

**Agenda Item 5.5 – By-law Amendments**

**MOTION**

THAT Council approve By-law No.5 as set out in Appendix 10. A 2/3 majority vote is required for approval.

**MOTION**

THAT Council approve amendments to By-law No. 1, effective immediately, as set out in Appendix 10, to add articles 23.3.01 and 23.3.02 and to add paragraphs 24 and 25 to article 42.06. A 2/3 majority vote is required for approval.

**MOTION**

THAT Council approve amendments to By-law No.2 Fees, effective immediately, as set out in Appendix 10, to add a definition of inhalation certificate under Article 1.01 and to add Articles 4.1.01, 4.1.02 and 4.1.03. A 2/3 majority vote is required for approval.



[DRAFT]

## COLLEGE OF CHIROPODISTS OF ONTARIO

### BY-LAW No. 5: INHALATION AND SEDATION

#### 1.0 Definitions

In this by-law and in any other by-law of the College, unless otherwise defined or required by the context of the specific provision,

“**Inhalation Certificate**” is the authorization issued by the College to a member to permit the member to administer a substance to a patient by inhalation, as permitted by the *Chiroprody Act, 1991* and its regulations; and

“**Standard of Practice**” means the standard of practice published by the College and entitled *Standard of Practice for the Administration of Inhaled Substances and the Use of Sedation in a Member's Practice*, as amended from time to time.

#### 2.0 Authorization Required

2.01 Except in an emergency, a member shall not administer a substance by inhalation without first being issued an Inhalation Certificate.

#### 3.0 Inhalation Certificate

3.01 A member may apply for an Inhalation Certificate by submitting

- i. a completed application in the form provided by the Registrar;
- ii. any other requested documentation by the Registrar; and
- iii. the applicable application fee.

3.02 Every Inhalation Certificate expires on February 14<sup>th</sup> of the calendar year after its issuance, unless renewed on or before that day.

3.03 A member applying for an Inhalation Certificate shall submit a written agreement, in the form provided by the Registrar, to

- i. comply fully with the Standard of Practice and this by-law; and
- ii. immediately cease administering a substance by inhalation in his or her practice in the event that the Registrar notifies the member that the Registrar or the Sedation Committee has determined that there is a risk of harm to the public should the member continue to administer a substance by inhalation.

3.04 The Registrar may issue an Inhalation Certificate to a member where the Registrar, or failing the Registrar, the Sedation Committee, is satisfied that

- i. the member has met the standards of practice set out in the regulations under the *Chiropractic Act, 1991* to safely and competently administer a substance by inhalation;
- ii. the member has provided a signed written agreement as required by Article 3.02;
- iii. the member's past and present conduct afford reasonable grounds to believe that the member will use the authority appropriately and that the issuance of a certificate to the member will not pose a risk of harm to the public; and
- iv. the member has paid the applicable issuance fee.

3.05 Where the Registrar refuses an application for an Inhalation Certificate, a member may appeal the decision to the Sedation Committee, which committee may issue an Inhalation Certificate if it is satisfied that the member meets all of the requirements under Article 3.0.

#### **4.0 Duties Attached to Certificate**

4.01 A member holding an Inhalation Certificate shall comply with the Standard of Practice and this by-law as set out in the written agreement as required by Article 3.03.

4.02 A member holding an Inhalation Certificate shall submit documentation reflecting ongoing compliance with the Standard of Practice and this by-law immediately upon request of the Registrar, the Sedation Committee or the Quality Assurance Committee.

4.03 A member holding an Inhalation Certificate must pay an annual renewal fee on or before February 14<sup>th</sup>.

#### **5.0 Cancellation of Certificate**

5.01 The Registrar may cancel an Inhalation Certificate held by a member where the Registrar is satisfied that

- i. the Inhalation Certificate was granted on the basis of information or representations that were inaccurate, false or misleading;
- ii. the member no longer meets the requirements for the issuance of such certificate;
- iii. the member has failed to comply with the written agreement required by Article 3.03; or
- iv. the member has failed to meet any of the duties associated with the Inhalation Certificate as set out in Article 4.0, including failure to pay the annual renewal fee.

5.02 Where the Registrar cancels an Inhalation Certificate, a member may apply for a new Inhalation Certificate, in accordance with this by-law.

#### **6.0 Voluntary Surrender of Certificate**

## By-Law No. 1: General

### Sedation Committee

23.3.01 The Sedation Committee shall be a standing committee of the College composed of those persons who are members of the Quality Assurance Committee, and the chair of the Sedation Committee shall be the chair of the Quality Assurance Committee.

23.3.02 The Sedation Committee's responsibilities include:

- i. such functions as provided to it under the by-laws and the *Standard of Practice for the Administration of Inhaled Substances and the Use of Sedation in a Member's Practice*, including reviewing appeals of decisions of the Registrar to refuse a member's application for an Inhalation Certificate; and
- ii. studying and making recommendations to Council or the Executive Committee on any matter within its responsibility or any other matter referred to it by Council or the Executive Committee.

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42.06 ...

24. Where a member holds an Inhalation Certificate,

- a) a notation that the member is authorized by the College to administer a substance by inhalation; and
- b) the date on which the Inhalation Certificate was first issued.

25. Where a member's Inhalation Certificate has been cancelled or voluntarily surrendered,

- a) a notation that the Inhalation Certificate has been cancelled or voluntarily surrendered, whichever the case may be; and
- b) the date it was cancelled or voluntarily surrendered, whichever the case may be.

6.01 A member may voluntarily surrender his or her Inhalation Certificate at any time upon notice to the Registrar, and the Registrar shall cancel that Inhalation Certificate upon receipt of such notice.

6.02 A member who surrendered his or her Inhalation Certificate may apply for a new Inhalation Certificate, in accordance with this by-law.

## **By-Law No. 2: Fees**

1.01 ...

**"Inhalation Certificate"** is the authorization issued by the College to a member to permit the member to administer a substance to a patient by inhalation, as permitted by the *Chiropody Act, 1991* and its regulations;

...

### **FEES RELATED TO INHALATION CERTIFICATE**

4.1.01 A member who submits an application for an Inhalation Certificate shall pay a fee of \$100 which fee shall be submitted along with the application.

4.1.02 A member who is entitled to the issuance of an Inhalation Certificate shall pay a fee of \$100 which fee is due prior to the issuance of the Inhalation Certificate.

4.1.03 A member seeking to renew his or her Inhalation Certificate shall pay an annual fee of \$350 which fee is due on or before February 14<sup>th</sup>.

