

**AGENDA**

**Executive Committee/Council Meeting**

**College of Homeopaths of Ontario  
by teleconference**

**Wednesday, November 27, 2019**

**Executive 12:00 p.m. – 1:30 p.m.  
Council 2:00 p.m. – 3:10 p.m.**

<b>EXECUTIVE COMMITTEE</b>							
		<b>ITEM</b>	<b>ACTION</b>	<b>FORMAT</b>	<b>WHO</b>	<b>MIN</b>	<b>TIME</b>
1		<b>Call to Order</b>	Information	Verbal	M Heller	1 min	12:00
2		<b>Agenda</b>					
	2.1	Adoption of Agenda	Decision	Written	M Heller	3 min	12:01
3		<b>Declaration of Conflict of Interest</b>	Decision	Verbal	M Heller	1 min	12:04
4		<b>Approval of minutes</b>					
	4.1	Meeting minutes dated May 28, 2019	Decision	Written	M Heller	3 min	12:05
5		<b>Strategic Goals and Objectives: Update</b>	Information	Written	B Ziv	20 min	12:08
6		<b>Performance Evaluation Framework - Registrar</b>	Decision	Verbal	B Ziv/ M Heller	20 min	12:28
7		<b>Treating Spouse Exemption Regulation</b>	Information	Verbal	J Blanchard	20 min	12:48
8		<b>Treasurer Position</b>	Discussion	Verbal	M Heller	10 min	1:08
9		<b>Other Business</b>	Discussion	Verbal	M Heller	10 min	1:18
10		<b>HBS – Preparation Time</b>	Decision	Verbal	M Heller	2 min	1:28
11		<b>Adjournment</b>	Decision	Verbal	M Heller	2 min	1:30
<b>BREAK</b>						30 min	
<b>COUNCIL</b>							<b>2:00</b>
C1		<b>Call to Order</b>	Information	Verbal	M Heller	1 min	2:00
C2		<b>Agenda</b>					
	C2.1	Adoption of Agenda	Decision	Written	M Heller	3 min	2:04
C3		<b>Declaration of Conflict of Interest</b>	Decision	Verbal	M Heller	3 min	2:07
C4		<b>Approval of minutes</b>					

	C4.1	Meeting minutes dated September 25, 2019	Decision	Written	M Heller	3 min	2:10
<b>IN CAMERA</b>							
<i>As permitted by the Regulated Health Professions Act, 1991, Schedule 2, section 7.2 there are times when it is appropriate for Council to discuss matters in camera. These include matters of public security; financial or personal or other matters of such a nature that it is desirable to avoid public disclosure; information related to a person involved in a criminal proceeding or civil suit; personnel matters or property acquisition; or instructions to be given to or opinions received from legal counsel. A meeting or any portion of a meeting held in camera is not open to the public.</i>							
	C4.2	<i>in camera</i> meeting minutes dated September 25, 2019					
C5		Statement of Operations	Decision	Written	B Ziv	5 min	2:13
C6		Governance Issues	Decision	Written	J Blanchard	45 min	2:18
C7		Other Business	Discussion	Verbal	M Heller	5 min	3:03
C8		HBS – Preparation Time	Decision	Verbal	M Heller	2 min	3:08
C9		Adjournment	Decision	Verbal	M Heller	2 min	3:10

**NOTE:** Please be reminded that all meeting materials, discussions and decisions are confidential to the College and cannot be copied or shared until they are made public.

**Upcoming Executive Committee Meetings**

Wednesday, April 1, 2020  
 Tuesday, August 11, 2020  
 Wednesday, November 25, 2020

**Upcoming Council Meetings**

Thursday, February 6, 2020 (by teleconference)  
 Thursday, June 11, 2020  
 Thursday, September 24, 2020

**Council Meeting  
College of Homeopaths of Ontario (CHO)  
Minutes**

**Wednesday, September 25, 2019  
365 Bloor Street East, Suite 1606**

**Present**

**Council**

Mark Heller	Public (Chair)
Anna Berger	Professional
Anna Cardozo	Professional
Kerri Flood	Professional
Eden Gajraj	Public (by teleconference)
Paul Joseph	Professional
Gary Kapelus	Public
Sukhdev Kooner	Professional
Kamika Mclean	Public
Sanjeev Nayyar	Professional
Myrna Tulandi	Public
Guru Dutt Vaid	Professional

**Staff**

Janet Blanchard	Senior Manager, Quality Assurance, Patient Relations, Communications
Kathryn Harvey	Communications Officer (recorder)
Basil Ziv	Registrar

**Guests**

Ross Halbert	Welch LLP
Samantha Slater	Welch LLP

**Regrets**

Bhupinder Sharma	Professional (Past-President)
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**1 Call to Order**

The President called the meeting to order at 10:05 a.m. and conducted a roll call.

**2 Adoption of Agenda**

**2.1 Adoption of Agenda**

*(Appendix 2.1 Agenda, Council Meeting, September 25, 2019)*

**Motion # 1: To adopt the agenda.**

Moved by G. Kapelus, seconded by M. Tulandi

**That Council adopt the agenda.**

*CARRIED*

**2.2 Adoption of Consent Agenda**

There were no consent agenda items for this meeting.

**3 Declaration of Conflict of Interest**

None declared.

**4 Approval of Minutes**

*(Appendix 4.1 Minutes, July 11, 2019 Council meeting)*

**Motion # 2: To approve the minutes of July 11, 2019**

Moved by K. Flood, seconded by M. Tulandi

**That Council approve the minutes of its July 11, 2019 meeting.**

**CARRIED**

**Secretary's note:**

*As permitted by the Regulated Health Professions Act, 1991, Schedule 2, section 7.2 there are times when it is appropriate for Council to discuss matters in camera. These include matters of public security; financial or personal or other matters of such a nature that it is desirable to avoid public disclosure; information related to a person involved in a criminal proceeding or civil suit; personnel matters or property acquisition; or instructions to be given to or opinions received from legal counsel. A meeting or any portion of a meeting held in camera is not open to the public.*

**Motion # 3: To move in camera**

Moved by A. Cardozo, seconded by G. Vaid

**That Council move in camera at 10:11 a.m.**

**CARRIED**

**6 Committee Appointments**

*(Appendix 6.1 Report Form: Committee Appointments (carried over from July 11))*

Staff presented an overview of proposed committee appointments.

**Motion # 9: To approve the 2019/2020 committee appointments slate as presented.**

Moved by M. Tulandi, seconded by K. Flood

**That Council approve the 2019/2020 committee appointments slate as presented.**

**CARRIED**

**7 Strategic Planning: Goals and Objectives**

*(Appendix 7.1 CHO 2019-2020 Goals and Objectives)*

The President described the process of developing a proposed business plan for 2019-2020 and encouraged discussion of the identified priorities, considering available resources, relative risk, and mandated requirements.

Discussion ensued, resulting in a number of amendments to the document.

**Motion # 10: To approve the 2019-2020 goals and objectives as amended**

Moved by K. Flood, seconded by S. Nayyar

**That Council approve the 2019-2020 goals and objectives as amended.**

**CARRIED**

**8 Council Evaluation: Next Steps**

The next step will be a collective evaluation of Council effectiveness. G. Kapelus and A. Cardozo will accept recommendations and develop a strategy for discussion at the November Executive Committee meeting.

**9 Council Development Training: Standards and Guidelines**

Deferred to a later meeting.

**10 Reports**

**10.1 Registration**

The Registrar provided an update on registration statistics and described tactics planned to ensure that Grandparented members have the tools to complete their Full Class registration requirements.

**10.2 SECA**

Staff reported on the status of the SECA program.

**10.3 Quality Assurance**

Staff reported on the status and future of the Quality Assurance program.

**11 Other Business**

The Executive meeting scheduled on November 27, 2019 will add an hour-long Council teleconference at 2:00 p.m. to finalize and approve bylaw changes requiring public consultation.

**12 HBS Meeting and Preparation Time**

One full day preparation, one full day meeting  
Start time: 10:05 a.m.  
End time: 3:02 p.m.

**13 Adjournment**

**Motion # 10: To adjourn**

Moved by G. Kapelus, seconded by A. Cardozo

**That Council adjourn at 3:02 p.m.**

*CARRIED*

The Chair agrees these minutes are an accurate reflection of the meeting.

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**Mark Heller, Chair**

**Date**

DRAFT / CONFIDENTIAL

COLLEGE OF HOMEOPATHS OF ONTARIO  
REPORT FORM

<b>MEETING/DATE:</b>	<b>COUNCIL</b> <b>NOVEMBER 27, 2019</b>	<b>DECISION</b>	<b>X</b>
		<b>DISCUSSION</b>	<input type="checkbox"/>
		<b>INFORMATION</b>	<input type="checkbox"/>
<b>DATE:</b>	<b>NOVEMBER 21, 2019</b>		
<b>ITEM NAME:</b>	<b>Proposed Bylaw Changes</b>		
<b>PRESENTED BY:</b>	<b>J BLANCHARD/G KAPELUS</b>		

**OBJECTIVE OF THIS REPORT** (relevance to the business of Council, potential impact/outcome of decision):

1. To present to Council recommendations from the Governance Panel related to:
  - i. Bylaw 6 to enhance the training and qualification requirements to sit on the Executive Committee and hold the office of President and/or Vice President;
  - ii. Schedule 1 and the process of election of officers with the intent to remove requirement for nomination signatures, increase the time prior to elections to submit nominations, add the production of an advance slate, and make any additional process modifications to enhance the efficiency and efficacy of the CHO executive governing body; and
  - iii. Bylaw 10 to add the requirement of successful completion of a Council approved training course prior to a member putting his or her name forward for election to Council.

**STRATEGIC DIRECTIONS:** This initiative fits with the strategic direction of the College's 2019/2020 Operating Plan, Goals and Objectives in the Key Result Area of:

**1 CHO Deliver of Legislative & Legal Mandate**

**2 CHO to Practice Good Governance**

B) Executive Committee

The CHO will modernize and improve the efficiency and efficacy of its executive governing body. Within the limits of the RHPA, CHO bylaws, policies, and procedures will be revised to achieve the following goals: extend position terms, establish minimum qualifications for each position, and streamline the election process. Deliverable/Timeframe: Slate of bylaw, policy and procedure changes for consideration and approval by Council by November 2019, to come into effect as part of the 2020 Executive Committee elections.

**3 CHO to Achieve Growth**

**GUIDING LEGISLATION:**

RHPA, Schedule 2 Health Professions Procedural Code

**By-laws**

94 (1) The Council may make by-laws relating to the administrative and internal affairs of the College and, without limiting the generality of the foregoing, the Council may make by-laws,

- (d.2) respecting the qualification and terms of office of Council members who are elected;
- (d.3) prescribing conditions disqualifying elected members from sitting on the Council and governing the removal of disqualified Council members;
- (e) providing procedures for the election of the President and Vice-President of the College, the selection of the chairs of the committees, the filling of a vacancy in those offices, and setting out the duties and powers of the President, Vice-President and the chairs;
- (f) respecting the calling, holding and conducting of the Council meetings and respecting the duties of the Council's members;
- (g) respecting the calling, holding and conducting of meetings of the members;
- (g.1) providing that a meeting of the Council or of members or a meeting of a committee or of a panel that is held for any purpose other than for the conducting of a hearing may be held in any manner that allows all the persons participating to communicate with each other simultaneously and instantaneously;

- (g.2) prescribing what constitutes a conflict of interest for members of the Council or a committee and regulating or prohibiting the carrying out of the duties of those members in cases in which there is a conflict of interest;
- (h) providing for the remuneration of the members of the Council and committees other than persons appointed by the Lieutenant Governor in Council and for the payment of the expenses of the Council and committees in the conduct of their business;
- (h.1) respecting the filling of vacancies on the Council or on committees;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.1) of Schedule 2 to the Act is repealed and the following substituted: (See: 2017, c. 11, Sched. 5, s. 30 (1))**

- (h.1) subject to the regulations made under clauses 43 (1) (p) to (s) of the *Regulated Health Professions Act, 1991*,
  - (i) respecting the filling of vacancies on the Council or on committees,
  - (ii) providing for the composition of committees,
  - (iii) respecting the qualification, selection, appointment and terms of office of members of committees required by subsection 10 (1) who are not members of the Council,
  - (iv) prescribing conditions that disqualify committee members from sitting on committees required under subsection 10 (1) and governing the removal of disqualified committee members;
- (h.2) providing for the composition of committees;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.2) of Schedule 2 to the Act is repealed. (See: 2017, c. 11, Sched. 5, s. 30 (1))**

- (h.3) respecting the qualification, selection, appointment and terms of office of members of committees required by subsection 10 (1) who are not members of the Council;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.3) of Schedule 2 to the Act is repealed. (See: 2017, c. 11, Sched. 5, s. 30 (1))**

- (h.4) prescribing conditions disqualifying committee members from sitting on committees required under subsection 10 (1) and governing the removal of disqualified committee members;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.4) of Schedule 2 to the Act is repealed. (See: 2017, c. 11, Sched. 5, s. 30 (1))**

- (i) providing for the appointment, powers and duties of committees other than the committees required by subsection 10 (1);
- (j) delegating to the Executive Committee powers and duties of the Council, other than the power to make, amend or revoke regulations and by-laws;

### **Circulation of certain by-laws**

(2) A by-law shall not be made under clause (1) (l.2), (l.3), (s), (t), (v), (w) or (y) unless the proposed by-law is circulated to every member at least 60 days before it is approved by the Council. 1998, c. 18, Sched. G, s. 22 (5).

**BACKGROUND** (history/pertinent info/stakeholder groups consulted/government directives/research findings/best practices. When conducting research provide full references including web links, document title, author, source, page number).

### **Process for Amending Bylaws**

The CHO bylaw development and amendments are governed by the above noted sections of the *Regulated Health Professions Act, 1991, Schedule 2 the Health Professions Procedural Code*. The full text of section 94 is included at the end of this report.

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 with the Governance Panel. 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** publically 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) (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 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 (i.e. one time occurrence), it has been standard process of the CHO to publically circulate bylaw changes for consultation and feedback. This consistent action of public dialogue fits with the College intention to improve transparency.

#### ***Steps for implementation***

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.

## **Proposed Bylaw Changes – November 2019 Relating to**

### **1. Interpretations**

### **6. Election of Officers**

### **Schedule 2 of Bylaws – Process of the Election of Officers**

In the actualization of the 2019/2020 Operating Plan, Goals and Objectives 2B (see description on page 1 above), the Governance Panel discussed proposed bylaw and process changes related to 1. length of term, 2. minimum qualifications, and 3. process of election to Executive Committee.

Staff provided the Panel with an overview of existing legislative, regulatory requirements and the result of the review of the 27 RHPA colleges plus the College of Teachers of Ontario, the Law Society of Ontario, and the Professional Engineers of Ontario. As a result of the ensuing discussion, the Governance Panel arrived at the following:

**A. Length of Term:** It was noted that the *Homeopathy Act, 2007* (created under RHPA) requires the College to elect a President and Vice President annually, while the College's Bylaw **5.03 limits** officers (President, Vice President and Treasurer) in one office to a maximum of three (3) consecutive, full-year terms. Section 5(1) of the *RHPA, Schedule 2* also directs that no term of a Council member who is elected shall exceed three years, and that (2) a person may be a Council member for more than one term but no person who is elected may be a Council member for more than nine consecutive years. Given these two pieces of legislation, no changes to term were proposed by the Panel.

**B. Basic Qualifications and C. Modernizing the Process for Election to Executive Committee:** Two motions and specific direction for next steps were agreed upon, as follows:

#### **Motion 1**

The Governance Panel directs staff to investigate the legal requirements to address changes in the process of election of officers related to Schedule 1 of the Bylaws to remove requirement for nomination signatures, including eligibility requirement, produce an advance slate, and make any additional process modifications, and to bring back decision points to Panel in preparation for the November 2019 Council meeting.

Moved by Mark Heller, seconded by Sanjeev Nayyar. Carried.

#### **Direction - Bylaw or policy requirement would include the following:**

- 1 year on Council prior to Executive Committee
- 1 year on Executive prior to Vice President or President
- In both cases add mandatory training as a requirement

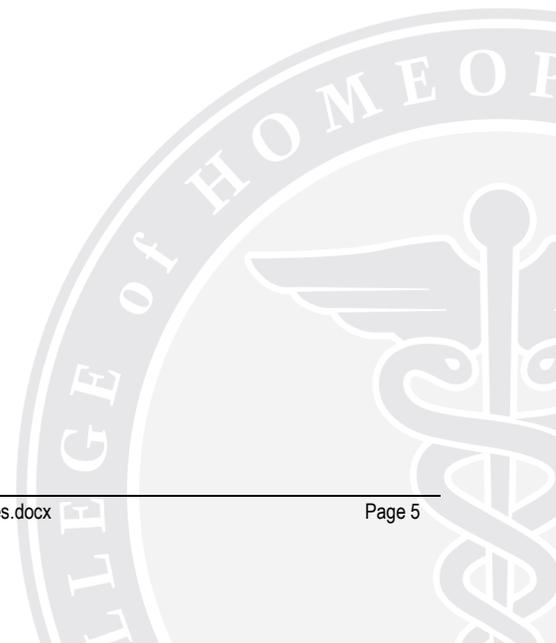
#### **Note: Regulatory Trends on Council Member Training**

In 2016, the College of Nurses of Ontario (CNO) proposed comprehensive changes to the composition of its Council and manner in which its Council is to be selected. One of the most revolutionary changes is that those who participate on Council must have the appropriate competencies to allow Council members to provide effective oversight of the College and ensure public protection. While incorporating enhanced training and competency development is achievable at this time, the broader CNO proposal requires legislative changes by Government before it can be fully instituted.

Other RHPA regulated colleges have also recognized the need for effective and competent Council members who have an elevated and demonstrated understanding of their role and responsibilities prior to putting forward their

**AGENDA ITEM # C6**  
**APPENDIX C6.1**

name for election. Recently, three RHPA Colleges have added the successful completion of Council/Committee related training as an eligibility requirement to stand for election.



Reference points:

Royal College of Dental Surgeons of Ontario [[training course](https://www.rcdso.org/en-ca/rcdso-members/rcdso-candidate-eligibility-course)]  
[https://www.rcdso.org/en-ca/rcdso-members/rcdso-candidate-eligibility-course]  
College of Massage Therapists of Ontario (training course is not publicly available)  
College of Midwives of Ontario [[training course](https://www.cmo.on.ca/resources/governance-education/)] [https://www.cmo.on.ca/resources/governance-education/]

If Council approves the addition of training as an eligibility requirement, the Registrar will reach out to enquire about the possibility of resource sharing. Any future training courses would be provided online to enhance accessibility.

From the November 8, 2019 meeting of the Governance Panel:

Governance Panel agrees to put forward the recommended proposed changes to bylaw 6.01 as presented on November 8, 2019.

Moved by Mark Heller, seconded by Anna Cardozo. Carried.

See proposed revisions with rationale starting on page 7 or refer to appendix item C6.2. Changes are highlighted in track changes and are found as follows:

<b>Section / Bylaw</b>	<b>Word Doc Page #</b>	<b>Bylaw Doc Page #</b>	<b>Change</b>
1 Interpretation 1.01 Definitions	6 of 47	1 of 40	Administrative Revision
6 Election of Officers 6.01 Eligibility for nomination 6.01.1 Eligibility for nomination for President/Vice President 6.04 Filling Vacancies Vice President	10 of 47	5 of 40	Revision
10 Council 10.04 Eligibility for Election	14 of 47	10 of 40	Revision
Schedule 1 Process for Election of Officers	40 of 47	35 of 40	Revision

Points to note regarding the feedback provided by Rebecca Durcan, Legal Counsel:

1. Suggested changes have been made to Bylaw 1.01 Definitions to align the language with current legislation. These changes are considered administrative to make current, without changing the intent of the bylaws, and do not require circulation and consultation.
2. Flexibility has been provided to allow Council to make an alternate decision if no eligible candidate is available in the pool of nominees.
3. Regarding election to the position of President or Vice President - prior time on the Executive Committee could be current or past. The focus is on comprehensive understanding of one's duties, obligations and the expectations of the role.
4. An eligibility requirement for election of professional members to Council has been added. Interested individuals will be required to successfully complete training approved by Council pertaining to the roles and responsibilities of Council. This addition is in keeping with the direction of the Panel, however, may be outside of the operating plan/goals/objectives (Executive versus Council alignment). It is anticipated that the change would take effect for the 2020 election.

**KEY CONSIDERATIONS:**

1. Good governance principles.
2. Generally acceptable democratic processes.
3. Consistency and appropriateness for a regulatory authority.
4. Is this a fair process? Does the addition of eligibility requirements create barriers?
5. Will this provide the desired outcome to modernize and improve the efficiency and efficacy of the CHO executive governing body? Does it simplify or complicate the election process?

**OPTIONS:**

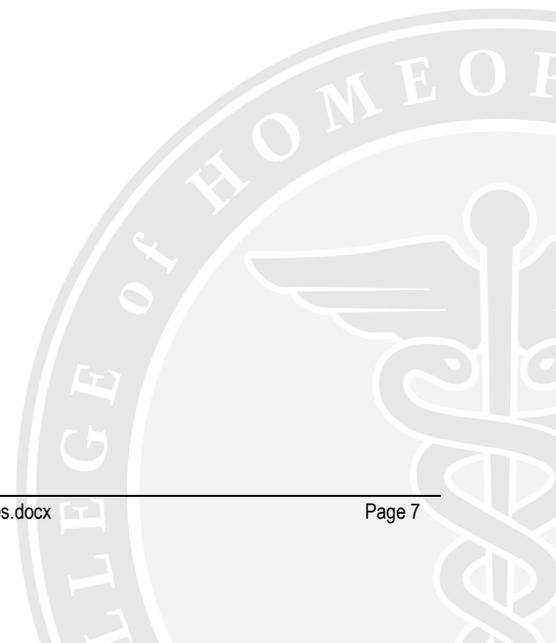
1. Approve proposed bylaw changes as recommended and proceed with [or without] 60-day public consultation.
2. Approve proposed bylaw changes as amended and proceed with [or without] 60-day public consultation.
3. Provide Panel with additional direction and return to Executive Committee and/or Council for further discussion.
4. Reject proposed bylaw changes without further direction.

**RECOMMENDATION:**

1. Approve proposed bylaw changes as recommended and proceed with 60-day public consultation.

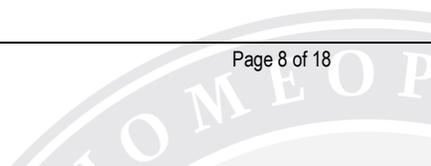
**RESOLUTION:**

Be it resolved that the proposed bylaw changes be approved as presented and that staff conduct a 60-day public consultation.

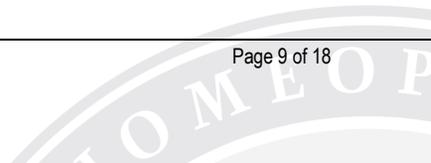


Proposed Bylaw Changes Details – November 2019

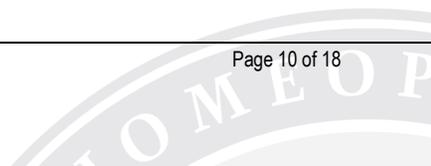
Section / Bylaw	Current Wording	Proposed Wording	Rationale
<b>1 Interpretation</b> <b>1.01 Definitions –</b> <b>“Registrant”</b>	“Registrant” means a person registered with the College unless the College has not yet registered people, in which case, that term means a person who practices homeopathy either by vocation or profession, seeing patients or utilizing their homeopathic skills and knowledge in some other context, such as teaching, research, or administration;	“Registrant” means a person registered with the College;	Administrative Revision Suggested change aligns the language with current legislation.
<b>1 Interpretation</b> <b>1.01 Definitions –</b> <b>“Registrar”</b>	“Registrar” means the person appointed by Council as Registrar for the College unless section 5 of the Act is not yet in force, in which case, it means the person appointed as Registrar for the College under subsection 11(2) of the Act. The “Registrar” includes any person appointed or designated as Deputy, Assistant or Acting Registrar;	“Registrar” means the person appointed by Council as Registrar for the College. The “Registrar” includes any person appointed or designated as Deputy, Assistant or Acting Registrar	Administrative Revision Suggested change aligns the language with current legislation.
<b>6 Election of Officers</b> <b>6.01 Eligibility for nomination</b>	<b>6.01 – Eligibility for Nomination</b> Only a member of Council is eligible for nomination or election as an officer of the College.	<b>6.01 – Eligibility for Nomination and Election</b> (i) Only a member of Council is eligible for nomination or election as an officer of the College.  (ii) A member of Council is eligible for nomination to the Executive Committee, if on the date of the nomination deadline, the member of Council provides evidence of successful completion of the Council approved training program relating to the Executive Committee duties, obligations and expectations.	Council members must have a reasonable and competent degree of knowledge, skill, and judgment and an understanding of the role of the College, Council and its committees to provide effective oversight of the College and ensure public protection. In addition to the skills each individual brings to the table, his/her knowledge and understanding are supported by training, length of service, exposure to the governance structure of the College and hands-on experience at Council and committee. As such, the changes to Bylaw 6 and 10 and to Schedule 2 of the Bylaws are intended to enhance the efficiency and effectiveness of the College’s governance



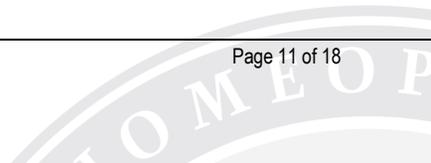
Section / Bylaw	Current Wording	Proposed Wording	Rationale
		(iii) A member of Council is eligible for election to the Executive Committee if, on the date of the election, the member of Council has served at least twelve (12) months on Council. If no members of Council have met the requirement set out at article 6.01(iii) Council may exempt this requirement.	structure and executive team. Council may choose to waive this requirement.
<b>6.01.1 Eligibility for nomination for President and Vice President</b>	N/A	<p>(i) A member of Council is eligible for nomination for President or Vice-President, if on the date of the nomination deadline, the member of Council provides evidence of successful completion of the Council approved training programs relating to the Executive Committee duties, obligations and expectations and the President and Vice President duties, obligations and expectations.</p> <p>(ii) A member of Council is eligible for election as President or Vice-President if, on the date of the election, the member of Council has served at least twelve (12) months on the current or past Executive Committee. If no members of Council have met the requirement set out at article 6.01.1(ii) Council may exempt this requirement.</p>	The President and Vice President have a unique set of roles and responsibilities from other Council members. They must possess a greater understanding of the College's and Council's duties and obligations. Additional training, commitment and time serviced are critical to effectively operating in these roles. Changes to Bylaw 6 and 10 and to Schedule 2 of the Bylaws are intended to enhance the efficiency and effectiveness of the College's governance structure and executive team. Council may choose to waive this requirement.



Section / Bylaw	Current Wording	Proposed Wording	Rationale
<b>6.02 - Election Procedure</b>	At the first regular Council meeting after the elections for Council Members, Council shall elect by secret ballot from among those members of Council eligible for election, the President, Vice-President and Treasurer, and any other officer positions, in accordance with this by-law and the "Process for Election of Officers" set out in Schedule 1.	No change.	No change.
<b>6.03 – Filling Vacancies (President)</b>	In the event that the President is removed from office, resigns or dies or the position of President becomes vacant for any reason, the Vice President shall become the President for the remaining term of the office and the office of the Vice-President shall become vacant.	No change.	No change.
<b>6.04 – Filling Vacancies (Vice-President)</b>	In the event that the Vice-President is removed from office, resigns or dies or the position of Vice-President becomes vacant for any reason, Council shall elect a new Vice-President to hold office for the remainder of the term.	In the event that the Vice-President is removed from office, resigns or dies or the position of Vice-President becomes vacant for any reason, Council shall elect a new Vice-President to hold office for the remainder of the term. Note that the requirements set out in article 6.01.1 may be waived by Council.	This change brings the bylaw into alignment with the other changes proposed above. Council may choose to waive this requirement.
<b>6.05 – Filling Vacancies (Treasurer)</b>	In the event that the Treasurer is removed from office, resigns or dies or the position of the Treasurer becomes vacant for any reason, Council shall elect a new Treasurer to hold office for the remainder of the term.	No change.	No change.
<b>10 Council 10.04 Eligibility for Election New addition of (xv)</b>	A Registrant is eligible for election to Council if the Registrant has been nominated in accordance with the bylaws, has completed and returned the conflict of interest questionnaire and if,	A Registrant is eligible for election to Council if the Registrant has been nominated in accordance with the bylaws, has completed and returned the conflict of interest questionnaire and if, on the	Council members must have a reasonable degree of knowledge and understanding about the role of the College, Council and its committees to provide effective oversight of the College and ensure public protection. CHO



Section / Bylaw	Current Wording	Proposed Wording	Rationale
	<p>on the deadline for the receipt of nominations and up to and including the date of the election,</p>	<p>deadline for the receipt of nominations and up to and including the date of the election, (xv) the Registrant provides acceptable evidence of successful completion of the Council approved training program relating to the duties, obligations and expectations of Council and Committee members.</p>	<p>recognizes the need for effective and competent Council members who have a demonstrated understanding of their role and responsibilities prior to putting forward their name to stand for election as a member of Council.</p> <p>This new requirement gives those wishing to stand for election keen insight these roles and responsibilities, and gives the potential nominee the opportunity to assess if this role is right for them.</p>
<p><b>Schedule 1 Process for Election of Officers</b></p>	<p>See full page below.</p>	<p>See full page below.</p>	<p>The proposed changes are designed to streamline the election process to ensure it is more efficient and effective. Changes focus on a few distinct areas:</p> <ul style="list-style-type: none"> <li>i. Timelines to <b>announce</b> (45 days in advance versus no stated date) and <b>receive</b> (one week in advance versus the afternoon before) nominations for Executive Committee</li> <li>ii. Communication of an advance slate of individuals interested in sitting on the Executive Committee. Where no qualified nominee is available nominations may come from the floor. In addition, more clarity is incorporated as to what can be communicated in advance of the election and to whom.</li> <li>iii. Removing the requirement for two supporting signatures for nominees to Executive Committee. This matter created logistical issues for many Council members.</li> </ul>



**CURRENT WORDING from CHO Bylaws last amended November 28, 2019**

**SCHEDULE 1 TO THE [CHO] BYLAWS**

**Process for Election of Officers**

The elections shall be supervised by the Registrar. The Registrar may be assisted by scrutineers.

Before the first regular meeting of the newly elected Council each year or any other Council meeting designated for the purpose by Council resolution, the Registrar shall send an invitation to all Council Members requesting any person wishing to stand for election to the offices of the President, Vice-President, Treasurer and Executive Committee member to indicate so, in writing, to the Registrar.

A Member's written intent must be supported by the signatures of two other Council Members and be returned to the Registrar no later than 5:00 p.m. on the day before the meeting of Council when the election of officers shall take place.

At the meeting of Council when the election of officers shall take place, the Registrar shall present the names of eligible candidates who have indicated their interest for the position of President.

Where there is only one nominee for a position, that person shall be elected by acclamation. In the event that there is more than one candidate for the office, the voting shall be conducted by ballot, with the result being tabulated and then recorded and reported by the Registrar. Where there are insufficient nominations for a position, nominations can be made from the floor.

Before the vote, candidates shall be given the opportunity to speak briefly (order to be determined by lot). The election of a candidate shall be confirmed by a majority vote of those present and voting. Where no candidate receives a majority vote, the candidate receiving the fewest votes shall be disqualified and the Council shall, by ballot, vote on the remaining candidates until one candidate receives a majority vote.

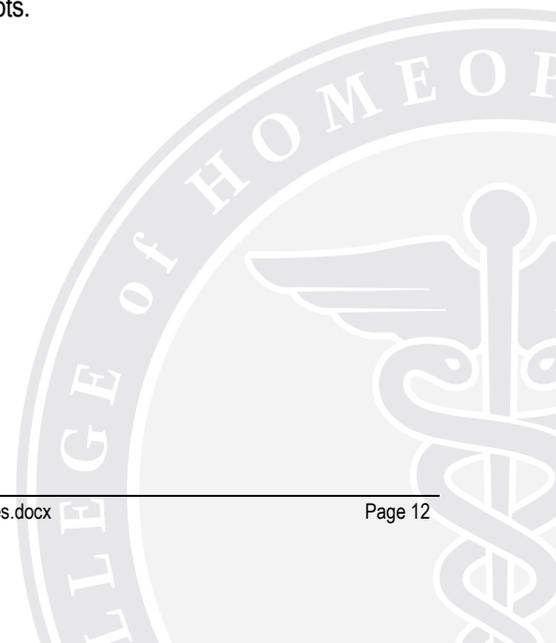
In the event of a tie, a second ballot shall take place. Candidates shall have an opportunity to speak briefly before the vote. If the second ballot also results in a tie, the winning candidate shall be determined by lot.

The results of each election shall be tabulated and reported by the Registrar, with the number of votes accorded to each candidate to remain confidential.

Once the President is elected, the Vice-President shall be elected in a similar manner. Once the Vice-President has been elected, the remaining Executive Committee positions shall be filled in a similar manner ensuring that there are an appropriate number of Registrants and Public Members.

Once the election is completed, the Registrar shall call for a motion to destroy the ballots.

The elected members of the Executive Committee may then speak briefly.



**PROPOSED WORDING from CHO Bylaws**

**SCHEDULE 1 TO THE BYLAWS**

**Process for Election of Officers**

The elections shall be supervised by the Registrar. The Registrar may be assisted by scrutineers.

At least forty-five (45) days before the date of the election, the Registrar shall notify every member of Council of the date of the election and of the procedure, criteria and deadline for members of Council to submit, in writing, their candidacy for a position as a member of the Executive Committee and any brief personal statement that the member of Council wishes to be circulated to the Council in support of their candidacy. Such personal statements may not contradict the College code of conduct, RHPA (1991) or Homeopathy Act, 2007.

A member of Council's written intent must be returned to the Registrar no later than 5:00 p.m. on the day one week before the meeting of Council when the election of officers shall take place (the "nomination deadline"). Prior to announcing the slate of candidates, the Registrar shall verify that each candidate has met the eligibility qualifications and shall notify any individual who does not meet such qualifications. The Registrar may, at any time, inform a member of Council about any other qualifying Council member's written intent that has been submitted before the deadline. If the Registrar is unable to announce a slate of candidates (due to ineligibility concerns or other analogous reasons) the Registrar shall alert Council and nominations can be made at the Council meeting as described below.

At least five (5) days prior to the meeting of Council when the election of officers shall take place, the Registrar shall circulate to all Council members a list of the eligible candidates for election, and any brief personal statements made available by the candidates.

A Council member may withdraw as a candidate at any time before the election.

At the meeting of Council when the election of officers shall take place, the Registrar shall present the names of eligible candidates who have indicated their interest for the position of President.

Where there is only one nominee for a position, that person shall be elected by acclamation. In the event that there is more than one candidate for the office, the voting shall be conducted by ballot, with the result being tabulated and then recorded and reported by the Registrar. Where there are insufficient qualified nominations for a position, qualified nominations can be made from the floor.

Before the vote, candidates shall be given the opportunity to speak briefly (order to be determined by lot). The election of a candidate shall be confirmed by a majority vote of those present and voting. Where no candidate receives a majority vote, the candidate receiving the fewest votes shall be disqualified and the Council shall, by ballot, vote on the remaining candidates until one candidate receives a majority vote.

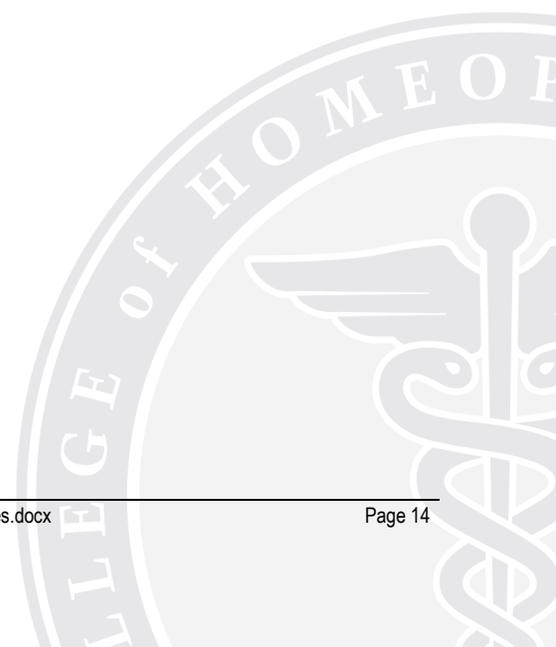
In the event of a tie, a second ballot shall take place. Candidates shall have an opportunity to speak briefly before the vote. If the second ballot also results in a tie, the winning candidate shall be determined by lot.

The results of each election shall be tabulated and reported by the Registrar, with the number of votes accorded to each candidate to remain confidential.

Once the President is elected, the Vice-President shall be elected in a similar manner. Once the Vice-President has been elected, the Treasurer shall be elected in a similar manner, followed by the remaining Executive Committee positions which shall also be filled in a similar manner ensuring that there are an appropriate number of Registrants and Public Members.

Once the election is completed, the Registrar shall call for a motion to destroy the ballots.

The elected members of the Executive Committee may then speak briefly.



Appendix – Full Details of Section of RHPA which effect changes to the Bylaws

Regulated Health Professions Act, 1991  
S.O. 1991, CHAPTER 18

**Consolidation Period:** From November 1, 2018 to the e-Laws currency date.  
Last amendment: 2017, c. 25, Sched. 9, s. 115.

SCHEDULE 2  
HEALTH PROFESSIONS PROCEDURAL CODE

Note: This Code is deemed by section 4 of the *Regulated Health Professions Act, 1991* to be part of each health profession Act.

**Executive Committee's exercise of Council's powers**

12 (1) Between the meetings of the Council, the Executive Committee has all the powers of the Council with respect to any matter that, in the Committee's opinion, requires immediate attention, other than the power to make, amend or revoke a regulation or by-law.

**Report to Council**

(2) If the Executive Committee exercises a power of the Council under subsection (1), it shall report on its actions to the Council at the Council's next meeting. 1991, c. 18, Sched. 2, s. 12.

**By-laws**

94 (1) The Council may make by-laws relating to the administrative and internal affairs of the College and, without limiting the generality of the foregoing, the Council may make by-laws,

- (a) adopting a seal for the College;
- (b) providing for the execution of documents by the College;
- (c) respecting banking and finance;
- (d) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;
- (d.1) respecting the election of Council members, including the requirements for members to be able to vote, electoral districts and election recounts;
- (d.2) respecting the qualification and terms of office of Council members who are elected;
- (d.3) prescribing conditions disqualifying elected members from sitting on the Council and governing the removal of disqualified Council members;
- (e) providing procedures for the election of the President and Vice-President of the College, the selection of the chairs of the committees, the filling of a vacancy in those offices, and setting out the duties and powers of the President, Vice-President and the chairs;
- (f) respecting the calling, holding and conducting of the Council meetings and respecting the duties of the Council's members;
- (g) respecting the calling, holding and conducting of meetings of the members;
- (g.1) providing that a meeting of the Council or of members or a meeting of a committee or of a panel that is held for any purpose other than for the conducting of a hearing may be held in any manner that allows all the persons participating to communicate with each other simultaneously and instantaneously;
- (g.2) prescribing what constitutes a conflict of interest for members of the Council or a committee and regulating or prohibiting the carrying out of the duties of those members in cases in which there is a conflict of interest;

(h) providing for the remuneration of the members of the Council and committees other than persons appointed by the Lieutenant Governor in Council and for the payment of the expenses of the Council and committees in the conduct of their business;

(h.1) respecting the filling of vacancies on the Council or on committees;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.1) of Schedule 2 to the Act is repealed and the following substituted: (See: 2017, c. 11, Sched. 5, s. 30 (1))**

(h.1) subject to the regulations made under clauses 43 (1) (p) to (s) of the *Regulated Health Professions Act, 1991*,

(i) respecting the filling of vacancies on the Council or on committees,

(ii) providing for the composition of committees,

(iii) respecting the qualification, selection, appointment and terms of office of members of committees required by subsection 10 (1) who are not members of the Council,

(iv) prescribing conditions that disqualify committee members from sitting on committees required under subsection 10 (1) and governing the removal of disqualified committee members;

(h.2) providing for the composition of committees;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.2) of Schedule 2 to the Act is repealed. (See: 2017, c. 11, Sched. 5, s. 30 (1))**

(h.3) respecting the qualification, selection, appointment and terms of office of members of committees required by subsection 10 (1) who are not members of the Council;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.3) of Schedule 2 to the Act is repealed. (See: 2017, c. 11, Sched. 5, s. 30 (1))**

(h.4) prescribing conditions disqualifying committee members from sitting on committees required under subsection 10 (1) and governing the removal of disqualified committee members;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.4) of Schedule 2 to the Act is repealed. (See: 2017, c. 11, Sched. 5, s. 30 (1))**

(i) providing for the appointment, powers and duties of committees other than the committees required by subsection 10 (1);

(j) delegating to the Executive Committee powers and duties of the Council, other than the power to make, amend or revoke regulations and by-laws;

(k) providing for a code of ethics for the members;

(l) providing for the appointment of inspectors for the purposes of regulations made under clause 95 (1) (h);

(l.1) respecting the maintenance of the register kept by the Registrar and providing for the issuing of certificates when information contained in the register is made available to the public under section 23;

(l.2) specifying information as information to be kept in the register for the purposes of paragraph 20 of subsection 23 (2), designating information kept in the register as public for the purposes of subsection 23 (5), and designating information kept in the register as public for the purposes of subsection 23 (5) that may be withheld from the public for the purposes of subsection 23 (6);

(l.3) 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;

(l.4) respecting the duties and office of the Registrar;

- (m) providing procedures for the making, amending and revoking of by-laws;
- (n) prescribing forms and providing for their use;
- (o) respecting the management of the property of the College;
- (p) authorizing the College to make arrangements for the indemnity of members against professional liability and providing levies to be paid by members;
- (q) respecting membership of the College in a national organization of bodies with similar functions, the payment of annual assessments and representation at meetings;
- (r) authorizing the making of grants to advance scientific knowledge or the education of persons wishing to practise the profession, to maintain or improve the standards of practice of the profession or to provide public information about, and encourage interest in, the past and present role of the profession in society;
- (s) requiring members to pay annual fees, 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;
- (t) specifying the amount of any fee or penalty required under clause (s);
  - (t.1) prescribing the form and manner in which a health profession corporation shall notify the Registrar of a change in the shareholders of the corporation and the time period for doing so;
  - (t.2) requiring the payment of fees upon application for a certificate of authorization and for the issue or renewal of a certificate of authorization and specifying the amount of such fees;
- (u) requiring persons to pay fees, set by the Registrar or by by-law, for anything the Registrar is required or authorized to do;
- (v) requiring members to pay specified amounts to pay for the program required under section 85.7, including amounts that are different for different members or classes of members and including amounts,
  - (i) that are specified in the by-law,
  - (ii) that are calculated according to a method set out in the by-law, or
  - (iii) that are determined by a person specified in the by-law;
- (w) 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;
- (x) authorizing the Patient Relations Committee to require therapists and counsellors who are providing therapy or counselling that is funded through the program required under section 85.7 and persons who are receiving such therapy or counselling, to provide a written statement, signed in each case by the therapist or counsellor and by the person, containing details of the therapist's or counsellor's training and experience, and confirming that therapy or counselling is being provided and that the funds received are being devoted only to that purpose;
- (y) 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;
- (z) respecting the designation of life or honorary members of the College and prescribing their rights and privileges;
  - (z.1) exempting any member or class of member from a by-law made under this section;
  - (z.2) specifying or setting out anything that is required to be specified or set out under this subsection. 1991, c. 18, Sched. 2, s. 94 (1); 1998, c. 18, Sched. G, s. 22 (1-4); 2000, c. 42, Sched., s. 40; 2007, c. 10, Sched. M, s. 73 (1, 2); 2017, c. 11, Sched. 5, s. 30 (2).

**Circulation of certain by-laws**

(2) A by-law shall not be made under clause (1) (l.2), (l.3), (s), (t), (v), (w) or (y) unless the proposed by-law is circulated to every member at least 60 days before it is approved by the Council. 1998, c. 18, Sched. G, s. 22 (5).

**Exception**

(2.1) Despite subsection (2), the Council may, with the approval of the Minister, exempt a by-law from the requirement that it be circulated or abridge the 60-day period referred to in subsection (2) to such lesser period as the Minister may determine. 1998, c. 18, Sched. G, s. 22 (5).

**Copies of by-laws, etc.**

(3) A copy of the by-laws and standards of practice made by the Council, and any documents that are referred to in the by-laws and regulations made by the Council shall be given to the Minister and to each member and shall be made available to the public during normal business hours in the office of the College. 2007, c. 10, Sched. M, s. 73 (3).

**Public copies**

(3.1) Any person is entitled to a copy of any by-law, standard of practice or other document mentioned in subsection (3) on the payment of a reasonable fee, if required, to the Registrar. 2007, c. 10, Sched. M, s. 73 (3).

**Unanimous by-laws, etc.**

(4) A by-law or resolution signed by all the members of the Council is as valid and effective as if passed at a meeting of the Council called, constituted and held for the purpose. 1991, c. 18, Sched. 2, s. 94 (4).

**Application**

(5) Subsections (3) and (4) apply to by-laws made under this section or under a health profession Act. 1998, c. 18, Sched. G, s. 22 (6).

