Appointment of Chairs of Committees

Council approved appointment of the following persons to chair statutory and by-law committees:

- Joanne Pritchard-Sobhani, *Chair Registration Committee*
- Elizabeth Wilson, *Chair Professional Practices/Standards Committee*
- Ellen Hanna, *Chair Communications Committee*
- David Bai, *Chair, Finance Committee*

During the meeting, Council also discussed:

- Member representation to external meetings;
- Canadian Medical Association's opposition to the Council of Natural Medicine College of Canada's application for trademark registration of the "Dr. TCM" title;
- Ryerson University's application to the Ministry of Citizenship and Immigration for funding to develop a "Bridge Program" for internationally educated TCM practitioners.

TRANSITIONAL COUNCIL 2008-2010

- Cedric K.T. Cheung, *President*
- Lynn Bowering, *Vice-President*
- David X. Bai
- Zhao Cheng
- Ian Eng
- Ellen Hanna
- Henry Maeots
- Joanne Pritchard-Sobhani
- Catherine Elizabeth Wilson
- Mary X. Wu
- Kristin Bulmer
- Richard Dong
- James Fu
- Sharon Lam
- Ruth Pike

President's Message

At the beginning of a new year, I reflected on the achievement of the profession of traditional Chinese medicine (TCM) and acupuncture and what lies ahead of the Transitional Council.

More than 20 years ago, the TCM profession started discussion and consultation with the government requesting recognition as a health profession in Ontario. Despite numerous setbacks, and internal conflicts, the profession persisted. TCM was finally recognized and granted self-regulatory status under the *Regulated Health Professions Act, 1991 (RHPA)* in 2006. The *Traditional Chinese Medicine Act (TCMA)* received Royal Assent on December 20, 2006. Today, TCM is one of 24 health professions under the RHPA. The profession has achieved what it set out to attain!

In May 2008, I was honoured to be appointed by the Lieutenant Governor to the Transitional Council with 14 other members. The Transitional Council is granted with the responsibility of regulating the future development of traditional Chinese medicine in Ontario in the interest of the public. At our inaugural meeting in June 2008, Bas Balkissoon, Parliamentary Assistant to David Caplan, Minister of Health and Long-Term Care, stated clearly, "In passing the *Traditional Chinese Medicine Act* and setting up this College, the McGuinty government wants to ensure that the public has a choice of regulated and qualified TCM practitioners who are accountable to a regulatory body that will define and shape the delivery of services." The government has given both the Transi-

tional Council and practitioners a daunting task. We are challenged to support practitioners in the delivery services to assure the public of a credible health care choice of high consistent standard under regulation.

Recently, we have noted growing anxiety and unrest among practitioners questioning the Transitional Council's public protection mandate and its approach to development of regulations. We believe these are caused by circulation of misinformation or half-truths by uninformed parties and our lack of timely and direct communication with practitioners. This **Transitional Council Newsletter** is an attempt to rectify the situation. You probably will be able to get answers to some of your questions in the **Questions and Answers** section, which will be a permanent feature of this Newsletter. If not, feel free to send us your questions and we shall be happy to give you the answers.

The Transitional Council is committed to providing the TCM community with factual and up-to-date information on policies and regulations. At the same time, we welcome practitioners to contact us through the Registrar's office to offer us comments and suggestions. Given the magnitude of the challenges ahead, the time has come for us to invent new ways to work together to resolve differences and find solutions. Together, we shall lay the foundation of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario.

Cedric Cheung
President,
Transitional Council

過渡委員會主席張金達(Cedric Cheung)引言:

在新的一年開始之際，我回顧了中醫和針灸行業所取得的成就以及過渡委員會所面對的任務。

20多年之前，中醫界開始與政府討論和磋商，要求安省承認中醫為醫療專業。雖然經歷了眾多挫折和內部衝突，我們還是堅持了下來。在2006年通過法定醫療護理專業法，1991(RHPA)中醫最終得到認可，獲得了自我規管地位。2006年12月20日，中醫藥法(TCMA)獲得政府批准。今天，中醫是24個根據法定醫療護理專業法(RHPA)規管的醫療專業之一。中醫界已經取得了它所爭取的目標！

2008年5月，我與14名其他成員很榮幸地被省督任命為過渡委員會的成員。過渡委員會的職責是保護公眾利益，規管安省中醫的未來發展。在2008年6月的就職會議上，衛生與長期護理廳廳長大衛 凱普蘭(David Caplan)的議會助理鮑克信(Bas Balkissoon)明確指出，“通過中醫藥法和設立本管理局，麥堅迪政府希望確保公眾可以選擇到受規管和合格的中醫從業者，他們要對規管機構負責，該規管機構將管理中醫服務。”

政府已經給過渡委員會和從業者下達了一項艱巨的任務。我們所面臨的挑戰是支持從業者提供安全、優質和合乎專業操守的中醫服務，通過規章來建立高度一致的執業標準，使公眾相信他們所選擇的是可靠的醫療護理。

最近，我們注意到從業者的焦慮不安情緒有所增長，對過渡委員會的保護公眾職責和制定規章的方法提出了疑問。我們相信，這些疑問是由於誤傳、或者是不知情人士所提供的半真半假消息以及我們未能及時和直接地與從業者溝通所引起。過渡委員會的本期簡報旨在糾正這一情況。本簡報的一項永久特色是問答欄目，你或許可以在此欄目內找到你的一些問題的答案。如果找不到你的問題的答案，敬請把你的問題發給我們，我們將非常樂意給你提供答覆。

過渡委員會致力於為中醫界提供有關政策和規章方面的真實和最新資訊。與此同時，我們歡迎從業者通過註冊總監辦公室與我們聯絡，給我們提供意見和建議。有鑒於我們所面臨的巨大挑戰，我們應該創造新的合作方式來解決分歧，找出方案。通過合作，我們將為安省中醫師及針灸師管理局奠定基礎。

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QUESTIONS & ANSWERS

1. What is the difference between a professional association and a regulatory college?

In general, professional associations provide a “voice” and advocate for the interest of the members they represent.

In Ontario, however, all regulatory health colleges are established under the Regulated Health Professions Act, 1991 (RHPA) and their respective profession specific Acts; they are accountable to the Minister of Health and Long-Term Care to fulfill their mandate under these Acts. The College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario is one of the new colleges to be established under the RHPA and the Traditional Chinese Medicine Act (TCMA).

All regulatory health colleges have a mandate to protect the interest of the public so that they have access to safe, competent, quality and ethical health care of their choice. Each college does this by holding its registered members accountable for their conduct and practice while also offering guidance to help them comply.

While a professional may choose to become a member of a professional association, he or she is required to register as a member of a College in order to practice the profession.

2. How does the Traditional Chinese Medicine Act, 2006 (TCMA) define the scope of practice for traditional Chinese medicine and acupuncture?

The TCMA broadly defines the scope of traditional Chinese medicine practice under s.3. Although that section of the TCMA has not yet been proclaimed in force, it provides as follows:

The practice of traditional Chinese medicine is the assessment of body system disorders through traditional Chinese medicine techniques and treatment using traditional Chinese medicine therapies to promote, maintain or restore health.

An individual registered with the College to engage in the practice of traditional Chinese medicine, will be authorized, subject to any terms, conditions and limitations imposed on his or her certificate of registration, to perform the “controlled acts” (authorized acts)

listed under s. 4 of the TCMA, which is expected to be proclaimed in force once the College of Traditional Chinese Medicine and Practitioners and Acupuncturists of Ontario (CTCMPAO) is fully established:

1. Performing a procedure on tissue below the dermis and below the surface of the mucous membrane for the purpose of performing acupuncture;
2. Communicating a traditional Chinese medicine diagnosis identifying a body system disorder as the cause of a person's symptoms using traditional Chinese medicine techniques.

3. What is the regulation making process?

The process for making regulations is complex and lengthy. It is open and transparent, requiring circulation to practitioners, stakeholders and the public for at least 60 days to provide input. At various stages throughout the process, a regulation may be revised based on the feedback received; any major revisions to the draft will lead to circulation of the amended draft for comments. Although lengthy, this due diligence is required by government to ensure that the draft regulation submitted for consideration has taken into account the concerns of practitioners, stakeholders and the public. Should the government have concerns with the draft regulation, they may send it back to the College with the expectation that changes will be made. If the changes are significant, the process of soliciting input from practitioners, stakeholders and the public on the re-drafted regulation would begin again. Once the consultation process is complete, the regulation is submitted to

Cabinet for final approval. After the Reg- and the public on the re-drafted regulation would begin again. Once the consultation process is complete, the regulation is submitted to Cabinet for final approval. After the Regulation is approved by Cabinet, it is signed by the Lieutenant Governor in Council. A regulation becomes law when it is filed with the Registrar of Regulations and published in the Ontario Gazette.

4. Can a registered member from BC, Alberta or Quebec register with the College in April 2009 when the amended Agreement on Internal Trade (AIT) comes into effect?

Until the Transitional Council completes drafting the Registration Regulation and the regulation is approved by Cabinet and proclaimed, no one can register with the College. That includes registered members from regulatory bodies in BC, Alberta and Quebec.

The Transitional Council plans to complete drafting of the Registration and Professional Misconduct regulations by 2010. The provisions of the TCMA

which fully establish the College will not be proclaimed in force until both regulations are approved by the Lieutenant Governor in Council.

5. What titles will be available to registered TCM practitioners when the College is fully established?

Under s.8 of the TCMA, only a registered member of the College will be entitled to use the titles “traditional Chinese medicine practitioner”, “acupuncturist” or a variation, abbreviation or equivalent in another language.

Further, Council will be empowered to make regulations regarding the “Doctor” title as stated in the following excerpts from s.12 of the TCMA:

Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

1. regulating or prohibiting the use of the title “doctor” a variation or abbreviation or an equivalent in another language by members in respect of their practice;
2. prescribing a class of certificates of registration for members who use the title “doctor” and imposing terms, conditions and limitations on certificates of registration of this class;
3. prescribing standards and qualifications for the issue of these certificates and providing for the suspension, revocation and expiration of certificates relating to those members.....

6. Why is the Transitional Council developing entry-to-practice competencies?

Entry-to-practice competencies describe the basic professional knowledge, skills, abilities, attitudes and judgement necessary for safe practice by members of a profession.

Development of competencies is an open and transparent process involving the input of experts in the profession, validation by members of the profession and confirmation by key stakeholders. Once finalized, the Transitional Council will publish the document and use it as a tool to assess whether an individual applying for registration can demonstrate

NOTICE OF UPCOMING TRANSITIONAL COUNCIL MEETING DATES 2009

Tuesday, March 3, 2009 at 9:30 a.m. - 4:30 p.m.

Tuesday, May 5, 2009 at 9:00 a.m. - 4:00 p.m.

Location to be announced

Council meetings are open to the public. You are welcome to attend as an observer. However, as space is limited, please contact the College by email at info@ctcmpao.on.ca, or by phone at 416.862.4790 to reserve seats before the meeting. Please also indicate the date(s) you wish to attend.

the competencies. Applicants will, on the other hand, be able to use the competencies to demonstrate how they have acquired the knowledge, skills, abilities, attitude and judgement to be registered.

These competencies could also be used by future professional development programs and/or examinations. The Ministry of Training Universities and Colleges will reference these competencies in their educational program accreditation process.

7. Why are portions of Council meetings closed to the public?

Council meetings are generally open to the public. However, according to s. 7(2) of the Health Professions Procedural Code (Schedule 2 to the RHPA), Council may exclude the public from any meeting or part of a meeting when it is satisfied that it will discuss:

1. matters involving public security;
2. financial or personal or other matters of such a nature that it is desirable to avoid public disclosure;
3. a person involved in a criminal proceeding or civil suit;
4. personnel matters or property acquisitions; or
5. instructions will be given to or opinions received from legal counsels.

8. What is the definition of grandparenting?

Grandparenting refers to an assessment process used to register existing practitioners who may not meet the standard

registration requirements set by a newly established regulatory body. Grandparenting policies usually involve registration accommodations that recognize that existing practitioners have a wide range of training, skills and experience. Such arrangements balance the need for a standard of competence that will provide the necessary protection to the public with a philosophy that strives to be as inclusive as reasonably possible.

9. When will grandparenting come into effect?

Provisions for grandparenting are integral to the Registration Regulations. The Transitional Council will be able to accept applications for registration of practitioners under the grandparenting provisions after government approves the Registration Regulations.

10. What considerations will be taken into account by the Transitional Council when developing requirements for grandparenting?

In drafting the grandparenting policy, the Transitional Council will consider a combination of factors to ensure that it is fair and equitable to practitioners while also ensuring the safety of the public. These may include the demonstrated professional competencies of an applicant as established through education, training, prior learning, experience, examination and/or evaluation by a recognized third party.

REGULATION MAKING PROCESS

(assume acceptance of the draft at every stage)

Responsible Parties	Activities
Committee/Working Group/Registrar	Identify and research, analyze issues
Committee/Working Group	Decisions on direction with reasons for each issue
Registrar/Staff/Legal Counsel	Draft Regulations
Committee/Working Group	Reviews and approves draft for recommendation to Council
Council	Council reviews/approves circulation of draft to stakeholders and public
Stakeholders/Public	Suggestions and input
Council	Approves submission to MOHLTC

Policy Analyst	Reviews submission
Legal Counsel	Reviews submission
Legislative Drafter	Works on legal drafting
Legislative and Regulation Committee	Considers draft
Cabinet	Approves draft
Lieutenant Governor in Council	Approves and signs Regulation

Internal to the College

Internal to the Government estimate 12-18months

QUESTIONS & ANSWERS

1. 專業協會與管理局有何區別？

總的來說，專業協會代表其會員表達他們的“聲音”和支持他們的利益。

然而，安省所有醫療護理管理局都是根據法定醫療護理專業法，1991 (RHPA) 以及各個專業的具體法律而制訂；他們向衛生與長期護理廳廳長負責，根據這些法律來履行他們的使命。安省中醫師及針灸師管理局是根據RHPA和中醫藥法，2006 (TCMA) 而成立的新管理局之一。

所有醫療護理管理局都有責任保護公眾利益，使公眾能夠自己選擇安全、合格、優質和合乎專業操守的醫療護理服務。要履行管理局的職責，每個管理局都要求其註冊會員對自己的行為和專業負責，並提供指導使他們遵守專業操守。

雖然一位專業人士可以選擇成爲一個專業協會的會員，但他或她必需註冊成爲一個管理局註冊會員之後方可在其專業內執業。

2. 中醫藥法，2006 (TCMA) 如何制定中醫師和針灸師的執業範圍？

中醫藥法 (TCMA) 第3節對中醫的執業範圍做了廣泛的定義。儘管該節尚未正式宣佈，但它規定了以下內容：

中醫是指通過中醫技術來評估病人的身體各系統疾病，採用中醫藥法來促進、保養或恢復病人的健康。

在安省中醫師及針灸師管理局 (CTCMPAO) 完全成立之後，中醫藥法將宣佈生效。在管理局註冊從事中醫的個人，根據其註冊證書中列出的條款、條件和限制，有權從事中醫藥法 (TCMA) 第4節列出的“Controlled acts” (authorized acts) “受控制行爲” (獲得授權的行爲)：

a) 在皮下組織和粘膜下扎針，施行針灸治療。

b) 傳達中醫診斷，採用中醫技術找出引起病人症狀的身體系統疾病。

3. 如何制訂規章？

制訂規章的程序是複雜而漫長的。這是一個公開和透明的程序，需要把規章草案發放給從業者、利益相關人士和公眾，他們至少有60天的時間來提供意見。在該程序各個階段，某項規章可能會根據收到的反饋而進行修改；對規章草案所做的任何重大修改都要重新發放，聽取意見。儘管此過程較爲漫長，但政府需要相當謹慎，以便確保遞交審核的規章草案已經考慮了從業者、利益相關人士和公眾的意見。

如果政府對規章草案有疑慮，他們可以把規章草案退回給管理局，要管理局進行修改。如果改動較大，則需要再次徵詢從業者、利益相關人士和公眾對重新起草的規章草案的意見。諮詢程序一旦完成之後，規章就遞交給政府內閣進行最終審批。在內閣批准了規章之後，由省督簽署規章。

當一項規章在規章總監處備案並且在安省政府憲報上公佈之後，該規章即成爲法律。表1概述了上述程序。

4. 當修訂後的國內貿易協定 (AIT) 生效之後，在卑詩省、阿爾伯達省或魁北克省註冊的會員能否在2009年4月到本管理局註冊？

在過渡委員會完成註冊規章的起草工作以及內閣批准和宣佈規章之前，任何人都不能在本管理局註冊。這也包括在卑詩省、阿爾伯達省和魁北克省規管機構註冊的會員。

過渡委員會計劃在2010年之前完成註冊 (Registration) 和專業失職 (Professional Misconduct) 規章的起草工作。在這兩項規章得到省督批准之前，省政府不會宣佈中醫藥法 (TCMA) 的條款生效，本管理局也不算完全成立。

5. 當本管理局完全成立之後，註冊後的中醫從業者將獲得何種頭銜？

根據中醫藥法 (TCMA) 第8節的規定，只有在本管理局註冊的會員方可使用“中醫師”、“針灸師”頭銜或在另一種語言中使用的變異、縮寫或等同頭銜。

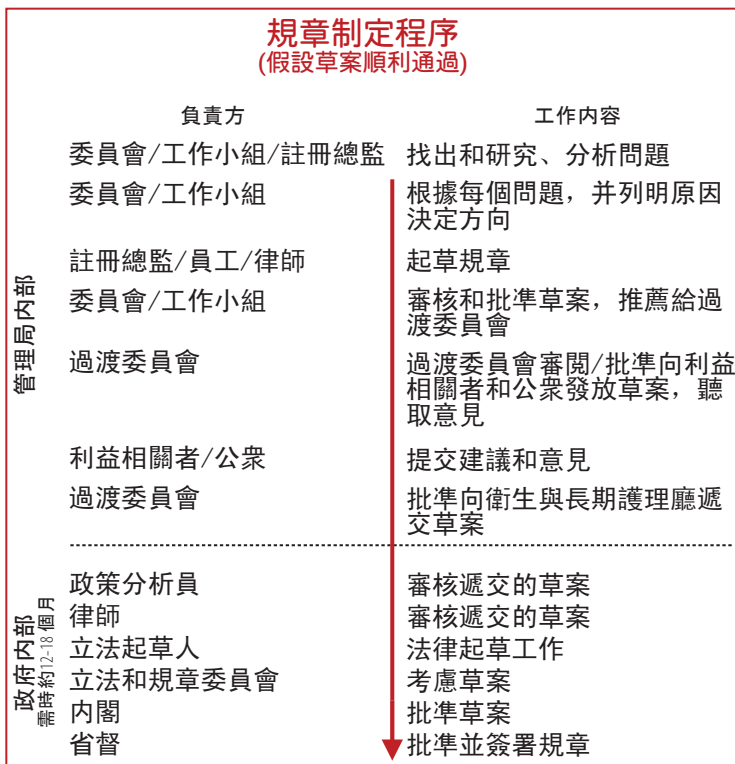
此外，過渡委員會有權制定有關“高級醫師” (Doctor) 頭銜的規定，如以下中醫藥法 (TCMA) 第12節摘錄所述：

在獲得省督批准並經過廳長事先審批之後，過渡委員會可以制定規章來，

a) 規管或禁止在其行業中使用“高級醫師” (Doctor) 頭銜或在另一種語言中使用的變異、縮寫或等同頭銜；

b) 規定使用“高級醫師” (Doctor) 頭銜會員的註冊證書級別，並在此級別的註冊證書中附加條款、條件和限制；

c) 規定發放這些證書的標準和資格，並且規定這些會員證書的暫停、撤銷和失效條款……



6. 過渡委員會為何制定入門資格(entry-to-practice competencies)?

入門資格(entry-to-practice competencies)闡述了專業會員安全執業所必需的基本專業知識、技術、能力、態度和判斷力。

資格制定是一個公開和透明的程序，涉及業內專家的意見，並要得到業內人士驗證和主要利益相關者的確認。一旦核實之後，過渡委員會將公佈該文件，並把它當作一種工具，用來評估註冊申請人是否具備資格。另一方面，申請人能夠按文件內容來展示他們如何獲得註冊所需要的知識、技術、能力、態度和判斷力。

這些資格也可用於將來的專業發展項目和/或考試。培訓、大學和學院廳(Ministry of Training, Colleges and Universities)在鑑定有關教育課程時亦會參考這些資格。

7. 為何過渡委員會的部分會議不對公眾開放?

過渡委員會會議一般對公眾開放。然而，根據醫療護理專業程序準則第7(2)節(Health Professions Procedural Code)(RHPA附件2)，如果過渡委員會認為屬於以下情況，它可以拒絕公眾參加其任何會議或某個會議的一部分：

- a) 涉及公眾安全的事宜；
- b) 不适宜公開的財務，個人或其他類似事宜；
- c) 涉及個人刑事或民事訴訟；
- d) 人事問題或財產收購；或
- e) 給律師下達指示或聽取律師的意見。

8. 祖父輩政策的定義是什麼?

祖父輩政策是指一種用來註冊現有從業者的評估程序，此類從業者可能未能充分滿足新成立的規管機構所制定的標準註冊要求。

祖父輩政策通常涉及註冊方面的考慮，即承認現有從業者具有廣泛的培訓、技能和經驗。這種做法平衡維護公眾所必需的資格標準，又考慮到要盡可能兼收並蓄的原則。

9. 祖父輩政策將在何時生效?

祖父輩政策方面的規定是註冊規章(Registration Regulation)的一部分。在政府批准註冊規章之後，過渡委員會將可以接受從業者根據祖父輩政策規定所提出的註冊申請。

10. 在制定祖父輩政策要求時，過渡委員會將會考慮哪些因素?

在制定祖父輩政策時，過渡委員會將會考慮多方面的因素，以便確保對現時從業者的公平和公正，同時亦確保公眾的安全。這些因素可能包括申請人展示其個人如何通過教育、培訓、先前的學習、經驗、認可的考試和/或評估所取得的專業資格。