

## President's Message

A year after the transitional Council took office in June 2008, the traditional Chinese medicine community is still asking questions with regard to the appointments and mandate of the transitional Council and why we are undertaking our current activities.

This is not surprising as misleading and uninformed messages continue to circulate in the community. My answers to these queries are summarized below.

**Appointments to the Transitional Council**  
Members of the transitional Council are appointed by the Lieutenant Governor in Council of the Government of Ontario based on a number of criteria. These criteria include, but are not limited to, general reputation in the community, background and interest in traditional Chinese medicine or the health sector, experience in public administration or a demonstrated interest in public service. Each appointed transitional Council member is expected to serve in the public interest, not as a representative of any organization, special interest or advocacy group.

### Mandate

The transitional Council is accountable to the Minister of Health and Long-Term Care and is charged with a mandate to establish the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (CTCMPAO). We are required to develop the regulations, standards of practice, policies and guidelines necessary to register members who will deliver safe, quality and ethical traditional Chinese medicine care to the Ontario public.

### Regulatory Process

Development of regulations and policies is a complex and lengthy process. We must follow the procedures set out in the *Health Professions Procedural Code* of the *Regulated Health Professions Act, 1991* (RHPA), the legislation that governs Ontario's regulatory health Colleges. (Please see our feature article on page 2 for a more in-depth look at the regulatory process.)

### Inter-Provincial Collaboration

The transitional Council must comply with the *Agreement on Internal Trade* signed between all of the provincial, territorial and federal governments to facilitate labour mobility. We therefore participate in the Canadian Alliance of Regulatory Bodies of TCM Practitioners and Acupuncturists (CARB) to develop practice competencies and to share our regulatory experiences.

### Inter-Professional Collaboration

The RHPA requires Ontario healthcare practitioners and regulatory health Colleges to work together under the auspices of inter-professional care. As such, the transitional Council works in collaboration with other Ontario regulatory health Colleges to foster a greater understanding of overlapping scopes of practice and shared controlled acts.

Again, I encourage you to visit our website, [www.ctcmpao.on.ca](http://www.ctcmpao.on.ca). It is your best source for accurate and up to date information. Please also feel free to call the Registrar or her staff at (416) 862-4790 or (866) 624-8434 (toll free in Ontario) if you have questions.

Prof. Cedric K.T. Cheung  
President  
Transitional Council

## 過渡委員會主席張金達(Cedric Cheung)引言:

過渡委員會於2008年6月就職已有一年，中醫界仍就有關過渡委員會的任命、職責以及為何開展目前的工作等存在疑問。

這種情況並不令人驚訝，這是因為誤導和不實的信息仍在中醫界傳播的緣故。對於這些問題，我的回答概述如下。

### 過渡委員會的任命

過渡委員會的成員是由安省內閣委員會根據數項標準來任命。這些標準包括但不局限於：在社區的知名度，在中醫或醫療領域的背景和興趣，在公共管理方面的經驗或體現為公眾服務的興趣。政府對於每位獲任命的過渡委員會成員的期望是要他們服務於公眾的利益，而非代表任何機構、特殊利益或游說團體。

### 職責

過渡委員會向衛生及長期護理廳廳長負責，其職責是成立安省中醫師及針灸師管理局(CTCMPAO)。我們的任務是制定會員註冊所需要的規章、執業標準、政策和指引。註冊會員將為安省公眾提供安全、優質和符合職業操守的中醫醫療服務。

### 制定規章

制定規章和政策是一個複雜和漫長的過程。我們必須遵守「法定醫療護理專業法，1991」(*Regulated Health Professions Act, 1991*)(RHPA)內的「醫療護理行業程序準則」(*Health Professions Procedural Code*)中所列出的步驟。RHPA是管制安省各醫療規管局的立法。(請參閱第2頁的專題文章來進一步了解制定規章的細節。)

### 省際合作

過渡委員會必須遵守由所有省份、地區政府和聯邦政府簽署的「國內貿易協定」(*Agreement on Internal Trade*)，以便促進勞動力流動。因此，我們參加了加拿大中醫及針灸師規管機構聯盟(CARB)，目的是制定專業資格並分享我們的規管經驗。

### 跨行業合作

「法定醫療護理專業法」(RHPA)要求安省醫療專業人員和各醫療規管機構跨行業合作。為此，過渡委員會與其他安省醫療規管機構進行合作，以便進一步了解重疊的“執業範圍”(Scope of Practice)和更深入認識共同被授權使用的“受控制行為”(Controlled Acts)。

我想再次邀請你們瀏覽我們的網站，[www.ctcmpao.on.ca](http://www.ctcmpao.on.ca)。此網站是了解準確和最新資訊的最佳資源。如果仍有疑問，請致電註冊總監或其員工，電話是(416)862-4790或(866)624-8434(安省境內免費電話)。

## IN THIS ISSUE...

- 1 President's Message
- 2 Regulation Making and Approval Process
- 3 Questions and Answers
- 3 Transitional Council Members
- 4 Notice of Upcoming Transitional Council Meeting Dates
- 4 August 31, 2009 Transitional Council Meeting Highlights



# REGULATION MAKING AND APPROVAL PROCESS

In order to implement the *Traditional Chinese Medicine Act, 2006* (TCMA) to process applications for issuance of registration certificates to qualified practitioners, the transitional Council has a responsibility to develop regulations under the TCMA. These regulations will be “made under” the TCMA and will have the status of law.

Drafting of the core regulations is moving ahead. The transitional Council and its Committees are considering input from practitioners and the requirements of government and the health care environment to look for practical solutions to address issues such as grandparenting, entry-to-practice competencies requirements, practice standards and professional conduct.

For a proposed regulation to become law it must be reviewed by the Minister of Health and Long-Term Care, approved by the Lieutenant Governor in Council, filed with the Registrar of Regulations and published in the *Ontario Gazette*.

The step-by-step procedures for approval of a draft regulation are described below.

## Internal to the Transitional Council

1. Committees, with the assistance of the Registrar, draft and recommend regulations in keeping with the *Regulated Health Professions Act, 1991*, the *Agreement for Internal Trade*, the expectations of the Office of the Fairness Commissioner and the public interest;
2. Council considers and approves circulation of and consultation on the draft regulation to/with practitioners and stakeholders, including provincial regulators, for 60 days;
3. Council considers comments from practitioners and stakeholders; [Where necessary, the draft regulation will be amended. In case of substantial changes to the draft regulation, re-circulation may be required.]
4. Council approves submission of the regulation and stakeholders' comments to the Ministry of Health and Long-Term Care.

## Review by Ministry of Health and Long-Term Care

5. Policy analysts of the Health Professions Regulatory Policy and Program Branch review the regulation in consultation with other ministries, such as the Ministry of Training, Colleges and

6. Universities on labour mobility issues;
6. Counsel of the Legal Services Branch reviews the draft regulation;
7. Legislative Counsel prepares the final wording and sends the sealed regulation to the transitional Council for the signatures of the President and the Registrar.

## Consideration by the Legislation and Regulations Committee and by the Cabinet

8. The sealed regulation will be scheduled for consideration by the Legislation and Regulations Committee;
9. Cabinet approves the regulation;
10. The regulation becomes law when the regulation is filed with the Registrar of Regulations and published in the *Ontario Gazette*.

Neither the Ministry nor the transitional Council has full control of the regulation approval timeline. According to the Ministry, it normally takes 12-18 months to complete the review of a draft regulation. Longer time will be required if the regulation includes significant policy or legal issues. Time will also be dependent on legislative drafting time and availability of the Cabinet and its Committee to consider the regulation.

## 制定和批准規章的過程

為了實施「中醫藥法, 2006」[*Traditional Chinese Medicine Act, 2006*, (TCMA)], 處理註冊申請並給符合條件的從業者頒發註冊證書, 過渡委員會有責任在「中醫藥法, 2006」(TCMA)之下制定規章。這些規章將在“TCMA”之下制定並將具有法律效力。

核心的註冊和專業操守規章的起草工作正在進行當中。過渡委員會及其下屬的各委員會正在考慮從業者的意見、政府及醫療環境的要求, 尋求務實的方案來解決諸如以下方面的問題: 祖輩法, 入門資格要求, 執業標準以及專業操守。

要使規章草案成為法律, 該規章必須經過衛生及長期護理廳長審閱, 得到內閣和省督的批准, 在規章總監辦公室備案, 並在安省憲報(*Ontario Gazette*)上公佈。

審批規章草案的分步程序概述如下:

### 過渡委員會內部程序

1. 委員會根據「法定醫療護理專業法, 1991」[*Regulated Health Professions Act,*

1991, (RHPA)], 「國內貿易協定」(*Agreement on Internal Trade*), 公平專員辦公室 (Office of the Fairness Commissioner) 的要求以及公眾的利益, 在註冊總監的幫助下起草和建議規章;

2. 過渡委員會審核和批准散發規章草案, 向從業者和利益相關團體, 包括各省政府的規管機構在內進行諮詢, 該過程為期60天;
3. 過渡委員會審閱從業者和利益相關團體的意見; 如果必要, 將對規章草案進行修改。[如果要對規章草案進行重大修改, 可能需要再次諮詢修改後的草案。]
4. 過渡委員會批准向衛生及長期護理廳呈交規章和利益相關團體的意見。

### 衛生及長期護理廳的審核程序

5. 醫療行業規管政策和計劃處的政策分析員們負責審核規章, 並與其他政府機構磋商: 例如與培訓、學院和大學廳[Ministry of Training, College and Universities (MTCU)]磋商勞動力流動問題;

6. 法律服務處的律師審核規章草案;
7. 立法律師準備最終定稿, 並將蓋上政府印章的規章呈送過渡委員會主席和註冊總監簽署。

### 立法與規章委員會以及內閣的審批程序

8. 立法與規章委員會安排時間討論已經蓋上政府印章的規章;
9. 內閣批准規章;
10. 當規章在規章總監辦公室備案並在安省憲報(*Ontario Gazette*)上公佈之後即成為法律。

無論是衛生及長期護理廳還是過渡委員會都無法完全控制規章的批准時間。依據衛生及長期護理廳的意見, 通常需要12-18個月來完成一項規章草案的審核工作。如果規章涉及重大政策或法律問題, 所需要的時間則更長。審批時間還取決於起草規章的時間, 以及內閣及其委員會所需要的審批規章的時間。



# Questions and Answers

## What is “registration”?

Registration is the process by which a person becomes a member of a regulatory health College. A College will issue a certificate of registration to a qualified person who meets the College’s requirements set out in its Registration Regulations. In the case of a newly regulated profession, the regulations include “grandparenting” provisions that give an opportunity for individuals actively practicing in the profession to register within a limited period of time.

A registered member holding a certificate of registration without terms and conditions is authorized:

- to use a protected title of the profession, e.g. “TCM practitioner” or “Acupuncturist”;
- to represent himself/herself as qualified to practise the profession in Ontario; and
- to perform the authorized “controlled acts” under the *Regulated Health Professions Act, 1991* within the scope of practice of the profession, as defined in the specific health profession Act, e.g. the *Traditional Chinese Medicine Act, 2006*. It is an offense for a member to perform an authorized controlled act outside of the scope of practice of his/her profession.

A person who is not registered with a College and is holding himself or herself out as qualified to practise the profession and/or for performing any of the “controlled acts” could face penalties, fines and/or imprisonment.

## What is “licensing”?

“Licensing” is similar to “registration” except that the qualified person will be granted an exclusive

license to practise the occupation. “Licensing” does not apply to regulated health professions in Ontario. Under the system of the *Regulated Health Professions Act, 1991*, health professionals are “registered” to perform specific controlled acts that are often shared with other health professions. Despite this sharing of controlled acts, a health professional may only perform an authorized controlled act within the scope of practice of his/her profession.

## What is “accreditation”?

“Accreditation” is the quality assurance process of granting accredited status to an institution of higher learning, vocational training or a program of study, indicating that it has been granted approval by the relevant legislative and professional authorities by virtue of its having met or exceeded pre-determined standards. The accredited status of a program is subject to periodic review and may be withdrawn if it falls short of required standards. “Accreditation” does not apply to individuals. In Ontario, the Ministry of Training, Colleges and Universities (MTCU) oversees post-secondary educational institutions and the programs they offer.

## 何謂“註冊”?

註冊是指某人成爲一個醫療規管局的會員的程序。如果一位申請人能夠滿足某規管局的註冊規章中所列出的要求，該申請人將獲得規管局頒發註冊證書。通常新規管的專業，會在其規章中包括“祖輩法”條款，這是為了使目前在該專業中從業的人員有機會在限定的時間內註冊。

一位持有沒有附帶條件的註冊證書的註冊會員將獲授權：

- 使用該專業受保護的頭銜，例如“中醫師”或“針灸師”；
- 行使其專業資格在安省執業；以及
- 根據「法定醫療護理專業法，1991」(*Regulated Health Professions Act, 1991*)，在特定醫療行業法，例如「中醫藥法，2006」(*Traditional Chinese Medicine Act, 2006*)所規定的該行業的執業範圍之內，從事獲授權的“受控制行為”(Controlled Acts)。如果一位註冊會員在其專業的執業範圍之外從事一項獲授權的“受控制行為”(Controlled Acts)，那麼該行為屬於違法。

任何人沒有在一個醫療規管局註冊，但對外稱自己有資格從事該專業和/或從事任何“受控制行為”(Controlled Acts)，那麼此人會面臨處罰、罰款和/或監禁。

## 何謂“發執照”?

“發執照”與“註冊”類似，區別在於，受執照規管的專業只有持有執照的合格人員才能從事，而非任何其他人士。“發執照”不適用於安省受規管的醫療專業。在「法定醫療護理專業

## Have questions/suggestions for the Transitional Council?

Please contact our office at:

Transitional Council of the  
College of Traditional Chinese Medicine  
Practitioners and Acupuncturists of Ontario  
163 Queen Street East, 4th Floor  
Toronto, Ontario M5A 1S1

☎ 416.862.4790 toll free: 866.624.8483 ☎ 416.874.4078

✉ info@ctcmpao.on.ca

You may also visit our website at: [www.ctcmpao.on.ca](http://www.ctcmpao.on.ca)

## What is meant by “competencies”?

The term “competencies” refers to a set of knowledge, skills, abilities and judgement required to perform the tasks and duties of an occupation or profession. “Competencies” may be obtained through formal or non-formal education, work experience and other learning.

## How do I know if a practitioner is registered in Ontario?

The *Health Professions Procedural Code* requires every regulatory health College in Ontario to maintain a register of its members. You may contact the concerned College directly or access its website to verify the status of the practitioner as a member of the College. As soon as it is fully established, the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (CTCMPAO) will maintain a register of its members on its website.

法，1991」(*Regulated Health Professions Act, 1991*)的制度下，醫療人員獲得“註冊”之後，可以從事其專業的“受控制行為”(Controlled Acts)，而該“受控制行為”(Controlled Acts)通常與它醫療專業共享。雖然如此，一位註冊醫療人員從事“受控制行為”(Controlled Acts)必須是在其專業範圍之內。

## 何謂“認可”?

“認可”是品質保證程序，用來授予一所高等學校、職業培訓或一項課程認可地位，表明它已經滿足或超過有關立法和專業機構預先訂制的標準。獲得認可的課程需要接受定期復核，如果它未達到所要求的標準，其認可地位可能會被撤銷。在安大略省，培訓、學院和大學廳[Ministry of Training, College and Universities (MTCU)]負責監管高等教育機構及其提供的課程。

## “資格” “Competencies” 是指什麼?

“資格”一詞是指從事某個職業或專業的任務和職責所必要的一套知識、技能、能力和判斷力。“資格”可以通過正規或非正規的教育、工作經驗和其他學習而獲得。

## 我如何知道某位從業人員是否已在安省註冊?

「醫療護理行業程序準則」(*Health Professions Procedural Code*)要求安省的每個醫療規管局保存一份會員名冊。人們可以直接聯絡相關的管理局或進入其網站來確認某從業人員在該管理局的註冊會員身份。安省中醫師師及針灸師管理局(CTCMPAO)一旦完全成立之後，其網站亦將刊登其註冊會員名冊。

## TRANSITIONAL COUNCIL

### President

Cedric K.T. Cheung

### Vice-President

Lynn Bowering

### Members

David X. Bai  
Kristin Bulmer  
Zhao Cheng  
Richard Dong  
Ian Eng  
James Fu  
Ellen Hanna  
Sharon Lam

Henry Maeots  
Ruth Pike  
Joanne Pritchard-Sobhani  
Catherine  
Elizabeth Wilson  
Mary X. Wu

The transitional Council held its 6th meeting on August 31, 2009. Twenty-nine members of the public and the TCM community observed the proceedings.

## Presentation by the College of Massage Therapists of Ontario

The Council is deeply appreciative of Ms. Deborah Worrad, Registrar of the College of Massage Therapists of Ontario (CMTO), for her presentation on CMTO's policies on the use of acupuncture by Registered Massage Therapists (RMTs) and on dual registration. We now understand, that according to CMTO policy, an RMT can only perform acupuncture within the scope of practice of massage therapy and must have completed an education program approved by the CMTO. Invoicing will be for massage therapy. Where an RMT is also registered with another health college, the patient must be advised if he/she is receiving the service of an RMT or that of another health care service and separate records must be kept for each of the services provided to the patient.

## Management Board of Cabinet (MBC) New Procurement Directive

Council related to the representative of the Ministry of Health and Long-Term Care that the new Procurement Directive, to be enforced retroactively, could significantly delay the Prior Learning Assessment and Recognition (PLAR) Project and the approved business plan of the transitional Council. To prepare for further discussion with the Ministry, the Finance Committee and Registrar were tasked to develop for consideration of Council revisions to the business plan and budget and to develop procurement policies and procedures consistent with the MBC directive.

## Progress on Regulations Development

The Executive Committee, Registration Committee and Professional Practice/Standards Committee reported significant progress in developing general principles for registration, grandparenting and professional conduct. Council directed the Registrar and legal counsel to bring to the Ministry the working draft regulations for advice on whether the drafts are consistent with government policies.

The Professional Practice/Standards Committee advised it would develop policies/guidelines on advertising, conflict of interest, record keeping, professional ethics, practice safety, inspection of practice and infection control, etc. necessary to support the regulations.

## Prior Learning Assessment and Recognition Project

In June, the transitional Council invited consultants to submit proposals to develop PLAR tools and processes for assessment of grandparenting applicants. Six consultant teams submitted proposals. Council decided that the Executive Committee be assigned the responsibility of considering the recommendations of the Selection Panel and moving forward with awarding the project

to the selected consultant team. The Registrar and her staff would prepare a budget for consideration of the Finance and Executive Committees to allow the project to proceed.

## TCM Herbology Competency Profile

Council received a report on two working group sessions that took place on August 26, 2009 for associations' nominees and invited practitioners to provide input on the draft Canadian TCM Herbology Competency Profile. Completed surveys and comments of participants were sent to British Columbia for data entry and analysis. The competencies developed will be a part of the TCM practitioner and acupuncturist profiles.

The transitional Council is grateful to Ms. Yongchun Cai and Mr. Danny Li for volunteering their time and expertise to participate in the Canadian Alliance of Regulatory Bodies for TCM Practitioners/Acupuncturists' Project Committee to draft the entry-to-practice competencies with members and practitioners from other provinces.

## Audited Financial Statements

The transitional Council accepted the audited statement of expenditures for the year ended March 31, 2009 prepared by the auditors, KPMG.

## UPCOMING TRANSITIONAL COUNCIL MEETING DATES

November 23, 2009  
January 25 & 26, 2010  
Location to be announced

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



Transitional Council of the College of Traditional Chinese  
Medicine Practitioners and Acupuncturists of Ontario

安省中醫師及針灸師管理局過渡委員會

163 Queen Street East, 4th Floor  
Toronto, Ontario M5A 1S1

[www.ctcmpao.on.ca](http://www.ctcmpao.on.ca) | [info@ctcmpao.on.ca](mailto:info@ctcmpao.on.ca)