

COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND
ACUPUNCTURISTS OF BRITISH COLUMBIA BYLAWS

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Definitions

1. In these Bylaws,
 - “Act” means the *Health Professions Act*;
 - “appointed board member” means a member of the board appointed by the Minister of Health and Minister Responsible for Seniors under section 17(3)(b) of the *Act*;
 - “board” means the board of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia;
 - “chair” means the chair of the board elected under section 11 of the *Act*;
 - “Code of Ethics” means the Code of Ethics set out in Schedule “A”;
 - “college” means the College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia established by the Regulation;
 - “deliver”, with reference to a notice or other document, includes mail to or leave with a person, or deposit in a person’s mailbox or receptacle at the person’s residence or place of business;
 - “elected board member” means a member of the board elected under section 17(3)(a) of the *Act*;
 - “examination” means theoretical or clinical examination, given orally or in writing, or by computer, or a practical examination, or any combination of these, and includes a supplementary examination;
 - “personal information” means personal information as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;
 - “public representative” means a person who is not a registrant or former registrant or who has no close family or business relationship with a registrant or former registrant and includes an appointed board member.
 - “record” means a record as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;
 - “regulation” means the Traditional Chinese Medicine Practitioners and Acupuncturists Regulation;
 - “respondent” means a registrant named in a citation under Section 37 of the *Health Professions Act*;
 - “special resolution” is a resolution, which requires a $\frac{3}{4}$ vote of those persons present and eligible to vote at a meeting;
 - “Standards of Practice” means the Standards of Practice set out in Schedule “B”;
 - “vice-chair” means the vice-chair of the board elected under section 11.

PART I: BOARD OF THE COLLEGE

First Board

- 1.1 (1) Despite section 1, for the purposes of Part 1 of these bylaws,
- (a) “appointed board member” includes a person appointed under section 17(2)(a) of the Act, to represent the public on the first board, and
 - (b) “elected board member” includes a person appointed under section 17(2)(a) of the Act to represent the health profession on the first board.
- (2) This section is repealed 90 days following the first election referred to in section 17(2)(a) of the *Act*.

Composition of Board

2. (1) The board consists of six elected board members and the appointed board members.
- (2) At least one of the elected board members must be elected from the province of British Columbia outside the Lower Mainland.

Electoral Districts

3. (1) The province of British Columbia shall be divided into 2 electoral districts: Lower Mainland and the province of British Columbia outside of Lower Mainland.
- (2) The board may change the boundaries of an electoral district by a special resolution.

Eligibility for Election

4. (1) A registrant is eligible for election to the board if
- (a) the registrant is resident in the electoral district for which he or she is nominated;
 - (b) the registrant is not in default of payment of any moneys prescribed in the Bylaws;
 - (c) the registrant’s certificate of registration has not been revoked or suspended in the six years preceding the date of the election for any reason other than non-payment of fees;
 - (d) the registrant is the holder of a certificate of registration and the certificate is not subject to a term, condition, or limitation arising from an incapacity,
 - (e) incompetence, or professional misconduct matter;

- (f) the registrant has not been the subject of a finding of professional misconduct, incompetence or incapacity in the four years preceding the date of the election; and

Nomination Procedure

- 5. (1) At least 120 days prior to the expiry of the term of office, the registrar must notify every registrant in the applicable district(s) of the date of an election and provide information about the nomination and voting procedure.
- (2) Any registrant may nominate for office one registrant in good standing with the nominee's consent and in accordance with the College nomination procedure. The nomination must be received at least 90 days prior to the expiry of the term of office.
- (3) The registrar must disqualify any nominee whose nomination or election contravenes the *Act*, the regulations, the bylaws, or the procedures, or who does not meet the requirements of Section 4. The registrar will notify the nominee of the reasons for disqualification in writing and report the disqualification with reasons to the board.

Election Procedure

- 6. (1) The registrar must prepare and provide by regular mail, facsimile or electronic mail to each registrant an election ballot not less than 60 days prior to the expiry of the term of office.
- (2) Each registrant will be entitled to one ballot and may cast one vote for each member to be elected on such ballot. A ballot must not be counted unless it is received by the registrar at least 30 days prior to the expiry of the term of office and is contained in a sealed envelope or is casted by secure and confidential electronic ballot. In the event of a service or technical interruption of the electronic voting method, the registrar may extend the deadline until such time as is reasonable to accommodate for the interruption.
- (3) The person receiving the most votes for each position is elected.
- (4) In the case of a tie vote, the registrar must determine the successful candidate by random draw.
- (5) The registrar must supervise and administer all board elections and may establish procedures, consistent with these bylaws, for that purpose.
- (6) In the event of any irregularity or dispute with respect to any nomination, ballot or election, the registrar will be the sole arbitrator thereof, and his or her decision is final.
- (7) Where the number of nominees is less than or equal to the number of positions in an electoral district the registrar will declare the nominees to be elected by acclamation

- (8) Where the number of nominees is less than the number of positions in an electoral district the board will appoint registrants as available.
- (9) Where the difference between the votes received by the two leading candidates for a position is 5% or less of the total votes cast, either candidate may request a recount of the votes.
- (10) A recount may only be requested within 10 days of the date the candidates are notified of the final results of the election.
- (11) The registrar must not authorize destruction of the ballots prior to 31 days after the candidates are notified of the results of an election or recount

Election Results

- 6.1 (1) As soon as possible following the counting of ballots, the registrar shall
 - (a) notify each candidate of the results of the election and of the procedure for recount; and
 - (b) notify all members of the results of the election and provide the names and biographies of the members elected or acclaimed to the board by publishing the information in the next issue of the College publication.

Terms of Office

7. (1) The term of office for an elected board member commences at the first regular meeting of the board after the election of the board member.
- (2) The term of office for an elected board member is 3 years.
- (3) Despite subsection (2), the terms of office for the elected board members elected in 2010 are:
 - (a) two years for three positions, and
 - (b) three years for three positions.
- (4) Subject to section 4,
 - (a) an elected board member is eligible for re-election, but may not hold office as an elected board member for more than 6 consecutive years, and
 - (b) an elected board member who is ineligible under subsection (4) for re-election is again eligible for election after at least two years have elapsed since the expiry of his or her last term in office as an elected board member.
- (5) An elected board member may resign at any time by delivering a notice in writing to the registrar.

- (6) The resignation of an elected board member shall take effect immediately upon delivery of a notice in writing to the registrar.
8. An elected board member may be removed by a special resolution of the board or the registrants at a general meeting in accordance with the provisions of section 37.

Vacancy

9. (1) Any vacancy of an elected board position may be filled by a registrant from the same electoral district as the outgoing board member for the period of time until the next scheduled board election by special resolution.
- (2) An election must be held at the next scheduled board election to fill any vacant position of an elected board member for the remainder of the outgoing member's term where the time remaining is greater than 3 months.

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.

Chair and vice-chair

11. (1) The members of the board must elect a chair and a vice-chair by a majority vote for a 1 year term.
- (2) The chair must:
 - (a) preside at all meetings of the college and board and is an ex-officio member of all committees,
 - (b) sign all certificates, diplomas and other instruments executed on behalf of the College as required,
 - (c) sign the minutes of each meeting after they are approved by the board, and
 - (d) act in accordance with the requirements of his or her office in carrying out the duties and responsibilities of the board.
- (3) The vice-chair will perform the duties of the Chair in the absence of the chair.

- (4) In the absence of both the chair and the vice-chair, an acting chair for a board meeting must be elected by a majority vote of the board members present.

Board Meetings

12. (1) The board must meet at least 4 times in each fiscal year and must provide reasonable notice of board meetings to registrants.
- (2) Meetings of the board must be called by the registrar at the request of either the chair or any 3 board members.
- (3) The registrar must provide the following to registrants or members of the public on request:
 - (a) details of the time and place of a board meeting,
 - (b) a copy of the agenda, and
 - (c) a copy of the minutes of any preceding open meeting.
- (4) Subject to subsection (5), meetings of the board must be open to registrants and to the public.
- (5) The board may exclude any person from any part of a meeting if it is satisfied that
 - (a) financial or personal or other matters may be disclosed of such a nature that the desirability of avoiding public disclosure of them in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that meetings be open to the public,
 - (b) a person involved in a criminal proceeding or civil suit or proceeding may be prejudiced,
 - (c) personnel matters or property acquisitions will be discussed,
 - (d) the contents of examinations will be discussed,
 - (e) communications with the Office of the Ombudsman will be discussed,
 - (f) instructions will be given to or opinions received from legal counsel for the college, the board, or committees, or
 - (g) the person is acting in such a way as to prevent the board from conducting the meeting.
- (6) If the board excludes any person from a meeting, it must have its reasons for doing so noted in the minutes of the meeting.
- (7) The registrar must ensure that minutes are taken at each meeting and retained on file.
- (8) A majority of the board members constitutes a quorum.

- (9) In the case of an equality of votes the chair shall not have a casting or second vote in addition to the vote to which he or she is entitled as a board member and the proposed resolution shall not pass.
- (10) The board may meet and conduct business by mail, facsimile, electronic means, telephone or video conference connections, when some or all board members are unable to meet in person.
- (11) Except as otherwise provided for in the Act, the regulations, or these bylaws, the most recent edition of *Robert's Rules of Order* governs the procedures at meetings of the board.

Extraordinary Board Meetings

13. (1) A written resolution signed by all board members is valid and binding and of the same effect as if such resolution had been duly passed at a meeting of the board.
- (2) Despite section 12(1), the registrar or the chair may call a meeting of the board without providing notice to the registrants where necessary to conduct urgent business.

Committees

14. (1) A person appointed to a committee established under these bylaws
 - (a) must serve a term determined by the board not exceeding 2 years, and
 - (b) is eligible for reappointment but may not serve more than 3 consecutive terms.
- (2) A committee member may be removed by a majority vote of the board.
- (3) The board must designate a committee chair and a committee vice-chair from among the members of the committee.
- (4) Each committee must annually submit a report of its activities to the board.
- (5) The registrar is an ex-officio member of every committee.

Registration committee

15. (1) The Registration committee is established consisting of 6 members appointed by the board.
- (2) The registration committee must include at least 2 public representatives, at least 1 of whom must be an appointed board member.

Inquiry Committee

- 15.1 (1) The inquiry committee is established consisting of nine members appointed by the board.
- (2) The inquiry committee must include at least three public representatives.

Discipline Committee

16. (1) The Discipline Committee is established consisting of 6 members appointed by the board.
- (2) The discipline committee must include at least 2 public representatives, at least 1 of whom must be an appointed board member.

Quality Assurance Committee

17. (1) The Quality Assurance Committee is established consisting of 6 members appointed by the board.
- (2) The quality assurance committee must include at least 2 public representatives, at least one of whom must be an appointed board member.
- (3) The quality assurance committee is responsible for
- (a) reviewing the standards of practice to enhance the quality of practice and to reduce incompetent, impaired or unethical practice among registrants.
 - (b) establishing and maintaining a continuing competency program to promote high standards of practice among registrants, and
 - (c) recommending criteria to the board for the purpose of the continuing education requirement under section 57.

Patient Relations Committee

18. (1) The patient relations committee is established consisting of 6 persons appointed by the board.
- (2) The patient relations committee must include at least 2 public representatives, at least 1 of whom must be an appointed board member.
- (3) The patient relations committee must
- (a) establish and maintain procedures by which the college deals with complaints of professional misconduct of a sexual nature,
 - (b) monitor and periodically evaluate the operation of procedures established under paragraph (a),

- (c) develop and coordinate, for the college, educational programs on professional misconduct of a sexual nature for registrants and the public as required,
 - (d) establish a patient relations program to prevent professional misconduct, including professional misconduct of a sexual nature,
 - (e) develop guidelines for the conduct of registrants with their patients, and
 - (f) provide information to the public regarding the college's complaint and disciplinary process.
- (4) For the purposes of this section, "professional misconduct of a sexual nature" means
- (a) sexual intercourse or other forms of physical sexual relations between the registrant and the patient,
 - (b) touching, of a sexual nature, of the patient by the registrant, or
 - (c) behaviour or remarks of a sexual nature by the registrant towards the patient; but does not include touching, behaviour and remarks by the registrant towards the patient that are of a clinical nature appropriate to the service being provided.

Education and Examination Committee

19. (1) The education and examination committee is established consisting of at least 9 persons appointed by the board.
- (2) The education and examination committee must include at least 3 public representatives, at least 1 of whom must be an appointed board member.
- (3) The education and examination committee is responsible for
- (a) determining eligibility to write examinations,
 - (b) reviewing the programs listed in Schedule H for compliance with Schedule E,
 - (b.1) reviewing programs proposed for inclusion in Schedule H, and
 - (c) reviewing and making recommendations to the board regarding:
 - (i) approval of examinations,
 - (ii) approval of proposed programs, and
 - (iii) the amendment of Schedule E and Schedule H.

Finance and administration committee

20. (1) The finance and administration committee is established consisting of at least 3 board members appointed by the board and must include at least 1 appointed board member.
- (4) The finance and administration committee is responsible for
 - (a) managing the college's system of financial administration, including
 - (i) accounting practices and systems, including classification of accounts,
 - (ii) internal control and auditing systems,
 - (iii) financial planning,
 - (iv) budgetary control,
 - (v) ensuring the safekeeping of college assets, including assets held in trust,
 - (vi) managing college revenues, including receipt, recording and control of funds and deposit to accounts maintained by the board,
 - (vii) producing financial reports for the use of the board, and submitting a financial statement to the auditor immediately after the close of each fiscal year,
 - (b) advising the board on the needs of the college in regard to financial administration, and the financial implications of board decisions,
 - (c) advising the board on the application of legislative, regulatory and other financial requirements to the college,
 - (d) developing, establishing and administering, for the approval of the board, financial policies, systems and procedures essential to the financial administration of the college, and
 - (e) overseeing the organization, staffing and training of financial staff of the college.

Executive Committee

21. (1) The executive committee is established consisting of 3 board members appointed by the board, at least 1 of whom must be an appointed board member.
- (2) The executive committee may act on any matter related to the ongoing administration of the college and may exercise all the powers of the board except when the board is in session.
- (3) Acts of the executive committee, if within the scope of its authority, are effective as the acts of the board until varied or rescinded by the board.

- (3) The executive committee must take minutes of its proceedings and submit them to the board at the next board meeting.

Committee panels

22. (1) The discipline committee, the inquiry committee, the registration committee, the patient relations committee, and the education and examination committee may meet in panels of 3 persons which must include at least 1 board member and 1 public representative.
- (2) The chair of a committee referred to in subsection (1) must appoint the members of a panel and must designate a chair of the panel.
- (3) A panel of a committee referred to in subsection (1) may exercise any power, duty, or function of that committee.

Meetings of a committee or a panel

23. (1) A majority of a committee or panel constitutes a quorum.
- (2) All members of a panel constitute a quorum.
- (3) The provisions of section 12(2) to (6) and (8) to (10) apply to a committee or a panel as if it were the board.

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.

PART II: COLLEGE ADMINISTRATION

Seal

25. (1) A seal for the College must be approved by the board.
- (2) The seal of the college must be affixed, by those persons designated by the board, to certificates of registration and such other documents as the board may direct by resolution.

Registrar

26. (1) In addition to the registrar's duties under the *Health Professions Act*, the registrar must:
 - (a) be responsible for the funds of the College and establish and maintain such accounts with a chartered bank, trust company or credit union as the board determines necessary from time to time,
 - (b) at each meeting of the board submit a report of all revenues and expenditures since the last meeting unless otherwise directed by the board,
 - (c) submit a report to the annual meeting of the College,
 - (d) submit a financial statement to the auditor immediately after the end of each fiscal year, and
 - (e) keep the records and the Seal of the College and perform such other duties required of them by the *Act* and the bylaws and such other duties as required by the board.
- (2) When the financial statement for the College has been certified by the auditor in writing the registrar must make a copy available to each registrant by publication or by mail not later than 150 days following the end of the fiscal year.
- (3) In the event of the office of the registrar being vacant, the board shall make a temporary appointment until a successor is appointed by the board.

Deputy registrar

- 26.1. (1) The board may appoint a person to act as deputy registrar.
- (2) The deputy registrar
 - (a) Must perform any duties assigned by the registrar, and
 - (b) In the event of the registrar's absence or inability to act for any reason, may exercise the powers and perform the duties of the registrar.

- (3) The deputy registrar has the same authority as the registrar when he or she is acting on behalf of the registrar.

Fiscal Year

27. The fiscal year of the college begins on the April 1 and ends on March 31 of the following year.

Banking

28. (1) The board must establish and maintain such accounts with a chartered bank, trust company or credit union as the board determines necessary from time to time.

Payments and commitments

29. (1) The registrar may approve payments and commitments for the purchase of goods and services up to \$1,000.
 - (2) Subject to subsection (3), all payments and commitments by the college in excess of \$1,000 must be approved by the registrar and 1 board member designated by the board.
 - (3) The board must not purchase personal or real property or enter contracts for services in excess of \$100,000 without a special resolution approved by the registrants of the college at a general meeting.

Borrowing powers

30. (1) The board may raise funds or borrow money in the name of the college, in any manner determined by the board, in order to carry out the purposes of the college.
 - (2) The board must not enter into any security obligation in excess of \$50,000 without a special resolution approved by the registrants of the college at a general meeting.
 - (3) The registrants may by special resolution at a general meeting, restrict the borrowing powers of the board.

Investments

31. The board may invest funds of the College in any investments authorized under section 15 of the *Trustee Act* in the name of the College and may change those investments.

Auditor

32. (1) The board must appoint a chartered accountant or a certified general accountant to be the auditor.

- (2) The registrar must submit the financial statement to the auditor within 60 days of the end of the fiscal year.
- (3) A copy of the auditor's report must be included in the annual report.

Legal Counsel

33. The board or with the approval of the board, a committee or panel, may retain legal counsel for the purpose of assisting the board, committee or panel in carrying out any power or duty under the *Act*, the regulations or these bylaws.

General meetings

34. (1) A general meeting of the registrants must be held in British Columbia at a time and place determined by the board.
- (2) The first annual general meeting of the registrants must be held not more than 15 months after the date the bylaws are approved by the Lieutenant Governor in Council and after that an annual general meeting must be held at least once in every calendar year and not more than 15 months after the holding of the last preceding annual general meeting.
- (3) The following matters must be considered at an annual general meeting
 - (a) financial statements,
 - (b) the report of the board, and
 - (c) the report of the auditor, if any.
- (4) Every general meeting, other than an annual general meeting, is an extraordinary general meeting.
- (5) The board
 - (a) may convene an extraordinary general meeting by resolution of the board, and
 - (b) must convene an extraordinary general meeting within 60 days after receipt by the registrar of a request for such a meeting signed by at least 10% of all registrants, provided that the meeting is to address issues that are within the college mandate.

Notice of general meeting

35. (1) The board must deliver notice of an annual or extraordinary general meeting to every registrant at least 45 days prior to the meeting.

- (2) Notice of a general meeting must include
 - (a) the place, day and time of the meeting,
 - (b) the general nature of the business to be considered at the meeting,
 - (c) any resolutions proposed by the board, and
 - (d) any resolutions proposed by the registrants under section 36 and delivered to the registrar prior to the mailing of the notice.
 - (e) the form of proxy prescribed by the College
- (3) The accidental omission to deliver notice of a meeting to, or the non-receipt of a notice by, any registrant or board member entitled to receive notice does not invalidate proceedings at that meeting.

Resolutions proposed by registrants

36. (1) Any 10 registrants may deliver a written notice to the registrar requesting the introduction of a resolution at least 30 days prior to the date of an annual or extraordinary general meeting.
- (2) On receipt of a notice specified in subsection (1) and at least 14 days prior to the date of that meeting, the registrar must deliver a notice and a copy of the resolution to each registrant.
- (3) A registrant may propose a resolution at a general meeting from the floor and any such resolution will be noted by the Chair of the meeting and placed at the end of the agenda to be debated if time permits.

Proceedings at general meetings

37. (1) A quorum is fifty (50) registrants.
- (2) No business, other than the adjournment or termination of the meeting, may be conducted at a general meeting at a time when a quorum is not present.
- (3) If at any time during a general meeting there ceases to be a quorum present, business then in progress shall be suspended until there is a quorum present.
- (4) If within 30 minutes from the time appointed for the commencement of a general meeting or from any time during a general meeting when a quorum is not present, the meeting must be adjourned.
- (5) In the absence of both the Chair and the Vice-Chair of the board, an acting chair for a meeting must be elected from among the board members present by a majority vote of the registrants present.

- (6) A general meeting may be adjourned from time to time and from place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (7) When a meeting is adjourned in accordance with subsection (4) or by motion, notice of the rescheduled meeting must be delivered as in the case of the original meeting.
- (8) No motion proposed at a meeting need be seconded and the chair of a meeting may propose a motion.
- (9) A registrant present at a meeting is entitled to one vote and the chair of the meeting, where the chair is a registrant, is entitled to one vote.
- (10) Voting must be by a show of hands for all non-contentious matters as determined by the chair of the meeting. Without restricting the generality of the foregoing, such non-contentious matters may be procedural or routine
- (10.1) Voting must be by ballot for all matters of a contentious nature as determined by the chair of the meeting. Without restricting the generality of the foregoing, such contentious matters are
 - (a) the removal of an elected board member by special resolution of the registrants in accordance with section 8 hereof,
 - (b) the approval by special resolution of the registrants in accordance with section 29.(3) hereof of the purchase or sale of personal or real property, or entry into contracts of service, valued in excess of \$100,000,
 - (c) the approval by special resolution of the registrants in accordance with section 30.(2) hereof of the entry of a security obligation in excess of \$50,000.00 by the *College*, and
 - (d) the restriction by special resolution of the registrants of the borrowing power of the board of directors in accordance with section 30.(3) hereof
- (11) In case of a tie vote on a resolution, the proposed resolution must not pass.
- (12) Except as these bylaws otherwise provide, the most recent edition of *Robert's Rules of Order* governs the procedures at an annual or extraordinary general meeting.

Voting by proxy

- 38. (1) A registrant entitled to vote at a general meeting may, by proxy, appoint in writing another registrant as his or her proxy holder to attend and act at the general meeting in the manner, to the extent and with the power conferred by the proxy.
- (2) A proxy holder has the same rights as the registrant who appointed him or her to speak at the meeting.
- (3) A proxy ceases to be valid following the general meeting specified in the proxy.

- (4) A proxy must be in the Form 8 prescribed by the College and must contain
 - (a) the date it is executed,
 - (b) the name, registration number, and address of the registrant receiving the proxy (herein the “proxy holder”),
 - (c) the name, registration number, and the signature of the registrant giving the proxy (herein the “proxy giver”), and
 - (d) the date of the annual general meeting or the extraordinary general meeting at which the proxy will be used by the proxy holder.
- (5) A proxy may be revoked by the registrant in writing
- (6) A proxy must be delivered to the Registrar at least six (6) days prior to the date of an annual general meeting or an extraordinary general meeting.
- (7) A proxy holder shall not vote more than three proxies at an annual general meeting or an extraordinary general meeting.

Notice to public representatives

39. A notice or mailing provided to the general membership of the College must also be provided to a public representative serving on the board or a committee.

PART III: COLLEGE RECORDS

Body responsible for administering the *Freedom of Information and Protection of Privacy Act*

40. (1) The registrar is the “head” of the college for the purposes of the *Freedom of Information and Protection of Privacy Act*.
- (2) The registrar may authorize a deputy registrar, a person employed by the college or a person who has contracted to perform services for the college to perform any duty or exercise any function of the registrar that arises under the *Freedom of Information and Protection of Privacy Act*.
- (3) The board is responsible for ensuring that the registrar fulfills his/her duties under the *Freedom of Information and Protection of Privacy Act*.
- (4) The registrar must report quarterly to the board regarding the steps it has taken to fulfill its duties under the *Freedom of Information and Protection of Privacy Act*.

Fees for information request

41. Subject to section 75 of the *Freedom of Information and Protection of Privacy Act*, an applicant who requests access to a college record under section 5 of the *Freedom of Information and Protection of Privacy Act* must pay the fees set out in Schedule D for services required to comply with the information request.

Protection of personal information

42. (1) The board must take all reasonable measures to ensure that the collection, use, and disclosure of personal information occurs in accordance with the *Freedom of Information and Protection of Privacy Act*.
- (2) The board must take reasonable measures to ensure that, where personal information is sent to any person or service organization for processing, storage or destruction, a contract is made with that person or organization which includes an undertaking by the person or organization that confidentiality will be maintained.

Disclosure of annual report

43. The College must provide a copy of the annual report to every registrant and to a person on request.

Disclosure of registration status

44. (1) Where an inquiry about the registration status of a person is received by the board or the registrar, the registrar must disclose

whether or not the person is a registrant or a former registrant,

whether or not the discipline committee has ever issued an order relating to the person under section 39 of the *Act* and the details of the order, whether or not the person has ever signed a consent order under section 36 of the *Act*, and the details of a consent order pertaining to a change in the person's registration status or a restriction on the practice of the profession of the registrant.

- (2) Except with the consent of the person affected, the registrar must not release the names of complainants, patients, or their families or information which might otherwise enable a person inquiring about the status of a registrant to establish the identity of complainants, patients or their families.

Manner of disposal of college records containing personal information

45. (1) The board must ensure that a college record containing personal information is disposed of only by
 - (a) effectively destroying a physical record by utilizing a shredder or by complete burning,
 - (b) erasing information recorded or stored by electronic methods on tapes, disks or cassettes in a manner that ensures that the information cannot be reconstructed,
 - (c) returning the record to the person the information pertains to, or
 - (d) returning the record to the registrant who compiled the information.

PART IV: REGISTRATION

Definitions

46. For the purposes of part IV of these bylaws

“apprenticeship” means supervised practice with a tutor or preceptor who assumes responsibility for the theoretical and practical education and training of the apprentice;

“education” means any course of study, containing both clinical and theoretical components, based on a single program or integrated curriculum, containing content necessary for entry level acupuncture and traditional Chinese herbology and traditional Chinese medicine practice;

“practice” means practising within the scope of practice as defined in section 4 of the Regulation under the *Health Professions Act*.

Titles and types of registrants

- 47 (a) Registered Acupuncturists, abbreviated as “R.Ac.”;
- (b) Registered Traditional Chinese Medicine Herbalist, abbreviated as “R.TCM.H.”;
- (c) Registered Traditional Chinese Medicine Practitioner, abbreviated as “R.TCM.P.”;
- (d) Doctor of Traditional Chinese Medicine, abbreviated as “Dr. TCM.”;
- (e) Limited;
- (f) student;
- (g) non-practising;
- (h) temporary;

Full registration

48. (1) For the purposes of section 19(2) of the *Act*, the requirements for full registration are
- (a) graduation from a traditional Chinese medicine education program recognized by the board for the purpose of registration and specified in Schedule H,
- (a.1) successful completion of not less than two (2) years of liberal arts or sciences study (comprised of at least 60 credits) in an accredited college or chartered/approved university acceptable to the registration committee,
- (b) successful completion of the examinations required by the education and examination committee,

- (c) evidence satisfactory to the registration committee of the good character of the person consistent with the responsibilities of a registrant and the standards expected of a registrant, and
 - (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.
- (2) receipt by the registrar of
- (a) a signed application for full registration in a form approved by the registration committee,
 - (b) the application fee specified in Schedule "F",
 - (c) an original certificate, notarized copy, or other evidence satisfactory to the registration committee of graduation from a program referred to in subsection (1)(a), and evidence satisfactory to the registration committee that the applicant is the person named therein,
 - (c1) an original diploma, notarized copy, or other evidence satisfactory to the registration committee, confirming successful completion of a program referred to in subsection (1)(a.1), and evidence satisfactory to the registration committee that the applicant is the person named therein,
 - (d) a statutory declaration as specified in Form 1,
 - (e) the examination fee set by the College, and
 - (f) a signed criminal record check authorization form.
- (3) Despite subsections (1)(a), (a.1) and (b), an applicant may be granted full registration by the registration committee if the applicant
- (a) holds registration or licensure in another Canadian jurisdiction as the equivalent of a full registrant, which is not subject to any practice limitations, restrictions or conditions in that jurisdiction that do not apply generally to registrants in British Columbia, and provides evidence satisfactory to the registration committee of the applicant's registration or licensure, and that the applicant is the person named therein,
 - (b) provides evidence satisfactory to the registration committee that the applicant meets any applicable continuing competence and quality assurance requirements established by the applicable regulatory or licensing authority in the jurisdiction referred to in paragraph (a), and
 - (c) meets the requirements established in subsection (1)(c) and (d) and (2)(a), (b), (d), (e) and (f)
- (4) Despite subsection (1)(a) and (a.1), the registration committee has discretion, in satisfying itself under section 20 of the *Act* that the applicant meets the conditions or

requirements for registration as a member of the College, to consider whether the applicant's knowledge, skills and abilities are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications established in subsection 1(a) and (a.1), and to grant registration on that basis provided the applicant

- (a) provides evidence satisfactory to the registration committee, of such knowledge, skills and abilities, and
- (b) meets the requirements established in subsection (1)(b) to (d) and 2(a), (b), (d), (e) and (f).

Grandparented registration

49 Applicant for registration as acupuncturist : this provision will be annulled effective June 21, 2001.

- (1) An applicant who does not meet the requirements established in section 48 may be granted full grandparented registration by the registration committee where the applicant, immediately upon application
 - (a) has been practising in British Columbia in a capacity substantially equivalent to a registrant for any 12 month period between December 22, 1997 and December 22, 1999,
 - (b) has never been qualified, and does not at the time of application, qualify under section 48,
 - (c) has successfully completed any courses and examinations required by the registration committee, including a college mandated upgrading course,
 - (d) satisfies the registration committee concerning the good character of the person consistent with the responsibilities of a registrant and the standards expected of a registrant,
 - (e) has delivered to the registrar
 - (i) a signed application for grandparented registration in a form approved by the registration committee,
 - (ii) the application fee specified in Schedule "F",
 - (iii) a notarized copy, or other evidence satisfactory to the registration committee, of the applicant's degree, diploma or other acceptable educational credential and evidence satisfactory to the registration committee that he or she is the person named therein,
 - (iv) a statutory declaration in Form 1,
 - (v) the examination fee as specified in Schedule "F",

- (vi) a signed criminal record check authorization form,
 - (vii) all information that relates to the applicant and the practice of acupuncture or is otherwise relevant to the safe and ethical practice of acupuncture, regardless of where the event took place, including but not limited to:
 - (1) any professional liability insurance claim, and
 - (2) settlement or judgment in any civil law suit or particulars of any civil action that is pending where the applicant is a party; and
 - (viii) evidence satisfactory to the registration committee that any deficiency in his or her practice or ethics revealed by the matters disclosed under 49(1)(e) has been remedied and there is no threat to public safety, and
- (f) can meet the criteria as specified in section 49(2).
- (2) To meet the requirements of section 49(1)(f) above, an applicant must:
- (a) Obtain a minimum of 70 points based upon the following standards and criteria:
 - (i) practice in British Columbia in a capacity substantially equivalent to an acupuncture registrant for a 12 month period not concurrent with the 12 months declared to satisfy the requirement of 49(1)(a).
Each 12 months of continuous practice will score 15 points;
 - (ii) practice outside of British Columbia in a capacity substantially equivalent to a registrant for a 12 month period.
Each 12 months of continuous practice will score 5 points;
 - (iii) education program(s) acceptable to the registration committee.
Each year of such education will score a maximum of 25 points;
 - (iv) apprenticeship program acceptable to the registration committee.
Each year of such education will score 25 points;
 - (v) acupuncture licensure in another jurisdiction acceptable to the registration committee
Such licence may score 10 points; and
 - (vi) other professional activities acceptable to the registration committee to a maximum of 20 points.
 - (3) No application for registration shall be made by a person under this section after June 21, 2001.

49.1 Grandparented registrations as Traditional Chinese Medicine Herbalist, Traditional Chinese Medicine Practitioner and Doctor of Traditional Chinese Medicine

- (1) An applicant who does not meet the requirements established in section 48 may be granted full grandparented registration by the registration committee where the applicant, immediately upon application
 - (a)
 - (i) has been practising traditional Chinese medicine herbology in British Columbia in a capacity substantially equivalent to a registrant for any 12 month period between January 1, 1998 and December 31, 2000 for applicant of the Traditional Chinese Medicine Herbalist title; or
 - (ii) has been practising traditional Chinese medicine in British Columbia in a capacity substantially equivalent to a registrant for any 18 month period between January 1, 1998 and December 31, 2000 for applicant of the Traditional Chinese Medicine Practitioner or Doctor of Traditional Chinese Medicine title.
 - (b) has never been qualified, and does not at the time of application, qualify under section 48,
 - (c) has successfully completed any courses and examinations required by the registration committee, including a mandated safety course required by the College,
 - (d) satisfies the registration committee concerning the good character of the person consistent with the responsibilities of a registrant and the standards expected of a registrant, and
 - (e) has delivered to the registrar
 - (i) a signed application for grandparented registration in a form approved by the registration committee,
 - (ii) the application fee specified in Schedule "F",
 - (iii) a notarized copy, or other evidence satisfactory to the registration committee, of the applicant's degree, diploma or other acceptable educational credential and evidence satisfactory to the registration committee that he or she is the person named therein,
 - (iv) a statutory declaration in Form 1,
 - (v) a signed criminal record check authorization form,
 - (vi) all information that relates to the applicant and the practice of traditional Chinese medicine, or is otherwise relevant to the safe and ethical practice of traditional Chinese medicine, regardless of where the event took place, including but not limited to :
 - (1) any professional liability insurance claim, and
 - (2) a settlement or judgment in any civil law suit or particulars of any civil action that is pending where the applicant is a party; and

- (vii) evidence satisfactory to the registration committee that any deficiency in his or her practice or ethics revealed by the matters disclosed under 49.1(1)(e) has been remedied and there is no threat to public safety.
- (2) In addition to the requirements of section 49.1(1) above, an applicant must obtain a minimum of :
- (a) 70 points for Traditional Chinese Medicine Herbalist,
 - (b) 125 points for Traditional Chinese Medicine Practitioner in which acupuncture and herbology must each score a minimum of 45 points, or
 - (c) 150 points for Doctor of Traditional Chinese Medicine in which acupuncture and herbology must each score a minimum of 45 points.

The points are assigned based on the following standards and criteria :

- (i) practice in British Columbia in a capacity substantially equivalent to a registrant of the respective title not concurrent with the 24 months declared to satisfy the requirement of 49.1(1)(a).
Each 12 months of continuous practice will score 15 points;
 - (ii) practice outside of British Columbia in a capacity substantially equivalent to a registrant of the respective title.
Each 12 months of continuous practice will score 5 points;
 - (iii) 5 points for each year of post secondary education at college or university level, to a total maximum of 15 points;
 - (iv) education program(s) acceptable to the registration committee.
Each year of study in traditional Chinese medicine study will score a maximum of 25 points;
 - (v) apprenticeship program acceptable to the registration committee.
Each year of apprenticeship may score up to 15 points per year;
 - (vi) doctor of traditional Chinese medicine licensure in another jurisdiction acceptable to the registration committee.
Each licence may score 10 points;
 - (vii) other significant academic or professional activities acceptable to the registration committee to a maximum of 20 points.
- (3) No application for registration shall be made by a person under this section 6 months after this section comes into effect.
- (4) No person may practice traditional Chinese medicine without a license two (2) years after this section comes into effect.

Limited registration

50. (1) An applicant who does not meet the requirements established in section 48 may be granted limited registration by the registration committee for a period of up to 1 year where the applicant
- (a) may, in the opinion of the registration committee, be reasonably expected to satisfy the educational requirements established in section 48 by completing upgrading courses or a period of supervised practice,
 - (b) may, in the opinion of the registration committee, practice as a limited registrant without any risk to public health and safety, and
 - (c) has delivered to the registrar
 - (i) a signed application for limited registration in a form approved by the registration committee,
 - (ii) the application fee specified in Schedule "F",
 - (iii) a notarized copy, or other evidence satisfactory to the registration committee, of the applicant's degree, diploma or other acceptable educational credential and evidence satisfactory to the registration committee that he or she is the person named therein,
 - (iv) a statutory declaration in Form 1,
 - (v) the examination fee as specified in Schedule "F", and
 - (vi) a signed criminal record check authorization form.
- (2) The registration of a person who has been granted limited registration under subsection (1) may be renewed by the registration committee once for a period of up to 1 year.
- (3) Full registration may be granted by the registration committee to a person who has been granted limited registration under subsection (1) and who
- (a) completes the required upgrading courses or period of supervised practice as approved by the registration committee, and
 - (b) meets the requirements of section 48.
- (4) A person who has been granted limited registration under subsection (1) may perform the services of a full or grandparented registrant with any practice limits or conditions set by the registration committee, which may include supervised practice.

Student registration

51. (1) An applicant may be granted student registration by the registration committee where the applicant
- (a) is enrolled, or was enrolled during the 6 months previous to making an application under paragraph (c) below, as a student in a training program approved by the registration committee,
 - (b) satisfies the registration committee of the good character of the person consistent with the responsibilities of a registrant and the standards expected of a registrant, and
 - (c) has delivered to the registrar
 - (i) a signed application for registration in a form approved by the registration committee,
 - (ii) the application fee specified in Schedule "F",
 - (iii) a notarized statement, or other evidence satisfactory to the registration committee, of the applicant's name, date of birth and educational standing,
 - (iv) a statutory declaration in Form 1.1, and
 - (v) a signed criminal record check authorization form.
- (2) A person to whom subsection (1) applies must be registered under this section before undertaking a period of practical training involving direct patient care.
- (3) A student registrant may only provide services while under the general supervision of a full, grandparented, or temporary registrant in good standing.

Non-practising registration

52. (1) A full or grandparented registrant may be granted non-practising registration by the registration committee where the registrant has delivered to the registrar
- (a) a signed application for non-practising registration in a form approved by the registration committee
 - (b) the application fee specified in Schedule "F", and
 - (c) a statutory declaration that he or she will not practise anywhere in British Columbia, Canada within the scope of practice as defined in section 4 of the regulation while registered under this section.
- (2) A non-practising registrant may not provide the services specified in the Regulation in the Province of British Columbia, Canada.
- (3) A non-practising registrant may be reinstated in accordance to section 58.

Temporary registration

53. (1) An applicant may be granted temporary registration by the registration committee for a period of up to 90 days where the applicant
- (a) is a registrant in good standing of a regulatory body governing the practice of acupuncture or traditional Chinese herbology or traditional Chinese medicine in a jurisdiction approved by the board, and
 - (b) has delivered to the registrar
 - (i) a signed application for temporary registration in a form approved by the registration committee,
 - (ii) the application fee specified in Schedule "F",
 - (iii) a notarized copy, or other evidence satisfactory to the registration committee, of the applicant's registration status in a regulatory body specified in paragraph (a) and evidence satisfactory to the registration committee that the applicant is the person named therein,
 - (iv) a statutory declaration in Form 1, and
 - (v) a signed criminal record check authorization form.
- (1.1) Despite subsection (1)(b)(ii), the registrar may waive or reimburse any applicable application or registration fees payable or paid in respect of registration under subsection (1) if, in the opinion of the registrar, circumstances exist in relation to the applicant or registrant that warrant waiver or reimbursement
- (2) The registration of a person who has been granted temporary registration under subsection (1) may be renewed by the registration committee once for an additional period of up to 90 days.
- (3) A person who has been granted temporary registration under subsection (1) may perform any of the services of a full registrant.
- (4) A temporary registrant must not
- (a) serve on the board or on any of its committees,
 - (b) vote in an election of board members, or
 - (c) vote at a general meeting of registrants.

This sub-section, 4(a), (b) and (c), is effective after the first election referred to in section 17(2)(a) of the Act.

Honorary registration

54. (1) The board may award honorary registration to any person other than a registrant who has made a substantial contribution to the profession of acupuncture or traditional Chinese herbology or traditional Chinese medicine
- (1) An honorary registrant may not provide the services of the profession of acupuncture or traditional Chinese herbology or traditional Chinese medicine specified in the regulation.

Certificate of registration

55. (1) The registrar must issue a certificate in Form 2 to any person who is granted full, grandparented, limited, student, non-practising or temporary registration and the certificate must specify the limits or conditions that apply to that class of registrants.
- (2) A certificate of full, grandparented, or non-practising registration or any renewal of such certificate, is valid until not later than March 31 of the year following the year the certificate is issued.
- (3) A certificate of limited or temporary registration is valid until the date shown on the certificate.
- (4) A certificate of student registration, or any renewal of a certificate of student registration, is valid until the earlier of
- (a) March 31 of the year following the year the certificate is issued, or
- (b) six months after the date the registrant graduates or is last enrolled as a student in a training program approved by the board.

Examinations

- 55.1 (1) All examinations required to be taken under this part must be approved by the board.
- (2) An applicant is eligible to take any required examinations upon receipt by the registrar of
- (a) a signed application for registration for the examination in a form approved by the education and examination committee,
- (b) the applicable examination fee,
- (c) for competency examinations, proof, in a form satisfactory to the education and examination committee, of satisfaction of the education requirements in subsection 48(1)(a), and
- (d) for competency examinations, proof, in a form satisfactory to the education and examination committee, of satisfaction of the education requirements in subsection 48(1)(a.1).

Registration renewal

56. (1) To be eligible for renewal of registration, a full, grandparented, limited, student, non-practising or temporary registrant must :
- (a) apply to the registrar,
 - (b) pay the registration renewal fee specified in Schedule "F",
 - (c) pay any other outstanding fee, debt or levy owed to the college,
 - (d) attest that he or she is in compliance with the *Act*, the regulations, and these bylaws, and is in compliance with any limits or conditions imposed under section 39(1)(c) of the *Act*, and
 - (e) provide proof of having completed any registration renewal requirements shown under section 57.
- (2) Notice of the fees must be delivered to each registrant no later than February 10 and must describe the consequences of late payment and non-payment of fees.
- (3) Each registrant must pay to the college the registration renewal fee on or before March 31.
- (4) The annual registration renewal fee may be paid in advance installments where approved by the board.
- (5) On payment of the registration renewal fee, and any arrears, the registrar must issue to the registrant making payment a receipt bearing the seal of the college and stating that the registrant is, subject to his or her compliance with the *Act*, the regulations, and the bylaws, entitled to practise the profession of acupuncture or traditional Chinese herbology or traditional Chinese medicine in the Province of British Columbia as a registrant of the college.
- (6) Where a registrant fails to pay a registration renewal fee on or before March 31, he or she ceases to be registered.

Conditions of Registration Renewal

57. (1) A full or grandparented registrant who wishes to renew his or her registration must
- (a) complete 50 hours of continuing education every 2 calendar years that meets the criteria established by the board, and
 - (b) practice acupuncture or traditional Chinese herbology or traditional Chinese medicine at a minimum level (200 patient visits during any consecutive 24 month period) within the last 4 years.

- 57.1 The work performed by the registrar and deputy registrar for the College for a period of up to 10 years shall be considered as active practice for the purposes of renewal of registration and the registration committee will not require the registrar or deputy registrar to complete a retraining program for any application for renewal that they submit within that 10 year period.

Reinstatement

58. For the purpose of subsection (1), (2) and (3) of section 58, a former registrant may apply for reinstatement as a non-practising registrant provided the former registrant repays the annual fees of a non-practising registrant for the periods while the former registrant was not on the register.

- (1) A non-practising registrant whose registration is not suspended or canceled under section 39 of the *Act* and who has been out of practice for less than 2 years may be restored to the full register or to the grandparented register by the registration committee where the registrant
 - (a) provides proof of completion of 50 hours of board approved continuing education every 2 calendar years, and
 - (b) has delivered to the registrar
 - (i) a signed application for reinstatement in a form approved by the registration committee, and
 - (ii) the registration renewal fee specified in Schedule "F", and any annual fee adjustments required for full-practising status.
- (2) A non-practising registrant whose registration is not suspended or canceled under section 39 of the *Act* and who has been out of practice for more than 2 year but less than 4 years may be restored to the full register or to the grandparented register by the registration committee where the registrant
 - (a) provides proof of completion of 50 hours of continuing education every 2 calendar years that meets the criteria established by the board, for the duration when the registrant was a non-practising registrant,
 - (b) successfully completes any examinations or courses required by the registration committee, and
 - (c) has delivered to the registrar
 - (i) a signed application for reinstatement in a form approved by the registration committee, and
 - (ii) the registration renewal fee specified in Schedule "F", and any annual fee adjustments required for full-practising status.

- (3) A non-practising registrant whose registration is not suspended or canceled under section 39 of the *Act* and who has been out of practice for more than 4 years may be granted limited registration by the registration committee where the registrant
 - (a) provides proof of completion of 50 hours of continuing education every 2 calendar years that meets the criteria established by the board, for the duration when the registrant was a non-practising registrant,
 - (b) successfully completes any examinations or courses required by the registration committee,
 - (c) may, in the opinion of the registration committee, practise as a limited registrant without any risk to public health and safety, and
 - (d) has delivered to the registrar
 - (i) a signed application for reinstatement in a form approved by the registration committee, and
 - (ii) the registration renewal fee specified in Schedule "F", and any annual fee adjustments required for full-practising status.
- (4) The registration of a person who has been granted limited registration under subsection (3) may be renewed annually by the registration committee.
- (5) A person who has been granted limited registration under subsection (3) may only perform the services of a full or grandparented registrant with any practice limits or conditions set by the registration committee, which may include supervised practice.
- (6) A person who has been granted limited registration under subsection (3) and who was formerly a full registrant may be restored or reinstated to the full register upon completion of conditions established by the registration committee, which may include 1 year of supervised practice.
- (7) A person who has been granted limited registration under subsection (3) and who was formerly a grandparented registrant may be restored or reinstated to the grandparented register upon completion of a 1 year period of supervised practice.

Reinstatement following non-payment of fees

59. (1) A former registrant who ceased to be registered under section 56(6) by reason only of a failure to renew his or her registration is eligible for reinstatement by the board under section 21(4) of the *Act* where the former registrant,
 - (a) applies for reinstatement in the form required by the registration committee not later than 3 months following the expiry of his or her registration,
 - (b) is not in contravention of the *Act*, the regulations, or these bylaws,
 - (c) pays the registration renewal fee in Schedule F, and

- (d) pays a reinstatement fee in an amount equal to 35 percent of the registrant's annual registration renewal fee.
- (2) Despite subsection (1), the board may reinstate a person without charging any fee where the person is able to demonstrate that he or she was unable to comply with section 56 for reasons of undue hardship.

Notification of change of registration information

- 60. A registrant must immediately notify the registrar of any change of address, name or any other registration information previously provided to the registrar.

PART V: INSPECTIONS, INQUIRIES AND DISCIPLINE

Inspections

61. (1) An inspector must not observe a registrant while the registrant is providing a service to a patient except where
- (a) the consent of the patient being treated has been obtained in advance, or
 - (b) the service is being provided in a public setting.

Complaints

62. The registrar shall make every reasonable effort to facilitate receipt in writing of a complaint if delivery in writing by the complainant is not practical due to special circumstances.

Investigations by inquiry committee

63. (1) The inquiry committee must notify a registrant who is the subject of an investigation and any complainant of the disposition of the investigation and any action taken under section 33(4) of the *Act*.
- (2) Before agreeing to accept an undertaking or consent under section 36 of the *Act*, the inquiry committee may review all previous complaints and disciplinary matters involving the registrant to be satisfied that the proposed undertaking or consent is appropriate in the circumstances.

Consent orders

64. (1) In this section
- “consent order” means the record of an undertaking or a consent given under section 36 of the *Act* for the purposes of resolving a complaint.
- (2) A consent order must
- (a) include any consent to a reprimand or to any other action made by the registrant under section 35 of the *Act*,
 - (b) include any undertaking made by the registrant under section 35 of the *Act*,
 - (c) specify the length of time that an undertaking specified in paragraph (b) is binding on the registrant,
 - (d) specify the procedure that the registrant may follow to be released from an undertaking specified in paragraph (b), and
 - (e) specify which terms of the consent order may be disclosed to the public.

Mediation

65. (1) The inquiry committee may recommend under section 33 (6)(b) of the *Act* that a complaint be mediated where
- (a) the inquiry committee determines that mediation may be appropriate, and
 - (b) the complainant and the registrant agree to mediation.
- (2) Following a recommendation under subsection (1), the inquiry committee must appoint a mediator who is acceptable to the complainant and the registrant.
- (3) Where an agreement between the complainant and the registrant is reached through mediation, the terms of the agreement must be approved by the inquiry committee.
- (4) Where an agreement is not reached through mediation, the mediator must refer the matter back to the inquiry committee.

Citation for disciplinary hearing

66. (1) On the direction of the Inquiry Committee or board, the registrar may join one or more complaints or other matters which are to be the subject of a discipline hearing in one citation as appropriate in the circumstances.
- (2) On the direction of the Inquiry Committee or board, the registrar may sever one or more complaints or other matters which are to be the subject of a discipline hearing as appropriate in the circumstances.
- (3) On the direction of the Inquiry Committee or board, the registrar may amend a citation issued under section 36 of the *Act*.
- (4) Where a citation is amended under subsection (3) prior to a discipline hearing, the amended citation must be delivered to the respondent by personal service or sent by regular mail to the respondent at the last known address for the person recorded in section 20(2) of the *Act* not fewer than 14 days before the date of the hearing.
- (5) Where a citation is amended under subsection (3) prior to a discipline hearing, and the amended citation changes the date, time or place of the hearing, the registrar must notify any complainant of the amendment not fewer than 14 days before the date of the hearing.

Hearings of discipline committee

- 66.1 (1) No person may sit on the discipline committee while he or she is a member of the inquiry committee.
- (2) No member of the discipline committee may sit on the panel hearing a matter in which he or she
- (a) was involved as a member of the inquiry committee or

- (b) has had any prior involvement in the matter under review.
- (4) Information about the date, time and subject matter of the hearing must be provided to any person on request.
- (5) The Discipline Committee must provide notice by registered mail or by personal service to a person who is required to attend a hearing under section 38(6) of the *Act* in the form set out in Schedule “G”.
- (6) All discipline hearings shall be recorded and any person may obtain, at his or her expense, a transcript of any part of the hearing, which he or she was entitled to attend.
- (7) In determining the penalty to be imposed on a registrant under section 39(1) of the *Act* the Discipline Committee must, after making a determination on the facts, consider a previous relevant disciplinary decision regarding the registrant or an undertaking or consent to a reprimand given by the registrant under section 36(1) of the *Act*.

Notice of disciplinary decision

- 67. (1) At the conclusion of a disciplinary proceeding, where there was a finding of fault, the board must, within a reasonable time, advise every registrant of
 - (a) the name of the respondents,
 - (b) the facts of the case,
 - (c) the reasons for the decision, and
 - (d) the disposition of the case, including the nature of any limitation or suspension, and the date it is in effect.
- (2) Where disciplinary proceedings result in the limitation, suspension or termination of a registrant’s practice, the registrar must notify
 - (a) the college or associations responsible for the regulation of the profession of acupuncture or traditional Chinese herbology or traditional Chinese medicine in every Canadian jurisdiction
 - (b) the registrant’s employer(s)
 - (c) on request, any other college or association in a jurisdiction inside or outside Canada, and
 - (d) any other person as directed by board policy or required by law.

Retention of disciplinary committee and inquiry committee records

68. Records of the inquiry committee must be retained for not less than 6 years following the conclusion of an investigation and records of the discipline committee must be retained for not less than 6 years following the date a decision is rendered.

Registrant under suspension

69. A registrant while under suspension must not practice the profession of acupuncture or traditional Chinese herbology or traditional Chinese medicine and must not hold him or herself out as entitled to practise during that time.

Fines

70. The maximum amount of a fine that may be ordered by the discipline committee under section 39 of the *Act* is \$ 35,000.00.

PART VI: REGISTRANT RECORDS FOR SELF-EMPLOYED REGISTRANTS

Definitions

71. For the purposes of Part 6 of these bylaws,

“Patient representative” means

- (a) a “committee of the patient” under the *Patient’s Property Act*,
- (b) the parent or guardian of a patient who is under 19 years of age,
- (c) after the *Representation Agreement Act* comes into force, a representative authorized by a representation agreement registered under the *Representation Agreement Act* to make or help in making decisions on behalf of a patient,
- (d) after the *Representation Agreement Act* comes into force, a monitor named in a representation agreement registered under the *Representation Agreement Act* to ensure that the representative fulfills the duties described in section 16 of that Act,
- (e) after the *Adult Guardianship Act* comes into force, a decision maker or guardian appointed under section 10 of the *Adult Guardianship Act*, and
- (f) after the *Health Care (Consent) and Care Facility (Admission) Act* comes into force, a temporary substitute decision maker chosen under section 16 of the *Health Care (Consent) and Care Facility (Admission) Act*.

Purpose for which personal information may be collected

72. (1) No registrant may collect personal information regarding a patient unless
- (a) the information relates directly to and is necessary for providing health care services to the patient or for related administrative purposes, or
 - (b) the collection of that information is expressly authorized by or under an enactment.

Source of personal information

73. (1) A registrant must collect personal information about a patient directly from the patient.
- (2) Despite subsection (1), a registrant may collect personal information from another person if the registrant has reasonable grounds to believe
- (a) that the patient has been made aware of the matters set out in section 74(1) and has authorized collection of the personal information from another person,

- (b) that the patient is unable to give his or her authority and the registrant, having made the patient's representative aware of the matters set out in section 74(1), collects the information from the representative or the representative authorizes collection from another person,
- (c) that compliance with subsection (1) would
 - (i) prejudice the best interests of the patient,
 - (ii) defeat the purpose or prejudice the use for which the information is collected, or
 - (iii) prejudice the safety of any person,
- (d) that compliance with subsection (1) is not reasonably practicable in the circumstances of the particular case,
- (e) that the collection is for the purpose of assembling a family or genetic history of a person and is collected directly from that person,
- (f) that the information is publicly available information,
- (g) that the information
 - (i) will not be used in a form in which the patient concerned is identified, or
 - (ii) will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the patient, or
- (h) that non-compliance with subsection 1 is necessary where the information is about law enforcement or anything referred to in sections 15(1) or (2) of the *Freedom of Information and Protection of Privacy Act*.

Collection of personal information

74. (1) Where a registrant collects personal information directly from the patient, or from the patient's representative, the registrant must take such steps as are, in the circumstances, reasonable to ensure that the patient or patient's representative is aware of
- (a) the fact that the personal information is being collected,
 - (b) the purpose for which the personal information is being collected,
 - (c) the intended recipients of the personal information,
 - (d) whether or not the supply of the personal information is voluntary or mandatory and, if mandatory, the legal authority for collecting the personal information,

- (e) the consequences, if any, for that patient if all or any part of the requested personal information is not provided,
 - (f) the rights of access to personal information provided in section 89.
- (2) The steps referred to in subsection (1) must be taken before the personal information is collected or, if that is not practicable, as soon as practicable after the personal information is collected.
- (3) A registrant is not required to take the steps referred to in subsection (1) in relation to the collection of personal information from a patient, or the patient's representative, if the registrant has taken those steps in relation to the collection, from the patient or patient's representative, of the same information or information of the same kind for the same or a related purpose, on a recent previous occasion.
- (4) Despite subsection (1); a registrant is not required to comply with subsection (1) if the registrant believes on reasonable grounds
- (a) that non-compliance is authorized by the patient concerned,
 - (b) that compliance would
 - (i) prejudice the interest of the patient concerned, or
 - (ii) defeat the purpose or prejudice the use for which the information is collected,
 - (c) that compliance is not reasonably practicable in the circumstances of the particular case, or
 - (d) that the information is about law enforcement or anything referred to in sections 15(1) or (2) of the *Freedom of Information and Protection of Privacy Act*.

Manner of collection of personal information

75. (1) A registrant must not collect personal information
- (a) by unlawful means, or
 - (b) by means that, in the circumstances of the case,
 - (i) are unfair, or
 - (ii) intrude to an unreasonable extent upon the personal affairs of the patient concerned.

Confidentiality of personal information

76. A registrant must at all times protect and maintain the confidentiality of personal information collected under section 73, 74 and 75.

Accuracy of personal information

77. The registrant must make every reasonable effort to ensure that the information is current and is legibly, accurately and completely recorded.

Right to request correction of personal information

78. (1) A person who believes there is an error or omission in a record containing his or her personal information may request that the registrant who has the record in his or her custody or control correct the information.
- (2) If after receiving a request for correction under subsection (1), the registrant disagrees that there is an error or omission in the record, the registrant must note the request in the record with particulars of the correction that was sought.

Use of personal information by a registrant

79. (1) A registrant may use personal information only
- (a) for the purpose of providing health care services to the patient or related administrative purpose,
 - (b) for a use or disclosure consistent with a purpose specified in paragraph (a),
 - (c) if the patient has consented to the use, or
 - (d) for a purpose for which that information may be disclosed by the registrant under sections 80 and 82.

Disclosure of personal information by a registrant

80. (1) A registrant must maintain confidentiality of personal information and may disclose relevant personal information only
- (a) if the patient concerned has consented to the disclosure,
 - (b) for the purpose of providing health care services to the patient or related administrative purpose or for a disclosure consistent with either purpose,
 - (c) for the purpose of complying with an enactment of, arrangement or agreement made under an enactment of British Columbia or Canada,

- (d) for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body with jurisdiction to compel the production of information,
- (e) to an employee of, or contractor providing services to, the registrant, if the information is necessary for the performance of the duties of, or for the protection of the health or safety of, the employee or contractor,
- (f) to a lawyer acting for the registrant, for use in civil or criminal proceedings involving the registrant,
- (g) where necessary to comply with the *Coroners Act*,
- (h) where necessary to comply with the *Ombudsman Act*,
- (i) for the purposes of
 - (i) collecting a debt or fine owing by a patient to the registrant, or
 - (ii) making a payment owing by the patient to a registrant,
- (j) to an auditor, the college or any other person or body authorized by law, for audit purposes,
- (k) where the registrant believes on reasonable grounds that there is a risk of significant harm to the health or safety of any person and that the use or disclosure of the information would reduce that risk,
- (l) so that the next of kin or a friend of an injured, ill or deceased individual may be contacted,
- (m) in accordance with sections 82 and 89, or
- (n) as otherwise required by law.

Definition of consistent purpose

81. A use or disclosure of personal information is consistent with the purposes of providing health care services to a patient or related administrative purposes under section 79 and 80 if the use or disclosure has a reasonable and direct connection to either purpose.

Disclosure for research and statistical purposes

82. (1) A registrant may disclose personal information for a research purpose, including statistical research, only if
- (a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form or the research purpose has been approved by the board,
 - (b) any record linkage is not harmful to the individuals concerned and the benefits to be derived from the record linkage are clearly in the public interest,

- (c) the head of the public body concerned has approved conditions relating to the following
 - (i) security and confidentiality,
 - (ii) the removal or destruction of individual identifiers at the earliest reasonable time, and
 - (iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of the board relating to the confidentiality of personal information.
- (d) The person to whom the information is disclosed has signed an agreement to comply with the approved conditions, these bylaws and any of the policies and procedures of the patient relations committee relating to the confidentiality of personal information.

Storage and retention of personal information

- 83. (1) A registrant must ensure that all records
 - (a) pertaining to his or her practice, and
 - (b) containing personal information are safely and securely stored.
- (2) Personal information must be retained for a period of at least 10 years.

Manner of disposal of records

- 84. (1) A registrant must ensure that records are disposed of only by
 - (a) transferring the record to another registrant or with the consent of the patient, to another health care agency or health care practitioner,
 - (b) effectively destroying a physical record by utilizing a shredder or by complete burning,
 - (c) erasing information recorded or stored by electronic methods on tapes, disks, or cassettes in a manner that ensures that the information cannot be reconstructed, or,
 - (d) transferring the record to the patient.

Registrant ceasing to practise

85. (1) A registrant who ceases to practise for any reason must dispose of personal information in accordance with this part, notify the college, and provide the college with a written summary of the steps he or she has taken to dispose of the personal information.
- (2) A registrant must make appropriate arrangements to ensure that, in the event that the registrant dies or becomes unable to practise for any reason and is unable to dispose of the personal information, the personal information will be safely and securely transferred to another registrant.
- (3) A registrant who receives personal information transferred in accordance with subsection (2) or section 84(a) must notify the patient concerned of the transfer.

Protection of personal information

86. (1) A registrant must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.
- (2) A registrant must take reasonable measures to ensure that a third party, including a volunteer, employee of or contractor of the registrant or a health professions corporation or a student practitioner under the supervision of the registrant, does not access, collect, use, disclose, store or dispose of personal information except in accordance with the requirements of this Part.

Contracts for handling personal information

87. A registrant must ensure that, where personal information is transferred to any person or service organization for processing, storage or disposal, a contract is made with that person or organization which includes an undertaking by the recipient that confidentiality and physical security will be maintained.

Remedying a breach of security

88. (1) A registrant must take appropriate measure to remedy any unauthorized access, use, disclosure or disposal of personal information under this part as soon as possible after the breach is discovered, including
 - (a) taking steps to recover the personal information or to ensure its disposal if it cannot be recovered,
 - (b) taking steps to ensure that any remaining personal information is secured,
 - (c) notifying
 - (i) anyone affected by the unauthorized access including patients and other health care providers,

- (ii) the college, and
- (iii) law enforcement officials, where criminal action may have contributed to the unauthorized action, and
- (d) modifying existing security arrangements to prevent a recurrence of the unauthorized access.

Patient access to personal information

89. (1) For the purpose of this section, “access to” means the opportunity to examine or make copies of the original record.
- (2) If a patient or a patient representative makes a request for access to personal information about the patient, the registrant must comply as soon as practicable but not more than 45 days following the request by
- (a) providing access to the patient or patient’s representative,
 - (b) providing access to the remainder of the personal information where that information excepted from disclosure under subsection (3) can reasonably be severed, or
 - (c) providing written reasons for the refusal of access to the personal information or to any portion of the health records.
- (3) The registrant may refuse to disclose personal information to a patient or patient representative
- (a) where there is significant likelihood of a substantial adverse effect on the physical, mental or emotional health of the patient,
 - (b) where there is a significant likelihood of harm to a third party, or
 - (c) if the disclosure could reasonably be expected to disclose personal information regarding another individual.
- (4) Where the registrant authorizes access and the patient or patient representative requests a copy of the personal information, a copy must be provided if it can reasonably be reproduced.
- (5) A registrant may charge a reasonable fee for the reproduction of personal information, which does not exceed the fee established in Schedule “D”.
- (6) Subject to subsection (3), a patient under 19 years of age may have access to a record where, in the opinion of the registrant, the patient is capable of understanding the subject matter of the record.
- (7) Except where authorized by the patient, a registrant must not provide access to the records of a patient who is under 19 years of age to the guardian or parent of the

patient where the subject matter of the record is health care which was provided without the consent of a parent or guardian in accordance with the applicable provisions of the *Infants Act*.

PART VII: GENERAL

Liability insurance

90. All registrants and their employees must be insured against liability for negligence in an amount of at least \$1,000,000 per occurrence.

Review of a fee charged to a patient

91. (1) A patient may request a review of a fee charged by a registrant by delivering a written application to the registrar enclosing a copy of the account.
- (2) The registrar must investigate the matter raised by the application.
- (3) The registrar must request the registrant to provide any information regarding the account which the registrant believes is relevant to the application.
- (4) The registrar must conduct a hearing within 45 days after the date on which the application for review was received by the registrar or within such further period of time as the registrar considers reasonable.
- (5) The registrar may conduct a hearing by reviewing the written submissions only or may require the parties to attend in person.
- (6) Where the fee under review is not in accordance with the range of fees customarily charged at the time the services were provided, the registrar must fix a reasonable fee.
- (7) The registrar must deliver written notice of the decision to the patient and registrant.
- (8) The registrant must repay forthwith any amount paid by the patient exceeding the fee fixed by the registrar.

Marketing

92. (1) In this part,

“advertisement” means the use of space or time in a public medium, or the use of a commercial publication such as a brochure or handbill, to communicate with the general public, or a segment thereof, for the purpose of promoting professional services or enhancing the image of the advertiser.

“marketing” includes

- (a) an advertisement,
- (b) any publication or communication in any medium with any patient, prospective patient or the public generally in the nature of an advertisement, promotional activity or material, a listing in a directory, a public appearance or any other means by which professional services are promoted, and

- (c) contact with a prospective patient initiated by or under the discretion of a registrant.
- (2) Any marketing undertaken or authorized by a registrant in respect of his or her professional services must not be
- (a) false,
 - (b) inaccurate,
 - (c) reasonably expected to mislead the public,
 - (d) unverifiable, or
 - (e) contrary to the public interest in the practice of the profession.
- (3) Marketing violates subsection (2) if it
- (a) is calculated or likely to take advantage of a weakened state, either physical, mental or emotional, of the recipient or intended recipient,
 - (b) is likely to create in the mind of the recipient or intended recipient an unjustified expectation about the results which the registrant can achieve,
 - (c) implies that the registrant can obtain results
 - (i) not achievable by other registrants,
 - (ii) by improperly influencing a public body or official, or any corporation, agency or person having any interest in the welfare of the recipient, by any other improper means,
 - (iii) by any other improper means, or
 - (d) compares the quality of services provided with those provided by
 - (i) another registrant,
 - (ii) a person authorized to provide healthcare services under another enactment, or
 - (iii) another health profession.
- (4) A registrant must not
- (a) state publicly that he or she speaks on behalf of the College unless he or she has been expressly authorized by the board to state the official position of the College, or

- (b) endorse or lend himself or herself as an acupuncturist to the advertisement of any product or service for sale to the public unless such product or service relates directly to the profession.
- (5) A registrant who, in any advertisement, includes a statement of fees for a specific service
 - (a) must ensure that the statement sufficiently describes the fees and services so as to enable the recipient or intended recipient to understand the nature and extent of the services to be provided and the cost to the patient, and
 - (b) must not in the advertisement compare the fees charged by the registrant with those charged by another registrant.
- (6) Unless otherwise authorized by the *Act*, the regulations, these bylaws, or the board, a registrant
 - (a) must not use the title “specialist” or any similar designation suggesting a recognized special status or accreditation on any letterhead or business card or in any other marketing, and
 - (b) must take all reasonable steps to discourage the use, in relation to the registrant by another person, of the title “specialist” or any similar designation suggesting a recognized special status or accreditation in any marketing.
- (7) A registrant must retain for one year after the date of publication or broadcast of any advertisement or brochure, and must provide to the board upon request
 - (a) a copy of such publication
 - (b) a recording of any such broadcast made by use of any electronic media, including radio, television and microwave transmission, and
 - (c) a written record of when and where the publication or broadcast was made.
- (8) It is the duty of the registrant, when called upon by the discipline committee, inquiry committee, or the board to do so, to verify the statements made in his or her marketing.
- (9) Registrants who limit their practices to certain branches or areas of the profession may state in any marketing the branch or area to which the practice is restricted.

Schedule A

Code of Ethics for Registrants

The Code of Ethics for Registrants sets out guidelines for ethical acupuncture, traditional Chinese medicine herbology and traditional Chinese medicine practice. The Code is based on a set of core values, which registrants must uphold in their relationships with their clients, members of their own profession, other health care providers, and the public.

Registrants are professionals who act in a manner that enhances the reputation of, and inspires public confidence in the profession. They have a responsibility to follow this code of ethics, and to keep informed about the laws and developments in professional standards that affect ethical health care practice.

- 1) Health and well-being
 - a) Responsibility to clients
 - i) Registrants hold the health and well-being of their clients as a primary responsibility.
 - ii) Registrants provide care within their scope of practice to assist their clients to achieve their optimum level of health at all stages in life.
 - iii) Registrants seek additional information or knowledge and refer the client to another health care provider in accordance with the requirements of the regulation, or when aspects of the care required are beyond their level of competence.
 - b) Responsibility to the public
 - i) Registrants address institutional, social and political factors influencing health and health care in ways that are consistent with their professional role and responsibilities.
 - ii) Registrants provide the best care circumstances permit even when the need arises in an emergency.
 - iii) Registrants participate, to the best of their abilities in research and other activities that contribute to the ongoing development of acupuncture and traditional Chinese medicine knowledge. Registrants participating in research observe College sanctioned guidelines for ethical research.
 - c) Responsibility to other health care providers
 - i) Registrants respect and value the knowledge and skills of other health care providers and cooperate with others so that maximum health benefits to their clients can be realized.
- 2) Choice
 - a) Responsibility to clients

- i) Registrants fully inform their clients about the effects and risks of treatment, and of the scope and limitations they are entitled to practise.
 - ii) Registrants ensure that care is authorized by informed consent and practice within relevant law governing consent and choice.
 - iii) Registrants find out their clients' health needs and values, and help them to obtain appropriate information about their care and the services available to them.
 - iv) Registrants involve clients in health planning and health care decision making, in order to promote their clients self determination and ability to act on their own behalf in meeting their health care needs.
- b) Responsibility to clients of diminished capacity
- i) Registrants involve clients of diminished competence in decision-making to the extent that those clients are capable.
 - ii) Registrants seek to obtain consent for care from a substitute decision-maker when clients lack the capacity to make decisions about their care, did not make their wishes known prior to becoming incompetent, or for any reason it is unclear what the client would have wanted in a particular circumstance. When prior wishes of an incompetent client are not known or are unclear, care decisions must be in the best interest of the client and based on what the client would want, as far as is known.
- 3) Respect
- a) Responsibility to the client
- i) Registrants are sensitive to, and respectful of the client's individual needs, values, dignity, and choices.
 - ii) Registrants do not exploit clients' vulnerabilities for their own interests or gain, whether sexual, emotional, social, political, financial, or any other way.
 - iii) Registrants respect the privacy of clients when care is given.
 - iv) Registrants protect the client's confidentiality, and the confidentiality of their health care information.
- b) Responsibility to the public and members of the profession
- i) Registrants act in a manner that is respectful of other Registrants as well as the practice of acupuncture and traditional Chinese herbology and traditional Chinese medicine.
- 4) Fairness
- a) Registrants apply and promote principles of equity and fairness to assist clients in receiving unbiased treatment and a share of health services and resources proportionate to their needs.

5) Accountability

a) Responsibility to the client

- i) Registrants practise only while their ability to do so is unimpaired.
- ii) Registrants do not compromise care for reasons of personal or institutional expedience.
- iii) Registrants strive to ensure that their clients receive and understand complete and accurate information about their treatment.
- iv) Registrants take preventive as well as corrective action to protect clients from unsafe, incompetent or unethical care.
- v) Registrants whether they are engaged in clinical, administrative, research, or educational endeavors have professional responsibilities and accountabilities toward safeguarding the quality of care their clients receive.

b) Responsibility to the profession

- i) Registrants acquire new skills and knowledge in their area of practice on a continuing basis, as necessary for the provision of safe, competent and ethical care

c) Responsibility to other health care providers

- i) Registrants refer only to other health service providers whom they do not suspect of unethical conduct or incompetent or unsafe care.

d) Responsibility to the public

- i) Registrants represent their qualifications honestly, clearly and in a way that is not misleading to the public, other professionals and to their clients.
- ii) Registrants provide information to the public about acupuncture and traditional Chinese herbology and traditional Chinese medicine that is fair, accurate, and objective.

6) Practice environments conducive to safe, competent and ethical care

a) Responsibilities to the client and members of the health care team:

- i) Registrants establish and promote health care environments that are conducive to safe, competent, ethical practice and to the health and well being of clients and others in the setting.
- ii) Registrants share their knowledge with any members of a health team with whom they should work, for the benefit of clients.

b) Responsibilities to other Registrants;

- i) Registrants provide responsible and respectful mentoring and guidance for the professional development of students of acupuncture and traditional Chinese herbology and traditional Chinese medicine and other Registrants.

- c) Responsibilities to persons under supervision;
 - i) Registrants assume full responsibility for all the care they provide or delegate to persons under their supervision.

Schedule B

Standards of Practice for Registrants

1) Specialized body of knowledge

Bases practice on traditional Chinese medicine theory and on content from other related health sciences.

- 1.1 Knows how and where to find needed information.
- 1.2 Justifies decisions with reference to knowledge and theory.
- 1.3 Presents an informed view of acupuncture, traditional Chinese herbology and traditional Chinese medicine to others.

2) Competent application of knowledge

Identifies client's actual or potential diagnoses, differentiates syndromes, plans interventions, performs planned interventions and evaluates client outcomes

- 2.1 Uses skills of observation, olfaction, inquiry, palpation and physical assessment to gather information about client status.
- 2.2 Distinguishes between relevant and irrelevant information when determining client diagnoses and differentiating syndromes, referring to other health care practitioners, or evaluating response to treatment.
- 2.3 States client diagnoses and potential health problems in practice setting terminology, using verifiable information.
- 2.4 Plans care based on assessment findings, diagnoses, differentiation of syndromes, cause and extent of disturbance.
- 2.5 Sets priorities when planning and giving care.
- 2.6 Performs planned interventions in accordance with the body of TCM theory, policies, procedures, and these practice standards.
- 2.7 Evaluates client response to interventions and revises the interventions as necessary.
- 2.8 Documents timely and accurate reports of relevant observations, including conclusions drawn from them.
- 2.9 Initiates, maintains and concludes a professional relationship.
- 2.10 Identifies the difference between therapeutic communication skills and social interaction behaviours and uses each appropriately.

3) Responsibility and Accountability

Maintains standards of acupuncture and traditional Chinese herbology and traditional Chinese medicine practice and professional behaviour determined by the College of Registrants of B.C. Regulations and Bylaws, the Health Professions Act, and the practice setting

- 3.1 At all times is accountable and takes responsibility for own actions.
- 3.2 Functions in accordance with relevant legislation and standards of practice of licensed Registrants.
- 3.3 Follows, develops and changes relevant facility, agency or department policies and standards.
- 3.4 Advocates improvements in clinical acupuncture, traditional Chinese herbology and traditional Chinese medicine practice and health care.
- 3.5 Delegates to students or non-registrants only those tasks that are appropriate commensurate with their skills, knowledge and abilities.

4) Provision of Service to the Public

Provides health care services and refers clients to health care professionals in providing acupuncture and traditional Chinese herbology and traditional Chinese medicine services

- 4.1 Communicates with and refers to other health care professionals about the client's care.
- 4.2 Exercises appropriate judgment in performing treatments.
- 4.3 Directs and/or participates in quality improvement initiatives.
- 4.4 Explains services to clients and others.

5) Code of Ethics

Adheres to the Code of Ethics of the College of Registrants of British Columbia

- 5.1 Promotes a client's right to autonomy, respect, privacy, confidentiality, dignity and access to information.
- 5.2 Assumes responsibility for ensuring that relationships with clients are therapeutic and professional.
- 5.3 Ensures that practice is congruent with the Canadian Charter of Rights and Freedoms.
- 5.4 Demonstrates honesty, integrity and respect for their clients, members of their own profession, other health care providers, and the public.
- 5.5 Reports unsafe practice or professional misconduct to appropriate authority.

6) Self-Regulation

Assumes primary responsibility for maintaining competence, fitness to practice, and acquiring evidence-based knowledge and skills for professional practice

- 6.1 Invests time, effort, and other resources in maintaining evidence-based knowledge and skills for practice.
- 6.2 Practices within own level of competence.
- 6.3 Maintains current licensure.
- 6.4 Maintains own physical, mental and emotional well-being.

Schedule C

Registrant Representation Districts



- 1 - Lower Mainland (Vancouver, Burnaby, North Shore including West Vancouver and Squamish, Richmond, Surrey, Coquitlam and Port Coquitlam, Fraser Valley all the way to Hope).
- 2 - The rest of British Columbia outside of the Lower Mainland

Schedule D

Maximum fees for information requests (Part III)

<p>1. For applicants other than commercial applicants:</p> <p>(a) for locating and retrieving a record (b) for producing a record manually (c) for producing a record from a machine readable record</p> <p>(d) for preparing a record for disclosure and handling a record (e) for shipping copies</p> <p>(f) for copying records</p> <p style="padding-left: 20px;">i) photocopies and computer printouts</p> <p style="padding-left: 40px;">ii) floppy disks iii) computer tapes (iv) microfiche (v) 16 mm microfilm duplication (vi) 35 mm microfilm duplication (vii) microfilm to paper duplication (viii) photographs (colour or black and white)</p> <p style="padding-left: 40px;">(ix) photographic print of textual, graphic or cartographic record (8" x 10" black and white) (x) hard copy laser print, B/W, 300 dots/inch (xi) hard copy laser print, B/W, 1200 dots/inch (xii) hard copy laser print, colour (xiii) photomechanical reproduction of 105 mm cartographic record/plan (xiv) slide duplication (xv) plans (xvi) audio cassette duplication (xvii) video cassette (1/4" or 8 mm) duplication</p> <p style="padding-left: 40px;">(xviii) video cassette (1/2") duplication recording, and (xix) video cassette (3/4") duplication recording.</p> <p>2. For commercial applicants for each service listed in item 1</p>	<p>\$7.50 per ¼ hour after the first 3 hours, \$7.50 per ¼ hour, \$16.50 per minute for cost of use of central mainframe processor and all locally attached devices plus \$7.50 per ¼ hours for developing a computer program to produce the record, \$7.50 per ¼ hour, actual costs of shipping method chosen by applicant,</p> <p>\$.25 per page (8.5" x 11" , 8.5" X 4") \$.30per page (11" x 17"), \$10.00 per disk, \$40.00 per tape, up to 2400 feet, \$10.00 per fiche, \$25.00 per roll, \$40.00 per roll, \$.50 per page, \$5.00 to produce a negative \$12.00 each for 16" x 20" \$9.00 each for 11" x 14" \$4.00 each for 8" x 10" \$3.00 each for 5" x 7" ,</p> <p>\$12.50 each, \$.25 each, \$.40 each, \$1.65 each,</p> <p>\$3.00 each, \$.95 each, \$1.00 per square metre, \$10.00 plus \$7.00 per ¼ hour of recording, \$11.00 per 60 minute cassette plus \$7.00 per ¼ hour of recording; \$20.00 per 120 minute cassette plus \$7 per ¼ hour of recording, \$15.00 per cassette plus \$11.00 per ¼ hour of \$40.00 per cassette plus \$11.00 per ¼ hour of</p> <p>the actual cost of providing that service.</p>
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Schedule E

Recognition Requirements for Education Programs

Private non-degree-granting institutions in British Columbia must be accredited by the Private Career Training Institutions Agency (“PCTIA”) or have a designation certificate issued under the *Private Training Act*.

Public institutions must have approval or designation to grant credentials under the *University Act* or the *College and Institute Act*. Degree granting education programs must be approved by the provincial government’s Degree Quality Assessment Board (“DQAB”), as meeting the statutory requirements under the *Degree Authorization Act*.

Traditional Chinese Medicine (TCM) and Acupuncture education programs are evaluated by CTCMA based on program length, structure and learning outcomes, and student clinical activity. The expectations are as follows:

I. Program Length

The length of the program must meet or exceed the minimum requirements set out in this schedule.

II. Structure and Learning Outcomes

The program’s curriculum content and structure must be such that student learning outcomes are consistent with the indicators in CTCMA’s *Entry-Level Occupational Competencies, Performance Indicators and Assessment Blueprint*.

III. Student Clinical Activity

The program’s student clinic and the program’s clinical instruction must meet the requirements established by CTCMA to ensure the safe, effective and ethical treatment of the public.

Institutions are required to directly supervise all clinical instruction of the training program, whether such instruction occurs in clinics owned and operated by the institutions themselves or in independent clinics engaged to provide clinical instruction for the training program. For the initial 200 hours of supervised practice, the supervisor shall be physically present at all times during the diagnosis and treatment of the patient. For the remaining hours, the supervisor may be in close proximity to the location at which the patient is being treated.

Minimum requirements

Definitions

“Academic year” means 8 months, or 2 semesters, or 3 quarters, or 2 trimesters of study.

“Clinical Instruction” includes:

- Practice observation: supervised observation of clinical practice;
- Diagnosis and evaluation: the application of TCM diagnostic procedures in evaluating patients;
- Supervised practice: the clinical treatment of patients.

“EOCPIA Blueprint” means the Entry-Level Occupational Competencies, Performance Indicators and Assessment Blueprint, which is approved by the Board from time to time and published on the College’s website.

A. Acupuncturist Programs

Acupuncturist programs shall consist of a minimum of 1,900 hours of study over 3 academic years, including a minimum of 450 hours of clinical instruction of which at least 225 hours must be in supervised practice.

Acupuncturist programs shall provide for the learning outcomes identified as “Common” and “Acupuncture” in the EOCPIA Blueprint for TCM Practitioners and Acupuncturists and include a minimum of 450 hours of clinical instruction in acupuncture that provides for learning outcomes consistent with the indicators identified as “Clinical” for the Assessment Requirements in Education Program in the EOCPIA Blueprint for TCM Practitioners and Acupuncturists.

B. Traditional Chinese Medicine Herbalist Programs

Traditional Chinese Medicine Herbalist programs shall consist of a minimum of 1,900 hours of study over 3 academic years, including a minimum of 450 hours of clinical instruction of which at least 225 hours must be in supervised practice.

Traditional Chinese Medicine Herbalist programs shall provide for the learning outcomes identified as “Common” and “Herbology” in the EOCPIA Blueprint for TCM Practitioners and Acupuncturists and include a minimum of 450 hours of clinical instruction in herbology that provides for learning outcomes consistent with the indicators identified as “Clinical” for the Assessment Requirements in Education Program in the EOCPIA Blueprint for TCM Practitioners and Acupuncturists.

C. Traditional Chinese Medicine Practitioner Programs

Traditional Chinese Medicine Practitioner programs shall consist of a minimum of 2,600 hours of study over 4 academic years, including a minimum of 650 hours of clinical instruction of which at least 425 hours must be in supervised practice.

Traditional Chinese Medicine Practitioner programs shall provide for the learning outcomes identified as “Common”, “Acupuncture” and “Herbology” in the EOCPIA Blueprint for TCM Practitioners and Acupuncturists and include a minimum of 650 hours of clinical instruction in acupuncture and herbology that provides for learning outcomes consistent with the indicators identified as “Clinical” for the Assessment Requirements in Education Program in the EOCPIA Blueprint for TCM Practitioners and Acupuncturists.

D. Doctor of Traditional Chinese Medicine Program

Doctor of Traditional Chinese Medicine programs shall consist of a minimum of 3,250 hours of study over 5 academic years, including a minimum of 1,050 hours of clinical instruction of which at least 825 hours must be in supervised practice.

Doctor of Traditional Chinese Medicine programs shall provide for the learning outcomes listed in the EOCPIA Blueprint for the Doctor of Traditional Chinese Medicine and include a minimum of 1,050 hours of clinical instruction that provides for learning outcomes consistent with the indicators identified as “Clinical” for the Assessment Requirements in Education Program in the EOCPIA Blueprint for the Doctor of Traditional Chinese Medicine.

Schedule F:

Fees for Examinations and Registration (Subject To Change)

1. Registration examination fees:

Application Fee (Non-Refundable) for DrTCM, Acupuncturists and TCM Herbalists	\$200
Application Fee (Non-Refundable) for TCM Practitioners	\$300
Acupuncturists or TCM Herbalists	\$800.00
TCM Practitioners (combined Acupuncturists and TCM Herbalists)	\$1,100
Doctor of TCM	\$1,400

2. Registration fees:

Initial Application (Non-Refundable) Acupuncture (R.Ac.), or TCM Herbology (R.TCM.H.), or TCM Practitioner (R.TCM.P.), or Doctor of TCM (Dr. TCM)	\$50.00
Application for Temporary (90-Day) Registration Temporary Registration	\$200.00 25% of Annual Fee
Application for Reciprocity Registration	\$200.00
Application for Student Registration	\$25.00
Application to Change: Practicing / Non-Practicing Status	\$100.00
Application to Change: Registration Title	\$50.00

3. Annual fees:

	2010	2011	2012	2013	2014+
Non-Practicing Annual Fee	\$225.00	\$275.00	\$325.00	\$375.00	\$425.00
Acupuncture (R.Ac.)	\$315.00	\$450.00	\$580.00	\$715.00	\$850.00
TCM Herbology (R.TCM.H.)	\$315.00	\$450.00	\$580.00	\$715.00	\$850.00
TCM Practitioner (R.TCM.P.)	\$578.00	\$650.00	\$715.00	\$785.00	\$850.00
Doctor of TCM (Dr.TCM)	\$735.00	\$765.00	\$795.00	\$820.00	\$850.00
Student Registration	\$80.00	\$110.00	\$140.00	\$170.00	\$200.00

Notes:

1. For applicants registered after April 1 in any year, the fee will be prorated based on the number of months remaining until March 31, multiplied by the calculated monthly rate of the applicable annual fee
2. For re-instatement following non-payment of fees, see CTCMA By-Laws (Section 59).
3. For failed examination candidates who require student registration to complete a mandatory upgrading program, the fee will be prorated on a monthly basis according to the number of months required to complete the program.

Schedule G

Order To Attend Hearing Of Discipline Committee

IN THE MATTER OF THE COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS
AND ACUPUNCTURISTS OF BRITISH COLUMBIA

and

IN THE MATTER OF A HEARING PURSUANT TO [SECTION 37 AND/OR SECTION 43] OF THE
HEALTH PROFESSIONS ACT INTO THE CONDUCT OF []

ORDER

TO:

TAKE NOTICE that you are required to attend to testify as a witness at the time, date, and place set out below, pursuant to the provisions of [section 38 and/or section 44] of the Health Professions Act, S.B.C., c.50. You are also required to bring with you all documents in your possession or power relating to the matters in question in this proceeding.

Please note that provisions of the Health Professions Act and the bylaws of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia reproduced on the back of this Order.

TIME:

DATE:

PLACE:

Dated:

Member, Panel of the Discipline Committee
responsible for the conduct of the hearing

Schedule H

Recognized TCM Education/Training Programs

1. PCU College of Holistic Medicine
220 - 5021 Kingsway
Burnaby, B.C.
 - Registered Acupuncturist
 - Registered Traditional Chinese Medicine Herbalist
 - Registered Traditional Chinese Medicine Practitioner
 - Doctor of Traditional Chinese Medicine

2. International College of Traditional Chinese Medicine (Vancouver)
#201 - 1508 West Broadway
Vancouver, B.C.
 - Registered Acupuncturist
 - Registered Traditional Chinese Medicine Herbalist
 - Registered Traditional Chinese Medicine Practitioner
 - Doctor of Traditional Chinese Medicine

3. Vancouver Beijing College of Chinese Medicine
3135 - 8888 Odlin Crescent
Richmond, B.C.
 - Registered Acupuncturist
 - Registered Traditional Chinese Medicine Herbalist
 - Registered Traditional Chinese Medicine Practitioner
 - Doctor of Traditional Chinese Medicine

4. Pacific Rim College
229 - 560 Johnson Street
Victoria, B.C.
 - Registered Acupuncturist
 - Registered Traditional Chinese Medicine Herbalist
 - Registered Traditional Chinese Medicine Practitioner
 - Doctor of Traditional Chinese Medicine

5. Academy of Classical Oriental Sciences
303 Vernon Street
Nelson, B.C.
 - Registered Acupuncturist
 - Registered Traditional Chinese Medicine Herbalist
 - Registered Traditional Chinese Medicine Practitioner
 - Doctor of Traditional Chinese Medicine

6. Oshio College of Acupuncture and Herbology
100 - 3491 Saanich Road
Victoria, B.C.
 - Registered Acupuncturist
 - Registered Traditional Chinese Medicine Herbalist
 - Registered Traditional Chinese Medicine Practitioner
 - Doctor of Traditional Chinese Medicine

7. Central College

55 8th Street

New Westminster, B.C.

- Registered Acupuncturist
- Registered Traditional Chinese Medicine Herbalist
- Registered Traditional Chinese Medicine Practitioner

FORM 1

STATUTORY DECLARATION

CANADA PROVINCE OF BRITISH COLUMBIA IN THE MATTER OF AN APPLICATION FOR REGISTRATION IN THE COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND ACUPUNCTURISTS OF BRITISH COLUMBIA

I, _____, of _____ in the city of _____, in the Province of British Columbia do solemnly declare that :

1. I have not been convicted in Canada or elsewhere of any offence that, if committed by a person registered under the Health Professions Act of British Columbia, would constitute unprofessional conduct or conduct unbecoming a person registered under these bylaws except as follows :

2. My past conduct does not demonstrate any pattern of incompetence or untrustworthiness which would make registration contrary to the public interest.

3. I am a person of good character.

4. My entitlement to practise _____ has not been limited, restricted or subjected to conditions in any jurisdiction at any time except as follows:

5. At the present time, no investigation, review or proceeding is taking place in any jurisdiction which could result in the suspension or cancellation of my authorization to practise _____ in that jurisdiction except as follows:

6. I have read the Health Professions Act of British Columbia, and the regulations and bylaws of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia made pursuant to that Act.

7. I will practise at all times in compliance with the Health Professions Act of British Columbia and the regulations and bylaws of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia made pursuant to that Act.

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Signature of Applicant

DECLARED before me at the city
of _____, in the Province of
British Columbia, this _____ day of _____(year).

A Commissioner for taking Affidavits in British Columbia

FORM 1.1

STATUTORY DECLARATION – APPLICANTS FOR STUDENT REGISTRATION

CANADA PROVINCE OF BRITISH COLUMBIA IN THE MATTER OF AN APPLICATION FOR REGISTRATION IN THE COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND ACUPUNCTURISTS OF BRITISH COLUMBIA

I, _____, of _____ in the city of _____, in the Province of British Columbia do solemnly declare that:

1. I have not been convicted in Canada or elsewhere of any offence that, if committed by a person registered under the Health Professions Act of British Columbia, would constitute unprofessional conduct or conduct unbecoming a person registered under these bylaws except as follows :

2. My past conduct does not demonstrate any pattern of incompetence or untrustworthiness which would make registration contrary to the public interest.
3. I am a person of good character.
4. My entitlement to practise _____ has not been limited, restricted or subjected to conditions in any jurisdiction at any time except as follows:

5. At the present time, no investigation, review or proceeding is taking place in any jurisdiction which could result in the suspension or cancellation of my authorization to practise _____ in that jurisdiction except as follows:

6. I have read the Health Professions Act of British Columbia, and the regulations and bylaws of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia made pursuant to that Act. I understand the requirement in section 55.1 of the bylaws, including section 48(1)(a.1), regarding eligibility to take competency examinations.
7. I will practise at all times in compliance with the Health Professions Act of British Columbia and the regulations and bylaws of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia made pursuant to that Act.

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Signature of Applicant

DECLARED before me at the city
of _____, in the Province of
British Columbia, this _____ day of _____ (year).

A Commissioner for taking Affidavits in British Columbia

FORM 2

Certificate Of Registration

College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia

REGISTRATION CERTIFICATE

This is to certify that

has met the qualifications provided for in the bylaws of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia made pursuant to the HEALTH PROFESSIONS ACT of British Columbia, Canada, is duly qualified to practise _____ in the province of British Columbia, and is entitled to use the designation

[]

Given under the Seal of the Board

Dated
Registration No.

Chair _____

Registrar _____

Schedule J

Inquiry Committee **Tariff of Costs Section 33 Investigation**

The Inquiry Committee may assess costs under this Tariff to partially indemnify for the expenses incurred by the College of Traditional Chinese Medicine Practitioners and Acupuncturists of BC for investigations under section 33 of the Health Professions Act (Act). In assessing costs, the Inquiry Committee shall have regard to the following principles:

1. The value for each unit is \$100.00.
2. Where maximum and minimum number of units is provided for in an item in the Tariff, the Inquiry Committee has the discretion to allow a number within that range of units.
3. In assessing costs where the Tariff indicates a range of units, the Inquiry Committee shall ascribe units as follows:
 - a) One unit is for matters upon which little time should ordinarily have been spent;
 - b) The maximum number of units is for matters upon which a great deal of time should ordinarily have been spent.
4. Where in a Tariff item a number of units is allowed for each day but the time is spent during is not more than two hours, only one-half of the units shall be allowed for that day.

Item	Description	Number of Units
1.	Correspondence, conferences, and investigations relating to a s. 33 investigation	Min 1 Max 25
2.	Instructions to an inspect	1
3.	Instructions to legal counsel to apply to Supreme Court for search and seizure order	1
4.	Process for obtaining discovery and inspection of documents	Min 1 Max 10
5.	Preparation for a meeting of Inquiry Committee for each day of attendance	5
6.	Sitting of Inquiry Committee for each day	10
7.	All process relating to undertakings and consents s. 36 of the Act	5

Total Number of Tariff Units:

Unit Value \$100.00: (x\$100.00)

GST 6% on Tariff Costs:

Subtotal: _____

Disbursements (Taxable):

Courier:

Fax (x\$.50/pg):

Long Distance:

Miscellaneous:

Photocopies (x\$.50/pg):
Postal:
Translation of Documents:
GST 6%:

Subtotal: _____

Disbursements (Non-taxable):

Minister of Finance:
Certification of Documents:
Miscellaneous:

Total: _____

Signature of Chairperson

Date of Assessment

Schedule K

Discipline Committee Tariff of Costs Section 38 Hearing

The Discipline Committee may assess costs under this tariff to partially indemnify parties for the expenses incurred in the preparation for and conduct of hearings under section 30 of the Health Professions Act (Act), other than for investigations under section 33 of the Act. In assessing costs, the Discipline Committee shall have regard to the following principles:

1. The value for each unit is \$100.00.
2. Where maximum and minimum number of units is provided for in an Item in the tariff, the Discipline Committee has the discretion to allow a number within that range of units.
3. In assessing costs where the tariff indicates a range of units, the Discipline Committee shall ascribe units as follows:
 - a) One unit is for matters upon which little time should ordinarily have been spent;
 - b) The maximum number of units is for matters upon which a great deal of time should ordinarily have been spent.
4. Where in a tariff item a number of units is allowed for each day but the time is spent during is not more than four (4) hours, only one-half of the units shall be allowed for that day.
5. *If the Discipline Committee dismisses the matter under subsection 39(1) of the Act that the matter was without merit, it may award costs to the “respondent” against the College, based on this tariff; provided such costs awarded do not exceed in total 50% of the actual costs to the College for legal representation for the purposes of the hearing.
6. *If the Discipline Committee makes and acts on its determination of the matter under subsection 39(2) of the Act, it may award costs to the College against the “respondent”, based on this tariff; provided such costs awarded to not exceed in total 50% of the actual costs to the College for legal representation for the purposes of the hearing.

*These principles are in force upon the proclamation of amended section 39 of the Health Professions Amendment Act (section 29, Health Professions Amendment Act, c.57 2003)

Item	Description	Number of Units
1.	Correspondence, conferences, instructions, investigations or negotiations by a party not relating to a hearing for which provision is not made elsewhere in this Tariff	Min 1 Max 25
2.	Process for obtaining discovery and inspection of documents	Min 1 Max 10
3.	Process for giving discovery and inspection of documents	Min 1 Max 10
4.	Process for obtaining and providing expert testimony	Min 1 Max 10
5.	Preparation for meeting of Discipline Committee for each day of hearing	5
6.	Attendance at hearing for each day	10

7.	Attendance at the hearing where party is ready to proceed and when hearing is not commenced	3
8.	Process for negotiations, settlement, discontinuance, or dismissal by consent if settle, discontinued, or dismissed by consent as a result of the negotiations	5

Total Number of Tariff Units:

Unit Value \$100.00: (x\$100.00)

GST 6% on Tariff Costs:

Subtotal: _____

Disbursements (Taxable):

Courier:

Fax (x \$.50/pg):

Long Distance:

Miscellaneous:

Photocopies (x \$.50/pg):

Postal:

Translation of Documents:

GST 6%:

Subtotal: _____

Disbursements (Non-taxable):

Minister of Finance:

Certification of Documents:

Miscellaneous:

TOTAL: _____

Signature of Chairperson

Date of Assessment