

Balance



Volume 7, Issue 3
Fall 2010

CTCMA Newsletter

2010 ELECTION OF CTCMA BOARD MEMBERS

2010年管理局理事會選舉

REMINDER

Nominations for election to the Board of the CTCMA close on
Monday October 25, 2010 – 3:00 pm

重要提示

管理局理事會選舉提名截止日期及時間如下
二零一零年十月二十五日（星期一）下午三點

There are six positions up for election. Nominees must be practising registrants in good standing.

本次選舉將選出六位理事。被提名人必須是遵守規範的執業註冊成員

Important Election Dates and Deadlines

- Nominations closed at 3:00 pm on Monday 25 October 2010
- Nominees bios and photographs submitted by 3:00 pm Monday, November 1, 2010
- Election ballots mailed to registrants Wednesday November 24, 2010
- Ballots received at CTCMA office by 12:00 noon Friday December 24, 2010
- Ballots counted and Candidates notified Friday December 24, 2010
- Recount deadline Monday January 3, 2011

To access the nomination form, as well as details about the requirements and process for election, go to www.ctcma.bc.ca.

重要選舉日期及截止日期

- 選舉提名將於二零一零年十月二十五日（星期一）下午三點截止
- 被提名人的簡介和相片必須在二零一零年十一月一日（星期一）下午三點前提交管理局
- 選票將於二零一零年十一月二十四日（星期三）寄予註冊成員
- 管理局接受選票的截止日期為二零一零年十二月二十四日（星期五）中午十二點
- 計票及通知參選人計票結果的日期為二零一零年十二月二十四日（星期五）
- 申請重新計票的截止日期為二零一一年一月三日

如欲获取提名表格及了解有关选举要求和过程的更多资讯，请至管理局网站www.ctcma.bc.ca

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Balance is the official publication of The College of Traditional Chinese Medicine Practitioners & Acupuncturists of British Columbia, Canada.

NOTICE OF ELECTION FOR THE BOARD CALL FOR NOMINATIONS

This notice is provided to both inform registrants that the term of office for six Board members expires January 2011 and to outline the process for nominating CTCMA registrants for the 2010 election.

Pursuant to the *Health Professions Act* and the College Bylaws, the CTCMA Board is comprised of six elected members (full registrants elected by the registrants of the College) and three public members (non-CTCMA registrants that are appointed by the Government.) The College Bylaws outline our regulations for the nominations and voting procedures for electing board members.

The first step in this process is to provide the opportunity for registrants to nominate individuals for consideration to this important position. Section 5(2) of the College Bylaws outlines the nomination process as follows:

Any registrant may nominate for office one registrant in good standing with the nominee's consent and in accordance with the College nomination procedure. The nomination must be received at least 90 days prior to the expiry of the term of office. A current elected board member may be nominated for re-election. An elected Board member may serve a maximum of six consecutive years.)

What are my obligations as a Board member?

Board members must govern the affairs of the College within the scope of authority designated under the Health Professions Act, the Traditional Chinese Medicine Practitioners and Acupuncturists Regulation and the College Bylaws. The Board, working as a whole is responsible for setting the strategic directions for the College, monitoring the results and ensuring the organization is meeting its mandate.

- *Being a Board member involves a variety of duties & responsibilities including regular attendance at Board meetings & participating on College Committees.*
- *Board members bring skills from formal or informal leadership experiences in traditional Chinese medicine and acupuncture, and related activities or other venues.*
- *Qualities for being an effective Board member include the ability to:*
 - *consider issues from a public protection perspective;*
 - *respect diverse viewpoints & actively debate policy issues;*
 - *grasp the big picture & see policy decisions in the larger context;*
 - *make decisions in the best interest of the College; and*
 - *support others & work together as a whole Board.*
- *The Board meets seven times each year for one-half day, generally on a Saturday. One meeting may be held for one full day (generally Saturday or Sunday). Additional meetings may be held by teleconference.*
- *Depending on the work-plans of a committee, committee participation includes in-person meetings (at least one and up to six meetings per year) and teleconference meetings.*

Who is eligible for nomination? *The nominee must be:*

- *A registrant in the full registration category*
- *A registrant in good standing*

What support is in place for participating on the Board?

- *Orientation & Training: Transition meeting with outgoing board as well as an in-depth orientation session on topics such as governance, board member duties & responsibilities, College mission, values and strategic plan, and current issues affecting regulation.*
- *Board member education opportunities are also provided as needed.*
- *Expenses such as travel, accommodation and meals are covered by the College so participation is possible from anywhere in BC.*
- *There is an honorarium for Board members.*
- *The College provides staff support for Board and committee work.*

What is the process for nomination?

- *Complete the nomination form enclosed with this notice.*
- *The nominee must complete and sign the declaration portion of the form, acknowledging consent to the nomination.*
- *Mail the completed nomination form to the CTCMA office, which must be received in the College office by **Monday October 25, 2010 by 3:00 pm**. Nominations forms that are incomplete or received after this date will not be valid.*

What happens after nominations are received?

- *The Registrar will confirm receipt of the nomination with the nominee*
- *The Registrar will ask for a short bio from each nominee to include with the ballot mail out so that registrants can make an informed choice. Nominee & election information will also be posted on the College website.*

What is the election procedure?

- *Ballots are prepared and sent to all full registrants and non-practising registrants for voting*
- *Ballots must be returned to the College office by the specified due date.*
- *Each full registrant and non-practising registrant is entitled to one vote for each vacancy on the Board.*
- *Ballots must be received in the form specified to be counted or will be considered spoiled*
- *Nominees receiving the most votes on the return of the ballots are elected to the Board.*

What are the terms of office?

- *Term of office for an elected board member is 3 years, with an exception in 2010*
- *In 2010 there are three 2-year terms and three 3-year terms*
- *The maximum term of office is six consecutive years*

If you want more information, please do not hesitate to contact the Registrar, Mary Watterson, who can be reached at the College office at the contact information below:

CTCMA
1664 West 8th Avenue,
Vancouver, BC
Canada, V6J 1V4
Phone: 604-738-7100
Fax: 604-738-7171
Email: info@ctcma.bc.ca



AUDITED FINANCIAL STATEMENT 2009-2010

The 2009-2010 audit was conducted by the CTCMA auditor Manning Elliott Chartered Accountants. The Financial Statements to March 31, 2010 are posted and may be downloaded from the CTCMA website www.ctcma.bc.ca.

2009 – 2010 年財務報表審計

2009 – 2010 年審計由管理局審計員，亦是特許會計師曼寧艾略特完成。截至2010年3月31日之財務報表可於管理局網頁 www.ctcma.bc.ca 下載。

AGM 2010 NOTICE

The 2010 Annual General Meeting will be held on Saturday, January 9, 2011 at the Radisson Hotel Vancouver Airport at 8181 Cambie Road, Richmond. Prior to the afternoon AGM, the morning session will offer a program of continuing education. Following the AGM the annual community dinner will be held at the Rainflower Restaurant, 3600 No. 3 Road, Richmond, BC. Please mark January 9th on your calendar.

2010 年年度大會預報

2010 年年度大會將於2011年1月9日於列治文瑞迪森飯店舉行。上午為再教育課程，下午為年度大會，之後將於 Rainflower 餐廳舉辦年度聚餐。

INCREASE IN REQUIRED HOURS FOR CONTINUING EDUCATION

Effective March 31, 2012, all Registrants will be required to comply with the new Continuing Competency Program Requirements. Information on the requirements was inserted in the Summer 2010 Newsletter.

Also effective March 31, 2012 the number of hours required for continuing education has been increased. At the June 5, 2010 Board meeting a resolution was passed that the requirements for the number of hours of continuing education be increased to fifty (50) hours every 2 calendar years. A request for the bylaw amendment will be submitted to the Ministry of Health.

再教育學分時數增加

自2012年3月31日起，所有註冊成員必須遵守新版職能法規，詳情請見2010暑期月刊。自2012年3月31日起，所有註冊成員所需再教育學分時數增加為每2年50學時。此規定由管理局理事於2010年6月5日通過，並將交予衛生廳通過修改法規。

RECEIPTS FOR TREATMENT – Use your Legal Name

Recently several registrants received letters from a third-party insurer telling them that the company had been unable to confirm their registration with CTCMA. The problem resulted from registrants not having their legal name on the receipts. The CTCMA website is used by members of the public and others such as third-party insurers to confirm a practitioner's registration. Registrants should note that all practising registrants are listed, but only under their legal names. To avoid confusion, it is recommended that if registrants wish to have their alias/English names included, that it be put in brackets.

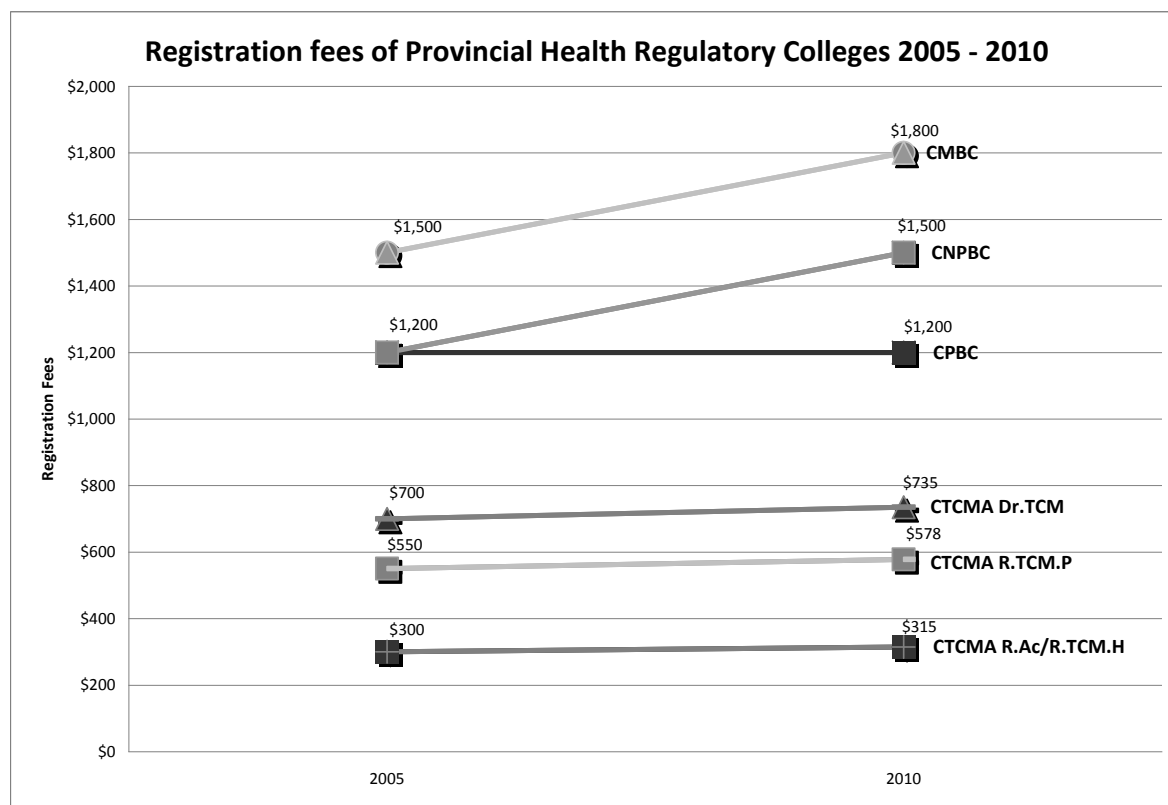
開立診療收據：請使用您的法定姓名

近期許多註冊成員收到保險公司關於收據姓名與管理局註冊姓名不符的通知。管理局網站公開的註冊成員資料能提供公眾與保險公司確認註冊成員的註冊情況。為了避免混淆，請註冊成員使用法定姓名開立收據，如需包括英文名，請以括弧表示。

Registration and Examination Fee Increases for 2011

Registration fees constitute the college's primary source of revenue. At the June 5th meeting the Board agreed that since the current fiscal year 2010-2011 is operating under a deficit budget, there is a need for an increase in revenue, and hence an increase in fees. An increase in both registration and examination fees is anticipated.

The Board is currently reviewing registration fee levels. The review has included a 5-year comparison of registration fees with other provincial regulatory colleges including the College of Naturopathic Physicians (CPNBC), the College of Psychologists (PBC) and the College of Midwives (CMBC) as illustrated below.



The 2011 fee increases are expected to be substantial, but competitive with other regulatory colleges both in BC and TCM/A counterparts in other provinces. It is anticipated that a revised fee schedule will be posted on the website next month.

A Summary of the Reasons for the Increase in Expenses

I Increase in registrants

The CTCMA has experienced a 485% increase in registrants over the past ten years. With the exception of a minimal fee increase in 2007 there have been no other increases since 2000. The accompanying expectations and responsibilities have been increasingly difficult to deliver due to the revenue available. These include:

- Maintaining and improving our responsiveness to the increasing number of registrants contacting us with questions about issues such as practice, ethics, and regulations
- Building our online capacity for increased services to registrants, applicants and the public
- Increasing activities to improve access and registration for internationally educated TCM/A applicants

- Increasing legal costs relating to the College's regulatory authority and federal trademarks, and to the more immediate provincial activities related to inquiry and discipline processes and advice on registration, practice standards and legislative changes.

II Increase in public oversight and amendments to the *Health Professions Act (HPA)*

The amendments, effective May 2008 and the accompanying Health Professions Review Board (HPRB), effective March 2009, have added new obligations to the College's responsibilities and hence new demands on resources including:

- Implementing new bylaws, policies and processes to comply with significant changes to the HPA
- Improving public information related to the role of the College, and public notice of inquiry and discipline decisions
- Participating in HPRB actions taken against CTCMA

III Labour Mobility

The 2009 labour mobility legislation, (*Agreement on Internal Trade (Canada)* and *Labour Mobility Act (BC)*), directs that registrants from one province be able to obtain registration in another with few exceptions. The College has responded by initiating meetings and agreements with TCM/A regulators across the country. Registration policy has been developed and website posting accomplished in compliance.

IV Regulation Proposal

The Proposal is a project to retrofit the Traditional Chinese Medicine Practitioners and Acupuncturists Regulation to the current *Health Professions Act* for both public protection and regulatory collaboration purposes. The project consists of three main subjects that require amendments to the CTCMA Regulations and Schedules: (1) approval of training programs, (2) authority for TCM herbal prescription, and (3) point injection therapy. The Board continues to be engaged in substantive background reviews, stakeholder consultation, dialogue with government, and policy analysis and options.

2011年度的註冊費與考試費用即將上漲

註冊費是管理局主要收入來源。6月5日理事會議通過，由於2010—2011年度為財務赤字，未來註冊費與考試費用將會上漲。

管理局理事會日前與自然醫生管理局(CPNBC)、心理醫生管理局(PBC)以及助產士管理局(CMBC)比較過去5年的註冊費，結果如上圖。

支出費用增加之摘要

1. 註冊人數增加：過去10年，管理局註冊人數增加485%，管理局作業亦趨繁複
2. 醫療從業人員法的修正：2009年3月，增加新的管理局責任歸屬
3. 勞工流動：2009年勞工流動法通過，除些許限制，其他省分的註冊成員可至卑詩省執業。
4. 法規提案：此提案使 *中醫藥與針灸從業人員法*更貼切現有的 *醫療從業人員法*，內容包括訓練課程的審核，中藥處方權以及穴位注射。

CTCMA Takes Court Action Against Unregistered Acupuncturists

As a result of court action taken by the CTCMA, the B.C. Supreme Court has ordered three individuals to stop practising acupuncture without College registration. The three Greater Vancouver individuals have consented to permanent injunctions restraining them from practising TCM and acupuncture. Mr. Justice David Harris's orders against the three went into effect immediately after the July 21, 2010 decision. Two of the permanently banned individuals have been using a trademark title "Dr." A fourth person, also using a "Dr." trademark title, has been issued an interim order pending a hearing.

The injunctions were sought by the CTCMA as part of a broader investigation into individuals who hold themselves out as qualified TCM practitioners and/or acupuncturists, but who are not registered by the College.

Several of the individuals involved called themselves "Doctor," claiming the right to use the title through a national group, the Ottawa-based Council of Natural Medicine College of Canada (CNMCC). In response to earlier legal action taken by the CTCMA, a 2009 federal court decision established that CNMCC is not a statutory college and is not authorized by the provincial or federal governments to license, register, certify or accredit practitioners in the field of TCM and/or acupuncture.

CTCMA filed petitions against Young Jern, who has been practising in New Westminster, and against Vimmy Dhillon and Jacky Hou, both of whom have been practising in Vancouver. The court orders restrain them from the unauthorized practice of TCM and Acupuncture.

Mr. Justice Harris also issued an interim injunction against Roseanne Louie, also of Vancouver, to restrain her from engaging in the practice of TCM and Acupuncture pending a full hearing to be held later this summer.

Young Jern has been practising acupuncture in New Westminster, presenting himself as "Dr. Jern" and using the credential "DNM -- Doctor of Natural Medicine" -- a term trademarked by a Toronto-based council. Mr. Jern's clinic, Bluestone Cancer Center, is advertised on a website addressing people "seeking a new hope," and claims a "successful progress rate" of 87.5% against terminal cancer.

Vimmy Dhillon has been practicing in Vancouver, presenting herself to be licensed as "Dr. Dhillon" under title "NHD -- Natural Health Doctor," a term trademarked by the Ottawa-based CNMCC. Her Internet advertising included a website, The Natural Alternative, and she is associated with a society formed to enhance the wellness of individuals living with a life-threatening illness.

Rosanne Louie has been practising in a Vancouver clinic, presenting herself as "Dr. Louie," -- also under the CNMCC's trademarked designation "NHD/NHP -- Natural Health Doctor."

In 2007, following a CTCMA investigation, Jacky Hou was directed by the College to stop practising acupuncture. He agreed to do so, however recent evidence indicates that he has again been performing acupuncture.

The College is authorized under the *Health Professions Act* which is designed to protect persons from unauthorized healthcare practitioners using procedures that may carry significant risk to the public. The action was taken because such individuals prey on the vulnerability of the unsuspecting public, presenting themselves with unauthorized titles and misleading promises. Practising without registration is an offence under the HPA and places the public at risk.

管理局對非註冊針灸師採取法律行動

卑詩省最高法院裁定，非管理局註冊針灸師禁止進行任何針灸診治行為。

自2010年7月21日起，三位大溫地區非管理局註冊針灸師，Young Jern, Vimmy Dhillon, 與Jacky Hou經法院裁定，禁止進行任何中醫與針灸相關行為。其中兩位曾使用 "Dr." 商標，包括DNM- Doctor of Natural Medicine與NHD- Natural Health Doctor。目前第四位使用 "Dr." 商標的Roseanne Louie，亦已收到禁針令，等候進一步庭審。

許多涉及此次官司的個人聲稱自己有渥太華註冊加拿大自然醫學會(CNMCC)所頒發的 "Dr." 商標。2009年聯邦法庭反應管理局所採取的法律行動，裁定加拿大自然醫學會並非法定管理局，並無經由省政府或聯邦政府認同以發放執照，註冊，證明或認證中醫或針灸治療師。

管理局經醫療從業人員法案授權，避免公眾受未註冊的醫療人員進行高風險的醫療行為。

Recent Court Action Highlights Need for Vigilance

The College is currently reviewing cases of CTCMA registrants working with TCM/A practitioners who are not registered in B.C. These individuals are treating the public without the authority of the *Health Professions Act (HPA)*. Such action is a regulatory offence. If a registrant shares a clinic and /or patients with such a person, that registrant is in contravention of the CTCMA Bylaws, Code of Ethics and Standards of Practice. The College will not tolerate this activity. In such cases the registrant will be referred to the Inquiry Committee for investigation.

近期官司警示

管理局日前正處理有關非卑詩省註冊中醫／針灸師與管理局註冊成員共同工作的案例。如註冊成員與非註冊成員使用同一間診室或診療同一位病患，此註冊成員已違反管理局法規，道德準則以及職業標準，將交由調查委員會進行下一步行動。

Inquiry & Discipline Report

The following summaries represent Inquiry Investigations conducted since last reported in the Spring 2010 issue of the Balance newsletter. Tariff charges may be applied to CTCMA registrants pursuant to Inquiry and Discipline activities. The tariffs are established under section 19(1)(v.1) of the Health Professions Act.

Professional Misconduct/Sexual Misconduct (website Publication of V.P.)

The registrant remains under suspension until the criminal proceedings are complete, at which time the Inquiry Committee will resume its investigation.

Professional Misconduct/Sexual Misconduct (website publication of Z.L.)

The registrant is permitted to practice acupuncture under the direct supervision of a designated R.TCM.P registrant in good standing with the CTCMA. The registrant must practice acupuncture under supervision at all times and must not be in the presence of a patient except with the supervisor present. A weekly report is submitted to the College confirming the full names, addresses and telephone numbers of each patient treated. The registrant must post a notice in a prominent place in the clinic stating that the designated R. TCM.P must be present at all times the registrant is seeing a patient. These conditions will remain in effect until the criminal proceedings are complete, at which time the Inquiry Committee will resume its investigation.

Professional Misconduct/Sexual Misconduct (website publication of A.R.)

The registrant remains under suspension while the Inquiry Committee continues its investigation.

Professional Misconduct/Sexual Misconduct (website publication M.L.)

Although the conduct occurred many years ago, the Inquiry Committee was concerned that the conduct raised safety issues in the context of treatment of female patients and minors. Without a risk assessment, the Inquiry Committee was unable to determine whether the mere passage of time and/or the counseling that the Registrant had received was sufficient to address those concerns from a public safety perspective. The Inquiry Committee concluded it was appropriate to put safeguards in place until it was satisfied that there is no longer any risk.

The Inquiry Committee entered into a consent order with the Registrant under s. 33(6)(c) and 36 of the Health Professions Act in which he undertakes and consents: (a) not to repeat sexual misconduct; (b) to attend for an evaluation to assess his risk for sexually re-offending; (c) to refrain from treating women or children in a clinical setting without a chaperone present until the Inquiry Committee is satisfied that he does not pose a risk to his patients; (d) to post a notice in the waiting room of his clinic indicating that women and children must have a chaperone present; and (e) to reimburse the College for investigation costs in accordance with the tariff.

Informed Consent, clinical records, providing patient privacy

The College received a written complaint from a member of the public alleging that the R.Ac. failed to provide informed consent and failed to provide adequate privacy during the complainant's treatment. The Inquiry Committee opened an investigation pursuant to s. 33 of the HPA. During the investigative process, the Inquiry Committee found that the registrant failed to take adequate steps to record the diagnosis and treatment of the patient in a clinical file. The registrant admitted that the allegations were valid, that the misconduct had occurred and was improper. Pursuant to s. 36 of the HPA, the case was resolved with the registrant signing a Consent Order and Undertaking not to repeat the behaviour and to adhere to the CTCMA Practice Standard – Number 1 'Consent to Treat, page 1/1, to adhere to the CTCMA Codes of Ethics 3 (a) and to adhere to the CTCMA Standards of Practice 2 (2.8). The Committee imposed a Tariff under s. 19(1)(v1) of the Act and the file was closed.

Unauthorized Title (6 cases)

Six Registrants were reported, investigated and found to be using unauthorized titles, CTCMA Bylaws section 4. The cases were resolved by way of Undertakings not to repeat the behavior, under HPA section 36. Tariff of costs were imposed on each registrant under s. 19(1)(v1) of the Act.

Citation for hearing by the discipline committee

The Inquiry Committee directed the issuance of a citation for a hearing by the discipline committee to a registrant regarding the refusal of the registrant to give an undertaking/ consent relating to the registrant's application for CTCMA registration. The discipline hearing will take place in the Fall of 2010.

HEALTH PROFESSIONS REVIEW BOARD UPDATE

The Review Board is an independent administrative tribunal created under Part 4.2 of the Health Professions Act.

The review of two Registration Committee decisions were successfully resolved prior to hearings being held.

The Board is currently reviewing one Inquiry Committee decision and one Registration Committee decision.



KEEP THE PLANET GREEN

If you have not signed up for paperless newsletter and would like to help keep our planet green and reduce administrative costs, please reply to info@ctcma.bc.ca with **your name , email address and registration number**. Future CTCMA newsletters will be emailed to you in PDF format.

保護環境，人人有責

如果您還沒有登記管理局電子季刊，但有意保護環境減少管理局開支，請將您的名字，電郵地址和註冊號碼發送至info@ctcma.bc.ca。未來管理局季刊將以PDF格式通過電子郵件發送給您。

CTCMA Board Members

Professional Members

Ann Yuan
David Huanwei Chen
Fang Liu
Harvey Hu
John Blazevic
Michael Chung

Public Members

Arden Henley
Bill MacLeod
Vivienne Stewart

Newsletter Editorial Board

Arden Henley
Mary Watterson

“Balance ” and other publications circulated by CTCMA are the primary information for our registrants in British Columbia. Registrants are responsible for reading these publications to ensure they are aware of latest information, current standards, polices and guidelines.

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

NOMINATION FOR BOARD MEMBER 2010

I, _____ being a full registrant in good standing
(Please print name of person nominating)

with the College of Traditional Chinese Medicine Practitioners and Acupuncturists of British
Columbia hereby nominate

_____ for the position of elected Board Member.
(Please print name of person being nominated for election)

I have read the obligations required of an elected board member and support this nominee.

Signature: _____
(Registrant submitting the nomination)

Date: _____

Obligations
expected of an
elected board
member are
attached (e-
file) or printed
on the back.

DECLARATION

I _____ accept the nomination for the
(Please print your name)

position of elected Board member of the College Traditional Chinese Medicine
Practitioners and Acupuncturists of British Columbia. I have read the mission statement
of the College and the obligations expected of an elected board member. I agree to
comply with the *Health Professions Act*, the Traditional Chinese Medicine Practitioners
and Acupuncturists Regulation and the Bylaws and policies of the College.

Signature: _____

**Please Return This Form To The CTCMA Office.
It must be received in the College office no later than 3:00 pm Monday October 25, 2010.
Incomplete forms or forms received after this date will not be valid.**

CTCMA MISSION

The Mission of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia is to regulate the practice of Traditional Chinese Medicine and Acupuncture in the public interest

BOARD ROLES

A. Oath of Office

Before taking office a person elected as a member of the board must take and sign an oath of office prescribed by the Minister of Health.

B. Setting and Guiding Organizational Direction

1. Guide strategic planning process
2. Conduct annual planning
3. Guide activities of committees and panels
4. Develop and approve policy
5. Build and maintain effective internal and external relationships.

C. Ensuring Necessary Resources

1. Develop capable staff leadership (Registrar)
2. Ensure adequate resources to meet mandate

D. Monitoring Performance

- a. Financial
- b. Risk management
- c. Statutory requirements and college programs.
- d. Legal obligations/issues
- e. Board and Board meeting effectiveness
- f. Operations



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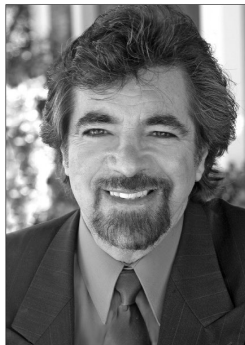
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with Professor Neil Gumenick, M.Ac.,(UK), C.T.(A), L.Ac., Dipl.Ac.
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