



College of Homeopaths of Ontario

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www.collegeofhomeopaths.com

Date: November 4, 2022
To: All Stakeholders
Re: Formal Consultation on

Revision of Bylaws related to the deadline for completion of the annual audit and the introduction of fees to offset credit card processing charges

Consultation Closing Date: Monday, January 16, 2023

The College invites feedback from stakeholders on proposed changes that would revise

Bylaw 4.15 – Deadline for Audit Report, and

Bylaw 19.03 F(9) Other Fees by introducing service fees for payment by credit card.

Background and rationale for these proposed changes can be found on pages five and six of this document. Please read them prior to commenting.

Your comments on these changes are welcome and may be submitted online.

Please use [this link](#) to submit your comments.

If you have questions about these changes, please contact the College by e-mail at janet.blanchard@collegeofhomeopaths.com or by phone at 647-749-4956.

We look forward to receiving your written comments by January 16, 2023.

For more information about the College and its activities, please visit www.collegeofhomeopaths.com.



**If you have comments on the proposed changes,
please submit them by January 16, 2023
using the online survey**

How to Provide Feedback

The formal consultation process allows individuals to provide written comments on the proposed changes in general and to express opinions and/or concerns on any specific point raised in this package.

**Submit feedback no later than 5:00 p.m. on Monday, January 16, 2023
using the on-line survey:**

<https://www.surveymonkey.com/r/HFR87QC>

The CHO extends its sincere thanks for taking the time to provide your feedback. All written comments and feedback will be carefully considered by the College and its committees.

Guidelines for Posting Feedback

To encourage transparency and open dialogue, feedback from individuals and organizations may be posted on the CHO website at the discretion of the College and according to the following guidelines:

1. The feedback form is complete and returned to the College using the on-line survey with consent indicated.
2. Comments are related to the matter under consultation.
3. The response does not include abusive, derogatory, threatening or harassing comments about individuals or organizations.
4. Names of organizations submitting feedback will be posted; however, names of individuals will not. Submissions from individuals will be assigned a numerical code.
5. All feedback will be carefully considered by the College and its committees.

Thank you for your contribution to the work of the College of Homeopaths of Ontario.



Background

Process for Amending Bylaws

The CHO bylaw development and amendments are governed by sections of the *Regulated Health Professions Act, 1991, Schedule 2 the Health Professions Procedural Code*.

RHPA prescribes the scope of bylaw creation permissible by the College and makes it clear that only Council may make, amend or revoke regulations and by-laws (section 94(1)(j)). While only Council may make the ultimate decision related to changes to the College's Bylaws, it may delegate the research and writing of any new bylaw or revisions (including recommendation for revocation) of existing bylaws to a committee or panel. In the case of CHO, the role of bylaw management rests broadly with the Governance Panel, although Council retains the discretion to propose and accept changes to the bylaws without consultation with College committees and panels. Bylaw development/revision is always done in consultation with CHO Legal Counsel, who ensures that recommendations are sound and congruent with applicable statutes, changes are reflected in the most appropriate section of the bylaws, and that all sections of the bylaws accurately reflect the desired intent.

Once Council is in agreement with proposed bylaw changes it may approve the changes for immediate implementation or **opt to** publicly circulate the revisions for a period of no less than 60 days (RHPA Schedule 2 Section 94 (2)). Some bylaws **must be** circulated to members and the public at large. This is the case when the proposed change has a direct impact on applicants, registrants or the public. For example, the College must consult on bylaws related to:

- specific information to be kept in the Public Register and information which may be withheld from the public re 23(6) on reasonable grounds including information pertaining to personal health, ensuring safety of an individual, obsolescence, or relevance to a member's suitability to practice. (s. 94(1)(l.2));
- requiring members to give the College their home addresses and such other information as may be specified in the by-law about themselves and the places they practise the profession, the services they provide there, their participation in continuing education programs and the names, business addresses, telephone numbers and facsimile numbers of their associates, partners, employers and employees and prescribing the form and manner in which the information shall be given (s. 94(1) (l.3);
- annual fees paid by members, fees upon application for a certificate and upon registration and fees for examinations, appeals from examinations, election recounts and continuing education programs and for anything the Registrar or a committee of the College is required or authorized to do and requiring members to pay penalties for the late payment of any fee (s. 94(1) (s));
- specifying the amount of any fee or penalty required under clause (s) (s. 94(1)(t));
- requiring members to pay specified amounts to pay for the program required under section 85.7 (Funding for Therapy and Counselling), including amounts that are different for different members or classes of members and including amounts that are (i) specified in the by-law, (ii) calculated according to a method set out in the by-law, or (iii) determined by a person specified in the by-law(s. 94(1)(v));
- requiring members to participate in an arrangement set up by the College in which members pay a person such amounts as may be determined by the person for the members or for classes of members and the person pays amounts to the College to pay for the program required under section 85.7 (Funding for Therapy and Counselling) (s. 94(1)(w)); and
- requiring members to have professional liability insurance that satisfies the requirements specified in the by-laws or to belong to a specified association that provides protection against professional liability and requiring members to give proof of the insurance or membership to the Registrar in the manner set out in the by-laws(s. 94(1)(y)).

With rare exception, it has been standard process of the CHO to publicly circulate bylaw changes for consultation and feedback. This consistent action of public dialogue fits with the College's intention to demonstrate transparency.

Steps for Bylaw Changes

1. **Drafting** – Draft changes are based on direction from the Executive Committee, Council, the Government or good oversight by the Governance Panel. The intended change is communicated to legal counsel who provides draft language. Staff and the Governance Panel review the draft language and may have further panel deliberations and discussion with legal counsel prior to forwarding a recommendation to Council.

2. **Review by Council** – Council receives the recommendation from Governance Panel and a marked-up version of the proposed bylaw changes. Council has the chance to discuss and debate the proposed changes, and may provide additional feedback or direction to the Governance Panel. Bylaw changes sometimes require discussion at more than one Council meeting. Once the bylaw changes are accepted by Council they may be “approved in principle pending the results of public consultation”. During this period of consultation the changes are considered proposed not final. If Council decides not to circulate and consult then they may make a motion to approve the change as final.
3. **Circulation and Consultation** – the 60-day consultation period is typically 65 days in length allowing time to distribute the consultation document to interested parties. Distribution occurs via the College’s website, email to registrants, and outreach to other stakeholders such as government, other RHPA Colleges, patient advocacy groups, etc. Feedback is collected through a feedback survey and the College may also receive written correspondence from interested parties. The feedback is provided to Council in an aggregate form at the conclusion of the consultation period. Feedback may validate the proposed changes or may flag areas of concern requiring further consideration or change.
4. **Final Approval by Council** – At the next meeting following the consultation period Council will again review the proposed changes, considering any feedback from the consultation or any other new information put forward for consideration. As a result of feedback Council may find that changes are appropriate. Minor changes may be incorporated without substantially changing the intent of the proposed bylaw(s). If Council as a whole is satisfied with the proposed bylaws they may approve them effective immediately.

If Council determines that substantial changes are required, the bylaw(s) may require additional consultation for a further 60-day period before it can be put forward for a final vote.

4.15 - Proposed Bylaw Change related to the deadline for completion of the annual audited financial statements

Background and Rationale for Change

CHO hires a third-party bookkeeper and an external auditor. Information is sent from College staff to the bookkeeper (on a monthly basis) and the financial auditor at the end of each financial year (information is gathered between April and August and released to the auditor between May and August).

Information provided is related to

- all banking transactions
- database transactions (new members, annual renewals, and class changes)
- expenses
- investments
- financial and legal commitments
- budget and policies/processes.

The current bylaws require the financial audit to be completed and presented within 120 days of the end of the fiscal year (i.e. by July 29). Due to the manual nature of the audit preparation, it is not realistic for College staff or the auditor to meet this deadline.

In accordance with the *Not-for-Profit Corporations Act*, the proposed bylaw clarifies that the process must be completed within six months of the end of the fiscal year (in the case of CHO, this deadline would be September 30).

From the CHO Bylaws:

4.14 – Audited Financial Statements and Report [unchanged]

The audited financial statements of the College, together with a signed and certified copy of the Auditor's report, shall be presented annually to Council.

4.15 – Deadline for Report

Current:

The report of the Auditor shall be prepared within one hundred and twenty (120) days of the close of the fiscal year for presentation to Council.

Proposed:

The report of the Auditor shall be prepared within six (6) months of the close of the fiscal year for presentation to Executive Committee or Council.

The proposed change will have no impact on the public or public protection and remains within the requirements set out in the *Not-for-Profit Corporations Act*, section 83(1).

19.03F9 - Proposed Bylaw Change related to NEW service fee for payment by credit card

Background and Rationale for Change

Most registrants and applicants pay fees to the College by credit card due to the set-up of the College's registrant/applicant portal, although some pay by cheque. Payment submitted by cheque involves a small cost to the College, whereas the cost of credit card fees is 2.25% or cumulatively **roughly \$15,000 annually**.

At the direction of the Executive Committee at its September 23, 2022, meeting, staff reviewed the credit card processing fees paid on behalf of registrants who pay fees to the College by credit card. The proposed fee schedule below reflects the actual processing cost (rounded and with minor variation) for each type of fee typically collected by the College. Although the proposed fee schedule does not cover all fees collected, it does address those most frequently paid.

With the introduction of a credit card service fee, the College will also introduce the option for payment by direct debit/e-transfer. This alternative would offer a cost saving to any registrant/applicant who chooses it. Direct debit would also be a cost saving for the College.

The service fee for payment by credit card accurately reflects the processing cost (rounded and with minor variation) the College pays to the credit card processing company. The proposed changes are intended to come into effect on February 15, 2023 for members renewing their membership, and April 1, 2023 for applicants and new registrants.

Recouping credit card fees supports the College's mandate for public protection by utilizing such savings to pay for complaints, investigations, and disciplinary expenses.

No change is proposed for fees F1 through F8. New fees are as follows, marked in blue:

Fee Item		Fee Schedule April 1 to March 31
F. Other Fees		
1.	Additional/Replacement Certificate of Registration Fee	\$35
2.	Fees for each letter after first reminding Registrant obligation is not performed	\$60
3.	Fee for a letter of good standing	\$60
4.	NSF Charge Fee	\$60
5.	Duplicate Receipt Fee	\$25
6.	Letter of Good Standing Fee	\$60
7.	Reference letter for Immigration Purposes Fee	\$60
8.	Election Recount Fee	\$750
9.	Service Fee for Payment by Credit Card	
a.	Full Class Renewal	\$35
b.	Inactive Class Renewal	\$20
c.	New Registrant Registration	\$2 per month of pro-rated fee
d.	Substantially Equivalent Competency Assessment	\$13
e.	Application Fee	\$8

Chart of Proposed CHO Bylaw Changes

Section / Bylaw	Current Wording	Proposed Wording	Rationale
4. Banking and Finance Audited Financial Statements and Report 4.15 – Deadline for Report	The report of the Auditor shall be prepared within one hundred and twenty (120) days of the close of the fiscal year for presentation to Council.	The report of the Auditor shall be prepared within one hundred and twenty (120) days <u>six (6) months</u> of the close of the fiscal year for presentation to <u>Executive Committee or</u> Council.	This change will provide College staff with additional time to work with the Audit team to complete the audit process.
19.03F9 a to e Fee Amounts – Other Fees Service Fee for Payment by Credit Card	N/A	<u>Service Fee for Payment by Credit Card</u> a. <u>Full Class Renewal \$35</u> b. <u>Inactive Class Renewal \$20</u> c. <u>New Registrant Registration - \$2 per month of pro-rated fee</u> d. <u>Substantially Equivalent Competency Assessment \$13</u> e. <u>Application Fee \$8</u>	<p>Most registrants and applicants pay fees to the College by credit card due to the set-up of the College’s registrant/applicant portal, although some pay by cheque. Payment submitted by cheque involves a small cost to the College, whereas the cost of credit card fees is 2.25% or cumulatively roughly \$15,000 annually.</p> <p>The service fee for payment by credit card accurately reflects the processing cost (rounded and with minor variation) the College pays to the credit card processing company. The proposed changes are intended to come into effect on February 15, 2023, for members renewing their membership, and April 1, 2023, for applicants and new registrants.</p> <p>Recouping credit card fees supports the College’s mandate for public protection by utilizing such savings to pay for complaints, investigations, and disciplinary expenses.</p>