

## ANSWERS TO QUESTIONS ARISING FROM THE EXTRAORDINARY GENERAL MEETING REQUEST

August 4, 2017

The request for an EGM included questions about the audited financial statements and related College activities. The agenda of the EGM will be limited to the resolutions that properly fall within the ambit of the Board under the *Health Professions Act* and the CTCMA Bylaws. At this time, the College wishes to respond to these questions.

The College recognizes that while many registrants do not wish to receive such details, there are those of you who have asked for clarification. The College values transparency and openness, and in that spirit this information is provided.

The purpose of this posting is to supplement the general postings on the website and the information provided in the audited annual financial reports.

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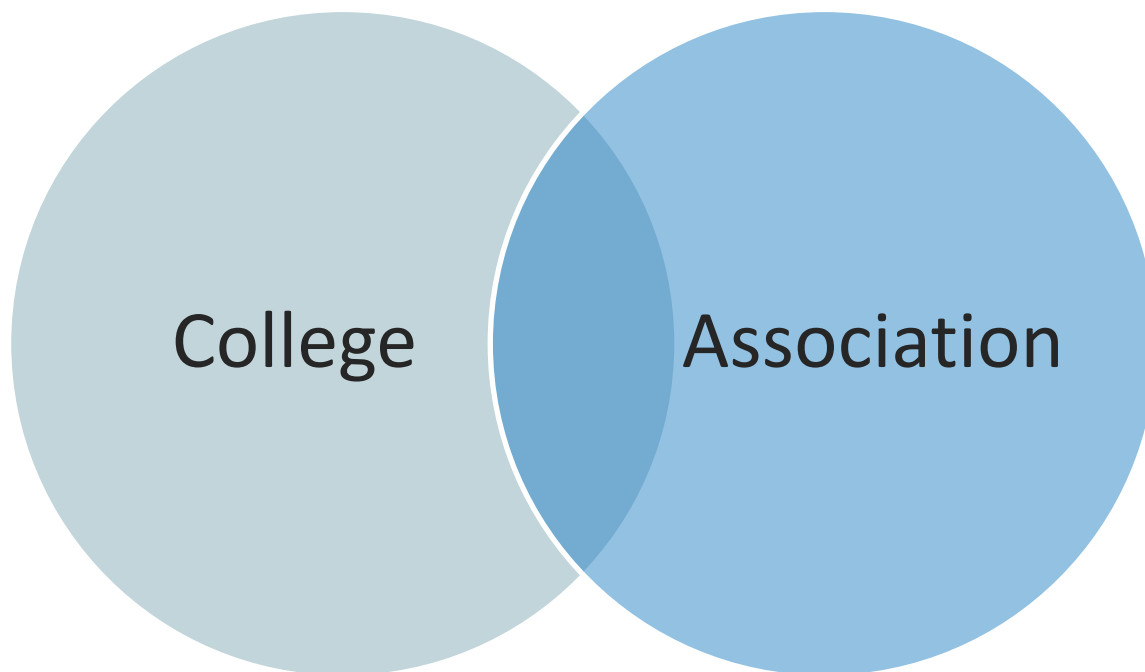


## Role of the College

The College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia is the regulatory body for Traditional Chinese Medicine and Acupuncture in British Columbia and is responsible for registering traditional Chinese medicine practitioners and acupuncturists throughout the province. The College protects the public by establishing and endorsing high standards of practice by registered traditional Chinese medicine practitioners and acupuncturists. This includes:

1. establishing entry-to-practice requirements;
2. registering traditional Chinese medicine practitioners;
3. setting standards of practice and ethical standards;
4. assuring the quality of traditional Chinese medicine practice and promoting continuing competence;
5. assessing traditional Chinese medicine training programs in British Columbia;
6. addressing complaints and professional misconduct regarding its registrants and non-registrants; and
7. informing the public of their rights, promoting inter-professional collaboration and enhancing registrants ability to adapt to emerging issues.

### ***College vs. Association***



The College is responsible for regulating TCM practitioners in the public interest under the authority of the *Health Professions Act*.

#### **To meet its mandate of public protection, the College:**

- Establishes, monitors and enforces standards of practice
- Enhances the quality of practice and reduces incompetent, impaired or unethical practice
- Establishes and maintains a continuing competency/quality assurance program to promote high standards of practice

The professional association promotes and advocates for the professional and personal interest of its members.

#### **To meet the needs of its members, an association:**

- Represents the TCM profession to government, employers and other organizations
- Works with other organizations to promote the TCM profession
- Supports the development of social programs for its members
- Promotes research and development to advance the TCM profession



## Role of the Board

The structure, mandate and powers of the Board are defined by the *Health Professions Act*, the Regulations and the Bylaws made under the Act. Key responsibilities of the board include setting and guiding the organization’s direction, ensuring necessary resources and monitoring performance to meet the College’s public protection mandate.

The Board consists of 6 elected members from two electoral districts, and 6 Public members who are appointed by the Minister of Health, Government of BC.

The Board remains committed to supporting the College and its registrants in delivering excellent care to patients. The vast majority of TCM practitioners are dedicated health professionals who share the College’s commitment to patient safety and care. The Board and College staff have worked diligently to build public trust, confidence and respect in TCM and those who practice it and remain committed to that mission.

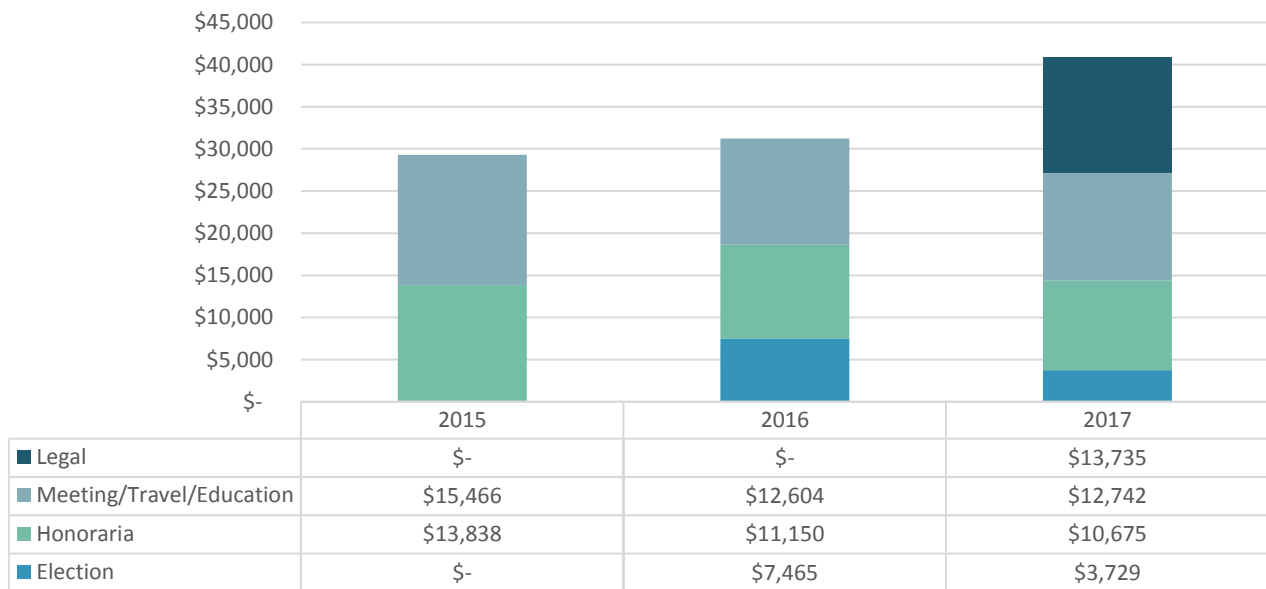


## Board Expenses

The Board, through the Finance and Administration Committee, is responsible for ensuring effective and efficient financial administration of the College. The College implements and maintains sound accounting practices and systems in accordance with Canadian accounting standards for not-for-profit organizations.

Every year, the College undergoes an audit to obtain an opinion on whether the College’s financial statements present the financial position of the College fairly and free from material misstatement. After each audit, the audited financial statements are presented at the College’s Annual General Meetings, submitted to the Ministry of Health and published on the College’s website. To date, every audit has confirmed that the financial statements present fairly, in all material respects, the financial position of the College.

### Board Operations



## College Committees

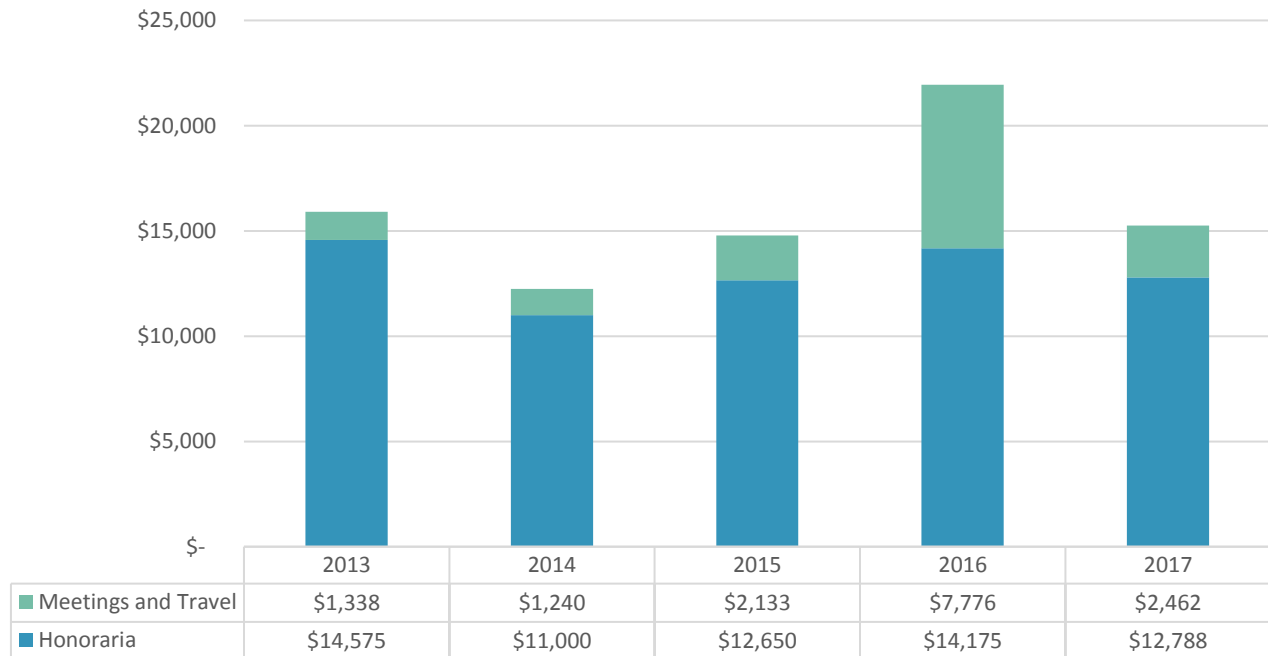
The College continues to advance its regulatory programs to regulate traditional Chinese medicine practitioners in the public interest, utilizing the necessary resources to do so. Committees of the College oversee work of management and staff to further the public protection mandate of the College.

The College bylaws established the following Committees:

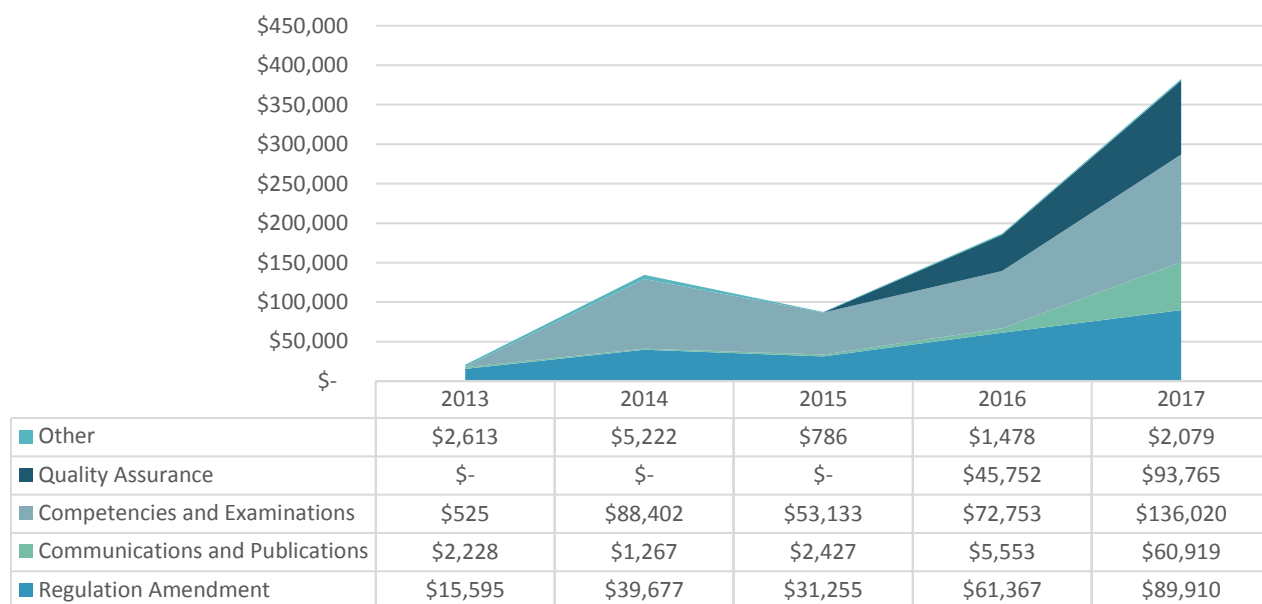
- Discipline Committee
- Education and Examination Committee
- Finance and Administration Committee
- Inquiry Committee
- Patients Relations Committee
- Quality Assurance Committee
- Registration Committee

### Committee Expenses

#### Committee Operations



## Committee Projects



**REGULATION AMENDMENT PROJECT** initiated in response to the Ministry of Health's Scope of Practice Reform. More information available [here](#). The Regulation Amendment Proposal may be viewed [here](#).

**COMMUNICATIONS AND PUBLICATIONS** activities include the mailing of hard copies of the Safety Program Handbook and the Jurisprudence Course Handbook to all registrants and the initiatives to enhance communication and engagement, which is a key priority identified by the Board in its 2015-2019 Strategic Plan. More information available [here](#).

**COMPETENCIES AND EXAMINATIONS** activities initiated to work towards implementing competency based registration standards across Canada. More information available [here](#).

**QUALITY ASSURANCE PROGRAMS** initiated in response to the Ministry of Health's introduction of section 26.1 in the *Health Professions Act*. More information [here](#).

## Special Projects and Tendering Process

The Board policy for retaining consultants and registrants for special working groups is to identify and specify needs, issue invitations, evaluate applicants, negotiate terms and then recruit. The College follows the principles of the procurement process used by the federal government. The objective of contracting is to acquire goods and services in a manner that meets operational requirements under the *Health Professions Act* and College Bylaws, treats suppliers fairly and results in the best value for the College.

Invitation to Apply for College Working Groups is posted on the website or emailed to all registrants with criteria for membership, purpose of project and the role of the working group to advise and assist the College. Examples: Scope of Practice Standards; Dr.TCM Competencies and Performance Indicators; TCM PIT Working Group

Request for Proposal is the most common method used when the selection cannot be made simply on the basis of the lowest cost; it uses selection criteria that are defined in the bid document and seeks proposed solutions to the requirement; specifications are performance-based and focus on the desired outcome. Examples: Communications and Public Strategy; Registrant database; Executive Search; Pan-Canadian Examination Provider; Pan-Canadian Examination Project Manager



Expression of Interest is a communication to potential providers of goods and/or services to register interest in supplying them to the College; it describes requirements or specifications and seeks information from potential providers that demonstrate their ability to meet those requirements.

Examples: On-line Election; Privacy Impact Assessment; Errors & Omissions College Insurance

These instruments may be posted on the following platforms:

- BC Bids, B.C. government operated website for purchasing goods and services
- Merx, electronic tendering service website
- College website and Balance newsletter

## Inspections, Inquiry & Discipline

The College operates its inquiry and discipline programs pursuant to Part 3 of the *Health Professions Act* and Part V of the College bylaws.

The Inquiry Committee is required to investigate and address complaints in a manner that is fair, transparent and objective to both the complainant and the registrant. The same obligations are imposed on the Discipline Committee when the Inquiry Committee directs that a matter be referred for a discipline hearing. At both stages, legal and/or expert opinions are sought where necessary to ensure decisions are based on legally sound, fair and objective grounds.

Section 28(1) of the *Health Professions Act* confers the following authority to the investigator:

During regular business hours, an inspector may, subject to any limits or conditions imposed on the inspector by the inquiry committee, investigate, inquire into, inspect, observe or examine one or more of the following without a court order:

- (a) the premises, the equipment and the materials used by a registrant to practise the designated health profession;
- (b) the records of the registrant relating to the registrant's practice of the designated health profession and may copy those records;
- (c) the practice of the designated health profession performed by or under the supervision of the registrant.

The Inquiry Committee is a separate statutory decision-making body under the *Health Profession Act*

- Materials are only “seized” by inspectors under the authority of a search and seizure order from the Court under section 29 of the *Health Professions Act*
- The Board does not have authority to dictate the process for selecting, training and appointing inspectors or for dictating the procedures to be followed when conducting investigations; these matters fall within the exclusive jurisdiction of the Inquiry Committee
- Any attempt by the Board to issue directions to the Inquiry Committee regarding such matters would be an unlawful fettering of discretion or an improper delegation of authority

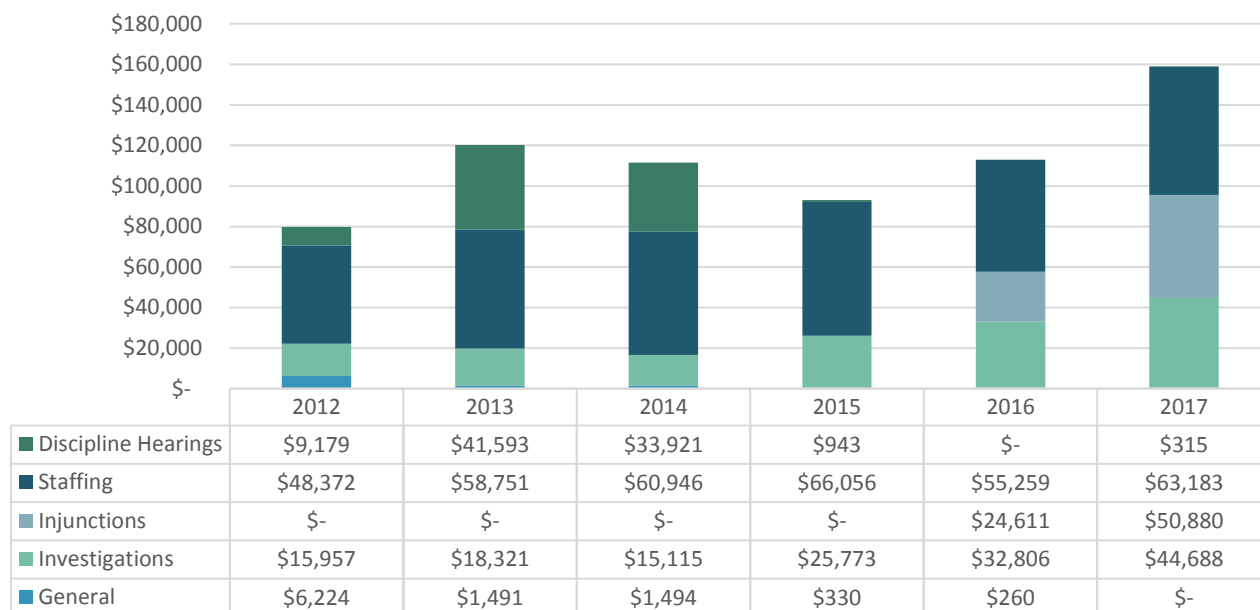


## Complaint Process



The College is required to provide members of the public with instructions on submitting a complaint. The BC Health Regulators of which the College is a member has developed a [video to help the public with understanding the complaints process](#).

### Inquiry, Discipline and Injunction Expenses Non-Legal



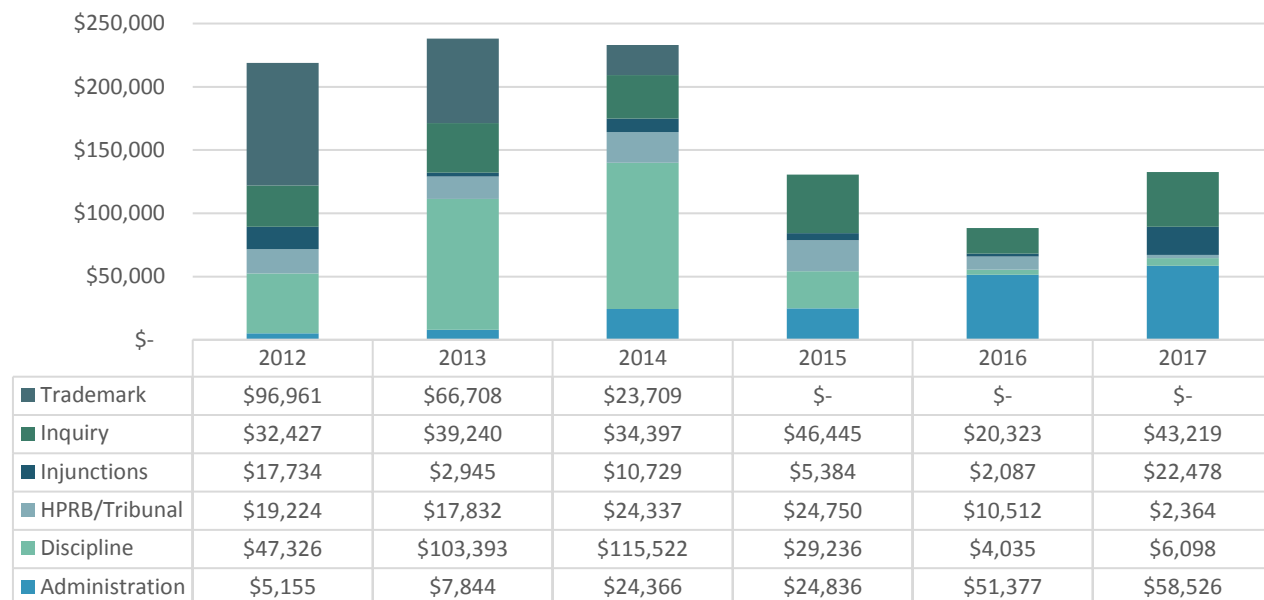
**INVESTIGATION** expenses are based on the number of complaints and the complexity of the complaints the College receives.

**INJUNCTIONS** expenses are driven by the number of unlicensed TCM practitioners the College takes action against. The investigation of an unlicensed practitioner may require extensive investigative and surveillance costs including court application for search and seizure to be carried out under court order.

**DISCIPLINE** expenses are based on the number of disciplinary hearing the inquiry committee directs.



## ***Inquiry, Discipline and Injunction Expenses Legal***



**ADMINISTRATION** expenses are related to the number of day-to-day operational items, bylaws amendments and other regulatory projects that require legal advice and legal assistance.

**DISCIPLINE** expenses are based on the number of disciplinary hearing the inquiry committee directs.

**HPRB/TRIBUNAL** expenses are related to the number of legal challenges the College's receives regarding its registration and inquiry programs.

**INJUNCTIONS** expenses are driven by the number of unlicensed TCM practitioners the College takes action against. Injunctions require legal counsel to represent the College in court proceedings.

**INQUIRY** expenses are based on the number of complaints and the complexity of the complaints the College receives.

**TRADEMARK** expenses relate to the resources that the College utilized to defend the use of the reserved titles for its registrants (R.Ac., R.TCM.H., R.TCM.P., and Dr. TCM).

## **Eligibility for CTCMA Licensing Examinations**

### ***History of the 2-year University Requirement***

Prior to 2009, Schedule E of the College's bylaws required that students enrolled in TCM schools in British Columbia complete two years of "university education or equivalent". The requirement was an admission requirement to TCM education programs in BC since the inception of the College.

In 2009, the two-year university requirement became a requirement for registration and no longer an admission requirement to TCM education programs in BC.

Section 48(1)(a.1) of the College bylaws refers to the requirement:

*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*

A full report on examination and registration education requirements available [here](#).

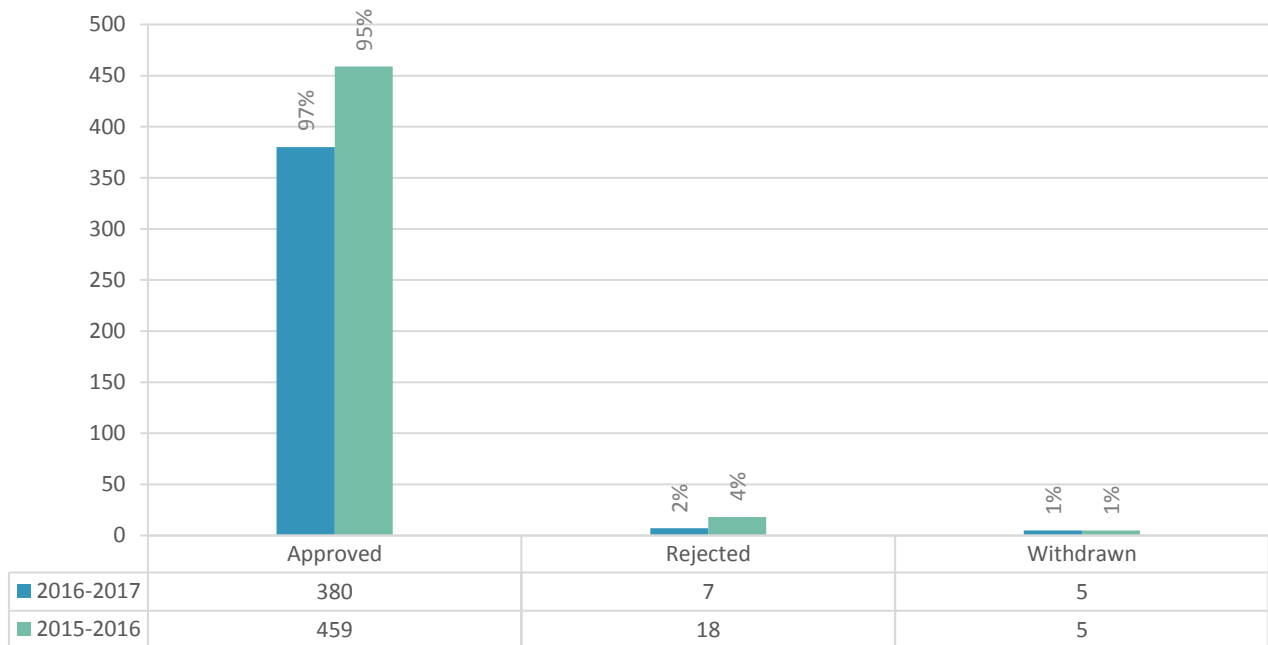




### Examination Applications

All examination applicants are required to meet the 3-5 years of academic study in traditional Chinese medicine and 2 years of university education in liberal arts or sciences.

The following chart on the number of applications the College processed in the last two years illustrates that most applicants are well aware of the College’s registration requirements.



### Duty to Protect the Public

The Health Professions Review Board has affirmed the College’s position with respect to the Two-Year University Requirement under s. 48(1)(a.1) of the bylaws.

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*The duty of the College at all times is to serve and protect the public. In part, the College has the object to govern its registrants according to the Health Professions Act, regulations and bylaws of the College...*

*The duties and objects of the College must be adhered to even if doing so causes disappointment and hardship to the Applicants as the paramount duty is to serve and protect the public.*

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**[PARA 29. AND PARA. 32 HEALTH PROFESSIONS REVIEW BOARD DECISION NO. 2016-HPA-122(A); 2016-HPA-123(A); 2016-HPA-124(A)]**

More information available [here](#).

### Summary

We hope all registrants will continue to work with the College and its board in ensuring the delivery of first class care and would like to assure all registrants that we are committed to self-regulation in the best interest of the public.

