DRAFT AGENDA
Council Meeting
College of Homeopaths of Ontario

by teleconference

Friday, January 27, 2023 10:00 a.m. – 12:34 p.m.

		ITEM	ACTION	FORMAT	WHO	START TIME	DURATION
1		**Call to Order**	**Information**	**Verbal**	**B Sharma**	**10:00**	**2 min**
2		**Welcome to Guests**	**Information**	**Verbal**	**B Sharma**	**10:02**	**5 min**
3		**Agenda**					
	3.1	Consent Agenda* and Committee Reports 3.1.1 Update on Action Items 3.1.2 Membership Scorecard 3.1.3 2022-2023 Operational Goals & Objectives 3.1.4 Registration Committee 3.1.5 Discipline Committee	**Information**	**Written**	**B Ziv**	**10:07**	**5 min**
	3.2	Adoption of Agenda	**Decision**	**Written**	**B Sharma**	**10:12**	**5 min**
4		**Declaration of Conflict of Interest**	**Decision**	**Written**	**B Sharma**	**10:17**	**3 min**
5		**Approval of minutes**					
	5.1	October 6, 2022	**Decision**	**Written**	**B Sharma**	**10:20**	**5 min**
IN CAMERA							
6		**Approval of *in camera* minutes**					
	6.1	October 6,2022	**Decision**	Written	**B Sharma**	**10:25**	**5 min**
7		**Finances**					
	7.1	Statement of Operations	**Decision**	**Written**	**B Ziv**	**10:30**	**5 min**
8		**Registrar's Performance Review**	**Discussion**	**Written**	**B Sharma**	**10:35**	**20 min**
9		**Registration Changes – Emergency Class Regulation**	**Decision**	**Written**	**J Blanchard**	**10:55**	**45 min**
	9.1 9.2	Draft Regulation Emergency Class Fees					

		ITEM	ACTION	FORMAT	WHO	START TIME	DURATION
10		Final approval of bylaw changes: • Date for Auditor Financial Report • New Fee – credit card fees	Decision	Written	K Harvey	11:40	10 min
11		College Performance Measurement Framework (CPMF) Update	Discussion	Verbal	K Harvey	11:50	10 min
12		2023/2024 College Planning Cycle	Information	Verbal	J Blanchard	12:00	5 min
13		Council Evaluation by Third Party	Information	Verbal	B Ziv	12:05	15 min
14		Other Business and Action Items Arising	Discussion	Verbal	B Sharma	12:20	10 min
15		HBS – Preparation Time	Information	Verbal	B Sharma	12:30	2 min
16		Adjournment	Decision	Verbal	B Sharma	12:32	2 min

* A consent agenda is a bundle of items that is voted on, without discussion, as a package. It differentiates between routine matters not needing explanation and more complex issues needing examination. The Chair will ask if anyone wishes to remove an item from the consent agenda. Any Council member may request an item be removed so it can be discussed. To test whether an item should be included in the consent agenda, ask:

- Is this item self-explanatory and uncontroversial? Or does it contain an issue that warrants Council discussion?
- Is this item for information only? Or is it needed for another meeting agenda issue?

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.

Log-in Information

https://us02web.zoom.us/j/85939519183

Meeting ID: 859 3951 9183

Passcode: 048106

647 374 4685

Upcoming Meetings

Friday, April 21, 2023

Wednesday, June 21, 2023

September/October 2023 TBA

College of Homeopaths of Ontario
Council Member Declarations
re: Conflict of Interest
as of September 27, 2022

Statement

Annually, CHO Council members complete a written declaration of Conflict of Interest which acknowledges and agrees to the premise that an actual or perceived conflict of interest can undermine confidence in the College and its ability to fulfill its public interest mandate. Council members review the College's Bylaws and conflict of interest policies and agree to take all reasonable steps to avoid any actual or perceived conflict of interest from arising and. If one cannot be avoided, Council members are required, in advance and at each meeting, to declare any real, perceived or potential conflict of interest and to remove him- or herself from any consideration of the matter in issue.

Council Member	Form Signed and Returned	Affiliations Identified	Conflict Identified
Akhlaq Ahmad	✓	Ontario Homeopathic Medical Association, Director 2017-2021 (resigned upon assuming seat on Council)	None
Heather Broadhead	✓	Rotary Club of London, member, ongoing Institute of Corp. Directors, member, ongoing Vimy Ridge Legion, member, ongoing	None
Anna Cardozo	✓	None	None
Kerri Flood	✓	CCHM, contract teacher, 2020-2021	None
Mark Heller	✓	IPAC Canada, member, ongoing Canadian College of Health Leaders, member, ongoing Ontario Long Term Care Association, member, ongoing Advantage Ontario, member, ongoing Ontario Retirement Communities Association, member, ongoing Canadian Standards Association, member, ongoing	None

Council Member	Form Signed and Returned	Affiliations Identified	Conflict Identified
Catherine Kerr	✓	None	None
Kamika McLean	✓	None	None
Sanjeev Nayyar	✓	None	None
Bhupinder Sharma	✓	LIGA Homeopathica Medicorum Internalis, NVP Canada, 2009-present Ontario Homeopathic Medical Association, member, 2017-present Canadian Homeopathic Medical College, Dean, teaching homeopathy, 2016-present Past affiliations: Community Advisory Council, William Osler Health, Brampton General Hospital, member, 2009-2019 Community Care Access Centre, board member, 2009-2017 Homeopathic Medical Educational Center of Canada, teacher, 2006-2008	None
Michael Steele	✓	Financial Planning Association (USA), Member, annual Addiction Services of Thames Valley, Board Chair, no end date MLHU Board of Health, Provincial Appointment, December 9, 2023 CIFPs, Member, annual	None
Guru Dutt Vaid	✓	None	None
Angela Vani	✓	Registrant, College of Opticians of Ontario	None

Council Meeting
College of Homeopaths of Ontario (CHO)
Minutes

Thursday, October 6, 2022
by telephone and video conference

Present

Council

Bhupinder Sharma	Professional (Chair)
Heather Broadhead	Public
Anna Cardozo	Professional
Kerri Flood	Professional
Mark Heller	Public
Catherine Kerr	Public
Kamika Mclean	Public
Sanjeev Nayyar	Professional
Mike Steele	Public
Guru Dutt Vaid	Professional
Angela Vani	Professional

Staff

Janet Blanchard	Deputy Registrar
Kathryn Harvey	Communications Officer (recorder)
Heidi Mayer	Registration Officer
Basil Ziv	Registrar and CEO

Guests

Samantha Slater	Welch LLP [item 6 only]
Vivian Pang	Ministry of Health

Absent

Akhlaq Ahmad	Professional

1 Call to Order

The President called the meeting to order at 10:01 a.m. and conducted a roll call.

2 Welcome to Guests

The Chair welcomed Vivian Pang from the Ministry of Health.

3 Agenda

3.1 Consent Agenda and Committee Reports

(Appendix 3.1.1 Update on Action Items)

(Appendix 3.1.2 Annual Operating Calendar)

(Appendix 3.1.3 Membership Scorecard)

(Appendix 3.1.4 2022-2023 Operational Goals and Objectives)

DRAFT / CONFIDENTIAL

(Appendix 3.1.5 Executive Committee)

(Appendix 3.1.6 Inquiries, Complaints and Reports Committee)

(Appendix 3.1.7 Discipline Committee)

(Appendix 3.1.8 Overview of Planning Process)

Motion # 1: To adopt the consent agenda
Moved by H. Broadhead, seconded by A. Cardozo

That Council adopt the consent agenda.
CARRIED

3.2 Adoption of Agenda
(Appendix 3.1 Council Agenda)

Motion # 2: To adopt the agenda.
Moved by C. Kerr, seconded by A. Cardozo

That Council adopt the agenda.
CARRIED

4 Declaration of Conflict of Interest
(Appendix 4.1 Council Member Declarations re: Conflict of Interest)

None declared. No changes had been made since declarations were signed.

5 Approval of Minutes

5.1 June 16, 2022
(Appendix 5.1 Minutes, June 16, 2022 Council meeting)

It was suggested that the outcome of the Executive Committee election should list the immediate Past President as such in addition to her position as a Member at Large.

Motion # 3: To approve the minutes of June 16, 2022 as amended
Moved by H. Broadhead, seconded by S. Nayyar

That Council approve the minutes of its June 16, 2022 meeting as amended.
CARRIED

6 Audit
(Appendix 6.1 Audited Financial Statements)

Samantha Slater of Welch LLP presented the audited financial statements for the 2021-2022 fiscal year. It was noted that the significant difference in financial status from the previous year could be attributed entirely to the legal and investigative costs of the complaints received and/or processed during the year.

Motion # 4: To accept the audited financial statements

DRAFT / CONFIDENTIAL

Moved by H. Broadhead, seconded by K. Flood

That Council accept the 2021-2022 audited financial statements as presented.
CARRIED

6.2 Appointment of Auditor

Motion # 5: To appoint Welch LLP as auditor for 2022-2023
Moved by K. Flood, seconded by H. Broadhead

That Council appoint Welch LLP as auditor for the 2022-2023 fiscal year.
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 # 6: To move *in camera*
Moved by C. Kerr, seconded by A. Cardozo

That Council move *in camera* at 10:47 a.m.
CARRIED

Secretary's note: *S. Nayyar left the meeting at 2:28 p.m.*

9 Recap of Strategies/Motions related to Financial Position

During the *in camera* session, Council determined that there would be a 7.8% increase to all fees, in keeping with the 2022 increase in the Consumer Price Index and consistent with bylaw 19.05. This increase will be implemented as part of the renewal period beginning in February 2023.

Additionally, it was decided that a service charge would be implemented to cover the cost to the College of registrants remitting their fees via credit card.

Motion # 11: To approve the addition of service fees and to circulate this change for public consultation
Moved by H. Broadhead, seconded by A. Cardozo

That Council approve, in principle, the proposed fee schedule related to payment of College fees by credit card as itemized in the new bylaw 19.03 f9 a to e., and further that this proposed schedule be circulated for 60-day public consultation.
CARRIED

Secretary's note: *A. Vani left the meeting at 2:44 p.m.*

10 Operating Plan Goals and Objectives 2023-2025 KRAs

DRAFT CONFIDENTIAL

(Appendix 10.1 Report Form: Operational Goals and Objectives: Key Result Areas for 2023-2025)

Council agreed with the Executive Committee's recommendation to continue with the same Key Result Areas for the period 2023-2025.

Motion # 12: To approve Key Result Areas for April 2023 to March 2025
Moved by K. Flood, seconded by A. Cardozo

That Council approve the Key Result Areas for April 2023 to March 2025 as follows:

1. **CHO effectively delivers its legislative and legal mandate;**
2. **CHO to practice good governance**
3. **CHO to achieve growth.**

CARRIED

11 Proposed Bylaw Change – 4.15 Audit Deadline

(Appendix 11.1 Report Form: Proposed Bylaw Change: Bylaw 4.15 – Deadline for Report (Audit))

Based on the difficulty of completing all audit requirements within the current timeline, staff recommended that bylaw 4.15 be amended to extend the reporting period from 120 days to six months. The proposed extension is consistent with the legislative requirements set out in the *Not-for-Profit Corporations Act*. The need for a 60-day consultation on this bylaw change is optional; however, because another item (see 7.3, Service Charges for Credit Card Payments) will be sent out for consultation, it may be worthwhile to include this one as part of the consultation package.

Motion # 13: To approve the proposed amendment to bylaw 4.15
Moved by A. Cardozo, seconded by K. Flood

That the matter of proposed amendment to bylaw 4.15 – Deadline for Report (Audit) be approved as presented.
CARRIED

12 Update on Quality Assurance Program

Staff presented a status update on the Quality Assurance Program.

13 Other Business and Action Items Arising

No other business.

14 HBS Preparation Time

Full day preparation, full day meeting
Start time: 10:01 a.m.
End time: 3:05 p.m.

15 Adjournment

Motion # 14: To adjourn

DRAFT / CONFIDENTIAL

Moved by H. Broadhead, seconded by A. Cardozo

That Council adjourn at 3:05 p.m.
CARRIED

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

B. Sharma, Chair **Date**

DRAFT / CONFIDENTIAL

COLLEGE OF HOMEOPATHS OF ONTARIO
REPORT FORM / BRIEFING NOTES

MEETING/DATE:	**COUNCIL/JANUARY 27, 2023**	**DECISION**	**X**
DATE:	**JANUARY 17, 2023**	**DISCUSSION**	□
ITEM NAME:	**Draft Emergency Class Registration Regulation**	**INFORMATION**	□
INITIATED BY:	**J BLANCHARD/B ZIV**		
PRESENTED BY:	**J BLANCHARD/M STEELE**		

OBJECTIVE OF THIS REPORT (relevance to the business of Council, potential impact/outcome of decision):
To present a draft registration regulation for Emergency Class Certificate of Registration.

STRATEGIC DIRECTIONS: This initiative fits with the strategic direction of the College's 2022/2023 Operating Plan, Goals and Objectives in the Key Result Area or other requirement:

X **1 Delivering on Legislative & Legal Mandate**
□ **2 Practicing Good Governance**
□ **3 Achieving Growth**
□ **Fulfilling RHPA Objects**
□ **Meeting a Legislative/Regulatory or Bylaw Requirement**
□ **CPMF – College Performance Measurement Framework**
□ **Other, specify:** _____

GUIDING LEGISLATION/BYLAW/POLICY:

Regulated Health Professions Act, 1991 (RHPA)
ONTARIO REGULATION 508/22
REGISTRATION REQUIREMENTS

Note: Section 5 comes into force on August 31, 2023, the day subsection 3 (3) of Schedule 6 to the *Pandemic and Emergency Preparedness Act, 2022* comes into force.
Emergency classes of registration

5. (1) The regulations establishing an emergency class of registration required by section 16.3 of the Code must include at least the following requirements:

1. They must specify emergency circumstances that will cause the class to be open for issuance and renewal.
2. They must specify that the emergency class of certificates of registration expire no more than one year after they are issued but are renewable for the same period of time, with no limit on the number of times they may be renewed as long as the emergency circumstances persist.
3. They must specify circumstances in which a member of the emergency class may apply for another class of registration and must exempt the applicant from at least some registration requirements that would ordinarily apply to the application.

(2) Paragraph 3 of subsection (1) does not prevent the Council from establishing alternative requirements that must be met by the applicant.

RHPA – Schedule 2 – the Code

Note: On a day to be named by proclamation of the Lieutenant Governor, Schedule 2 to the Act is amended by adding the following section: (See: 2022, c. 11, Sched. 6, s. 3 (3))

Emergency classes of registration

16.3 (1) The Council shall make regulations under clause 95 (1) (b) establishing an emergency class of registration. 2022, c. 11, Sched. 6, s. 3 (3).

(2) The emergency class of registration required by subsection (1) must meet the requirements in any regulation made under clause 43 (1) (k.3) of the *Regulated Health Professions Act, 1991*. 2022, c. 11, Sched. 6, s. 3 (3).

BRIEFING NOTES:
Under the RHPA and *Registration Requirements Regulation* (O. Reg. 508/22) the College has been mandated by the Government of Ontario to draft and submit regulations to create an emergency class of registration. This is an important step in the Province's emergency preparedness process and a requirement for each of the colleges regulated until RHPA. Further, opening this class may help the Government to ensure there is an adequate supply of qualified professionals to service the health care needs of the Ontario public.

In accordance with O. Reg. 508/22, the draft emergency class regulation must include:

1. The specific emergency circumstances that will create the class to be open for registration.
2. A time period of no more than a year duration, but renewable for the same period of time with no limit on the number of times they may be renewed as long as the emergency circumstances persists.
3. Circumstances in which a member of the emergency class must become eligible for registration in another registration class and be exempt from at least some registration requirements that would ordinarily apply to that other class of registration.

Staff, with assistance from legal counsel Richard Steinecke and Rebecca Durcan, have drafted an emergency class registration regulation, which was presented to and discussed among members of the Registration Committee. The Committee has supported the proposed draft (see draft at the end of this report).

Here are some highlights – please note these apply only to emergency class registration:

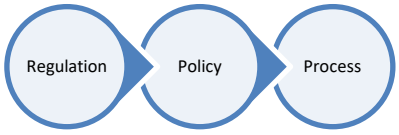
- Council would be able to use the emergency class regulation in the public interest, such as:
  - Circumstances which would create a significant delay to application processing time;
  - Supply and demand concerns of having an adequate supply of qualified members to service the health care needs of the Ontario public; and
  - At the direction of the government.
- Allow members of the emergency class to be exempt of completing the individual assessment process if they satisfy a practice assessment, provide evidence that they may practice the profession in a competent/safe/ethical manner, and all other requirements for Full Class – should they choose to transition to permanent (full class) registration with the College.
- The College would create a process to review equivalent programs from any jurisdiction. Equivalent programs would require approval by Council.

Building Blocks to support implementation

Regulations

➢ Broad directives and rules with some detail.

- O.Reg. 18/14
- Defined by/with Government



Policies

➢ Granular details that help to interpret the regulation.

- Categories of CHO registration policies fall under: Administrative, Class-specific, General.
- Defined by College with expectation of consistency between colleges and implementation of legal obligations overseen by the Office of the Fairness Commissioner i.e. fair registration principles/practices and concepts of transparency, objectivity, impartiality, and fairness (TOIF).

Processes

➢Provides details and steps on required action.

- Substantially Equivalent Competence Assessment (SECA), Refresher, Program approval, etc.
- Defined by College with expectation of embedded principles of TOIF and fair regulation practices.

KEY CONSIDERATIONS:

- This is a mandatory requirement of each RHPA college.
- The language of the draft regulation will likely change following public consultation, and final drafting by staff at the Ministry of Health. As such please focus on the content and intent of the proposed draft. The drafting process is usually negotiated; however, the Ministry has the final say and the College will sign-off on the final revision.
- The regulation must be in place by August 31, 2023. The Ministry will look to pass as many of the regulations at the same time as possible. Following public consultation, Staff intends to bring the regulation back to Council for final approval in April.
- Satisfying requirements within existing processes, while recognizing some policies and processes will require revision to fully service emergency class applicants.

RESOURCE IMPLICATIONS:

Some staff time is required to meet all aspects of implementation of a new class of registration. This will impact timelines and deliverables of other projects and operating goals and objectives.

DEADLINES AND NEXT STEPS:

1. Council to review draft at January 27, 2023 meeting. Goal to approve in-principle for required 60- day consultation.
2. Public consultation (late January to early April).
3. Feedback to be provided to Registration Committee. Draft to be revised as required based on feedback.
4. Final approval by Council at April 2023 meeting.
5. Submission to Ministry shortly thereafter.
6. Concurrently, Staff and Registration Committee to review and revise registration policies as required. Some policy revisions will come to Council.

OPTIONS:

1. Accept, in-principle, the draft Emergency Class regulation as presented and release for 60-day public consultation.
2. Accept, in-principle, the draft Emergency Class regulation with amendments and release for 60-day public consultation.
3. Send the draft Emergency Class regulation back to the Registration Committee with direction for further review and redrafting, to come back to the next meeting of Council for consideration.
4. Reject the draft Emergency Class regulation without further consideration.

RECOMMENDATIONS:

1. Accept, in-principle, the draft Emergency Class regulation as presented and release for 60-day public consultation.

RESOLUTION:

BE IT RESOLVED THAT THE MATTER OF THE DRAFT EMERGENCY CLASS REGISTRATION REGULATION BE APPROVED IN-PRINCIPLE AS PRESENTED FOR 60-DAY PUBLIC CONSULTATION.

Draft 4 CHO Emergency Class Registration Regulation

Section	From *O.Reg. 18/14, CHO Registration Regulation* as at Jan 16, 2023	Proposed Text[1]	Explanation/Rationale (These notes apply only to emergency class registration.)
2	The following are prescribed class of certificates of registration: a) Full. b) Grandparented. c) Inactive.	The following are prescribed class of certificates of registration: a) Full. b) Grandparented. c) Inactive. d) Emergency.	The addition of an emergency class has been made at the direction of the Ministry of Health pursuant to *O.Reg. 508/22 Regulation Requirements* under the *Regulated Health Professions Act, 1991 (RHPA)*.
Requesting change in numbering to insert emergency class after inactive class. At the pleasure of the legislative drafters, the College respectfully requests that numbering of the College's current *Registration Regulation O.Reg. 18/14* be adjusted to insert the proposed section 14 to 20 related to emergency class before the current sections: ~~14~~ 21 – Reinstatement ~~15~~ 22 – Suspensions, failure to provide information ~~16~~ 23 – Suspension, lack of insurance ~~17~~ 24 – Lifting of suspension for failure to pay fees, etc. ~~18~~ 25 – Automatic revocation			
Registration Requirements, Emergency Class			
14[2]	New provision	The following are requirements for the issuance of a certificate of registration in the emergency class: (1) The Council of the College has determined that there are emergency circumstances such that it is in the public interest to issue certificates of registration in the emergency class. In making such determination, the Council may take into account the relevant circumstances including, but not limited to, the presence of a significant	The subsections under 14 provide details on when the emergency class may be initiated, including at the direction of Council and/or at the request of the Minister of Health. This is a non-exemptible requirement meaning that the class can only be initiated by one of these two authorities.

[1] Numbering to be corrected upon review by legislative drafters.
[2] Numbering of section 14 series of provisions to be corrected upon review by legislative drafters.

Section	From *O.Reg. 18/14, CHO Registration Regulation* as at Jan 16, 2023	Proposed Text[1]	Explanation/Rationale (These notes apply only to emergency class registration.)
		interruption in the processing of applications for registration for other classes such that there is a lengthy delay in their being registered, supply of an adequate number of qualified Homeopaths to meet health care system demands, and/or requests by the Minister of Health to initiate registrations under the emergency class.	
14		(2) The applicant must have satisfied the educational requirements set out in paragraphs 1 and 2 of subsection 6(1) offered by an approved program in Ontario <u>or an equivalent program in any jurisdiction approved by Council.</u>	Applicants to emergency class are considered to have satisfied the education and clinical training requirements specified under the full class requirements of the regulation provided the applicant has graduated from an approved program offered in Ontario or an equivalent program in any jurisdiction approved by Council. Through policy, based on previously established criteria for education and training, the Registration Committee may conduct comprehensive review of programs of post-secondary education and clinical training in other jurisdictions to determine if they are equivalent to that of an Ontario approved program. The Committee may make recommendations to Council for approval. This process is intended to satisfy requirements of the Office of the Fairness Commissioner (OFC) to ensure that registration practices and processes conform to legal obligations and the principle of transparent, objective, impartial, fair and inclusive, and the Ministry of Health's

Section	From *O.Reg. 18/14, CHO Registration Regulation* as at Jan 16, 2023	Proposed Text[1]	Explanation/Rationale (These notes apply only to emergency class registration.)
			requirement to ensure processes are rigorous and adequate to ensure public protection. This requirement is non-exemptible meaning the applicant must have satisfied the education and clinical training requirements of the College.
14	New provision	(3) The applicant must have successfully completed the jurisprudence course set or approved by the Registration Committee.	All applicants to emergency class must have completed the jurisprudence program prior to application. This is a non-exemptible requirement meaning that the applicant must successfully complete this course.
14	New provision	(4) <u>The requirements of section 14 (1), (2) and (3) are non-exemptible.</u>	This section confirms that subsection (1), (2) and (3) above are non-exemptible requirements.
15[3]	New provision	Except in the case of an applicant to whom subsection X (X) *[Labour Mobility]* applies, where the applicant has not successfully completed at least one of the requirements of paragraph 2 of subsection 14 within the three-year period immediately before the date on which the applicant submitted his or her completed application for a certificate of registration in the emergency class, the applicant has: (1) practised the profession for 750 hours, or (2) successfully completed a refresher program approved by the Registration Committee.	The subsections under 15 outline the issue of currency. Currency is typically measured in two ways: 1. The amount of time that has elapsed since the applicant has graduated from an approved post-secondary program in homeopathy or completion of a refresher program; or 2. The number of hours the applicant has practiced in the prior three-years (if the applicant previously practiced outside the province of Ontario). The intention of this subsection says, unless labour mobility applies (see description below), if the applicant has not completed his/her education or clinical training in the prior three-years then he/she/they is/are required to have 1. Have practiced 750 hours over that period of time or 2.

[3] Numbering of section 15 series of provisions to be corrected upon review by legislative drafters.

Section	From *O.Reg. 18/14, CHO Registration Regulation* as at Jan 16, 2023	Proposed Text[1]	Explanation/Rationale (These notes apply only to emergency class registration.)
			successfully completed a refresher program approved by the College's Registration Committee. As set out in paragraphs 1 and 2 of subsection 6(1) of the College's Registration Regulation, education in homeopathy may be covered in one program which teaches and evaluates both theory and clinical training or a student may study theory at one institution and gain their clinical training from a second institution. If the applicant did not graduate from any approved program in homeopathy in Ontario, the College may review the totality of the applicant's education and training through a fair but comprehensive substantially equivalent competency assessment also referred to as SECA. The currency clock starts at the end of the completion of the applicant's education and training. Regardless, education/clinical training, practice or refreshment must be current, as these are considered to be important components to safe, competent patient care. This subsection also refers to the exemption of an applicant who has recognition under *Ontario's Labour Mobility Act, 2009*, meaning that at a point in the future, should another province in Canada create legislation to regulate the profession of homeopathy, CHO must recognize an applicant moving from that province to Ontario[4] and applying for registration in the same class as that which they are registered in their home province. In that case, provided the applicant demonstrates any other requirements of the

[4] This can also apply to an individual who is not moving but wishing to be registered in more than one province.

Section	From *O.Reg. 18/14, CHO Registration Regulation* as at Jan 16, 2023	Proposed Text[1]	Explanation/Rationale (These notes apply only to emergency class registration.)
			CHO, this College would grant the individual a certificate of registration without delay.
16[5]	New provision	Every certificate of registration in the emergency class is subject to the following terms, conditions and limitations: (1) The member shall use the title Homeopath (Emergency Class) and designation HOM (EC).	This section details the title and designation information for emergency class members.
17[6]	New provision	(1) Unless stated otherwise on the certificate, a certificate of registration in the emergency class expires on the final date of the annual renewal period after it is issued unless it is renewed prior to the renewal date.	As the emergency class is intended to be temporary, but in place for as long as is required, the subsections under 17 detail the renewal requirements and expiry of the certificate in accordance with *O. Reg. 508/22 Registration Requirements*. This subsection is intended to clarify that the length of the certificate is tied to the renewal cycle of the College. It expires on the final day of the renewal period unless the member renews.
17	New provision	(2) Unless stated otherwise on the certificate, a renewed certificate of registration in the emergency class expires *one year* after it is issued unless it is renewed again prior to each subsequent renewal date.	The member is eligible to renew each subsequent renewal period (of one year), with no limit on the number of times the certificate may be renewed as long as the emergency circumstances persist.
17	New provision	(3) Unless stated otherwise on the certificate, a certificate of registration in the emergency class shall be open as long as the emergency circumstance persists. Following which the member must meet the requirements to	Once the emergency circumstance is deemed to have ended, the member is required to meet the requirements to transition to full class or the emergency certificate will expire.

[5] Numbering of section 16 series of provisions to be corrected upon review by legislative drafters.
[6] Numbering of section 17 series of provisions to be corrected upon review by legislative drafters.

Section	From *O.Reg. 18/14, CHO Registration Regulation* as at Jan 16, 2023	Proposed Text[1]	Explanation/Rationale (These notes apply only to emergency class registration.)
		transition to a certificate of registration in the full class or allow the emergency certificate to expire.	
17	New provision	(4) Despite subsections (1) through (3), pursuant to section 14(1) a certificate of registration in the emergency class expires six months after the date the Council of the College or the Minister of Health determines that emergency circumstances no longer exist even where the certificate would otherwise expire before or after that time.	The certificate will expire six months after the date that Council of the College or the Minister of Health determines that the emergency circumstance no longer exists.
18[7]	New provision	(1) A member who holds, or held within the previous six months, a certificate of registration in the emergency class may be issued a certificate of registration in the full class despite not having met the requirements set out in paragraph 3 of subsection 6(1), if the member applies for the certificate of registration in the full class,	The subsections under 18 detail the requirements a member of the emergency class must meet to move to full class, provided that the member currently holds or held within the previous six months a certificate in emergency class. In accordance with O. Reg. 508/22 Registration Requirements, Colleges are directed to "specify circumstances in which a member of the emergency class may apply for another class of registration and must exempt the applicant from at least some registration requirements that would ordinarily apply to the application". Subsection 18(1) exempts an emergency class member transitioning to full class from having to complete the Individual Assessment competency assessment process.
18	New provision	(2) satisfies all other requirements for the certificate of registration in the full class,	The intended meaning of this subsection is that individuals transitioning to another class must satisfy all other requirements of full class.

[7] Numbering of section 18 series of provisions to be corrected upon review by legislative drafters.

Section	From *O.Reg. 18/14, CHO Registration Regulation* as at Jan 16, 2023	Proposed Text[1]	Explanation/Rationale (These notes apply only to emergency class registration.)
			Full class is the only other active registration class available to CHO members.
18	New provision	(3) provides satisfactory evidence based on their practice of the profession, that the member will practice competently and ethically even though practising without supervision, and	The intended meaning of this subsection is that individuals transitioning to full class would be required to provide satisfactory evidence of their practice of the profession to ensure the member is able to practice competently and ethically without supervision.
18	New provision	(4) successfully completes the practice assessment designed to assess the practice competencies of a holder of a certification of registration in the emergency class.	The intended meaning of this subsection is that individuals transitioning to full class would be required to successfully complete a practice assessment designed to assess practice competencies. Since the requirement of Individual Assessment is exempt for those moving from emergency to full class, assessment would be based on SECA and this would ensure public safety and protection. The SECA process, which is a comprehensive review of subjects, competencies and training is in-person/interactive, takes less time to prepare for and is less expensive for the person being assessed.
Labour mobility, Emergency class			
19[8]	New provision	(1) Where section 22.18 of the *Health Professions Procedural Code* applies to an applicant for an emergency class certificate of registration, the applicant is deemed to have met the requirements set out in paragraphs 1 and 2 of subsection 6 (1) of this Regulation. O. Reg. 18/14, s. X (1).	The subsections under 19 detail the requirements which must be considered when an applicant moves from one province to another or chooses to be registered in more than one province, and the applicant is a member of a regulatory college in another province which regulates homeopathy. The intended meaning of this subsection is that the College must recognize the member in an equivalent registration class.

[8] Numbering of section 19 series of provisions be corrected upon review by legislative drafters.

Section	From *O.Reg. 18/14, CHO Registration Regulation* as at Jan 16, 2023	Proposed Text[1]	Explanation/Rationale (These notes apply only to emergency class registration.)
19	New provision	(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as a practitioner of homeopathy in every jurisdiction where the applicant holds an out-of-province certificate. O. Reg. 18/14, s. X (2).	Labour mobility applicants are still required to satisfy good character and good standing requirements.
19	New provision	(3) If an applicant to whom subsection (1) applies is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of homeopathy to the extent that would be permitted by an emergency class certificate of registration at any time in the two years immediately before the date of that applicant's application, it is a non-exemptible requirement that the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee. O. Reg. 18/14, s. X (3).	A labour mobility applicant who is unable to satisfy demonstration of education and training requirements to the Registrar or a panel of the Registration Committee at any time in the two years immediately before application, would still be granted membership however the applicant must undertake, obtain or undergo the necessary components of the prescribed training, experience or assessment to successfully demonstrate all requirements.
19	New provision	(4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 3 of subsection 4 (1) if the requirements for the issuance of the out-of-province certificate included language proficiency requirements equivalent to those	Labour mobility applicants are deemed to have demonstrated the College's language proficiency requirements.

Section	From *O.Reg. 18/14, CHO Registration Regulation* as at Jan 16, 2023	Proposed Text[1]	Explanation/Rationale (These notes apply only to emergency class registration.)
		required by that paragraph. O. Reg. 18/14, s. X (4).	
19	New provision	(5) Despite subsection (1), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the *Health Professions Procedural Code*. O. Reg. 18/14, s. X (5).	If the College has clearly listed the registration requirements for emergency class on its website and a labour mobility applicant is not deemed to have met a requirement which is described in subsection 22.18(3)[9] of the *Health Professions Procedural Code* of RHPA, the College is not required to register the individual.
20[10]	New provision	A member's emergency class certificate of registration is automatically revoked on the occurrence of one of the following events, whichever occurs first: (1) The expiry date on the certificate has passed and has not been renewed.	The subsections under 20 detail the triggers which would cause automatic revocation of a certificate of registration. The expiry date on the certificate has passed and has not been renewed.
20	New provision	(2) The expiry of 30 days after receipt of notification from the College that the member has met all of the educational and assessment requirements for the issuance of a full class certificate of registration.	More than 30 days have passed since the College notified he/she/them that the member has demonstrated all of the requirements for a full class certificate of registration.
20	New provision	(3) The issuance of a full class certificate of registration.	The member is issued a certificate of registration in full class.

[9] 22.18 **Exception, registration requirements listed on website**

(3) Despite subsection (2), the College is not prohibited from imposing on the applicant any registration requirement that,

(a) is listed on the publicly accessible website referred to in clause 9 (3) (a) of the *Ontario Labour Mobility Act, 2009;* and

(b) is stated on the website to be a permissible registration requirement for the certificate of registration being applied for, adopted by the Government of Ontario under Article 708 of the Agreement on Internal Trade. 2009, c. 24, s. 33 (5).

[10] Numbering of section 20 series of provisions to be corrected upon review by legislative drafters.

College Process for Public Consultations and Approval of New or Amended Regulations

Regulatory changes require a 60-day public consultation process.

Steps for regulation development and implementation

1. **Drafting** – Draft changes are based on direction from the appropriate committee – depending on the nature of the regulation. For example, issues related to the registration regulation are managed by the Registration Committee. The intended change is communicated to legal counsel who provides draft language. Staff and the Committee review the draft language and may have panel deliberation/discussion with legal counsel prior to forwarding a recommendation to Council.

2. **Review by Council** – Council receives the recommendation from committee and a marked-up version of a rationale chart of the proposed regulatory changes. Council has the chance to discuss and debate the proposed changes, and may provide additional feedback or direction to the committee. Regulatory changes sometimes require discussion at more than one Council meeting. Once the regulation amendments are accepted by Council they may be "approved in principle pending the results of public consultation". During the consultation period the regulatory changes are considered proposed not final. If individual Council members have particularly strong opinions about the regulatory amendments, he/she/they may also provide individual comment through the consultation process.

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, the Office of the Fairness Commissioner, etc. Feedback is collected through a feedback survey and written correspondence from interested parties. In the case of regulatory changes, the feedback is provided to the managing committee, who may wish to propose further amendments as tweaks or, if warranted, significant amendments. Only if an amendment is considered substantial, would further consultation be required.

4. **Final Approval by Council** – At the next meeting following the consultation period Council will again review the proposed changes, considering any committee recommendations and feedback from the consultation or any other new information put forward. Council may find that changes are appropriate. Minor changes may be incorporated without substantially changing the intent of the proposed regulation. If Council as a whole is satisfied with the proposed regulation, they may approve it for submission to the Government. During the Council vote a role call is made, each Council member in turn will speak their vote for or against and each vote is recorded as such in the minutes.

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

5. **Submission to Government** – Regulations are under the jurisdiction of the Government of Ontario. When a regulation has passed through Council, staff prepare a written regulatory submission which addresses a lengthy questionnaire, provides details on the reason for the submission, supporting evidence for the submission, and rationale for each proposed change. The submission also includes proof of consultation, copies of all feedback received through the public consultation, any responses provided to the public, Council minutes and record of votes, and any other supporting documentation which explains the College's research, development and planned implementation.

6. **Regulatory Review and Government Approval** – Submissions to the Government via the Ministry of Health are reviewed by Ministry staff. The Ministry staff will meet with College staff to address questions and seek/provide clarification and when the regulation has completed the internal review stage the Government puts the document through another round of public consultation on the Regulatory Registry. Once the Government has completed its approval stage an official copy is provided to the College for signature. The regulation is signed by the Ontario's Lieutenant Governor in Council, receives Royal Assent and is published in the Hassard. At the pointe the regulation receives Royal Assent the College must be ready to implement the new requirements.

COLLEGE OF HOMEOPATHS OF ONTARIO
REPORT FORM / BRIEFING NOTES

MEETING/DATE:	**COUNCIL/JANUARY 27, 2023**	**DECISION**	**X**
DATE:	**JANUARY 18, 2023**	**DISCUSSION**	□
ITEM NAME:	**Emergency Class Registration Fees**	**INFORMATION**	□
INITIATED BY:	**B ZIV**		
PRESENTED BY:	**J BLANCHARD**		

OBJECTIVE OF THIS REPORT (relevance to the business of Council, potential impact/outcome of decision):
To present a proposed fee schedule for Emergency Class Certificate of Registration – initial registration and annual renewal.

STRATEGIC DIRECTIONS: This initiative fits with the strategic direction of the College's 2022/2023 Operating Plan, Goals and Objectives in the Key Result Area or other requirement:

X **1 Delivering on Legislative & Legal Mandate**
□ **2 Practicing Good Governance**
□ **3 Achieving Growth**
□ **Fulfilling RHPA Objects**
□ **Meeting a Legislative/Regulatory or Bylaw Requirement**
□ **CPMF – College Performance Measurement Framework**
□ **Other, specify:** _____

GUIDING LEGISLATION/BYLAW/POLICY:
Through the Regulated Health Professions Act, 1991 (RHPA), O.Reg. 508/22, Registration Requirements the College is required to have an emergency class of registration.
Fees are defined under section 19 of the Bylaws.

LINK TO CURRENT/FUTURE OPERATIONAL STRUCTURE:
Council of the College is responsible for managing the bylaws. The Registrar is responsible for setting fees.

PROTECTING THE PUBLIC: Provide a brief summary and rationale for any proposed decision and how it may impact and advance public interest and protection. I.e. How action taken or proposed demonstrates and advances public interest and protection, increases public trust and transparency, reduces risk to patients/public, and/or addresses changing public expectations.

The proposed change will have no impact on the public or public protection.

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).:

Fees pertaining to Emergency Class include (plus HST):
Fees are based on rates applicable after April 1, 2023 or for the 2023/2024 membership year

Fee Description	Amount	Status/Notes
Initial Application Fee	$295	unchanged
First year registration fee	**$905**	**New fee** – same as other new registrants
Renewal Fee	**$1,335**	**New fee** – same as full class renewal fee
SECA Fee prior to movement to full class	$480	unchanged
Transfer Fee	$107	unchanged
Jurisprudence Program	$80	unchanged

KEY CONSIDERATIONS:

1. Supports required emergency class regulation detailed under agenda item 9.1.
2. The regulation must be in place and ready for implementation by August 31, 2023.
3. The introduction of a new service fee requires 60-day public consultation in accordance with section 94 of RHPA, Schedule 2.
4. Fees in active – full and emergency – classes of registration are consistent.
5. Fees would not apply until the emergency class is approved by the government and the class is open.
6. Depending on when the class is closed registrants, who do not move to full class would be deemed eligible for a refund, since the change in class is evoked by Council of the College or the Minister of Health.
7. Fees are based on rates applicable after April 1, 2023 or for the 2023/2024 membership year.

RESOURCE IMPLICATIONS:

Expected to be minimal.

DEADLINES AND NEXT STEPS:

1. Public consultation (late January to early April).
2. Return to Council for final approval at the April Council meeting.
3. For implementation when required.

OPTIONS:

1. Accept in principle, for 60-day consultation, the proposed fee schedule for initial registration and annual fees for emergency class and add new bylaws numbered 19.03 B2.2 and C1.1.
2. Accept in principle, for 60-day consultation, an amended fee schedule for initial registration and annual fees for emergency class and add new bylaws numbered 19.03 B2.2 and C1.1.
3. Refer the matter to the Executive Committee for review and discussion.
4. Reject the proposed bylaw changes.

RECOMMENDATIONS:

1. Accept in principle, for 60-day consultation, the proposed fee schedule for initial registration and annual fees for emergency class and add new bylaws numbered 19.03 B2.2 and C1.1.

RESOLUTION:

BE IT RESOLVED THAT THE COUNCIL APPROVE, IN PRINCIPLE, THE PROPOSED FEE SCHEDULE RELATED TO PAYMENT OF COLLEGE FEES FOR INITIAL REGISTRATION AND ANNUAL MEMBERSHIP FOR EMERGENCY CLASS ITEMIZED IN THE NEW BYLAW 19.03 B2.2 AND C1.1. AND FURTHER THAT THIS PROPOSED SCHEDULE BE CIRCULATED FOR 60-DAY PUBLIC CONSULTATION.

CHO Bylaw – Fees

19.01 – Registration Year
The registration year for Registrants shall be from the day of the date of proclamation of the Act to one full calendar year from that day and each subsequent year thereafter.

19.02 – Renewal Process
The annual registration fee is due and payable on or before the day before each registration year. At least 45 days before the annual registration fees are due, the Registrar shall send to each Registrant a notice stating that the annual registration fees are due, setting out the amount of the annual registration fee for each category of registration and a request for information required under the regulations and the bylaws of the College. The obligation to pay the annual registration fee continues even if the Registrar fails to provide the notice or the Registrant fails to receive such notice.

19.03 – Fee Amounts

	Fee Item	**Fee Schedule April 1, 2023 to March 31. 2024**
B. Fees Relating to Applications for Initial Registration		
1.	Initial Registration Application Fee	$295
2.	Registration Fee Full Class	$905
2.1	One month after the first anniversary of proclamation, a Registrant issued a certificate of registration shall pay, in respect of the registration year in which the certificate was issued: one twelfth of the registration fee for that category of the registration multiplied by the number of calendar months remaining before the next registration year, including the month in which the certificate of registration was issued.	
2.2	**NEW→ Registration Fee Emergency Class**	**$905**
3.	Registration Fee (Inactive)	$775
4.	Transfer to a Different Class Fee	$107
5.	Jurisprudence Program Fee	$80
6.	Substantially Equivalent Assessment Fee	$480
7.	Substantially Equivalent Assessment Retake Fee	$240
C. Fees Relating to Renewal of Registration		
1.	Annual Registration Fee (Full)	$1,335
1.1	**NEW→Annual Registration Fee (Emergency)**	**$1,335**
2.	Annual Registration Fee (Inactive)	$775
3.	Late Renewal Fee (All classes)	$213
4.	Reinstatement Fee (after three (3) years)	$800
5.	Reinstatement Fee (within three (3) years)	$265

19.04 – Payment of Fees set by Registrar
A person shall pay the fees set by the Registrar for anything the Registrar is required or authorized to do.

19.05 – Fee Increases
Each year each fee described in these bylaws shall be increased by the percentage increase, if any, in the Consumer Price Index for goods and services in Canada as published by Statistics Canada or any successor organization.

COLLEGE OF HOMEOPATHS OF ONTARIO
REPORT FORM / BRIEFING NOTES

MEETING/DATE:	**COUNCIL/JANUARY 27, 2023**	**DECISION**	**X**
DATE:	**JANUARY 17, 2023**	**DISCUSSION**	□
ITEM NAME:	**PROPOSED BYLAW CHANGES: BYLAW 4.15 DEADLINE FOR REPORT (AUDIT) AND BYLAW 19.03 FEES**	**INFORMATION**	□
INITIATED BY:	**B ZIV**		
PRESENTED BY:	**K HARVEY**		

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

To report on the outcome of a 60-day consultation on proposed changes to bylaws 4.15 and 19.05.

Details regarding these changes were presented and discussed at Council's October 6, 2022 meeting. Relevant appendices from that meeting are attached to this document for review.

STRATEGIC DIRECTIONS: This initiative fits with the strategic direction of the College's 2021/2022 Operating Plan, Goals and Objectives in the Key Result Area or other requirement:

□ **1 Delivering on Legislative & Legal Mandate**
X **2 Practicing Good Governance**
□ **3 Achieving Growth**
□ **Fulfilling RHPA Objects**
□ **Meeting a Legislative/Regulatory or Bylaw Requirement**
□ **CPMF – College Performance Measurement Framework**
X Other, specify: Not-for-Profit Corporations Act, 2010, Section 83(1)

PROTECTING THE PUBLIC: Provide a brief summary and rationale for any proposed decision and how it may impact and advance public interest and protection. i.e., How action taken or proposed demonstrates and advances public interest and protection, increases public trust and transparency, reduces risk to patients/public, and/or addresses changing public expectations.

The proposed changes will have no direct impact on the public or public protection; however, each of these changes will support the College in satisfying its mandate for public protection by utilizing savings (financial and time) to address mandated obligations.

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).:

At its October 6, 2022 meeting, Council passed the following motions:

That the matter of proposed amendment to bylaw 4.15 – Deadline for Report (Audit) be approved as presented. *CARRIED*

That Council approve, in principle, the proposed fee schedule related to payment of College fees by credit card as itemized in the new bylaw 19.03 f9 a to e., and further that this proposed schedule be circulated for 60-day public consultation. *CARRIED*

The consultation package addressing both items was posted on the CHO website on November 4, 2022 with a set closing date of January 16, 2023. Registrants were notified of the consultation via a newsletter on November 22, and again on December 20. The consultation was also posted on the Ontario Health Regulators Public Consultations page.

As of the January 16, 2023 deadline, one response had been received:

> *I am happy to pay by debit/eTransfer payments, but the option of installments should be maintained as it is for credit card payments. Thanks.*

KEY CONSIDERATIONS

1. Both changes were approved in principle by Council at its October 6, 2022 meeting.
2. The 60-day consultation generated little response, suggesting minimal opposition.
3. Preparing documentation and database changes for the 2023 renewal season is well under way and must be finalized in advance of the February 15 start of renewal.

RESOURCE IMPLICATIONS:

As there are additional steps to accepting payment by direct deposit and recording receipt in the database, this change will increase staff workload, and is likely to create workflow delays especially at renewal time. Otherwise, costs are expected to be minimal.

Extending the audit report requires no additional staff resources.

OPTIONS:

1. Accept the proposed bylaw changes as presented.
2. Accept the proposed bylaw changes with amendments.
3. Refer the matter to Governance Panel for further review and exploration.
4. Reject the proposed bylaw changes.

RECOMMENDATIONS:

1. Accept the proposed bylaw changes as presented.

RESOLUTIONS:

BE IT RESOLVED THAT THE MATTER OF PROPOSED AMENDMENT TO BYLAW 4.15 DEADLINE FOR REPORT (AUDIT) BE APPROVED AS PRESENTED.

BE IT RESOLVED THAT THE COUNCIL APPROVE THE PROPOSED FEE SCHEDULE RELATED TO PAYMENT OF COLLEGE FEES BY CREDIT CARD AS ITEMIZED IN THE NEW BYLAW 19.03 F9 A TO E.

COLLEGE OF HOMEOPATHS OF ONTARIO
REPORT FORM / BRIEFING NOTES

MEETING/DATE:	**COUNCIL OCTOBER 6, 2022**	**DECISION**	**X**
DATE:	**SEPTEMBER 29, 2022**	**DISCUSSION**	□
ITEM NAME:	**PROPOSED BYLAW CHANGE – ADDITION OF SERVICE FEE FOR PAYMENT BY CREDIT CARD**	**INFORMATION**	□
INITIATED BY:	**EXECUTIVE COMMITTEE/ B ZIV**		

OBJECTIVE OF THIS REPORT (relevance to the business of Council, potential impact/outcome of decision):
To provide Council with a proposed fee schedule for a new fee pertaining to registrants/applicants making payment to the College by credit card.

STRATEGIC DIRECTIONS: This initiative fits with the strategic direction of the College's 2022/2023 Operating Plan, Goals and Objectives in the Key Result Area or other requirement:

- □ **1 Delivering on Legislative & Legal Mandate**
- X **2 Practicing Good Governance**
- □ **3 Achieving Growth**
- □ **Fulfilling RHPA Objects**
- □ **Meeting a Legislative/Regulatory or Bylaw Requirement**
- □ **CPMF – College Performance Measurement Framework**
- □ **Other, specify:** _____

GUIDING LEGISLATION/BYLAW/POLICY:
CHO Bylaws, section 19 Fees – for the full fees bylaw see end of this report.

PROTECTING THE PUBLIC: Provide a brief summary and rationale for any proposed decision and how it may impact and advance public interest and protection. I.e. How action taken or proposed demonstrates and advances public interest and protection, increases public trust and transparency, reduces risk to patients/public, and/or addresses changing public expectations.
Recouping credit card fees allows the College to satisfy its mandate for public protection by utilizing such savings to pay for complaints, investigations, and disciplinary expenses.

LINK TO CURRENT/FUTURE OPERATIONAL STRUCTURE:
Not applicable.

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).:

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 can be made by cheque with a small cost to the College, versus the cost of credit card fees which are 2.25% or roughly $15,000 annual. E-transfer or direct deposit can be done at minimal cost, however, introducing this option will create changes to internal processes and record keeping.

At the direction of the Executive Committee at its September 23, 2022, meeting, staff have reviewed the credit card 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 introduction the option for payment by direct debit. This alternate option would be a cost saving to any registrant/applicant who chooses this option. Direct debit would also be a cost saving for the College. This change does not come without additional workload for staff, particularly during the renewal period (February to April) but is deemed to be manageable.

NEW PROPOSED SERVICE FEE SCHEDULE

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

RISKS / MITIGATION OPTIONS:

- Registrants/applicants may oppose the new fee, and some may find it burdensome.
- The option to accept payment by direct deposit will be created.

KEY CONSIDERATIONS:

1. The introduction of a new service fee does require 60-day public consultation in accordance with section 94 of RHPA, Schedule 2.
2. The proposed fees are calculated on actual cost-plus allowance for the proposed fee increase to renewal and registration fees.
3. Until now, the College has absorbed the cost of all credit card fees. The annual cost is appropriately $15,000. Credit card service fees are applied at the rate of 2.25%.
4. There is some appetite among registrants to utilize direct deposit, and every year a number request this payment option at renewal time.
5. Some registrants/applicants will find the new fee burdensome.
6. This change may create some initial programming costs for database changes and re-examination of College record keeping processes.

RESOURCE IMPLICATIONS:

As there are additional steps to accepting payment by direct deposit and recording receipt in the database, this change will increase staff workload, and is likely to create workflow delays especially at renewal time. Otherwise, costs are expected to be minimal.

OPTIONS:

1. Accept in principle, for 60-day consultation, the proposed fee schedule for payment by credit card and add a new bylaw as number 19.03 F9 a to e.
2. Accept in principle, for 60-day consultation, an amended fee schedule for payment by credit card and add a new bylaw as number 19.03 F9 a to e.
3. Refer the matter back to the Executive Committee for further review and exploration.
4. Reject the proposed bylaw changes.

RECOMMENDATIONS:

1. Accept in principle, for 60-day consultation, the proposed fee schedule for payment by credit card and add a new bylaw as number 19.03 F9 a to e.

DEADLINES AND NEXT STEPS:

1. Circulate for 60-day public consultation.
2. Return to Council for final approval no later than January 31, 2023.
3. For implementation February 15, 2023.

RESOLUTION:

BE IT RESOLVED THAT THE COUNCIL APPROVE, IN PRINCIPLE, THE PROPOSED FEE SCHEDULE RELATED TO PAYMENT OF COLLEGE FEES BY CREDIT CARD AS ITEMIZED IN THE NEW BYLAW 19.03 F9 A TO E. AND FURTHER THAT THIS PROPOSED SCHEDULE FOR CIRCULATED FOR 60-DAY PUBLIC CONSULTATION.

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	$35
	b. Inactive Class	$20
	c. New Registrant	$2 per month of pro-rated fee
	d. Substantially Equivalent Competency Assessment	$13
	e. Application Fee	$8

Current CHO BYLAWS Section 19. FEES

19.01 – Registration Years
19.02 – Renewal Process
19.03 – Fee Amounts
19.04 – Payment of Fee Set by Registrar
19.05 – Fee Increases

19.01 – Registration Year

The registration year for Registrants shall be from the day of the date of proclamation of the Act to one full calendar year from that day and each subsequent year thereafter.

19.02 – Renewal Process

The annual registration fee is due and payable on or before the day before each registration year. At least 45 days before the annual registration fees are due, the Registrar shall send to each Registrant a notice stating that the annual registration fees are due, setting out the amount of the annual registration fee for each category of registration and a request for information required under the regulations and the bylaws of the College. The obligation to pay the annual registration fee continues even if the Registrar fails to provide the notice or the Registrant fails to receive such notice.

19.03 – Fee Amounts

Fee Item		Fee Schedule April 1 to March 31
A. Fees Relating to Assessments		
0.	Individual Assessment Fee	
1.	Fee for Approving or Administering Individual Prior Learning Assessment of eligibility in Full Class of Registration *	$650
2.	Fee for Approving or Administering Individual Prior Learning Assessment of eligibility in Full Class of Registration for individuals currently holding a Grandparented Certificate of Registration *	$350
3.	Fee for Approving or Administering Each Individual Prior Learning Assessment for Reassessment *	$350
4.	Fee for Approving or Administering Each Individual Prior Learning Assessment Review of a Reassessment *	$350
5.	Fee for Approving or Administering Each Individual Prior Learning Assessment Attempt Request for IA Review for reasons of an IA Review	$650

Fee Item		Fee Schedule April 1 to March 31
	or Appeal – for eligibility in Full Class of Registration *	
B. Fees Relating to Applications for Initial Registration		
1.	Initial Registration Application Fee	$275
2.	Registration Fee Full Class	$850
2.1	One month after the first anniversary of proclamation, a Registrant issued a certificate of registration shall pay, in respect of the registration year in which the certificate was issued: one twelfth of the registration fee for that category of the registration multiplied by the number of calendar months remaining before the next registration year, including the month in which the certificate of registration was issued.	
3.	Registration Fee (Inactive)	$725
4.	Transfer to a Different Class Fee	$100
5.	Jurisprudence Program Fee	$75
6.	Substantially Equivalent Assessment Fee	$450
7.	Substantially Equivalent Assessment Retake Fee	$225
C. Fees Relating to Renewal of Registration		
1.	Annual Registration Fee (Full or Grandparented)	$1,250
2.	Annual Registration Fee (Inactive)	$725
3.	Late Renewal Fee (All classes)	$200
4.	Reinstatement Fee (after three (3) years)	$750
5.	Reinstatement Fee (within three (3) years)	$250
D. Fees Relating to Professional Corporations and Certificates of Authorization		
1.	Application Fee	$50
2.	Issuance Fee	$0
3.	Renewal Fee	$200
4.	Administrative Fee	$50
5.	Documentation Fee	$50
E. Fees Relating to the Quality Assurance Program		
1.	QAC Ordered Assessment Fee €	$750
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

*Individual assessment services are provided by an external third-party provider.

€ The QA assessment fee requirement based on non-compliance; Includes cost of Refresher program Assessment. Fees listed under **OTHER FEES** are all "one time" fees and will only be required to be paid if one requires the item. The purpose of fee is to recoup the cost of the administrative duty required to perform the task. All other fees are for all registrants. (Class specific when noted).

19.04 – Payment of Fees set by Registrar

A person shall pay the fees set by the Registrar for anything the Registrar is required or authorized to do.

19.05 – Fee Increases

Each year each fee described in these bylaws shall be increased by the percentage increase, if any, in the Consumer Price Index for goods and services in Canada as published by Statistics Canada or any successor organization.

COLLEGE OF HOMEOPATHS OF ONTARIO REPORT FORM / BRIEFING NOTES

MEETING/DATE:	**COUNCIL/OCTOBER 6, 2022**	**DECISION**	**X**
DATE:	**SEPTEMBER 29, 2022**	**DISCUSSION**	□
ITEM NAME:	**PROPOSED BYLAW CHANGE BYLAW 4.15 DEADLINE FOR REPORT (AUDIT)**	**INFORMATION**	□
INITIATED BY:	**B ZIV**		
PRESENTED BY:	**B ZIV / J BLANCHARD**		

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

To propose a change to bylaw 4.15 and provide background on the reasons to change the timelines of releasing the report from the Auditors on the audited financial statements.

STRATEGIC DIRECTIONS: This initiative fits with the strategic direction of the College's 2021/2022 Operating Plan, Goals and Objectives in the Key Result Area or other requirement:

□ **1 Delivering on Legislative & Legal Mandate**
X **2 Practicing Good Governance**
□ **3 Achieving Growth**
□ **Fulfilling RHPA Objects**
□ **Meeting a Legislative/Regulatory or Bylaw Requirement**
□ **CPMF – College Performance Measurement Framework**
X Other, specify: Not-for-Profit Corporations Act, 2010, Section 83(1)

GUIDING LEGISLATION/BYLAW/POLICY:

EXISTING CHO BYLAW

4. Banking and Finance

4.14 – Audited Financial Statements and Report

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

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.

Not-for-Profit Corporations Act

Approval of annual financial statements

83 (1) **The directors shall** approve annual financial statements of the corporation that relate to the period that began immediately after the end of the last completed financial year and ended not **more than six months before** the annual meeting or, if the corporation has not completed a financial year, that began on the date the corporation came into existence and ended not more than six months before the annual meeting. 2010, c. 15, s. 83 (1).

Regulated Health Professions Act, 1991, Schedule 2 Health Professions Procedural Code section 94

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).

Regulated Health Professions Act, 1991, Schedule 2 Health Professions Procedural Code section 12

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.

PROTECTING THE PUBLIC: Provide a brief summary and rationale for any proposed decision and how it may impact and advance public interest and protection. I.e. How action taken or proposed demonstrates and advances public interest and protection, increases public trust and transparency, reduces risk to patients/public, and/or addresses changing public expectations.

The proposed change will have no impact on the public or public protection.

LINK TO CURRENT/FUTURE OPERATIONAL STRUCTURE:

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 gather 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 numbers of steps are numerous and managed by two internal staff members. Information releases are also coordinating with other external parties such as legal counsel, banks, etc. Transactions and account summaries are cross checked and validated by the auditor team.

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).:

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 September 30).

4. BANKING AND FINANCE

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

Original: 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.

Marked: 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.

RISKS / MITIGATION OPTIONS:

None provided.

KEY CONSIDERATIONS:

1. Legislative requirements as detailed in the Not-for-Profit Corporations Act.
2. Staff and auditors' ability to meet the 120-day reporting requirement with limited staff and resources.
3. Executive Committee does have the power to approve the audited financial statements within the proposed timelines (as per RHPA, Schedule 2, Section 12 Executive can make any decision of Council in between Council meetings with noted exceptions). In accordance with bylaw 4.14 Council is still required to receive the Auditor's report.
4. Executive Committee does not have the authority to approve bylaw changes, however, can make recommendation to Council for consideration. As such at the September 13, 2022 meeting of the Executive Committee, the matter was discussed and the following motion was passed:

   Motion # 6: To forward the proposed bylaw change to Council for consideration.
   Moved by A. Cardozo, seconded by M. Steele

   That the matter of proposed amendment to bylaw 4.15 deadline for report (audit) be forwarded to council for consideration.
   CARRIED
5. The requirement of 60-day consultation on this bylaw is optional in accordance with section 94 of RHPA, Schedule 2. As this matter is operational in nature, Council should determine if it wishes to send this bylaw amendment out for 60-day consultation.

RESOURCE IMPLICATIONS:

There are no new or special resource requirements related to this item.

OPTIONS:

1. Accept the proposed bylaw changes as presented (with or without 60-day public consultation).
2. Accept the proposed bylaw changes with amendments (with or without 60-day public consultation).
3. Refer the matter to Governance Panel for further review and exploration.
4. Reject the proposed bylaw changes.

RECOMMENDATIONS:

1. Accept the proposed bylaw changes as presented (with or without 60-day public consultation).

DEADLINES AND NEXT STEPS:

1. Circulate for public consultation at the pleasure of Council.

RESOLUTION:

BE IT RESOLVED THAT THE MATTER OF PROPOSED AMENDMENT TO BYLAW 4.15 DEADLINE FOR REPORT (AUDIT) BE APPROVED AS PRESENTED _____ [WITH/WITHOUT] 60-DAY PUBLIC CONSULTATION.

Disposition of Council and Executive Committee Action Items

October 6, 2022 – January 12, 2022

1. Prioritize items on OPGO List B for completion if resources allow. [EXECUTIVE COMMITTEE – DEFERRED]

2. Develop the regulatory amendments, required policies and processes needed to establish an Emergency Registrant Class. [IN PROGRESS – SEE AGENDA ITEM 10]

3. In the June 16, 2022 minutes, list the immediate Past President as such in addition to her position as a Member at Large. [COMPLETED]

4. Post audited financial statements on CHO website. [COMPLETED]

5. Send proposed bylaw changes out for consultation. [COMPLETED, SEE AGENDA ITEM 11]

6. Implement fee increase equal to Consumer Price Index for 2023 renewal period. [IN PROGRESS]

Operational Goals and Objectives 2022/2023 Membership Scorecard

Actual at March 31, 2022		**2022-2023 Fiscal Year-End (PLAN)**	**Projected**	**At Jan. 12/23**
Line 1 Members in Good Standing at March 31, 2021	**487**	Line 1 Members in Good Standing at March 31/2022		**474**
Adjustments		**Adjustments**		
Line 2 Less Admin Suspension (Current Year)	-9	Line 2 Less Admin Suspension (Current Year)		-12
Line 3 Less Suspension pending	0	Line 3 Less Suspension pending (notice of suspension sent)		-6
Line 4 Less Members with Outstanding Payment or Form*	0	Line 4 Less Members with Outstanding Payment or Form*		0
Line 5 Less Resignations	-21	Line 5 Less Resignations		-29
Line 6 Less Disciplinary Revocations	0	Line 6 Less Disciplinary Revocations**		-1
Line 7 Full Class Members 425		Line 7 Full Class Members 395		
Line 8 Inactive Class Members 32		Line 8 Inactive Class Members 29		
Line 9 2021-2022 Renewing Member (Line 7 + 8)	457	Line 9 2022-2023 Renewing Members (Line 7 + 8)	424	427
Line 10 New Members – Full Class	+13	Line 10 New Members – Full Class		+18
Line 11 Reinstated Members	+2	Line 11 Reinstated Members		+1
Line 12 Return to Good Standing from admin suspension prior to 2021-2022 fiscal year	+2	Line 12 Return to Good Standing from Admin Suspension issued prior to 2022-2023 fiscal year		0
Fiscal Year-End		**Ongoing Tally**		
Line 13 Members in Good Standing at March 31, 2022 (Line 9 + 10)	**474**	Line 13 Members in good standing at January 12, 2023	**444**	**445**

Comments:

The activities of administrative suspension, expiry and revocation are in accordance with the College's Registration Regulation O.Reg.18/14 and/or the Regulated Health Professions Act, Schedule 2, section 15.

* Pending administrative suspension for non-payment or failure to submit required documentation.

**Actual date of revocation was February 22, 2022.

CONSENT AGENDA ITEM # 3.1.4

COLLEGE OF HOMEOPATHS OF ONTARIO
REPORT FORM / BRIEFING NOTES

MEETING/DATE:	**COUNCIL MARCH 10, 2022**	**DECISION**	□
DATE:	**FEBRUARY 25, 2022**	**DISCUSSION**	□
ITEM NAME:	**COMMITTEE REPORT – REGISTRATION**	**INFORMATION**	**X**
INITIATED BY:	**M STEELE, J BLANCHARD**		

OBJECTIVE OF THIS REPORT (relevance to the business of Council, potential impact/outcome of decision):
To provide an update of the activities of Registration Committee from March 2022 to January 2023..

STRATEGIC DIRECTIONS: This initiative fits with the strategic direction of the College's 2021/2022 Operating Plan, Goals and Objectives in the Key Result Area or other requirement:

□ **1 Delivering on Legislative & Legal Mandate**
□ **2 Practicing Good Governance**
□ **3 Achieving Growth**
□ **Fulfilling RHPA Objects**
□ **Meeting a Legislative/Regulatory or Bylaw Requirement**
□ **CPMF – College Performance Measurement Framework**
X **Other, specify:** _____

GUIDING LEGISLATION/BYLAW/POLICY:
Regulated Health Professions Act, 1991(RHPA), Schedule 2 the Health Professions Procedural Code
Homeopathy Act, 2007

PROTECTING THE PUBLIC: Provide a brief summary and rationale for any proposed decision and how it may impact and advance public interest and protection. I.e. How action taken or proposed demonstrates and advances public interest and protection, increases public trust and transparency, reduces risk to patients/public, and/or addresses changing public expectations.

In accordance with section 15(2) of the Health Professions Procedural Code (Schedule 2 of the Regulated Health Professions Act, 1991), "the Registrar shall refer an application for registration to the Registration Committee if the Registrar, (a) has doubts, on reasonable grounds, about whether the applicant fulfils the registration requirements [specified in the College's Registration Regulation (O.Reg. 18/14)]; (a1) is of the opinion that terms, conditions or limitations should be imposed on a certificate of registration of the applicant and the applicant is an individual described in subsection 22.18 (1); (b) is of the opinion that terms, conditions or limitations should be imposed on a certificate of registration of the applicant and the applicant does not consent to the imposition; or (c) proposes to refuse the application.

Additionally, the Registration Committee reviews applications for approved program status from post-secondary programs in Homeopathy and makes recommendations to Council on such applications. The committee may also address any other matter referred to it by Council.

LINK TO CURRENT/FUTURE OPERATIONAL STRUCTURE:
The Registration Committee currently has five members and is supported by the Registrar, Deputy Registrar and Registration Officer.
Mike Steele (Public) (Chair)
Vacant (Public)
Anna Cardozo (Professional)
Sanjeev Nayyar (Professional)
Gurudutt Vaid (Professional)
Bhupinder Sharma (Professional) ex-officio

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).:

Between March 2022 and January 13, 2023 the Committee held one meeting for the sole purposes of reviewing a draft of the government required Emergency Class Registration Regulation (addressed under agenda item 9).

No applications have been referred to the Registration Committee this fiscal year.

COLLEGE OF HOMEOPATHS OF ONTARIO
REPORT FORM / BRIEFING NOTES

MEETING/DATE:	**COUNCIL JANUARY 27, 2023**	**DECISION**	□
DATE:	**JANUARY 13, 2022**	**DISCUSSION**	□
ITEM NAME:	**COMMITTEE REPORT – DISCIPLINE**	**INFORMATION**	**X**
INITIATED BY:	**K MCLEAN, J BLANCHARD**		

OBJECTIVE OF THIS REPORT (relevance to the business of Council, potential impact/outcome of decision):
To provide an update of the activities of the Discipline Committee from October 2022 to January 2023.

STRATEGIC DIRECTIONS: This initiative fits with the strategic direction of the College's 2022/2023 Operating Plan, Goals and Objectives in the Key Result Area or other requirement:

- □ **1 Delivering on Legislative & Legal Mandate**
- □ **2 Practicing Good Governance**
- □ **3 Achieving Growth**
- □ **Fulfilling RHPA Objects**
- □ **Meeting a Legislative/Regulatory or Bylaw Requirement**
- □ **CPMF – College Performance Measurement Framework**
- X **Other, specify:** _____

GUIDING LEGISLATION/BYLAW/POLICY:
Regulated Health Professions Act, 1991(RHPA), Schedule 2 the Health Professions Procedural Code
Homeopathy Act, 2007

PROTECTING THE PUBLIC: Provide a brief summary and rationale for any proposed decision and how it may impact and advance public interest and protection. I.e. How action taken or proposed demonstrates and advances public interest and protection, increases public trust and transparency, reduces risk to patients/public, and/or addresses changing public expectations.

The Discipline Committee is responsible for hearing and determining allegations of professional misconduct or incompetence referred to it by the Inquiries, Complaints and Reports Committee. The chair of the Discipline Committee may name three and no more than five members of the committee to a panel to consider each case and decide whether the allegations have been proven and if so, what penalty is appropriate.

The Discipline Committee, sitting in panels composed of both elected and appointed Council members, conducts public hearings into cases of alleged professional misconduct and/or incompetence for matters that are referred to it by the Investigations Complaints and Reports Committee.
This Committee must accomplish its work independent of the Council and therefore does not represent the College at the hearings. For these reasons, the Discipline Committee may employ independent legal counsel (ILC) to assist in their functions. A decision of the Discipline Committee may be appealed through divisional court, only.

At a hearing, a Panel selected will:

- Consider the allegations and hear the evidence
- Determine the facts of the case
- Determine whether the evidence proves the allegations
- Determine whether the homeopath has committed an act of professional misconduct or is incompetent
- Determine the outcome or penalty to be imposed if a finding is made

Where a panel of the Discipline Committee finds a member guilty of professional misconduct, it may make one or a combination of the following orders:

- Direct the Registrar to revoke the member's certificate of registration.
- Direct the Registrar to suspend the member's certificate of registration for a specified period of time.
- Direct the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.
- Require the member to appear before the panel to be reprimanded.
- Require the member to pay a fine of not more than $35,000.00 to the Minister of Finance.

In appropriate cases, and where there is a finding of professional misconduct or incompetence, a panel may make an order requiring the member to pay part of the College's costs and expenses. In cases where there is a finding of professional misconduct, the results of the proceeding must be contained on the College's Public Register which is available on the College's website, as required by the Regulated Health Professions Act. In addition, the Act requires the College to publish a summary of each case.

Hearings are open to the public unless the Panel believes the public should be excluded due to public security, public interest or public safety.

LINK TO CURRENT/FUTURE OPERATIONAL STRUCTURE:

Every member of Council is a member of the Discipline Committee. The committee is supported by the College's Deputy Registrar, Registration Officer (Hearings Office/Officer) and Independent Legal Counsel.

In the discipline process the College is supported by the Registrar and the College's legal counsel acting as the prosecution.

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).:

No hearings were held during this reporting period.

Below is a list of upcoming hearing dates. For information on all hearings please see the College's website. Two cases are before the Committee.

- **CHO vs Sukhdev Singh Kooner** – The Panel handed down its decision in late October 2022. For the decision and reasons see agenda item 3.1.5.2. A hearing on penalty and costs will be held on April 19, 2023.
- **CHO vs Sarabpreet Ghatoura** – Referred to Discipline Committee on September 8, 2022. Hearing date February 22, 2023. For the Statement of Specified Allegations visit the College's website.
- **CHO vs John Somerton** – Original hearing date, finding of guilt, and automatic revocation of license February 22, 2022. Oral Reprimand February 22, 2023. For the Statement of Specified Allegations visit the College's website

DISCIPLINE COMMITTEE OF THE COLLEGE OF HOMEOPATHS OF ONTARIO

IN THE MATTER OF a hearing directed
by the Inquiries, Complaints and Reports Committee of
the College of Homeopaths of Ontario
pursuant to Section 26(1) of the Health Professions Procedural Code
being Schedule 2 of the *Regulated Health Professions Act*, *1991*,
S.O. 1991, c. 18, as amended.

BETWEEN:

THE COLLEGE OF HOMEOPATHS OF ONTARIO

- and –

SUKHDEV SINGH KOONER

DECISION AND REASONS

A panel of the Discipline Committee of the College of Homeopaths of Ontario (the "**Panel**") held a hearing on April 26 and 27, 2022. The hearing proceeded by videoconference pursuant to the *Regulated Health Professions Act, 1991* - Health Professions Procedural Code, the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020* and the Discipline Committee Rules. Rebecca Durcan represented the College of Homeopaths of Ontario (the "**College**"). Sukhdev Singh Kooner (the "**Registrant**") was self-represented. Elyse Sunshine acted as independent legal counsel ("**ILC**") to the Panel.

ALLEGATIONS

The Notice of Hearing, dated September 29, 2021, was filed as Exhibit 1 and set out the following:

The Registrant

1. The Registrant registered with the College on or about May 3, 2016.

Advertising

2. On or about April 21, 2021 a member of the public contacted the College about a sign that advertised the treatment and prevention of COVID-19. The sign also stated that the COVID-19 vaccine "is one of the number one killers."

3. On or about April 25, 2021, the Registrant confirmed that he was the owner and/or controller of the sign. The Registrant advised he had posted the sign a year earlier.

4. Vaccination is not within the scope of practice of the homeopathic profession.

Acts of Professional Misconduct

5. It is alleged that the above noted conduct constitutes professional misconduct pursuant to section 51(1)(c) of the *Health Professions Procedural Code* (the "**Code**"), being Schedule 2 to the *Regulated Health Professions Act, 1991* (the "**RHPA**"), as set out in one or more of the following paragraphs of section 1 of Ontario Regulation 315/12 made under the *Homeopathy Act, 2007* (the "**Act**"):

    a. Paragraph 1 – Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession;
    b. Paragraph 9 - Failing to advise a patient or the patient's authorized representative to consult another member of a health profession within the meaning of the RHPA, where the member knows or ought to know that the patient requires a service that the member does not have the knowledge, skills or judgment to offer or is beyond his or her scope of practice;
    c. Paragraph 28 - Permitting the advertising of the member or his or her practice in a manner that is false or misleading;
    d. Paragraph 48 - Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional; and/or
    e. Paragraph 49 - Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.

THE REGISTRANT'S PLEA

The Registrant denied all of the allegations of professional misconduct set out in the Notice of Hearing.

THE ISSUES

The Panel had to determine the following issues:

1. Did the College prove the factual allegations on a balance of probabilities (that is, was it more likely than not that the alleged facts occurred)?

2. If any or all of the alleged facts were proven, did the College prove that the Registrant's conduct constituted the acts of professional misconduct set out in the Notice of Hearing?

DECISION

For the reasons set out below, the Panel makes findings on all of the allegations of professional misconduct set out in the Notice of Hearing.

MOTION RE BIAS

During his evidence, the Registrant brought a motion challenging the composition of the Panel, because there was only one professional member and two public members, and alleging bias on the part of a Panel member, because of an email relating to the election of the President of College Council. The Panel heard oral submissions from both parties and dismissed the motion. The Panel found that the Panel composition was appropriate and in accordance with the requirements of the Code. The email correspondence relating to the election of the President was not indicative of bias. An informed person, viewing the matter realistically and practically – and having thought the matter through – would not conclude that it is more likely than not that the Panel member, whether consciously or unconsciously, would not decide fairly. The email correspondence relating to the election of the President was not relevant to the within hearing and there was no suggestion that it involved any prejudgment by the discipline panel, or related to the relationship of a panel member to a participant in the hearing or any other concerns that may give rise to bias. There was no reasonable apprehension of with respect to the Panel member.

EVIDENCE

The Panel heard oral testimony from Basil Ziv, Registrar of the College, and the Registrant. The following documents were filed as evidence at the hearing:

Exhibit No.	Title
1	Notice of Hearing
2	Public Register printout for the Registrant
3	Email from Grand West Homeopaths to Basil Ziv (**"BZ**"), April 18, 2021
4	Email chain with TP (a member of the public)
5	Email from BZ to the Registrant, April 21, 2021
6	Letter from Registrant to BZ, April 25, 2021
7	Email from BZ to the Registrant, April 30, 2021
8	Email chain between BZ and AL(a representative of Health Canada), April 28, 2021
9	Email chain between NL (a member of the public) and BZ
10	Notice of investigation, May 10, 2021
11	Notice of investigation with attachments, May 27, 2021
12	Standard 19: Vaccination

13	Advertising - Standard
14	Email from the Registrant to BZ re resignation, September 29, 2021
15	Email to the Registrant re investigation, May 27, 2021
16	Unredacted tweet
17	Package of information
18	Package of additional information
19	Letter from the Registrant to BZ re: election of officer to the College, June 13, 2021
20	Email chain between CHO Council and BZ, June 2, 2021 to September 3, 2021
21	Email chain between BZ and Council, July 22, 2021 to August 13, 2021
22	Vaccination Exemption Letter, issued March of 2022

Summary of the Evidence

Evidence of Basil Ziv

Basil Ziv has been a homeopath for more than 30 years. He is currently the Registrar of the College. He is familiar with the Registrant.

On April 18, 2021, Mr. Ziv received an email from a member of the College (the "**April 18th Email**"). The April 18th Email attached an image of a sign which read as follows:

FOR TREATMENT AND PREVENTION OF
COVID-19
CALL
HOMEO MEDICAL CLINIC
519-990-8474

VACCINES FOR COVID-19
ARE ONE OF THE
NUMBER ONE KILLERS
AS PER SCIENTIFIC REPORT
PUBLISHED IN THE JOURNAL OF
ORTHOMOLECULAR
MEDICINE VOL. 20, NO. 1 2005
"DEATH BY MEDICINE"

(the "**Sign**").

Mr. Ziv was concerned to have received this email because the Sign was contrary to the standards of the College and in particular, the Advertising Standard. The College has particular requirements regarding how members speak to the public. It is necessary for members to adhere

to the requirements of the College. The College expects registrants to communicate with the public in accordance with the rules, regulations and guidelines of the College.

Mr. Ziv testified that vaccination is not within the scope of practice of homeopaths and noted that the standards say homeopaths cannot vaccinate and cannot speak against vaccination.

On April 19, 2021, the College received another email from a member of the public (TP), also attaching a picture of the Sign.

Following receipt of these emails, Mr. Ziv reached out to the owner of the Sign, who he discovered was the Registrant. Using a "right touch" approach to regulation, Mr. Ziv spoke with the Registrant and asked him to remove the Sign. The Registrant confirmed the Sign was his but declined to remove it. Mr. Ziv followed up with an email to the Registrant on April 21, 2022 (**Exhibit 5**). In the email, Mr. Ziv referenced the fact that the Registrant had been elected to the Council of the College. He did this because he felt the conduct was even more concerning because as a member of Council, the Registrant was held to a higher standard to uphold the requirements of the College. He explained that the Sign did not reflect well on the College as a whole, not just him as an individual registrant.

By email dated April 25, 2021 (**Exhibit 6**), the Registrant responded, taking the position that the Sign did not offend any of the College requirements. He signed the cover email as "Dr. Kooner." However, homeopaths are not authorized to use the doctor title because it is a restricted title. The Registrant was not a member of any Ontario health college authorized to use that title.

On April 30, 2021, Mr. Ziv wrote to the Registrant (**Exhibit 7**) and informed him that because he would not remove the Sign, he would be seeking the approval of the Inquiries, Complaints and Reports Committee ("**ICRC**") to appoint an investigator.

By email dated April 28, 2021 (**Exhibit 8**), Mr. Ziv was advised that Health Canada had received a complaint concerning the Registrant, who was advertising his services and/or homeopathic remedies claiming to prevent or treat COVID-19. The representative from Health Canada noted that the Sign may not meet the advertising requirements of the College.

By email dated May 2, 2021 (**Exhibit 9**), a further member of the public raised a concern about the Sign.

An investigation was commenced into the Registrant's conduct on or about May 10, 2021 (**Exhibits 10 and 11**).

During the relevant time period, Standard 19: Vaccination, which had been approved on May 14, 2015, was in force (the "**Vaccine Standard**"). Vaccinations are not within the scope of practice of homeopaths. They cannot advise against vaccination or go against the practice of another profession who are authorized to administer vaccinations. If a patient attends for a vaccine or asks about vaccines, a homeopath is expected to tell the client that this is outside of their scope

of practice and is expected to refer the patient to a professional who is authorized to administer vaccines. Homeopaths are expected to respond to such inquiries in a professional, accurate and balanced manner.

The College expects its members to acknowledge that vaccines are not within their scope of practice and therefore they should not advise against them.

Registrants are expected to be aware of College standards. They are published on the College's website. Mr. Ziv testified that the Registrant was also a member of Council during this time and would therefore certainly be aware of the standards.

Mr. Ziv gave evidence regarding the College's Advertising Standard (**Exhibit 13**). The College needs to ensure that what registrants advertise is accurate, conforms to regulations and is in the public interest.

Mr. Ziv testified that the Sign was an advertisement and therefore was required to comply with the Advertising Standard. It is important not to mislead the public through advertising. The Sign was problematic, in part, because it is not possible to know whether a particular treatment will result in a cure. The Sign also was not verifiable, and advertisements have to be accurate and verifiable. Patients are vulnerable when they see a practitioner. They must be able to provide informed consent to treatment and practitioners need to be careful to provide balanced information to them.

Although Mr. Ziv had asked the Registrant to alert him when he took the Sign down, he does not recall ever receiving any communications from him that he had taken the sign down.

Mr. Ziv also testified regarding the Registrant's notification of his resignation from the College. Although it appears that the Registrant first provided notification in September 2021, there is documentation suggesting that the resignation was only effective in December 2021. This is likely to due to the College's internal processes.

Evidence of Sukhdev Singh Kooner

The Registrant was registered with the College in May 2016 and submitted his resignation in September 2021. During the relevant time period, he was also a member of College Council.

The Registrant is aware of protected titles. While he was a member of the College of Physicians and Surgeons of Ontario ("**CPSO**") prior to 2015, he was no longer a member of the CPSO during the relevant time period. He was aware of his obligation to comply with the RHPA, the Act and College standards.

He testified that notwithstanding that he had removed the Sign on May 3, 2021, the College still went ahead with the investigation. He testified about an order from the city of Windsor to remove the sign because he did not have a permit.

He testified that the College did not ask him before starting the investigation, and that the people who complained should have said something directly to him. He noted that none of the complaints were from patients, but from members of the public, so these were not complaints about care he provided.

The Registrant agreed that he had control of the Sign and that he had put it up in approximately April of 2020. He included the name of his clinic and his personal cell number. He acknowledged that the Sign was visible to the public.

The Registrant asserted that there was nothing wrong with the statements on the Sign. It is within the scope of homeopathy to make these statements. The treatment and prevention of COVID-19 is available in homeopathic medicine. It was based on scientific evidence. This treatment is verifiable and true and therefore the Sign is not false or misleading.

The Registrant explained that the complainants misinterpreted the meaning of the Sign. The Sign does not tell people to get vaccinated or not. The Sign doesn't talk about vaccines and whether one should get them. The Sign is not discussing the pros and cons of vaccines (although, the Registrant maintains that he could do that if he wished). The second statement in the Sign does not refer to vaccinations. It talks about number 1 killers by which he means allopathic medicine and the allopathic system. He stated that all allopathic medicines are "killers," and vaccines are one of them. Homeopathy is the only thing that can save the system.

The Registrant testified that the Sign talked about treating symptoms of COVID-19, but acknowledged that the word "symptoms" was not on the Sign. However, he felt it didn't have to because he was not talking to patients. But in any event, his view was that whether you have COVID-19 or symptoms, it is the same thing because there is no disease without symptoms. The Registrant testified that if you treat the symptoms, the disease disappears so the symptoms and diagnosis are the same.

It was not his intention to force his beliefs on anyone. People were free to read the reference and decide for themselves.

The Registrant disagreed that the Sign constitutes an advertisement because the purpose of it is not to promote his business. He provided treatment during the pandemic for free, without charging consultation fees. He testified that it was not an advertisement, but rather was public information.

The Registrant asserted that there is evidence that what is contained on the Sign is true and referred to Dr. Samuel Hahnemann, founder of homeopathy. He explained how COVID-19 could be treated by homeopathic remedies. The public is free to make informed treatment decisions.

He testified that the Sign does not contain the word cure and does not guarantee or promise anything. He asserted the claims on the Sign can be verified. He is of the view that he is complying with the standards.

The Registrant testified that as long as he has consent and a consent form, he can discuss vaccines. He does not push anything on patients. He discusses vaccines and lets the patients decide. The consent form does not stop patients from seeking medical advice. He allows patients to make an informed choice. He does not believe the regulations governing homeopaths prevent a discussion regarding vaccines, as long as he is not forcing the patient to do anything.

The Registrant maintained that the Sign is in conformity with the standards and the ICRC simply failed to understand the spirit of the Sign.

The Registrant indicated that the Sign contained a scientific reference which the College overlooked. He indicated that the words on the Sign are not his opinion, but the opinion of the authors of the referenced scientific report.

In cross-examination, the Registrant agreed that it was important that registrants keep up to date on College requirements and when they do not, the public is placed at risk. The Registrant further agreed that the College is required to respond when a registrant is not complying with the legislation.

The Registrant did not accept that the Sign induced false hope in those reading it.

The Registrant stated that he did not discourage patients from getting vaccinated, he just put the information in front of his patients so they could make a decision. When his patients ask him about vaccines, he has to tell them the truth about these "number 1 killers." He just gives them the pros and cons. He denied that this constituted talking about vaccines and was contrary to the Vaccine Standard.

The Registrant acknowledged that he provided a vaccine exemption letter and used the doctor title because he used an old stamp and hasn't changed it (**Exhibit 22**).

REASONS FOR DECISION

Although the Registrant is not currently a member of the College, because the conduct took place when he was a member, we accept that we have jurisdiction to consider the matter and make findings.

The College was required to prove the allegations of professional misconduct on a balance of probabilities with clear, cogent and convincing evidence. In other words, the Panel had to decide

whether, based on the evidence, it was more likely than not that the alleged acts of professional misconduct occurred.

Credibility Assessments

The Panel considered the evidence of the two witnesses which, in many cases, diverged. As such, the Panel was required to conduct credibility assessments. The Panel accepted that credibility assessments have two constituent elements, honesty and reliability, and that the Panel may consider the following factors:

a) the witness's opportunity to observe events;
b) the witness's interest in the outcome;
c) whether the witness's evidence accords with common sense/the probability or improbability of the witness's story;
d) whether the witness's evidence was consistent with other evidence;
e) whether the witness's evidence was internally consistent; and
f) the appearance and demeanour of the witness.

The Panel's credibility assessments are provided below.

Assessment of Basil Ziv's Credibility

Observation and Recollection: Mr. Ziv was directly involved in the discussions and correspondence that he testified about. He had good recollection of the events at issue.

Interest in the outcome: Mr. Ziv had no interest in the outcome of the case, other than the inherent tensions of the discipline process i.e. witnesses have an inherent interest in having their evidence believed.

Appearance and demeanour: The Panel had no concerns with Mr. Ziv's appearance and demeanour. He answered all questions in a forthright, respectful and professional manner.

Common Sense/the probability or improbability of the witness's story: Mr. Ziv's evidence was based on objective factors. There were no problematic components. His evidence comported with common sense.

Consistencies/ Inconsistencies: Mr. Ziv's evidence was consistent with external documents. There were no contradictions in his evidence.

After a consideration of the relevant factors, the Panel found Mr. Ziv to be a credible witness

Assessment of the Registrant's Credibility

Observation and Recollection: The Registrant was directly involved in the discussions and correspondence that he testified about. He generally had good recollection of the events at issue.

Interest in the outcome: Other than the desire not to be convicted of professional misconduct, which is the same for all registrants involved in this process, the registrant did not appear to have an interest in the outcome of the case.

Appearance and demeanour: The Registrant was respectful and appeared forthright in his responses.

Common Sense/the probability or improbability of the witness's story: The Panel had concerns in this area of the credibility assessment. For instance, the Registrant repeatedly said he selected the words for the Sign, and despite the clear language, denied that the Sign implied that vaccines were one of the "number 1 killers." It is not plausible that anyone reading that Sign would not infer that the Registrant intended to represent the words of the Sign… VACCINES FOR COVID-19 ARE ONE OF THE NUMBER ONE KILLERS." The Panel also found it implausible that the Registrant relied on sources to support his views of COVID-19 that were written decades before we even knew about COVID-19. The Panel further found it improbable that the Registrant did not view the Sign as an advertisement, yet included his clinic name and personal telephone number.

Consistencies/ Inconsistencies: There were material inconsistencies in the Registrant's evidence. At times, the Registrant acknowledged that homeopaths are not permitted to discuss vaccinations, but then gave evidence that this was permitted. At times, he conceded that the Sign advertised services, but other times said it did not. He testified at times that the Sign was intended to refer to only the treatment of the symptoms of COVID-19 but other times, he stated that he could treat COVID-19 using homeopathic techniques.

The Registrant's evidence was also at times inconsistent with external evidence. For instance, he indicated that his discussion with Mr. Ziv only related to a request to remove the Sign, but denied that it referenced the investigation, notwithstanding his admission that he received correspondence regarding the investigation. Further, notwithstanding that he signed vaccination exemption letters, the Registrant testified that he did not believe that he engaged in any discussions about vaccines. He then further testified that he does not believe the issue of vaccinations is relevant. The Registrant was also inconsistent on a peripheral issue relating to use of the doctor title. He denied holding himself out as a doctor, despite the vaccine exemption letter (**Exhibit 22**).

After a consideration of the relevant factors, the Panel had concerns regarding the Registrant's credibility.

Findings on the Allegations

The Panel found that the College's evidence established, on a balance of probabilities, the factual allegations set out in the Notice of Hearing, which supported findings that the Registrant engaged in the acts of professional misconduct alleged.

The Panel's findings with respect to each act of professional misconduct are outlined below.

Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession (para 1)

Failing to maintain the standard of practice of the profession or a published standard of the College is an act of misconduct.

The Panel accepts that the Sign would be considered to be an advertisement and as such, it needs to comply with the Advertising Standard. The Advertising Standard requires that advertisements be verifiable, that they be professional and that they do not negatively impact on public confidence in the delivery of health care services. The Sign both suggests that the Registrant can prevent and treat COVID-19 and that vaccines are one of the number one killers. None of these claims are verifiable. The Registrant relies on an article from 2005 to suggest that his claims are verifiable – this entirely pre-dates the COVID-19 pandemic and as such, is completely irrelevant to events occurring decades later. The Sign, on its face, is both fearmongering and provides false hope. Therefore the Sign reflects negatively on the profession. By posting the Sign, the Registrant breached the Advertising Standard.

The Vaccine Standard clearly notes that vaccination is not within the homeopathic scope of practice. It states that a registrant shall not advise his patients against vaccination. The Sign clearly is aimed at discouraging patients and members of the public from vaccination..

Registrants are also required to advise patients that the administration of vaccines is an act that is outside the Homeopathic scope of practice and the patient should consult with a health-care professional who has the act within his/her scope of practice. The Registrant maintained that he could discuss the pros and cons of vaccines if he wished. The Registrant also issued vaccine exemption letters. As such, there is clear evidence that the Registrant discussed vaccinations with patients. This is contrary to the Vaccine Standard, which requires him to advise that vaccines are not within his scope of practice and refer patients to professionals who are authorized to administer vaccines. Accordingly, the Panel finds that the Registrant acted contrary to the Vaccine Standard.

A finding of failure to maintain the standard of practice can be made in the absence of expert evidence. While expert evidence is sometimes required to prove what the standard of practice requires in each case, this is not necessary where there is an explicit standard of practice

published on the point, which is the case here. Further, the Registrant's breaches of these standards were so obvious / notorious that expert evidence was not required.

The Panel therefore finds that the College established on a balance of probabilities that the Registrant contravened the standards of practice of the profession.

Failing to advise a patient to consult another member of a health profession, where the member knows or ought to know that the patient requires a service that the member does not have the knowledge, skills or judgment to offer or is beyond his or her scope of practice (para 9)

To establish this act of misconduct, the College needed to establish that it was more likely than not that there was a patient or patients who required a service that was beyond the expertise of the Registrant or out of scope and the Registrant did not advise the patient of this. The Registrant admitted he engaged in discussions regarding vaccines with patients and there was no evidence that the Registrant referred patients to a healthcare professional authorized to administer vaccines. There was also evidence before us that the Registrant wrote vaccine exemption letters. It is clear that vaccination is not within the scope of homeopathy. The Registrant was not a member of any other regulatory college that is authorized to provide vaccinations. Accordingly, the Panel makes a finding under this head of misconduct.

Permitting the advertising of the member or his or her practice in a manner that is false or misleading (para 28)

The Panel has made factual findings that the Sign was an advertisement of the Registrant's practice. The Sign, on its face, states that the Registrant can treat and/or prevent COVID-19. The Sign also states that vaccines are a number one killer. Both of these statements are false and/or misleading. Accordingly, this head of misconduct has been established.

Disgraceful, dishonourable or unprofessional conduct (para 48) and conduct unbecoming (para 49)

The Registrant is also alleged to have engaged in behaviour that members of the profession would reasonably regard as disgraceful, dishonourable or unprofessional. Generally speaking, conduct that demonstrates lack of integrity, dishonesty, abuse of power, or disregard for the welfare and safety of members of the public, is conduct that will not be tolerated by a health profession.

The allegation of "conduct unbecoming" is intended to capture conduct outside the practice of the profession. Not all private misbehaviour is conduct unbecoming a member. However,

behaviour that reflects on one's integrity or competence to the point where public protection is required is conduct unbecoming.

The Registrant intentionally posted the Sign, which is contrary to the Standards and played on the fears of his patients and the general public during an unprecedented global pandemic. Posting the Sign reflected badly on the entire profession. As regulated professionals, homeopaths have an obligation to ensure their communications with the public and patients are within scope, are verifiable and not contrary to standards. The Panel finds that by deliberately posting this misinformation, the Registrant abused his power as a regulated health professional, in whom the public places their trust. Providing false and misleading information regarding vaccines to patients and the public, a topic that he is explicitly not permitted to discuss with patients in any event, demonstrates a disregard for the welfare and safety of such individuals. The Registrant demonstrated no insight into why the Sign was problematic. Even when he was contacted by the College and was requested to remove it, he refused. The Panel was particularly concerned that as a member of the College's Council, the Registrant should have known better and had an enhanced duty to comply with the requirements of the College and to represent the profession.

By posting the Sign and refusing to remove it, the Registrant engaged in behaviour that reflected on his integrity and competence, to the point where public protection is required.

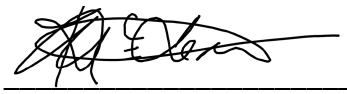
In all of the circumstances, the Panel finds the Registrant's conduct to be disgraceful, dishonourable and unprofessional and also finds it to be conduct unbecoming.

The Panel requests that a penalty hearing be scheduled at the first available opportunity.

Dated in the City of Toronto on October 28, 2022.

DISCIPLINE PANEL

Heather Broadhead, Public Member
Anna Cardozo, Professional Member
Kamika Mclean, Public Member, Chair of Discipline Committee

Signed: 
Kamika Mclean, Chair