

The Transitional Council held its 4th meeting on **May 5, 2009**. Twenty-six members of the public and the TCM community observed the proceedings.

President's Message

The President advised that the Transitional Council is working diligently on drafting of the Registration and Professional Misconduct Regulations. Committees, the Registrar and her staff are discussing, researching, analyzing feedback from practitioners and stakeholders to look for practical policy solutions.

He reminded practitioners to visit the Transitional Council website: www.ctcmpao.on.ca for accurate and up-to-date information or call the Registrar's office, should they have questions or concerns.

Election of Officers+Committee Members

The Transitional Council voted that in lieu of a formal election, the President, Vice-President and Executive Committee members be acclaimed to their current positions for 2009 until the 2010 election. This is to ensure continuity and that ongoing work will not be disrupted.

Appointment of Representative to the Canadian Alliance of Regulatory Bodies for Traditional Chinese Medicine Practitioners and Acupuncturists (CARB)

Joanne Pritchard-Sobhani was unanimously appointed to represent the Transitional Council at future CARB meetings.

Entry-Level Occupational Competencies for Acupuncturists in Canada

The Transitional Council approved in principle the February 1, 2009 *Entry-Level Occupational Competencies for Acupuncturists in Canada*. This would allow the

Transitional Council to begin the process of developing performance indicators for the assessment of Acupuncturists in Ontario.

To that end, the Transitional Council also approved the recruitment of a consultant and the appointment of a working group to develop the indicators. The working group will be comprised of Transitional Council members and practitioners, who may or may not be Transitional Council members. The draft will then be considered by the Transitional Council.

Response to Standards Council of Canada (SCC)

The SCC had contacted the Transitional Council requesting feedback on the development of a new international standard on TCM initiated by the Standardization Administration of China (SAC) to the International Organization for Standardization (ISO).

The Transitional Council decided to advise the SCC of the statutory and constitutional role assigned to professional regulatory bodies across Canada in the setting of educational, entry and practice standards in TCM and acupuncture. The Transitional Council and CARB would be interested in working together with the SCC in a mutually advantageous fashion on this international initiative.

Progress on Regulations Development

The Registration and Professional Practice/Standards Committees reported on progress made on drafting of the Registration and Professional Misconduct Regulations. Both Committees are undertaking research and analysis of the Ministry of Health and Long-Term Care regulation templates, regulations of other health regulatory colleges in Ontario and input of practitioners and ass-

ociations. Issues relating to grandparenting, language requirements, professional practices are being examined.

Both Committees plan to complete initial drafting of the regulations in the summer.

Regulated Health Professions Amendment Act, 2009 (Bill 141)

The Transitional Council noted the *Regulated Health Professions Amendment Act, 2009* received Royal Assent on April 23, 2009. The Act amends the *Health Professions Procedural Code of the Regulated Health Professions Act, 1991*. The legislation's main focus is to:

- permit investigators acting under section 76 of the Code to make reasonable inquiries of any person, including the member who is the subject of the investigation, and require a member of a health college to cooperate fully with an investigator;
- permit health colleges to make regulations providing for the direct observation of members in their practices.

Inter-Professional Collaboration

The College of Occupational Therapists of Ontario (COTO) invited the Transitional Council to comment on their draft Standards for the Performance of Acupuncture by Occupational Therapists in Ontario. Before providing comments, the Transitional Council will invite COTO to clarify how the standards relate to the Occupational Therapists' scope of practice.

(Chinese translation available on website: www.ctcmpao.on.ca)

President's Message

There are still concerns amongst practitioners surrounding the issues of the use of the Chinese language, the doctor title and grandparenting provisions in the Registration Regulation, as well as other topics. Misinformation and half-truths continue to circulate, confusing practitioners and the public. The Transitional Council is aware of these concerns and reminds practitioners that the most accurate and up-to-date information will always be found on our website at www.ctcmpao.on.ca.

The Transitional Council continues to work diligently on drafting the Registration and Professional Misconduct Regulations. Our committees, the Registrar and her staff are discussing, researching, analyzing feedback from practitioners and other stakeholders to look for practical policy solutions.

Discussions on the use of the Chinese language for communication and record keeping are ongoing. No recommendations have been made as of today's date. However, it is important to note that to communicate with patients from differ-

ent cultures, other health professionals, health institutions and insurance carriers, English or French is necessary.

It is important for practitioners, the public and interested stakeholders to directly contact the office of the Registrar with their questions or concerns. Your questions will be answered and your concerns will be directed to the relevant committee and/or the Transitional Council for consideration and decision. The Registrar has a duty to provide information, guidance and support to the Transitional Council. All Transitional Council members work closely with the Registrar and her staff in order to achieve the goal of self-regulation of traditional Chinese medicine in Ontario. An effective regulatory system protects the safety of the public, builds public confidence and confirms the professional status of TCM practice in the regulatory health care system.

Prof. Cedric K.T. Cheung
President
Transitional Council

過渡委員會主席張金達(Cedric Cheung)引言:

從業者對註冊規章中是否包括使用中文、醫師頭銜和祖輩法條款問題以及其他議題仍有疑慮。誤傳和不實的信息還在流傳，令從業者和公眾迷惑不解。過渡委員會注意到這些疑慮，並且提醒從業者從我們的網站www.ctcmpao.on.ca上一定可以找到最準確和最新的資訊。

過渡委員會繼續勤奮工作，起草註冊和專業失職規章。我們下屬的各委員會、註冊總監及其員工正在討論、研究和分析來自從業者和其他利益相關者的意見，尋找務實的政策方案。

有關使用中文來交流和做記錄的討論仍在進行之中。至今尚未對此作出建議。然而，非常重要且需要注意的是：如果要與來自不同文化的病人、其他醫療護理專業人士、衛生機構和保險公司交流，英語或法語是必要的。

對從業者、公眾和感興趣的利益相關者而言，如果有問題或疑慮，你們需要直接與註冊總監辦公室聯絡。你們的問題將得到答覆，你們的疑慮將被轉發到過渡委員會和/或其下屬的相關委員會，供他們考慮和作出決定。註冊總監有義務給過渡委員會提供資訊、指引和支持。所有過渡委員會成員將與註冊總監及其員工密切合作，以便實現安省中醫自我規管的目標。有效的規管制度能夠保護公眾安全，建立公眾信心，以及確定中醫行業在規管醫療護理制度中的專業地位。

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AGREEMENT ON INTERNAL TRADE

Agreement of Governments

In 1994 the federal, provincial and territorial governments signed the *Agreement on Internal Trade* (AIT) to remove barriers to the free movement of persons, goods, services and investment in Canada. Chapter 7, the Labour Mobility Chapter, requires all regulatory bodies who have been delegated authority by governments to voluntarily reach mutual recognition to facilitate the mobility of qualified workers across Canada.

The Labour Mobility Chapter was amended in 2009. The governments agreed that workers registered in one province are able to obtain registration in another without additional material training, experience, examinations or assessment. Any exceptions must be justified as necessary to achieve a legitimate objective.

In order to implement the AIT, the Ontario government introduced Bill 175, an Act to enhance labour mobility between Ontario and other Canadian provinces and territories, early in May this year. The Bill sets out a Labour Mobility Code that Ontario regulatory authorities must comply with. Through amendments to the *Regulated Health Professions Act, 1991* (RHPA), health regulatory colleges are also required to put in place registration practices consistent with the Labour Mobility Code.

The Labour Mobility Code sets out that a person registered/certified in one province or territory will be registered/certified in the same profession in Ontario without additional training, experience, examinations or assessment. It stipulates that a college must obtain approval from the government if it wishes to impose additional registration requirements. The College must demonstrate that such requirements are necessary to achieve a legitimate objective, such as public safety, security and order; consumer protection; protection of the health, safety and well-being of workers; protection of the environment; labour market development, etc.

A college, however, is allowed to require an out-of-province applicant to: (1) demonstrate proficiency in English or in French if proficiency in the language was not a requirement for the applicant's out-of-province certificate; (2) undertake, obtain or undergo additional material training, experience, examinations

or assessment if he/she has not been practicing the profession within a period of time specified by the college; (3) demonstrate knowledge matters applicable to the practice of the profession, such as local knowledge, jurisprudence and ethics.

The Labour Mobility Code encourages colleges to establish consistent interprovincial professional standards that are conducive to labour mobility in Canada. If a college wishes to establish or amend standards for a certificate of registration, it must give notice of the proposed new or amended standards to the Ministry of Health and Long-Term Care, Ministry of Training, Colleges and Universities and consult out-of-province regulators.

Implications for the Transitional Council
The Transitional Council has its regulatory authorities delegated by the Ontario government under the *Regulated Health Professions Act, 1991* (RHPA) and the *Traditional Chinese Medicine Act, 2006* (TCMA). It is obligated to comply with legislation and the rules set out in the Labour Mobility Code.

In order to establish standards to facilitate mobility of Acupuncturists, the Transitional Council has been working with the TCM/Acupuncturist regulatory authorities in British Columbia, Alberta and Quebec since 2008. The mutually recognized entry-level occupational competencies for Acupuncturists in Canada was developed and approved in February 2009 by the Canadian Alli-

ance of Regulatory Bodies for Traditional Chinese Medicine Practitioners and Acupuncturists (CARB), of which the Transitional Council is a member. Subsequently, the Transitional Council and each of the member regulatory bodies approved the document for provincial use.

In February, CARB started on development of the entry-level competencies for TCM Herbology. We are grateful to Yongchun Cai and Danny Li for volunteering their time and expertise to represent Ontario on the Project Committee. The Project Committee is comprised of experienced TCM practitioners from British Columbia, Alberta, Quebec, Ontario, Newfoundland and Labrador and an external consultant. CARB is looking forward to receiving the draft competencies in the summer. Once received, it will be distributed to provincial regulators for validation. Subject to any necessary amendment, the final document will be considered by the Transitional Council for development of registration tools later in the year.

The Transitional Council shall continue to work closely with all provincial regulators to develop competency-based, fair, efficient and transparent registration practices acceptable to regulatory authorities in other provinces. It is keenly aware that the Minister of Health and Long-Term Care may request a regulatory authority under the RHPA to change the registration requirement/practice found to be not in compliance with the Labour Mobility Code.

UPCOMING TRANSITIONAL COUNCIL MEETING DATES

Council meetings are normally from **9:30 a.m. to 4:00 p.m.** They are open to the public. However, space is limited, please reserve a seat by email at info@ctcmpao.on.ca or by phone at **(416) 862-4790** before the meeting.

Questions and Answers

Will people be registered if they have registration in another province?

The Transitional Council is still drafting the Registration Regulation. Until the Ontario government approves the Regulation and the Lieutenant Governor in Council proclaims the *Traditional Chinese Medicine Act, 2006*, no one can obtain registration in Ontario. This includes registered members from another province. The College's Registration Regulations will, however, comply with all applicable legislation, including the labour mobility provisions of the *Agreement on Internal Trade*.

How do I know if someone is registered (licensed)?

When the *Traditional Chinese Medicine Act, 2006* is fully proclaimed, the College shall maintain a register of members. At that time, a person will be able to obtain a wide variety of information from the register, including the name, business address and telephone number, status and history of each registered member. The public register shall also be available on the College's website for public access, as required by the *Regulated Health Professions Act*.

Do I have to be able to work in English and French?

The Committees of the Transitional Council are still deliberating this matter. Input of practitioners, stakeholders, the

public and government are being considered. Reasonable fluency in English or French, however, is important since it is necessary for communication with other health care professionals, hospitals, community health institutions and to understand the laws governing the health care system in Ontario and Canada.

How do I become a registered member of the College?

The Transitional Council is currently drafting the Registration Regulation, which will stipulate the requirements for registration and grandparenting, as well as the procedures for application and registration. As we progress, we shall consult with practitioners and

現階段已經在另一個省註冊的人員是否可以註冊?

過渡委員會仍在起草註冊規章。在安省政府批准該規章以及省督宣佈中醫藥法, 2006全部生效之前, 無人能夠在安省獲得註冊。這包括來自另一個省的已註冊成員。然而, 未來管理局的註冊規章將遵守所有可適用的立法, 包括國內貿易協議中的勞動力流動條款。

我如何知道某位從業人員是否已經註冊(擁有執照)?

當中醫藥法, 2006全部生效時, 管理局將保留一份成員註冊簿。屆時, 人們可以從註冊簿中獲得各種資訊, 包括每位註冊成員的姓名、業務地址和電話號碼、註冊狀況和歷史。根據法定醫療護理專業法的要求, 管理局的網站上也將刊登公共註冊簿, 供公眾查閱。

我是否必須能用英語和法語工作?

過渡委員會屬下的委員會仍在商討此問題。他們正在考慮從業人員、利益相關

Have questions/suggestions for the Transitional Council?

Please contact our office at:

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You may also visit our website at: www.ctcmpao.on.ca

stakeholders. Please visit our website www.ctcmpao.on.ca for information.

Why is the "Doctor" title not included in the Transitional Council work plan?

Section 12 of the *Traditional Chinese Medicine Act, 2006* authorizes the Transitional Council to make regulations regarding members' use of the "Doctor" title. It is the goal of the Transitional Council to develop the regulation. However, the timing of its completion will depend on resources and the timely progress in the development of competencies, the Registration and Professional Misconduct Regulations.

者、公眾和政府的意見。然而, 由於註冊成員必須與其他醫療護理人員、醫院、社區衛生機構交流, 而且需要理解安大略省和加拿大醫療制度方面的法律, 因此, 他們需要具備合理的英語或法語能力。

我如何成為管理局的一名註冊成員?

過渡委員會目前正在起草註冊規章, 該規章將規定註冊和祖輩方面的要求, 以及申請和註冊步驟。隨著我們的工作取得進展, 我們將諮詢從業人員和利益相關者。請瀏覽我們的網站www.ctcmpao.on.ca來了解資訊。

過渡委員會的工作計劃中為何沒有包括“醫生”頭銜?

中醫藥法, 2006的第12款授權過渡委員會起草有關成員使用“醫生”頭銜方面的規章。過渡委員會的目標是制定該規章。然而, 此項工作的完成時間將取決於資源以及在制定資格、註冊規章和專業失職規章方面的進展。