



MEMBER COMMUNIQUÉ

Winter 2009

Special By-law issue

INSIDE THIS ISSUE

<i>Article 11 - Duties of Members</i>	1
<i>Article 15 - Fees and Registration Documents</i>	1-3
<i>Article 16 - The Register</i>	3-6
<i>Article 17 - Professional Corporations</i>	6-7
<i>Article 18 - Funding for Therapy and Counselling for Sexual Abuse</i>	7-8
<i>Article 19 - Inspectors</i>	8

COMMUNICATING WITH MEMBERS

CMO By-laws: Why they matter to you

An organization's by-laws are its governing document. The CMO's by-laws are the fundamental principles and rules that control how the College is to be managed, run, and governed. Section 94 of the *Health Professions Procedural Code* directs that the College will make by-laws related to its administrative and internal affairs. It is important that you, our members, have some familiarity with your college's by-laws so that you can participate as fully as possible in decisions that affect your professional life.

To this end, the College has revised and updated its by-laws to better reflect the current environment of midwifery practice. We have removed portions that no longer apply and inserted new sections or expanded sections that needed updating. We have ensured that our by-laws reflect the profession's best practices in all areas, for example the section on conflict of interest. Finally, we have made sure that our by-laws comply with the legislative changes of the *Health System Improvements Act, 2007*. An example is the required information collected and made public in the Register. We have reproduced the entire Article 16 here so that you can become familiar with the revisions. The Autumn 2008 issue also contained an explanation of these changes.

We are publishing this special by-law issue of the newsletter because we are required to circulate the revised sections for 60 days prior to Council approving them. It is our hope that it will also give our members the opportunity to become familiar with the revised by-laws before they become effective. Please take a few minutes to review them. They can have a considerable affect on you and your practice. Approval by our members is not required by legislation. However, if you have questions or concerns, please feel free to e-mail them to cmo@cmo.on.ca.

We have not reproduced all of the by-laws here, merely the new or revised sections, with changes highlighted in blue. The draft by-laws in their entirety will be posted on the College's website should you wish to review them. The new by-laws will become effective June 4, 2009.



ARTICLE 11 - DUTIES OF MEMBERS

11.01 - Professional Liability Insurance

Every Member shall maintain professional liability insurance acceptable to the College and provide evidence of coverage upon request by the College.

ARTICLE 15 - FEES AND REGISTRATION DOCUMENTS

15.01 - Application Fee

The application fee for registration with the College is \$50.

15.02 - Annual Fees

The annual administration fee for registration renewal is \$35.

con't on next page

ARTICLE 15 – FEES AND REGISTRATION CARDS *con't***15.03 – Annual Fees**

Every Member who holds a certificate of registration in the general class or the supervised practice class shall pay to the College the following fees on or before October 1 of each year:

- (a) an annual fee of \$1,500, and
- (b) an annual administration fee of \$35.

15.04 – Notification

The Registrar shall send a notification to every Member who is required to pay annual fees, setting out the amount of the fees and the day on which they are due, at least sixty (60) days before the fees are due.

15.05 – Late Penalties

If a Member fails to pay all of the fees that he or she is required to pay, on or before the day on which the fees are due, the Member shall pay, in addition to the outstanding balance, a penalty equivalent to fifteen (15) % of the fees owed.

15.06 – Annual Certificate and Registration Card

Upon receiving a completed copy of the Member's annual renewal form and any fees owed by the Member the College shall, within a reasonable time, send to each Member whose certificate of registration is not subject to a suspension, an annual certificate and a registration card.

15.07 – Suspended Members

A Member who has not received from the College an annual certificate and a registration card as a result of the suspension of his or her certificate of registration shall receive an annual certificate and a registration card once the suspension is removed.

15.08 – Terms, Conditions and Limitations

The annual certificate and the registration card of a member whose certificate of registration is subject to a term, condition or limitation shall include a notation to that effect.

15.09 – Fee for Name Change and New Documents

The fee for changing the Member's name as it appears on the register and for issuing new registration documents is \$100.

15.10 – Administrative Fee for Notices

A Member shall pay an administrative fee of \$50 for each notice sent by the Registrar to the Member for failure to provide information or a form to the College or a Committee of the College within thirty (30) days of being requested or required to do so.

15.11 – Deadline for Administrative Fee for Notices

The administrative fee for notices referred to in section 15.10 is due within thirty (30) days of the date that the notice was sent and, if the fee is not received by the College within that time, an additional notice may be issued and an additional administrative fee may be required at that time and after every subsequent thirty (30) day period.

15.12 – Fees for Returned Cheques

A Member, who pays a fee owed to the College by cheque, shall pay a fee of \$40, in addition to any outstanding balance, in the event that the cheque is returned to the College due to insufficient funds.

15.13 – Fees for Letters of Professional Conduct

The fee for the College to issue a letter of professional conduct for a Member is \$40 if the letter is issued in fifteen (15) days or less and \$60 if the Member requests that the letter is issued in three (3) days or less.

15.14 – Fees for Proof of Professional Conduct

The fee for the College to issue a proof of professional conduct for a Member is \$40 if the proof is issued in fifteen (15) days or less and \$60 if the Member requests that the proof is issued in three (3) days or less.

COLLEGE OF
MIDWIVES
OF ONTARIO



ORDRE DES
SAGES-FEMMES
DE L'ONTARIO

ARTICLE 15 – FEES AND REGISTRATION CARDS *con't*

15.15 – Fees for Practice Audit

A Member shall pay up to \$2,000 for each practice audit and each follow up practice audit ordered by a panel or Committee of the College.

15.16 – Fees for Requests

A person who requests the Registrar to do anything that the Registrar is required or authorized to do by statute, regulation, by-law, or policy shall pay,

- (a) if a fee is specified, the specified fee; or
- (b) if no fee is specified and if the Registrar has set a fee, the fee set by the Registrar.

15.17 – Registrar's Discretion

The Registrar may reduce the amount of any fee payable to the College or alter the timing or manner in which a fee is payable in accordance with Council policy or where the Registrar is satisfied that there are exceptional circumstances which warrant the exercise of his or her discretion.

15.18 – Fee for Jurisprudence Course

The registration fee for the local jurisprudence course for midwifery in Ontario for an individual who has met the registration requirements of the Mutual Recognition Agreement is \$300.

ARTICLE 16 – THE REGISTER

16.01 – Register Information Required by the Code

Subject to the exceptions set out in the Code, the following information is required to be contained in the register in accordance with subsection 23(2) of the Code:

- (a) each Member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder;
- (b) the name, business address and business telephone number of every health profession corporation;
- (c) the names of the shareholders of each health profession corporation who are Members;
- (d) each Member's class of registration and specialist status;
- (e) the terms, conditions and limitations that are in effect on each certificate of registration;
- (f) a notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the Code and has not been finally resolved, until the matter has been resolved;
- (g) the result, including a synopsis of the decision, of every disciplinary and incapacity proceeding, unless a panel of the relevant Committee makes no finding with regard to the proceeding;
- (h) a notation of every finding of professional negligence or malpractice, which may or may not relate to the Member's suitability to practise, made against the Member, unless the finding is reversed on appeal;
- (i) a notation of every revocation or suspension of a certificate of registration;
- (j) a notation of every revocation or suspension of a certificate of authorization;

ARTICLE 16 –THE REGISTER

con't

- (k) information that a panel of the Registration, Discipline or Fitness to Practise Committee specifies shall be included;
- (l) where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of;
- (m) where, during or as a result of a proceeding under section 25 of the Code, a member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement; and
- (n) information that is required to be kept in the register in accordance with the by-laws.

16.02 – Additional Register Information

In addition to the information set out in section 16.01, and for the purposes of paragraph 14 of subsection 23(2) of the Code, the register shall contain the following information with respect to each Member:

- (a) any change to the Member's name that has been made in the register of the College from the date of the Member's initial registration with the College;
- (b) the Member's registration number;
- (c) the date on which each class of registration the Member holds was obtained and, if applicable, the date on which each terminated or expired;
- (d) if the Member ceased to be a Member as a result of resignation or death, a notation to that effect and the date that the resignation or death occurred, if available;
- (e) the name, business address and business telephone number of every practice with which the Member is affiliated, whether as a sole proprietor, a partner, an associate or in some other capacity as a Midwife;
- (f) the name of each hospital, birth centre and health facility in Ontario where the Member has privileges as of October 1st;
- (g) any information that the College and the Member have jointly agreed will be included;
- (h) where the Member's certificate of registration is subject to an interim order under subsection 37(1) of the Code, a notation of that fact, the nature of the order and the date that it took effect;
- (i) where the Member's certificate of registration is subject to a suspension for failure to pay a fee, a notation of the suspension, the basis for the suspension and the date that the suspension took effect;
- (j) where a decision of the Discipline Committee has been published by the College with the Member's name or former name included,
 - (i) a notation of that fact, and
 - (ii) identification of the specific publication of the College which contains the information;
- (k) where a finding of professional misconduct or incompetence has been made against the Member by another regulatory body, in or outside Ontario,
 - (i) that fact,
 - (ii) the date of the finding and the place where it was made, and
 - (iii) a brief summary of the facts upon which the finding was based; and
- (l) if a finding of incapacity has been made in respect of the Member,
 - (i) the date of the finding.

“Even when laws
have been written
down, they ought not
always to remain
unaltered.”

Aristotle, *Politics*

Greek critic,
philosopher,
physicist, and
zoologist
384-322 BC

con't on next page

ARTICLE 16 – THE REGISTER*con't***16.03 – Additional Register Information Public**

For the purpose of subsection 23(5) of the Code, all of the information listed in section 16.02 is designated as public.

16.04 – Registrar's Discretion

All of the information referred to in sections 16.01 and 16.02 is information designated to be withheld from the public pursuant to subsection 23(6) of the Code such that the Registrar may refuse to disclose to an individual or post on the College's website any or all of that information if the Registrar has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.

16.05 – Member to Provide Information

A Member shall provide the College with the following information in the form and manner determined by the Registrar:

- (a) information required to be maintained in the register or provided to the College pursuant to the by-laws, the RHPA, the Act or the Regulations;
- (b) information relating to any finding by a court made after June 3, 2009, that the Member is guilty of an offence, including:
 - (i) the nature of and a description of the offence;
 - (ii) the date the member was found guilty of the offence;
 - (iii) the name and location of the court that found the member guilty of the offence;
 - (iv) the status of any appeal initiated respecting the finding of guilt; and
 - (v) any change in status of the finding of guilt as the result of an appeal;
- (c) information relating to any finding of professional negligence or malpractice made against the member by a court after June 3, 2009, including:
 - (i) the nature of and a description of the finding;
 - (ii) the date that the finding was made against the Member;
 - (iii) the name and location of the court that made the finding against the Member;
 - (iv) the status of any appeal initiated respecting the finding made against the Member; and
 - (v) any change in status of the finding made against the Member as the result of an appeal;
- (d) information relating to any finding of professional misconduct or incompetence made against the Member by another regulatory body, in or outside of Ontario, including:
 - (i) a description of the finding made against the Member;
 - (ii) the name of the regulatory body that made the finding;
 - (iii) the date of the finding;
 - (iv) a summary of the facts upon which the finding was based;
 - (v) the status of any appeal respecting the finding made against the Member; and
 - (vi) any change in status of the finding made against the Member as the result of an appeal;

con't on next page

ARTICLE 16 - THE REGISTER

con't

- (e) the name, address and telephone number of the Member's principal place of practice;
- (f) the name address and telephone number of all other places where the Member practices midwifery, not including the private residences of clients;
- (g) his or her residential address, telephone number and personal email address;
- (h) the names of the Member's partners, associates, employers and employees;
- (i) information required by the Quality Assurance Committee;
- (j) information required by the Minister for the purpose of health human resource planning; and
- (k) with respect to each hospital, birth centre and health facility in Ontario where the Member has privileges, the date that each privilege was granted and terminated, if applicable.

16.06 - Changes to Information

A Member shall inform the College, in writing, of a change to any of the following within thirty (30) days of the change:

- (a) the information required under paragraph (a) of section 16.01; and
- (b) the information required under clause (v) of paragraph (b), clause (v) of paragraph (c), clause (vi) of paragraph (d), or under paragraphs (e) or (g) of section 16.05.



ARTICLE 17 - PROFESSIONAL CORPORATIONS

17.01 - Fee for Certificate of Authorization

The fee for the application for a certificate of authorization, including on any reinstatement of a certificate of authorization is \$1,500.

17.02 - Annual Renewal Fee

The fee for the annual renewal of a certificate of authorization is \$500.

17.03 - Administrative Fee for Late Renewal

A professional corporation, or a Member listed in the College's records as a shareholder of the professional corporation, shall pay an administrative fee of \$50 for each notice sent by the Registrar to the corporation or Member for failure of the corporation to renew its certificate of authorization on time.

17.04 - Deadline for Administrative Fee

The administrative fee for late renewal referred to in section 17.03 is due within thirty (30) days of the date that the notice was sent and, if the fee is not received by the College within that time, an additional notice may be issued and an additional administrative fee may be required at that time and after every subsequent thirty (30) day period.

17.05 - Fees for Documents

The fee for the issuing of a document or certificate respecting a professional corporation, other than the first certificate of authorization or one annual renewal of a certificate of authorization, is \$100.

con't on next page



ARTICLE 17 - PROFESSIONAL CORPORATIONS *con't*

17.06 - Required Information

Every Member shall, for every professional corporation of which the Member is a shareholder, provide the following information, in the form and in the manner requested, within thirty (30) days of receiving a written request from the Registrar:

- (a) the name of the professional corporation as registered with the Ministry of Consumer and Business and Services,
- (b) any business names used by the professional corporation,
- (c) the name, as set out in the register, and registration number of each shareholder of the professional corporation,
- (d) the name, as set out in the register, of each officer and director of the professional corporation, and the title or office held by each officer and director,
- (e) the principal practice address, telephone number, facsimile number and email address of the professional corporation,
- (f) the address and telephone number of all other practice locations, other than the private residences of clients, at which the professional services offered by the professional corporation are provided, and
- (g) a brief description of the professional activities carried out by the professional corporation.

17.07 - Changes to Information

Every Member shall, for every professional corporation of which the Member is a shareholder, advise the College, in writing, of any changes to the information required under section 17.06 within fifteen (15) days of the change.

17.08 - Information Public

The information specified in section 17.06, and any changes to that information under section 17.07, are designated as public for the purposes of paragraph 14 of subsection 23(2) of the Code.

17.09 - Change of Shareholder

A corporation that holds a certificate of authorization issued by the College is required to notify the College, in writing, of every change of shareholders of the corporation within fifteen (15) days of the date that the change of shareholders takes effect.



ARTICLE 18 - FUNDING FOR THERAPY AND COUNSELLING FOR SEXUAL ABUSE

18.01 - Confirmation of Therapy or Counseling Provided by Member

In addition to the requirements set out in the Code, a person receiving therapy or counseling for sexual abuse from a member of one of the health regulatory colleges listed in Schedule 1 to the RHPA, must, in order to receive funding from the College, sign a document:

- (a) indicating that he or she is aware of the therapist's or counselor's training and experience;
- (b) confirming that the therapy or counseling is being provided; and
- (c) confirming that the funds received are being used only for therapy or counseling.

con't on next page

CMO STAFF

Deborah Adams
Registrar
registrar@cmo.on.ca
416.327.3901

Robin Kilpatrick
Deputy Registrar
rkilpatrick@cmo.on.ca
416.327.5758

Gina Dawe
Registration Administrator
regadmin@cmo.on.ca
416.327.3915

Dianne Gardner
Receptionist
admin@cmo.on.ca
416.327.3132

Upasana Sharma
Coordinator
Investigations, Hearings,
and Quality Assurance
QAP@cmo.on.ca
landH@CMO.on.ca
416.327.5504

Julie Kivinen
Policy Analyst
policy@cmo.on.ca
416.327.3932

Emily Larimer
Bookkeeper
bookkeeper@cmo.on.ca
416.327.3132

Monica Zeballos-Quiben
Executive Assistant
ea@cmo.on.ca
416.327.4489

CMO Council

President Mylene Shields
president@cmo.on.ca

Website: www.cmo.on.ca

Editor: Judith Forrestal

We welcome your feedback.
Email your comments to:
cmo@cmo.on.ca

ARTICLE 18 – FUNDING FOR THERAPY AND COUNSELLING FOR SEXUAL ABUSE

con't

18.02 – Confirmation of Therapy or Counseling Provided by Non-Member

In addition to the requirements set out in the Code, a person receiving therapy or counseling for sexual abuse from a person who is not a member of one of the health regulatory colleges listed in Schedule 1 to the RHPA, must, in order to receive funding from the College, sign a document:

- (a) indicating that he or she understands that the therapist or counselor is not subject to professional discipline;
- (b) indicating that he or she is aware of the therapist's or counselor's training and experience;
- (c) confirming that therapy or counseling is being provided; and
- (d) confirming that the funds received are being used only for therapy or counseling.

18.03 – Confirmation from Therapist or Counsel

In addition to the requirements set out in the Code, a person providing therapy or counseling to the therapist or counselor of a person receiving therapy or counseling for sexual abuse must, in order for the person receiving therapy to obtain funding from the College, sign a document;

- (a) indicating that he or she has not at any time or in any jurisdiction been found guilty of professional misconduct of a sexual nature or been found civilly or criminally liable for an act of a similar nature;
- (b) detailing his or her training and experience;
- (c) confirming that the therapy or counseling is being provided; and
- (d) confirming that the funds received are being used only for therapy or counseling.



ARTICLE 19 – INSPECTORS

19.01 – Appointment of Inspectors

The Council may appoint one or more inspectors in accordance with the Code to perform such duties as prescribed by the Council and the Code.