

Minutes of the 2011 Annual General Meeting held on January 15, 2012, at the Radisson Hotel Vancouver Airport, 8181 Cambie Road, Richmond, BC, V6X 3X9.

Board Members Present:

John BLAŽEVIĆ (A/Chair), Ben Baoqi CAO (Board Member), Todd HOWARD (Board Member), Bar-Chya LEE (Board Member), William D. MACLEOD (Board Member), Tan SHEN (Board Member), Vivienne STEWART (Board Member), Mary WATTERSON (Registrar).

Also Present:

4 CTCMA management/staff, 5 casual staff, 1 interpreter, 327 registrants, and 36 proxies

Meeting began at 2:25 p.m. with John Blažević in the Chair.

1) Call to Order

A/Chair John Blažević confirmed the presence of the quorum and called the meeting to order at 2:25 p.m.

2) Confirm Quorum

327 registrants in attendance presented along with 36 proxies at the Annual General Meeting.

3) Introduce Guests & New 2011 Registrants

John Blažević, on behalf of the Board, welcomed everyone to the 2011 Annual General Meeting of the College. The Chair introduced the new Board Members Dr. Tan Shen and Dr. Ben Baoqi Cao, followed by introducing the other Board Members, Registered Parliamentarian Barrie Lynch, and the Registrar.

The recent registrants were welcomed and introduced by video listing.

4) Adoption of the Agenda

Agenda approved.

5) Approval of the Minutes of the 2010 Annual General Meeting held on January 9, 2011

Minutes adopted.

All in favour, no contrary.

6) Convention Standing Rules

Convention standing rules were circulated when registrants came to the meeting. Approved by majority.

7) Chairman's Report

I have only been the Chair for the past few days, due to my predecessor, Dr. Michael Chung, having to leave the board, so I do not have much to report at this time. I would like to extend wishes of appreciation and thanks to Dr. Michael Chung who devoted a lot of his time and energy to the College for several years. We all owe Michael a debt of gratitude and thanks for his big efforts. Also, thank you to other board members who have left the board this past year, Ann Yuan, Dr. Liu Fang, and Dr. Sonia Huang. It was a pleasure to serve with you all and you also will be missed.

I would like to welcome the new board members Tan Shen and Ben Cao and say we look forward to being on board with you. To the current board members and Registrar and staff, thank you for all your efforts. It will be a pleasure to continue serving together. Although we may have a few small bumps in the road this year, I expect that we can work through them all together. Thank you all.

8) **Financial Report**

Finance Committee – John Blažević, Chair

The Registrar presented a summary of the financial report to the AGM.

9) **Committee Chairs Introduction**

The Chair introduced the Committee Chairs present at the AGM

- **Discipline Committee:** Chair Bill MacLeod
- **Finance Committee:** Chair John Blažević
- **Inquiry Committee:** Chair Vivienne Stewart
- **Patient Relations Committee:** Chair John Blažević
- **Registration Committee:** Chair Bar-Chya Lee

Discipline Committee – Bill Macleod

The Discipline Committee is mandated to:

1. Deal with matters related to the Professional Medical Code of Ethics and Code of Conduct
2. Conduct evaluation of investigation results handed over by the Inquiry Committee, and
3. Issue citation for and conduct hearing session(s)
4. Consider and take action if necessary as follows:
 - a) dismiss the matter
 - b) reprimand the respondent
 - c) impose limits or conditions
 - d) suspend respondent's registration
 - e) cancel respondent's registration
 - f) fine the respondent
 - g) assess costs (or part of them) of the hearing against the respondent

The Discipline Panel ruled on Decision on Penalty in the January 28, 2010 Discipline hearing of Igor Muntianov. The decision is posted on the College website under Public Notification.

A Discipline Hearing was held in Vancouver March 29, 2011 regarding former registrant Ms. Eun Jeong Jeong. The Respondent did not attend. The Respondent received a reprimand under s. 39(2)(a) of the *Health Professions Act (HPA)* regarding:

Professional misconduct and acting contrary to Standards of Practice by obtaining student registration by making false representations in her application for student registration; Making false representations in her application for the 2008 Competency Examination; and Maintaining student and full registration on the basis of continuing false misrepresentations to the College. A condition was placed on the Respondent that she is not eligible to apply for registration with the College for a period of five years. The Respondent was required to pay hearing costs and disbursements in the amount of \$10,000 to the College. The decision is posted on the College website.

A Discipline Hearing was held in Vancouver November 18-19, 2010 and December 12-13, 2010 against registrant Mr. Dong Young Kim listing failing to gather sufficient information to formulate a proper

diagnosis, failing to exercise appropriate judgment in performing ‘fire acupuncture,’ failing to explain the ‘fire acupuncture’ procedure and risks to the Complainant prior to administering the treatment, and failing to obtain informed consent to the ‘fire acupuncture’ treatment. Closing submissions were made in January 2011. The decision on penalties for the case are currently before the Discipline Panel.

Examination Committee – Harvey Hu

The Examination Committee consists of three Members appointed by the Board.

The Examination Committee is responsible for advising the Registrar with regard to registration examinations, and acts as a consulting body to the Registrar in the appropriate testing of applicants’ knowledge and skills.

The Examination Committee had four meetings in 2010 (June 10, July 6, October 21 and December 9).

Dr.TCM Clinical Examination was held on May 28, 2010 with 3 candidates. No written examination was held in 2010.

The Herbology Written Examination was held on September 25, 2010 with 74 candidates. The Herbology Clinical Examination was held on November 20, 2010 with 79 candidates.

The Acupuncture Written Examination was held on October 2, 2010 with 141 candidates. The Acupuncture Clinical Examination was held on November 13-14, 2010 with 122 candidates.

Governance Committee – Vivienne Stewart

The bylaw amendments approved by the Board on October 23, 2010 were submitted to the Minister of Health Services and the provincial health regulatory organizations as required by section 19 (6.2) of the *Health Professions Act*. Effective February 1, 2011 the Ministry of Health approved the following bylaw amendments:

The bylaws of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia made under the authority of the *Health Professions Act* are amended as follows:

1. Section 10 is repealed and the following is substituted:

Remuneration

10. (1) Board members are equally entitled to be
 - (a) remunerated for time spent on business of the College, in the amount approved by the board from time to time, and
 - (b) reimbursed by the college for reasonable expenses necessarily incurred in connection with the business of the College.
- (2) Despite subsection (1)(a), the amount of remuneration approved for the chair may be different from the amount of remuneration approved for all other board members.

2. Section 24 is repealed and the following is substituted:

Remuneration of committee members

24. Committee members are equally entitled to be
 - (a) remunerated for time spent on business of the College, in the amount approved by the Board from time to time, and

- (b) reimbursed by the College for reasonable expenses necessarily incurred in connection with the business of the College.
3. Section 48(1) is amended
- a. in paragraph (b), by striking out “examination committee, and” and substituting “examination committee,”
 - b. in paragraph (c), by striking out “expected of a registrant.” and substituting “expected of a registrant, and”, and
 - c. by adding the following paragraph:
 - (d) evidence satisfactory to the registration committee that the applicant be a Canadian citizen or a permanent resident of Canada or be otherwise authorized under the laws of Canada to work in Canada.
4. Section 48(3) is amended in paragraph (c) by striking out “subsection (1)(c)” and substituting “subsection (1)(c) and (d)”.
5. Section 48(4) is amended in paragraph (b) by striking out “subsection (1)(c)” and substituting “subsection (1)(c) and (d)”.
6. Effective April 1, 2011 Section 57(1) is amended in paragraph (a) by striking out “25 hours” and substituting “50 hours”.
7. Effective April 1, 2011 Section 58(1) is amended in paragraph (a) by striking out “25 hours of board approved continuing education every 2 calendar years” and substituting “50 hours of continuing education every 2 calendar years that meets the criteria established by the board”.
8. Effective April 1, 2011 Section 58(2) is amended in paragraph (a) by striking out “25 hours of board approved continuing education every 2 calendar years” and substituting “50 hours of continuing education every 2 calendar years that meets the criteria established by the board.”.
9. Effective April 1, 2011 Section 58(3) is amended in paragraph (a) by striking out “25 hours of board approved continuing education every 2 calendar years” and substituting “50 hours of continuing education every 2 calendar years that meets the criteria established by the board.”.

Inquiry Committee – Vivienne Stewart

The Inquiry Committee investigates written complaints made regarding the practice of a College registrant and matters related to professional practice under the *Health Professions Act*. It also investigates matters involving unauthorized practice by non-registrants and can also initiate an investigation on its own motion.

Actions in 2010-2011:

1. Sixteen meetings were held: April 2, May 17 and 27, June 14 and 15, September 14 and 21, October 18 and 25, November 22, 2010, January 18, 24 and 31, February 17 and 28 and March 4, 2011.
2. As of end of March 2011, there were 24 cases on file and 7 cases of unauthorized title . Two cases resulted in a Citation to Discipline, and 5 suspensions remained in effect. Failure to comply with criminal record checks resulted in twenty-two suspensions.

Patient Relations Committee – David Chen

The Committee's mandate is to deal with complaints of professional misconduct of a sexual nature by:

1. establishing and maintaining procedures to deal with such complaints,
2. developing and coordinating educational programs for professionals and the public,
3. developing guidelines for professional conduct, and
4. providing information to the Public re the College's complaint and disciplinary process

The Committee shall function in accordance with the relevant provisions set out in the *Health Professions Act* and the College Bylaws, and shall report its findings and recommendations to the Board.

Actions in 2010-2011:

1. The committee has reviewed the educational booklet "Consent to Treatment" published by the College of Physical Therapists (CPTBC). The Committee gratefully acknowledges permission from the CPTBC to adapt their publication to CTCMA registrants. It was agreed that the adapted booklet be sent out to all registrants, including students, and that it be recommended as an educational tool for CTCMA registrants.
2. The Committee will continue to examine tools for registrant education. The Committee will also be following the HRO Subgroup on professional boundaries and the potential for collaborative work.

Quality Assurance Committee – Michael Chung

The Quality Assurance Committee consists of four professional members and two public members appointed by the Board. It is mandated to review the standards of practice and to enhance the quality of practice and to reduce incompetent, impaired or unethical practice among registrants; to establish and maintain a continuing competency program to promote high standards of practice among registrants; and to recommend criteria to the Board for continuing education requirements.

Actions in 2010-2011:

1. Updating the CTCMA 2008 Workshop on Patient Record Management is currently under way. Workshops will be scheduled later this year.
2. The Committee developed the Continuing Competency Requirements and Activities Log. The documents were adapted from the College of Psychologists of British Columbia, whose permission the Committee gratefully acknowledges.

Registration Committee – Ann Yuan

The Registration Committee consists of six Members appointed by the Board.

The Registration Committee is responsible for reviewing and approving the registration of a person as a member of the College.

The Registration Committee had five meetings in 2010-2011 (April 28, June 9, August 30, October 27, 2010 and March 16, 2011).

As of March 31, 2011 the register consisted of: 690 R.Ac., 44 R.TCM.H., 393 R.TCM.P., and 281 Dr.TCM.

The Registration Committee has approved applications for examination candidacy in 2010.

As of March 31, 2011, 3 cases were under review by Health Professions Review Board (HPRB).

Standards and Education Committee – Arden Henley

The Standards of Education Committee consists of six members appointed by the Board. The Committee is responsible for establishing, implementing, enforcing and evaluating the standards of education for the approval of training programs and for reviewing and making recommendations to the Board regarding education programs.

Actions in 2010-2011:

1. Schedule I (TCM Prescription Herbs) was revised, submitted to the Board and adopted as a working document in April, 2010.
2. The Training Program Review (TPR) documents were circulated to all TCM Schools in BC on April 14, 2010. The Private Career Training Institutes Agency (PCTIA) has adopted the successful completion of TPR as one of the annual report requirements for all TCM Schools in BC effective June 1, 2010.
By the year end all seven of TCM Schools in BC had submitted applications and were under review.
3. The Committee recommended that the Board adopt final revisions to the Entry-Level Occupational Competencies for the Practice of TCM in Canada (Board-approved October 2009) as recommended by the Canadian Alliance of Regulatory Bodies for TCM.
In October 2010 the Board adopted the revised Entry-Level Occupational Competencies for the Practice of Traditional Chinese Medicine in Canada.

10) CTCMA Registrar Report

Registrar's Report: AGM January 15, 2012

This year the report will focus on questions from registrants. The questions relate to five areas: Increase in registration fees, Trademarked CTCMA titles, In-Camera Board Meetings, Midwives and Acupuncture, and Vacancies of elected Board members. The information will be brief considering the timeframe, but registrants are welcome to contact me at the office with further questions.

Fee Increase (Schedule F January 2011)

The basis for a flat increase across registration categories is based on the policy that when determining the level of registration fee, such fees should reflect the actual cost of regulation. With the exception of a minimal increase in 2007, fees have not been increased in the last twelve years.

Why an increase? In the last ten years the number of registrants has increased by four hundred percent. As a health regulatory body created under the *Health Professions Act*, the College has a responsibility and accountability to the stakeholders. Stakeholders include primarily the public, and then the registrants, educators and students, government and public bodies, third parties, national and international bodies, professional associations and other health regulatory organizations. First and foremost the College is accountable and responsible to the public.

Legal Costs

The question of legal/professional costs has been asked. In a review of the past eight years the costs remain consistent, varying between fifteen to twenty-two percent of total revenue. Regulating in the

public interest comes with a significant cost. It is important to remember that regulation is also the single most important element to being a health profession.

Injunctions

In the past two years the College has applied for and the British Columbia Supreme Court has granted injunctions against eight people who were practising TCM without registration. It is important to note that under the *Health Professions Act* the term “registrant” includes “former registrant”. These eight individuals were brought to the attention of the College through complaints from the public (6) and complaints from registrants (2).

Inquiry Committee

In the past year the Inquiry Committee has held twenty-three meetings, issued ten public notification website postings, opened twenty-eight new cases, currently maintains three suspensions pending resolution, and issued 18 suspensions for non-compliance to the Criminal Record Review requirement. Again, registration fees are set according to the cost of regulation. There is no significant difference in the rate of complaints among registration categories. There is only a slight difference with Registered Acupuncturists – they represent 50% of total registrants and account for 54% of the complaints.

Discipline Hearings

During the past year the Committee has dealt with decision on penalty for a Registered TCM Practitioner, held two hearings involving Registered Acupuncturists, and has scheduled a hearing next month for another Registered Acupuncturist. Once more flat fees across categories – here there is a significant difference with R.Ac. registrants representing 50% of total registrants, but accounting for 75% of the hearings. Discipline Hearings are expensive, with requirements including a Three-Member Discipline Panel, two legal counsels (one for the College and a second for the Panel), attendance of College officials, court reporter, hearing location with at least one break-out room, and often witnesses to be subpoenaed and translators to be retained.

Trademarked CTCMA Titles

When will litigation be resolved? There are three separate litigation actions: Cross-appeal which is on hold pending reconsideration of a point by the original judge who decided in the College’s favour but appears to have omitted part of the relief from the formal Order of the Court; Judicial Review/Official Marks, with the evidence and written argument filed and now the remaining step of a hearing before the judge, currently being scheduled; and Civil Action - which is on-going and involves eight parties.

What are the expected outcomes? The Judicial Review is based on value of marks in stopping or strongly discouraging the registration and use of trade-marks that may mislead the public regarding their approval from, affiliation with, or credentials associated with CTCMA. The decision is based on protection of the public who seek TCM/A treatment being confused and misled with regard to individuals using trade-mark credentials.

What are the legal costs? Has an upper limit been set? The legal costs of specific cases are subject to solicitor client privilege. In the case of a Board disclosing the specific details of legal costs, the board would in effect waive the solicitor client privilege. Setting an upper limit of costs has not been feasible to date.

What are the consequences of stopping? The Cross-appeal does not require further steps unless there is a negative decision. If the College unilaterally stopped the action, it could be liable for costs. The Judicial Review and Civil Action were both initiated by the Other party. It is not within the power of the College to stop the actions.

In-Camera Meetings

There are compelling circumstances under which a meeting should be held In-Camera. Circumstances include meetings where: a person is involved in criminal proceedings or civil suit/proceedings and may be prejudiced; personnel matters or property acquisitions are discussed; contents of examinations are discussed; communication with Office of the Ombudsperson is discussed; or where instructions are to be given or opinion received from legal counsel. The College bylaws Section 12 has further information. Can In-Camera meeting minutes be obtained through the *Freedom of Information and Protection of Privacy Act* (the *FOI Act*)? It is understood by the College that such minutes are not obtainable through *FOI* request, however it is not the role of the College to give advice on the *FOI Act*.

Midwives and Acupuncture

The Midwives Regulation (2008) permits using acupuncture for the purpose of pain relief during labour and post-partum. The College of Midwives of British Columbia (CMBC) are developing a certification course in acupuncture. The CMBC submitted a draft of the training program to the CTCMA for information and as a courtesy.

Vacancies of Elected Board Members

The College bylaws do not give the College authority to hold by-elections. Bylaws do permit appointments to the vacant seats. On January 9, 2012 the Board passed a policy: That in the event of a vacancy of an elected board position where the remaining term of the outgoing member is greater than three (3) months, the Board may appoint a registrant in good standing from the same electoral district to fill the vacancy until the next scheduled Board election.

The Next Schedule Board Election

Your profession needs you in whatever way you are able to participate.

If you are able to be only minimally involved, please Vote.

If you know a colleague who would make a good Board member, please Nominate.

If you are able to offer a greater commitment, you now have the opportunity to make a difference.

Please run for office.

Thank you for another successful year, and a very Happy New Year to you all.

11) Resolutions

The Chair, not meeting any objection, then turned to Resolution portion of the meeting over to Mr. Barrie Lynch, Registered Parliamentarian.

Mr. Lynch stated that the procedure is guided by the documents Health Professions Act, CTCMA Bylaws, the Convention Standing Rules and Roberts Rules of Order. Two microphones were provided on either side of the assembly, with registrants speaking in opposition going to the right side and those wishing to speak in favour going to the left side. Speakers were asked to state their name before speaking. At the time when there was only one line up on the side for those in favour, the assembly was asked and agreed to close the debate. A recess was called during which the voting took place and the votes were counted.

The voting then commenced following the closing and locking of the six ballot boxes at the front of the assembly.

The counting took place by three teams of two staff members under the supervision of the Registrar and two scrutineers, Bridgit Ting, representing those against, and Tony Tsang representing those in favour. The meeting reconvened at completion of the count.

The results were reported to the assembly:

Resolution #1

That CTCMA shall not set up any language barriers for the practice of Traditional Chinese Medicine, whether in the forms of minimal English proficiency requirement or minimal Chinese proficiency requirement.

Total votes	Yes votes	No votes	Spoiled votes
362	320	36	6

Result: Pass

Resolutions #2

That all exams and mandatory courses administered by CTCMA shall be available in both Chinese and English.

Total votes	Yes votes	No votes	Spoiled votes
360	337	21	2

Result: Pass

12) **A brief Questions & Answers period followed.**

13) **Adjournment**

The meeting adjourned at 4:45 p.m.