



Transitional Council
of the College of Homeopaths
of Ontario (TC-CHO)

CONTACT US

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

Volume 2, Issue 3

Formal Consultations on Draft Regulations Begins

Thank you for your interest in the regulation of the homeopathic profession. We are actively seeking stakeholder input during the 60-day consultation period starting on August 15 and concluding on October 18, 2011.

This newsletter provides you with background on the draft regulations. These draft documents are available online at www.collegeofhomeopaths.on.ca. Hard copies are available on request from the transitional Council office at 416-862-4780 or info@collegeofhomeopaths.on.ca.

We look forward to your feedback and involvement in this very important consultation process.

Please read these documents carefully and **USE THE FEEDBACK FORM PROVIDED FOR YOUR RESPONSE.**

Your feedback must be received in writing and be returned to us by email, fax or mail as follows:

Email: info@collegeofhomeopaths.on.ca

Fax: 416-864-4077

Mail: Attention: Feedback

Transitional Council of the College of Homeopaths of ON

163 Queen Street East, 4th Floor

Toronto, ON M5A 1S1

Please Respond by October 18, 2011.

How to Read the Draft Regulations

Each draft regulation contains **three columns**:

- **Proposed provision** – this describes in legal language the details of the regulation and may outline a registrant’s responsibility.
- **Explanation** – this column provides an explanation as to how, and in some cases under what circumstances, the proposed provision may be applied.
- **Rationale** – this column explains why this provision has been included. For example the provision may be a reasonable expectation by the College of a health care professional or it may provide a requirement supported by another piece of legislation such as *Regulated Health Professions Act, 1991 (RHPA)*, *Informed Consent Act*, etc.

Proposed Provision <i>(Describes the proposed provision.)</i>	Explanation <i>(Explains how it may be applied.)</i>	Rationale <i>(Explains why the provision has been included.)</i>
1. In this Part, “assessor” means a person appointed under section 81 of the Health Professions Procedural Code;	An “assessor” is a person appointed by the Quality Assurance Committee to gather information about a member’s knowledge, skill and judgment.	To clarify the meaning of “assessor” within the quality assurance context.

Reading each column carefully will assist you in the full understanding of the meaning of each provision. If you have questions or the provision is not clear, contact us at info@collegeofhomeopaths.on.ca. We will do our best to respond to each enquiry. Questions may be addressed in future issues of Milestones Newsletter and through the planned information meetings.

Reference Documents

Many documents and pieces of legislation inform the development of the draft regulations for TC-CHO. The majority of these documents can be found online at www.e-laws.gov.on.ca.

- Regulated Health Professions Act, 1991 (RHPA)
- Homeopathy Act, 2007
- Ontario Human Rights Code
- Personal Information Protection and Electronic Documents Act (PIPEDA)
- Personal Health Information Protection Act, 2004 (PHIPA)
- Informed Consent Act
- Ontario Labour Mobility Act, 2009
- Agreement on Internal Trade (Federal)

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Regulations for Consultation

The transitional Council has reached an important juncture in its work to develop the three statutory regulations required under the *Regulated Health Professions Act, 1991*. Essential regulations included in this round of consultation are:

Registration Quality Assurance Professional Misconduct

Highlights of the Registration Regulation

The registration regulation sets out the requirements for obtaining and maintaining registration with the College of Homeopaths of Ontario. It is an essential regulation.

These requirements are the primary method of assuring the public that a registered practitioner is competent to practice, possesses the appropriate skills and training to ensure protection of the public, and is maintaining currency of the required knowledge and skill.

The Registration Regulation comprises **seven sections**, as follows:

Section	Description
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1. *Classes* – this outlines the proposed classes of registration.
2. *General* – this section outlines the general registration requirements regardless of the class of registration. It includes actions which must be taken to ensure that you are qualified to practice in a safe and ethical manner to ensure public protection. There are exemptible and non-exemptible requirements. In general, all requirements, except for the jurisprudence course, are exemptible.
3. *Terms, Conditions and Limitations for All Classes* – this section outlines the conditions of a certificate of registration regardless of the class. It includes items such as requirements for mandatory self-reporting, professional liability coverage, payment of fees, display of certificate of registration, use of title, etc.
4. *Full* – this section outlines the non-exemptible requirements for a Full certificate of registration.
5. *Grandparented* – this section outlines the non-exemptible requirements for a Grandparented certificate of registration.
6. *Inactive* – this section outlines the non-exemptible requirements for an Inactive certificate of registration.
7. *Definitions* – this section defines “the date of his or her application”, a reference to practising the profession for a number of hours, and jurisprudence.

Provide your comments by October 18, 2011.

Use the feedback form in this package or download it from the transitional Council website at www.collegeofhomeopaths.on.ca.

A Few Highlights on the Registration Regulation

Registration Classes

1. **Full** – Full registrants are those in active practice who have demonstrated that they meet all the entry-to-practice competencies of the profession.

An applicant can proceed directly into Full registration by demonstrating the following:

- (a) Successful completion of a three-year program in homeopathy (after suitable pre-requisites) that teaches the entry-to-practice competencies of the profession;*
 - (b) Completion of a program of clinical experience. The clinical experience may be part of one's formal education program, be done afterwards, or be a combination of both; and
 - (c) Passing the assessment process that provides objective evidence of achieving the entry-to-practice competencies.
2. **Grandparented** – Existing practitioners who do not demonstrate all of the entry-to-practice competencies between the pre-registration period (anticipated in mid to late 2012) and one-year following the proclamation date, may enter as Grandparented registrants.

All Grandparented registrants must move to the Full class within five-years from the date of proclamation, after which this class will cease to exist.

3. **Inactive** – a third class exists for those who are not involved in clinical practice. These individuals must have qualified in the Full registrant class prior to switching to the Inactive class.

A registrant may enter the Inactive class if he or she does not wish to practice the profession for a period of time.

Specific Requirements by Class

Each class of registration then has its own specific requirements. For example, to become a Grandparented registrant, an applicant must successfully demonstrate possession of the safety and core competencies. There will be a “prior learning assessment” process that looks at one's past training and experience to ensure that this fundamental knowledge, skill and judgment has been obtained. Once registered, a Grandparented registrant has five years to demonstrate the remaining entry-to-practice competencies and thereby obtain Full registration.¹ A Grandparented registrant can transfer to the Full class once providing proof to the College that they meet the requirements in the Full class.

Ongoing Requirements

Once an application has been processed and acceptance of registration has been granted by the College, a registrant must continue to meet certain general terms, conditions and limitations. For example, all registrants must report criminal or other offences as well as disciplinary findings, and loss of professional liability insurance coverage. Registrants must also complete the annual renewal process, use and display their professional qualifications / title, and maintain CPR and first aid skills.

A Word on Competencies

* The transitional Council is currently preparing to develop the entry-to-practice competencies. This competency profile will inform school curriculum to produce graduates which meet or exceed the regulatory college requirements.

¹ At some point in his or her career, the practitioner must have also practised 750 hours over three years.

Clinical Practice Requirements

Further work is being done by the transitional Council to establish, identify and develop the tools and mechanisms required to operationalize the clinical practice provision 4.(1)2 of the registration regulation in a transparent, objective, impartial and fair manner. This process is being developed with a focus on public protection.

What are practice hours?

Provision 7.(2) of the draft Registration Regulation defines practice hours as follows:

In this regulation, a reference to practising the profession for a number of hours,

(a) for a member involved in clinical practice, means two hours for each initial visit case work-up assessment and one hour for each follow up visit, and

(b) for a member involved in formal professional development, academic research or in general paid administration, paid supervision, and paid teaching of homeopathy services, one hour for each hour dedicated to those services excluding general preparation.

For the purpose of this regulation, a maximum of one-third of the required hours can come from clause (b).

What is a jurisprudence course?

Provision 7.(3) of the draft Registration Regulation defines “jurisprudence” as “the knowledge of the legal and professional principles that apply to the practice of the profession.”

In general, a jurisprudence course helps registrants understand the law and principles becoming of a professional, and provides instruction on how this information applies to their practice and their patients. This course is intended to be educational and not punitive in nature, and is a requirement of all regulated health professions.

No decisions have been made at this time as to the mechanisms of delivering this course. The transitional Council will be reviewing options for the delivery, and will provide information when it is available.

Highlights of the Quality Assurance Regulation

The Quality Assurance Program (QA) assures that the entry-to-practice competencies and basic knowledge, skills and judgment acquired by registrants during their educational training are maintained through registrants engaging in continuous learning activities that relate to their professional practice. Regulatory health colleges must have a program to assure the quality of practice of the profession and to promote the continuing competence of registrants.

In accordance with the *Regulated Health Professions Act, 1991* (RHPA), a QA Program, must include the following components:

- Self-assessment, continuing education and professional development
- Peer and practice assessments, and remediation, and
- A mechanism for monitoring registrants’ participation and compliance.

All registrants of the College will be required to participate in the QA Program and to cooperate with assessors and the Quality Assurance Committee. Subject to certain limited exceptions, information obtained through the QA program is to be kept confidential and not disclosed to any other committee of the College.

Highlights of the Professional Misconduct Regulation

Professional misconduct is the act of failing to do something, or doing something contrary to accepted ethical or professional behaviour.

The Professional Misconduct Regulation defines parameters of professional practice, identifying specific behaviours that constitute misconduct, and could trigger a inquiries, complaints and reports or disciplinary process.

The Professional Misconduct Regulation, together with the *Regulated Health Professions Act, 1991 (RHPA)*, provides the public with a means of protection and a process in which complaints may be filed, investigated, and acted upon where necessary through remediation or discipline.

There are **three sections** to the proposed Professional Misconduct Regulation:

1. **General** – contains 54 provisions addressing issues such as abuse, informed consent, business practices, practising the profession while under the influence of any substance, and engaging in conduct regarded by registrants as disgraceful, dishonourable or unprofessional, etc.
3. **Conflict of Interest** – contains provisions outlining situations which would be considered to be real or perceived conflicts of interest, in which the registrant puts their own needs above the best interests of the patient.
3. **Record Keeping** – consistent with several other health care professions the time period for keeping records has been set at 10 years. The record keeping provisions detail the proposed requirements for establishing and maintaining patient records. These provisions will be required in conjunction with those detailed in *Regulated Health Professions Act, 1991 (RHPA)*, *Personal Information Protection and Electronic Documents Act (PIPEDA)* and *Personal Health Information Protection Act, 2004 (PHIPA)*.

Why Regulate Homeopathy?

The *Regulated Health Professions Act, 1991 (RHPA)* and health profession acts, such as the *Homeopathy Act, 2007*, provide a consistent framework for Ontario's regulated health professions. The RHPA incorporates a number of underlying principles, including:

- Advancing the public interest;
- Protecting the public from unqualified, incompetent or unethical health care providers;
- Promoting accountability among health care professionals;
- Encouraging public access to health care professionals of their choice;
- Respecting all styles of practice provided the public is protected;
- Enhancing interprofessional collaborative care for the benefit of the patient; and
- Continuing quality improvement across professions.

Self-regulation has important benefits for both the patient and homeopath. To find out more about the regulatory process and how regulation will impact you, please visit our website at www.collegeofhomeopaths.on.ca.

What are Regulations?

Regulations are a type of written law made by the transitional Council and approved by the Ontario Government. Regulations are a legally enforceable series of provisions which highlight behaviours and / or actions that are required of a regulated health profession¹.

Regulations are subordinate to the *Homeopathy Act, 2007* and the *Regulated Health Professions Act, 1991 (RHPA)*. They contain details that support the guiding principles of the legislation and may only exist pursuant to legislation. Regulations may address topics such as registration, professional misconduct, quality assurance, advertising, informed consent, conflict of interest, record keeping, etc. Regulatory submissions and proposals require review, feedback and approval by the provincial government before coming into effect. (See page 9 for more on the Process of Regulation).

The formal consultation allows individuals to provide written comment on the regulations and to express support and/or concern on any provision within the regulations. All written comments are reviewed by the committees/working groups involved in the development of the regulations, and will be attached to the transitional Council's submission to the Government once the regulations are sent for review and approval.

1. Richard Steinecke, LLB

Provide your comments by October 18, 2011.

Use the feedback form in this package or download it from the transitional Council website at www.collegeofhomeopaths.on.ca.

Council Committee & Working Group List

Assessment Working Group

John Millar, Chair (*professional*)
John Curran (*public*)
Eden Gajraj (*public*)
Luba Plotkina (*professional*)
Bhupinder Sharma (*professional*)
Kelly Warren (*public*)

Governance Working Group

John Curran, Chair (*public*)
Whitney Collins (*professional*)
Kathy Desjardins (*professional*)
Jim Dunsdon (*public*)
John Millar (*professional*)

Steering Working Group

Eden Gajraj, Chair (*public*)
Kathy Desjardins (*professional*)
Ling Goh (*professional*)
Bhupinder Sharma (*professional*)
Kelly Warren (*public*)
Margaret Martin (*public*)

Communications Working Group

Eden Gajraj, Chair (*public*)
Ron Harris (*professional*)
Wangari Muriuki (*public*)
Luba Plotkina (*professional*)

Professional Practice Working Group

Whitney Collins, Chair (*professional*)
John Curran (*public*)
Ron Harris (*professional*)
Margaret Martin (*public*)
Luba Plotkina (*professional*)

Registrar

Basil Ziv

Operations

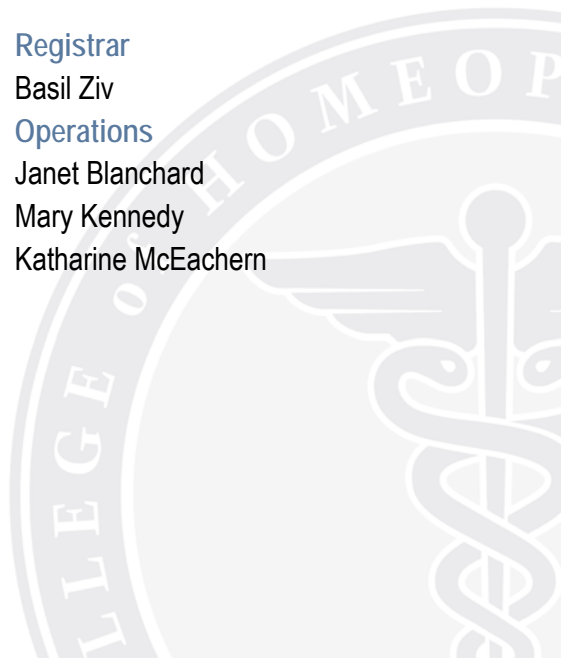
Janet Blanchard
Mary Kennedy
Katharine McEachern

Executive Committee

Jim Dunsdon, *President* (*public*)
Violetta Ilkiw, *Vice President* (*professional*)
Ling Goh (*professional*)
Margaret Martin (*public*)
Luba Plotkina (*professional*)

Registration Committee

Wangari Muriuki, *Chair* (*public*)
Violetta Ilkiw (*professional*)
Bhupinder Sharma (*professional*)
Kelly Warren (*public*)



About the Work of the transitional Council

Mission Statement

The mission of the transitional Council of the College of Homeopaths of Ontario (TC-CHO) is to protect the public interest through self-regulation of the practice of homeopathic medicine by setting high standards for competency and ethical practice. This is achieved through consultation with stakeholders in accordance with the Regulated Health Professions Act, 1991 (RHPA), and the Homeopathy Act, 2007.

(Approved in principle by Council January 22, 2010)

Transitional Council Mandate

The transitional Council is accountable to the Minister of Health and Long-Term Care. Its specific functions include:

1. Establishing an accountability agreement with the Ministry of Health and Long-Term Care (MOHLTC);
2. Establishing, in collaboration with the Registrar, administrative processes and the infrastructure necessary for the College to operate;
3. Developing by-laws, professional ethics, policies and guidelines;
4. Developing competencies and practice standards, and registration, professional misconduct, and quality assurance regulations;
5. Developing processes to assess and register registrants [members];
6. Developing processes to handle complaints and the discipline of registrants [members];
7. Developing communication programs to reach future registrants [members] of the profession, the public and other stakeholders.

Did You Know?

The TC-CHO is required to ensure the registration process is transparent, objective, impartial and fair.

A Disclaimer: What to Expect from the Regulations?

The draft regulations are based on the framework of the *Regulated Health Professions Act, 1991, (RHPA)* and establish homeopathy as a new profession under the Act.

TC-CHO has a specific mandate as directed by the Minister of Health and Long-Term Care. It is committed to fulfilling its mandate within the given time and resources allotted. As such the transitional Council will not be requesting the addition of authorized acts, change to the scope of practice nor will it be requesting use of the Doctor of Homeopathy title when it submits its regulation.

Upcoming Events

- | | |
|---------------|--|
| Aug 15, 2011 | 60-day Public Consultation on Draft Regulations Begin |
| Aug 30, 2011 | Council Meeting
10:00 a.m. to 1:00 p.m.
163 Queen Street East, Toronto, ON |
| TBA | Open Information Sessions for public and homeopaths (Locations and dates to be announced.) |
| Oct 18, 2011 | 60-day Public Consultation on Draft Regulations Ends |
| Sept 26, 2011 | Council Meeting
10:00 a.m. to 5:00 p.m.
163 Queen Street East, Toronto, ON |

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 should provide advance notice of their interest to attend. If you wish to observe a Council meeting, please contact us by telephone at 416-862-4780 or by email at info@collegeofhomeopaths.on.ca.

The Process of Regulation

Regulation making procedures for the *Homeopathy Act, 2007* (the Act) are 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. The regulations developed by the TC-CHO, including the registration, professional misconduct and quality assurance regulations, will be "made under" the Homeopathy Act, 2007 and will have the status of law.

Public safety and protection is the number one priority in the development of health and health profession regulations. 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 stakeholders for at least 60 days to provide input.

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 proposed regulations or provisions that have not been addressed or the supporting rationale is insufficient, the regulations may be returned to the Transitional Council with the expectation that changes will be made. If the changes are substantial, the process of requesting feedback from stakeholders on the re-drafted regulations would begin again. Once the consultation process is complete, the regulation is submitted to Government 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.

Step-by-Step Overview of Regulation Making Process

	Steps / Responsible Parties	Activities
Facilitated by Transitional Council and Registrar	1. Committee / Working Group Registrar/Staff/Legal Counsel	→ Identify, research and analyze issues
		→ Decision on direction with reasons for each issue
		→ Draft regulations
		→ Reviews and approves draft for recommendation to Council
	2. Council	→ Council reviews/approves circulation of draft to stakeholders
3. Stakeholders/Public	→ Suggestions and feedback	
4. Council	→ Approves submission to MOHLTC	
Government Process takes 12-18 months	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

*The Executive Council of the Ontario Government is a government committee selected by the Premier of Ontario which is commonly called "the Cabinet". The Cabinet is made up of the Premier and 27 Cabinet Ministers. Their function is to develop policies and set priorities, they also introduce legislation for MPPs to consider.

Step-by-step Procedure for Approval of a Regulation

Process Facilitated by the Transitional Council and Registrar

1. Following research and vigorous discussion by committees, with the assistance of the Registrar and Legal Counsel, draft and recommend regulations in the public interest.
2. Transitional Council considers and approves circulation of and consultation on the draft regulations to/with stakeholders 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; ontario-canada.com/registry/welcome.doc.
3. Transitional Council considers comments from stakeholders. Where appropriate 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 supporting documentation to the Ministry of Health and Long-Term Care (MOHLTC).

The transitional Council is currently on step 2 above.

Government Process

5. The Ministry of Health and Long-Term Care (MOHLTC) reviews the regulations in consultation with other ministries, such as the Ministry of Training, Colleges and Universities, 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. Documents go to the Legislation and Regulations Committee and 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 Gazette.

Neither the Ministry of Health and Long-Term Care (MOHLTC) nor transitional Council has full control of the regulation approval timeline. According to the MOHLTC, 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.

Did you know?

Once the process to regulate the profession of homeopathy is in place and proclaimed into law, the transitional Council of the College of Homeopaths of Ontario is the **ONLY** organization that may assess applicants and determines who is competent and qualified to use the title "Homeopath". If a practitioner wishes to practice as and call him or herself a homeopath they **MUST** register with the College of Homeopaths of Ontario.

If you know a homeopath who has not yet received communications directly from the transitional Council please pass on this newsletter.

CONTACT US

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