



# Milestones - Newsletter

VOLUME 1, ISSUE 1 – SPRING 2010

## TRANSITIONAL COUNCIL OF THE COLLEGE OF HOMEOPATHS OF ONTARIO

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## CONTACT US

We welcome your comments, questions, concerns, or requests for information.

## Welcome

Whenever an individual sees a health care provider, they place their trust in that person. They expect to receive safe, quality care. The Transitional Council of the College of Homeopaths of Ontario (TC-CHO) has that same expectation.

Public protection is the priority of Ontario's framework for the regulation of health professionals. Through self-regulation of the profession under *Regulated Health Professions Act, 1991* (RHPA) and *Homeopathy Act, 2007*, the Transitional Council is creating regulations, defining professional competencies, setting educational standards and drafting standards of practice for homeopathy to ensure the public receives the best possible care from qualified providers.

Through stakeholder consultation, including inviting input and feedback from the public, profession and other interested parties, the Transitional Council is working to ensure that the necessary regulations and infrastructure are in place to begin registering members as early as 2012.

This newsletter and other future mailings will provide progress reports and invite you to feedback on profession specific issues and the draft documents. We also encourage you to visit our website at [collegeofhomeopaths.on.ca](http://collegeofhomeopaths.on.ca) and sign-up for our "Information Alert Service" so you can receive timely updates by email. These are your best source for accurate and up-to-date information. And, of course, you should feel free to call our office at 416 862 4780 or 1 877 883 8083 if you require additional information.

This is an exciting time for the homeopathic profession and we are pleased to be working with you to create a positive and effective regulatory College which protects the public interest while advancing the profession.

Basil Ziv  
REGISTRAR

Jim Dunsdon  
PRESIDENT

**The Homeopathy Act, 2007**, allows for the creation of the Transitional Council of the College of Homeopaths of Ontario (TC-CHO) within the framework of the Regulated Health Professions Act, 1991 (RHPA). The Transitional Council is creating regulations, defining professional competencies, setting educational standards, developing registration requirements, drafting standards including what are considered acts of professional misconduct, and putting in place other necessary work that will allow the College to fully operate and register members and to ensure homeopaths are adequately trained and qualified to practice in Ontario. Once the Transitional Council completes its work, the College will have the tools to fully regulate the practice of homeopathy in the interest of public protection. This transitional process will last approximately three years.

## Introduction of Council

As an entity, the Transitional Council is time limited. It exists until it has developed a framework to permit the College of Homeopaths of Ontario to fully undertake its regulatory functions.

The appointment of members of the Transitional Council, both public and professional, are made by the Ontario Government, or more specifically, by the Lieutenant Governor in Council, with the process itself being administered by the Public Appointments Secretariat, an agent of the Ontario Government.

The current Transitional Council is comprised of nine professional members and seven public appointees. If you would like to read more about our Council visit [pas.gov.on.ca](http://pas.gov.on.ca).

At the inaugural meeting on November 3, 2009, the Transitional Council elected, from among its own members, the officers who make up the Executive Committee. It also appointed committee chairs and assigned each Transitional Council member to a committee.

### Executive Committee

Jim Dunsdon, President (PUBLIC)  
Violetta Ilkiiv, Vice President (PROFESSIONAL)  
Kathy Desjardins (PROFESSIONAL)  
Eden Gajraj (PUBLIC)  
John Millar (PROFESSIONAL)

### Registration Committee

Mirsada Vins, Chair (PROFESSIONAL)  
Ling Goh (PROFESSIONAL)  
Wangari Muriuki (PUBLIC)  
Bhupinder Sharma (PROFESSIONAL)  
Kelly Warren (PUBLIC)

### Professional Practice Committee

Joseph Lloyd-Jones, Chair (PUBLIC)  
Whitney Collins (PROFESSIONAL)  
John Curran (PUBLIC)  
Ron Harris (PROFESSIONAL)  
Maggi Martin (PUBLIC)  
Luba Plotkina (PROFESSIONAL)

## **Count Down to Proclamation**

At this time, only certain provisions of the Homeopathy Act, 2007 are in force. These provisions provided for the appointment of the Transitional Council. Proclamation of the remaining provisions of the Act will occur when the Transitional Council has completed its work. Upon proclamation of the entire Act, the new College of Homeopaths of Ontario will be formally established. Proclamation is anticipated as early as 2012. In the meantime, the Transitional Council is working diligently to develop the necessary regulations, standards, policies and guidelines for the profession, including creating registration, professional misconduct and quality assurance regulations. In making these, the Transitional Council will seek the input, participation and feedback of stakeholders, including the public, members of the profession, other interested parties and Ministry of Health and Long-Term Care (MOHLTC) representatives.

### **Regulation Making and Approval Process**

The process for making regulations is complex and lengthy. It is required to be open and transparent, and must include circulation to practitioners, the public and other interested parties for at least 60 days to provide input. At various stages throughout the process, a regulation may be revised based on feedback received; any major revisions to the draft will lead to re-circulation of the amended draft for comments.

Although lengthy, due diligence is required by government to ensure that draft regulations submitted for consideration have taken into account the concerns of stakeholders.

Once submitted to the government for approval, if there are concerns with the draft regulations, it may be sent back to the TC-CHO with the expectation that changes will be made. If the changes are substantial, the process of soliciting input from practitioners, stakeholders and the public on the re-drafted regulations 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 of the Government of Ontario, 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.

Regulation making procedures are set out in the Health Professions Procedural Code of the RHPA, the legislation that governs Ontario's regulatory health colleges. The regulations developed by the TC-CHO will be "made under" the Homeopathy Act, 2007 and will have the status of law.

Once the registration, professional misconduct and quality assurance regulations are published, proclamation of the Homeopathy Act, 2007 and transition to the College of Homeopaths of Ontario is imminent. Registration of homeopaths will then begin.

### **Step-by-step Procedure for Approval of a Draft Regulation**

#### ***Process Facilitated by the Transitional Council and Registrar***

1. Following research and vigorous discussion by committees, with the assistance of the Registrar, draft and recommend regulations in keeping with the RHPA, the Agreement for Internal Trade (Labour Mobility), the expectations of the Office of the Fairness Commissioner and the public interest (this process can take several months);
2. Council considers and approves circulation of and consultation on the draft regulations to/with stakeholders, including provincial regulators, for 60 days (within the context of this 60-day circulation period the regulation must also be posted on the Ministry of Economic and Development and Trade 'Regulatory Registry' website); [ontariocanada.com/registry/welcome.do](http://ontariocanada.com/registry/welcome.do)
3. Council considers comments from stakeholders; [Where necessary, the draft regulations, will be amended. In case of substantial changes to the draft regulations, re-circulation may be required.];
4. Council approves submission of the regulation and stakeholders' comments to the MOHLTC.

#### ***Government Process***

Review by MOHLTC

5. The MOHLTC reviews the regulations in consultation with other ministries, such as the Ministry of Training, Colleges and Universities on labour mobility issues and the Ministry of Citizenship and Immigration, and the Office of the Fairness Commissioner, on matters related to the registration of internationally-educated applicants;
6. Counsel of the Legal Services Branch reviews the draft regulations;
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 regulations will be scheduled for consideration by the Legislation and Regulations Committee;
9. Cabinet approves the regulations;
10. The regulation becomes law when the regulation is filed with Registrar of Regulations and published in the Ontario Gazette.

Neither the Ministry nor 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. More time may 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 Committees to consider the regulations.

**Sign up for our "Information Alert Service":** If you are interested in receiving more information about the regulatory process and would like to be added to our "Information Alert Service" please contact us at [info@collegeofhomeopaths.on.ca](mailto:info@collegeofhomeopaths.on.ca). **NOTE: Signing up for this service DOES NOT imply, in any manner, that you are registered with the Transitional Council of the College of Homeopaths of Ontario.**

## Regulation Making Process

(Assume acceptance of the draft at every stage)

	Step/Responsible Parties		Activities
<b>Process Facilitated by Transitional Council and Registrar</b>	1.*Committee/Working Group/Registrar	→	Identify, research and analyze issues
	1. Committee/Working Group	→	Decision on direction with reasons for each issue
	1. Registrar/Staff/Legal Counsel	→	Draft regulations
	1. Committee/Working Group	→	Reviews and approves draft for recommendation for Council
	2. Council	→	Council reviews/approves circulation of draft to stakeholders and public
	2. Stakeholders/Public	→	Suggestions and input
<b>Government Process takes an estimated 12-18 months</b>	3. & 4. Council	→	Approves submission to MOHLTC
	5. Policy Analyst	→	Reviews submission
	6. Legal Counsel	→	Reviews submission
	7. Policy Writer	→	Works on legal drafting
	8. Legislative and Regulation Committee	→	Considers draft
	9. Cabinet of the Ontario Government **	→	Approves draft
	10. Lieutenant Governor in Council	→	Approves and signs regulation

\*Refer to number under Step-by-step Procedure on page 2

\*\*Executive Council, selected by the Premier, the members of which are called Ministers

## Highlights

### November 3, 2009 Meeting of the Transitional Council

- orientation by MOHLTC
- approval of by-laws
- election of executive and appointment to committees
- appointment of auditor and legal counsel
- Council member declaration of conflict of interest
- presentation of Council work plan

### January 22, 2010 Meeting of the Transitional Council

- presentation of the memorandum of understanding and loan agreement between the TC-CHO and MOHLTC (in camera\*)
- committee reports, Registrar's report presented
- circulation of Executive Committee terms of reference and work plan
- presentation by legal counsel on registration regulations process
- approval in principle of mission, vision and value statements
- approval of 2010-2011 communications plan
- approval of website privacy policy

\* As permitted by the Regulated Health Professions Act, 1991, Schedule 2, section 7.2 there are times when it is appropriate for Council to discuss matters "In Camera". These include matters: of public security; financial or personal or other matters of such a nature that it is desirable to avoid public disclosure; information related to a person involved in a criminal proceeding or civil suit; personnel matters or property acquisition; or instructions will be given to or opinions received from legal counsels. A meeting or any portion of a meeting held "In Camera" is not open to the public.

### Who is considered a member of the public?

Any one who is not a Council member appointed by the Lieutenant Government in Council. Staff, legal counsel, MOHLTC and other representatives present on request by the Registrar or Transitional Council President may attend "In Camera" portions of a meeting by invitation from the TC-CHO. This is a requirement by law.

No other member of the public or profession may attend any meeting or portion of a meeting held "In Camera".

### Upcoming Transitional Council Meetings

**Monday, May 10, 2010** 10:00 a.m. - 5:00 p.m.

**Monday, November 8, 2010** 10:00 a.m. - 5:00 p.m.

Transitional Council meetings are open to the public to observe. As space is limited and time, date or location may change members of the public who would like to observe a Transitional Council meeting should provide advance notice of their interest in attending.

If you wish to observe a Council meeting, please contact us by email at [info@collegeofhomeopaths.on.ca](mailto:info@collegeofhomeopaths.on.ca) or by telephone at 416 862 4780.

## Frequently Asked Questions

Many of you have questions about the regulatory process and what it will mean to your ability to practice in the future. Here are a few of the most frequently asked questions and answers. There is more information on our website at [collegeofhomeopaths.on.ca](http://collegeofhomeopaths.on.ca). Please visit the FAQ page. If you have a question which does not appear below or on the website let us know. Contact us at [info@collegeofhomeopaths.on.ca](mailto:info@collegeofhomeopaths.on.ca) or call 416 862 4775.

### **What is the TC-CHO?**

It is NOT an educational institution or an advocacy association.

Under Ontario law, the TC-CHO will set up the process to regulate the profession of homeopathy, in the public interest. Once the process is put in place it is the ONLY organization that will assess applicants and determine who is qualified to practise homeopathy in Ontario.

Under the RHPA, any organization that falsely holds itself out as a body that regulates individuals in homeopathic practise would be liable to a fine of not more than \$50,000 for a first offence and not more than \$200,000 for a second or subsequent offence. This includes organizations claiming to assess and/or certify individuals' competencies for the purpose of practising homeopathy in Ontario.

### **What is the role of the Transitional Council?**

During the transitional period, the Transitional Council is responsible for establishing the College of Homeopaths of Ontario. It also exercises the powers of a Council of a health regulatory college. It carries out the statutory objectives of a college to serve and protect the public interest as set out in the Homeopathy Act, 2007, the RHPA and the Health Professions Procedural Code (RHPA Schedule 2). It will:

- Establish an accountability agreement including a memorandum of understanding and loan agreement with the MOHLTC;
- Establish, in collaboration with the Registrar, administrative processes and the infrastructure necessary for the College to operate;
- Develop by-laws, professional ethics, policies and guidelines;
- Develop entry-to-practice criteria, competencies and practice standards, and registration, professional misconduct, and quality assurance regulations;
- Develop processes to assess and register members;
- Develop processes to handle complaints and the discipline of members;
- Develop communication programs to reach members of the profession, the public and other stakeholders.

### **My education grants me the right to use the "doctor" title.**

#### **Does this new legislation allow me to use the title "doctor"?**

Practitioners of homeopathy **cannot** use the "doctor" title, a variation or abbreviation including "H.D." or an equivalent in another language when providing or offering to provide health care in Ontario.

Currently, under section 33 of the Regulated Health Professions Act, 1991 (RHPA), no one is allowed to use the title "doctor", its variation or abbreviation or an equivalent in another language when providing or offering to provide health care in Ontario, unless he/she is a member of:

- (a) the College of Chiropractors of Ontario;
- (b) the College of Optometrists of Ontario;
- (c) the College of Physicians and Surgeons of Ontario;
- (d) the College of Psychologists of Ontario; or
- (e) the Royal College of Dental Surgeons of Ontario.

A person who breaches section 33 may be prosecuted in the Provincial Offences Act Court. If the person is convicted, he/she is

liable to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a second or subsequent offence. To see the full text of the RHPA visit [e-laws.gov.on.ca](http://e-laws.gov.on.ca).

When the Homeopathy Act, 2007 is proclaimed into force full, the legal title restricted for the exclusive use of members of the new College of Homeopaths of Ontario will be "homeopath."

### **When do I need to register as a member of the TC-CHO?**

Homeopathic practitioners must register with TC-CHO when the Homeopathy Act, 2007 is in full force. (Scheduled to take place as early as 2012.) At that time, no person shall hold himself or herself out as a person who is qualified to practise as a homeopath in Ontario, unless registered as a member of TC-CHO. Before registration of members can begin the Transitional Council must have approved registration, professional misconduct and quality assurance regulations.

The Transitional Council will advise practitioners of the qualifications, competency standards, procedures, categories, fees, documentation and other requirements necessary for registration. TC-CHO will work on making sure that the registration process is fair and equitable.

### **Does membership in an association or organization mean automatic registration with TC-CHO?**

NO, membership to an association will NOT mean automatic registration. Registration is based on whether an individual practitioner meets the TC-CHO's registration qualifications, competence standards and other requirements.

### **Will TC-CHO be grandparenting current practitioners?**

Grandparenting refers to the process of registering homeopaths who meet the registration qualifications, competency standards and other requirements determined at the time of proclamation and when TC-CHO begins to register members. Additional standards or requirements may be implemented after the initial registration period.

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.

The Transitional Council will be determining how to register current practitioners and students who are currently enrolled in educational programs. Until the Council completes its work, it is not known what these or future, requirements may be. Public safety, however, will be the number one priority when it comes to considering policies on grandparenting.

### **How can I be assured that all views of homeopathy will be considered and recognized in the drafting of regulation and policy?**

It is important to keep in mind that regulation allows for the development and enforcement of appropriate standards of education and practice to ensure public safety. As much as possible, in a tightly regulated environment, this is a consultative process. TC-CHO is aware that there are many different viewpoints on the practice of homeopathy and expects and welcomes feedback from homeopaths, stakeholders and the public. As the Transitional Council and the committees move forward with the development of regulations and policy, a broad stakeholder consultation process will be implemented to ensure ample opportunity for stakeholders to provide feedback in real time and by written submission.

**Visit our website** at [www.collegeofhomeopaths.on.ca](http://www.collegeofhomeopaths.on.ca) for complete information about the Transitional Council including a list of upcoming meetings and developments on the regulatory process.