

Council Highlights

May 23, 2008

Council held its Annual General Meeting and Council Meeting concurrently with the Ontario Massage Therapist Association's conference at Trent University in Peterborough.

By-law No. 8 - Amendments to the Public Register

Under provisions of the Health Systems Improvement Act the *Regulated Health Professions Act, 1991* and the Health Professions Procedural Code will be changed effective June 4, 2009, or earlier at the discretion of the Lieutenant Governor. The amended Code will require the health regulatory colleges to collect additional information from members and to make the information available to the public and to the government.

In order to collect this information on the 2009 registration renewals and to be able to provide the public register information as of June 2009, the register requirements in By-law No. 8 must be changed to authorize the College to collect and disclose this information.

There are two major sets of changes that must be implemented: what information is collected and what information is disclosed to the public or as aggregate data.

1. The Allied Health Professionals Database System

The Allied Health Professionals Database System is being set up by the Ministry of Health and Long-Term Care to allow the government to collect consistent and reliable data on health professionals to produce better health human resources planning. The current lack of reliable data creates significant challenges for the ministry in forecasting future needs.

The list identifies standardized data elements needed for planning. It changes some of the lists (for example, the country of original education list) the College currently uses in the database but also requires a significant number of new pieces of information. Some of the items in the proposed data set will also give the College better information on the profession since they will provide more definite information about some areas than the questions we are currently asking (e.g. we will more readily be able to identify how many members are engaged in independent practice and how many are employed).

This information will be reported as aggregate data, so no information will be reported on individual members of the College and individual members' information will not be available to the public.

2. Public register information

The Health Professions Procedural Code (the Code) lists what member information is public and what information members are required to provide but which is not public. The changes to the Code provide substantially more information to the public about members than has previously been the case. The additional information available to the public includes:

- the terms, conditions and limitations on a certificate,
- a notation about every matter referred to the Discipline Committee for professional misconduct, incompetence or incapacity,
- the result, including a synopsis of the decision, of every disciplinary and incapacity proceeding unless there is no finding,

- a notation of every finding of professional negligence or malpractice unless the finding is reversed on appeal,
- where a discipline decision is under appeal, a notation that it is under appeal,
- a notation of the resignation and agreement where a member resigns during or as a result of a complaint proceeding

The approach taken by the government does not go as far as the system in many American states where a member of the public can obtain information about every complaint ever lodged against a health professional, including those which would in Ontario be considered frivolous and vexatious complaints. Instead it does make information about disciplinary proceedings against members available to the public where the case was not dismissed; in other words there must be a finding against the member and not just an allegation of wrongdoing, incompetence or negligence. The intent is to protect the public without revealing unnecessary information about the practitioner.

This amendment will require time and substantial changes to the College's database and Registration and renewal forms to prepare for making this information public.

Council amended By-law No. 8 as presented to authorize the College to collect and disclose information to the public and the government.

The amendments to By-Law No. 8, the Public Register, have been circulated to the membership for the required 60 day period in which to make comment.

To view a copy of the amendments to By-law No. 8 , please go to <http://www.cmto.com/member/MemberFeedback.htm> on the College's website

Academic Certificate

The Registration Committee proposed that Council approve the creation of an Academic Certificate. The Committee believes that an Academic Certificate should be created for members teaching in approved programs and/or doing research.

The following are the proposed requirements for an Academic Certificate:

1. **Education:** graduation from an approved Ontario massage therapy program or equivalent education outside Ontario.
2. **Employment:** an appointment to teach at an approved Ontario massage therapy school (full-time not required).
3. **Termination:** the certificate will automatically terminate when the member no longer holds the appointment.
4. **Notification of termination:** members are required to notify the College immediately when the appointment terminates and to change to another type of certificate if they wish to remain registered. Members whose appointment terminates would have to meet the requirements for a General or Inactive Certificate.
5. **Practice requirement:** the requirement for this certificate will be: a minimum of 3,000 hours and 3 years of direct client care since graduation. Teachers in programs should be members with significant practice experience rather than recent graduates with little hands on experience.
6. **Other requirements:** academic certificate holders would have to meet the same requirements as other members: fluency, authorization to work in Canada, passing the certification examinations, liability insurance, and possessing the knowledge, skills and judgment to practise safely and ethically.

Council agreed to add the following additional requirements for the Academic Certificate:

- Both full-time and part-time appointments should qualify.
- Academic members should be allowed to practice outside the appointment.
Additional teacher training should be required. and built into the CEU program.
- Accountability – as part of its due diligence in protecting the public interest, the College should have jurisdiction in cases such as risk of harm, consent, professional misconduct, whether a demonstration should be considered a treatment etc.
- Quality Assurance - academic members should also participate in the Quality Assurance Program.

Council directed the Registration Committee incorporate the proposed requirements in it's proposal and bring the proposal back to Council for further discussion.

Academic Seat on Council

The Registration Committee proposed that Council approve the creation of an academic seat on Council and approve the associated amendments to By-Law No. 2, The Election of Members to Council.

To be eligible for this seat, the Registration Committee proposed that a member must:

- have at least twelve student contact hours per week for each of the last three years. not be the owner of a massage therapy school.
- A new electoral district 7 will be created for members who meet the eligibility criteria above.
- The first election would be held in January 2009 and in every third year after that.
- Nominations for the academic seat must be signed by the candidate and have the names and signatures of two members eligible to vote in the district 7. One of these two members will be the nominator.
- If an academic member of Council ceases to meet the criteria in 1., the member will be disqualified from sitting on Council. The vacancy will be filled in the same manner as all other Council seats (section 26. of By-law No. 2).

Council discussed that another requirement should be added stating that the candidate must declare him/herself as an academic and eligible for district seven.

Council passed a Motion to accept the amendments to By-Law No. 2. with the following conditions:

- The amendments to By-Law No. 2 will be circulated to the membership for 60 days.
- The first election for the academic seat will be held in January 2009.
- Wait until the academic certificate regulation amendments are passed to make a decision on aligning the requirements for the seat with those for the academic certificate.

To view a copy of the amendments to By-law No. 2 please go to <http://www.cmta.com/member/MemberFeedback.htm> on the College's website.

Terms of Reference for Executive Committee

Council amended the Terms of Reference for the Executive Committee allowing the Executive Committee to review and evaluate exceptions related to the College's examinations based on the policy set for reporting exceptions.