

# Background

College staff and Executive Committee are recommending amendments to CRPO's By-laws. These fall into two categories:

- 1) Technical, administrative changes
- 2) Fee changes

## 1) Technical, administrative changes

These proposed amendments are intended as 'housekeeping' items, removing out-of-date content and correcting non-controversial issues. The table on the following pages (see attachment **13.1 Proposed By-law Amendments** below) sets out the current By-law provision, proposed change with changes tracked and explanation.

## 2) Fee changes

The proposed amendments are intended to incorporate reasonable fee changes, which are in alignment with other regulatory bodies with similar membership size, to best position the College to carry out its regulatory mandate over the longer term. The table on the following pages (see attachment **13.1 Proposed By-law Amendments** below) sets out the current By-law provision and an explanation of why fees increases are being proposed. At the time of meeting package preparation, these amounts were yet to be finalized. Further review will take place at the February 13, 2018 Executive Committee meeting and a revised version of the table will be provided at the Council meeting following this review.

## Proposed Motion:

**[Be it moved]** That the Council approve the attached proposed by-law amendments as presented or amended for 60-day public consultation.

## Proposed By-law Amendments

Current By-law Provision	Proposed Change	Explanation
<p><b>5.04 – Maximum Term Exception</b></p> <p>Article 5.03 does not apply to the full-year term of office immediately following the first election of officers after section 6 of the Act is proclaimed into force, to an officer who held that office prior to that election.</p>	<p><del><b>5.04 – Maximum Term Exception</b></del></p> <p><del>Article 5.03 does not apply to the full-year term of office immediately following the first election of officers after section 6 of the Act is proclaimed into force, to an officer who held that office prior to that election.</del></p>	<p>This by-law article will be repealed. Article 5.03 states that the President and Vice President may only serve in the same position for three consecutive full-year terms. Article 5.04 made an exception for the first Executive Committee election following the first election of Council. This was to allow for an effective transition from transitional Council to College Council. The first election of officers took place in late 2015. Article 5.04 no longer has any effect and can be repealed.</p>

## Proposed By-law Amendments

Current By-law Provision	Proposed Change	Explanation
<p><b>17.01 – Duty of Confidentiality</b> Members of the Council and Committees, staff and persons retained or appointed by the College are required to maintain confidentiality of information that comes before them in the course of discharging their duties unless disclosure is authorized by the Council or is otherwise permitted under section 36(1) of the RHPA.</p>	<p>The footnote will be updated.</p>	<p>Article 17.01 makes reference to section 36(1) of the RHPA. This section of the RHPA was amended by bill 87, so the footnote will be updated.</p>

## Proposed By-law Amendments

Current By-law Provision	Proposed Change	Explanation
<p><b>21.08 Additional Register Information</b></p> <p>(xvii) where there has been a finding of guilt of which the College is aware, against a member under the Criminal Code, made on or after April 1, 2015, a brief summary of:</p> <ul style="list-style-type: none"> <li>a. the finding,</li> <li>b. the sentence or penalty,</li> <li>c. where the finding is under appeal, a notation that it is under appeal, until the appeal is finally disposed of, and</li> <li>d. where known to the College, the dates relevant to the summary required under this section;</li> </ul>	<p><b>21.08 Additional Register Information</b></p> <p>(xvii) where there has been a finding of guilt of which the College is aware, against a member under the Criminal Code <u>or <i>Controlled Drugs and Substances Act</i></u>, made on or after April 1, 2015, a brief summary of:</p> <ul style="list-style-type: none"> <li>a. the finding,</li> <li>b. the sentence or penalty,</li> <li>c. where the finding is under appeal, a notation that it is under appeal, until the appeal is finally disposed of, and</li> </ul> <p>where known to the College, the dates relevant to the summary required under this section;</p>	<p>This article will be amended due to an oversight when it was originally enacted. Council had decided that findings of guilt about Members for criminal offences made after April 1, 2015, should be posted on the public register. It is commonly understood that drug offences (e.g. trafficking narcotics) is a criminal offence. However, these offences are contained in the <i>Controlled Drugs and Substances Act</i> (CDSA). In order for findings of guilt relating to these offences to be posted on the public register, the CDSA needs to be listed in the by-law article.</p>

## Proposed By-law Amendments

Current By-law Provision	Proposed Change	Explanation
<p><b>21.12 – Removal of Cautions</b></p> <p>The information required by paragraph xx of article 21.08 (Additional Register Information) shall be removed from the Register twenty-four months after the Member has appeared before a panel of the Inquiries, Complaints and Reports Committee and received the caution.</p>	<p><del><b>21.12—Removal of Cautions</b></del></p> <p><del>The information required by paragraph xx of article 21.08 (Additional Register Information) shall be removed from the Register twenty-four months after the Member has appeared before a panel of the Inquiries, Complaints and Reports Committee and received the caution.</del></p>	<p>This article is to be repealed. Council’s original intention was that in-person cautions posted on the public register should be removed after two years. This is no longer legally possible because bill 87 indicates that in-person cautions are to be posted indefinitely. This article should be repealed to avoid giving the wrong impression that College can or will automatically remove cautions after two years.</p>

## Proposed By-law Amendments

Current By-law Provision	Proposed Change	Explanation
<p><b>21.13 – Removal of Specified Education or Remediation Program</b></p> <p>The information required by paragraph xxi of article 21.08 (Additional Register Information) shall be removed from the Register once the Registrar is satisfied that the Member has successfully completed the specified continued education or remediation program that was the subject of the decision of the panel of the Inquiries, Complaints and Reports Committee.</p>	<p><del><b>21.13 – Removal of Specified Education or Remediation Program</b></del></p> <p><del>The information required by paragraph xxi of article 21.08 (Additional Register Information) shall be removed from the Register once the Registrar is satisfied that the Member has successfully completed the specified continued education or remediation program that was the subject of the decision of the panel of the Inquiries, Complaints and Reports Committee.</del></p>	<p>See immediately above re in-person cautions.</p>

## Proposed By-law Amendments

Current By-law Provision	Proposed Change	Explanation
<p><b>SCHEDULE 1 TO THE BY-LAWS</b></p> <p>Process for Election of Officers</p> <p>...</p> <p>The above process shall be followed for every election of officers after section 6 of the Act is proclaimed into force, with the exception of the first election of officers, which may deviate from the above process to the extent deemed necessary by the Registrar.</p>	<p><b>SCHEDULE 1 TO THE BY-LAWS</b></p> <p>Process for Election of Officers</p> <p>...</p> <p>The above process shall be followed for every election of officers after section 6 of the Act is proclaimed into force, <del>with the exception of the first election of officers, which may deviate from the above process to the extent deemed necessary by the Registrar.</del></p>	<p>The first election of officers took place in late 2015; therefore, reference to that first election can be removed.</p>

## Proposed By-law Amendments

Current By-law Provision	Proposed Change	Explanation
<p><b>19.03 – Fee Amounts</b></p> <p>Fees are as follows and such amounts do not include the applicable taxes which must also be paid as part of the fee:</p> <p>(i) The fee to create an online account and undertake the jurisprudence learning module is \$60;</p> <p>(ii) The application fee is \$125;</p> <p>(iii) The registration fee and the annual renewal fee for a Registered Psychotherapist certificate of registration is \$550;</p> <p>(iv) The registration fee and the annual renewal fee for a Temporary certificate of registration is \$550;</p> <p>(v) The registration fee and the annual renewal fee for an Inactive certificate of registration is \$275;</p> <p>(vi) The registration fee and the annual renewal fee for a Qualifying certificate of registration is \$300;</p>	<p><b>19.03 – Fee Amounts</b></p> <p>Fees are as follows and such amounts do not include the applicable taxes which must also be paid as part of the fee:</p> <p>(i) The fee to create an online account and undertake the jurisprudence learning module is <del>\$60</del><u>145</u>;</p> <p>(ii) The application fee is <del>\$125</del><u>160</u>;</p> <p>(iii) The registration fee and the annual renewal fee for a Registered Psychotherapist certificate of registration is <del>\$550</del><u>589</u>;</p> <p>(iv) The registration fee and the annual renewal fee for a Temporary certificate of registration is <del>\$550</del><u>589</u>;</p> <p>(v) The registration fee and the annual renewal fee for an Inactive certificate of registration is <del>\$275</del><u>295</u>;</p> <p>(vi) The registration fee and the annual renewal fee for a Qualifying certificate of registration is <del>\$300</del><u>321</u>;</p>	<p>This by-law article will be amended to reflect new amounts for each of the fees. The increases are based on:</p> <ul style="list-style-type: none"> <li>- aligning with other regulatory bodies with similar membership and longer history of providing similar services;</li> <li>- cost recovery related to undertaking work (e.g., JRP module maintenance, mapping tool evaluation);</li> <li>- transferring cost recovery directly to member versus having cost spread across membership (e.g., cost for penalty fees and reminder letters that are only applicable to members who are not in compliance);</li> <li>- creating a stronger incentive for members to comply with responsibilities of self-regulating according to established timelines and deadlines;</li> <li>- keep pace with inflation (roughly 7% anticipated between when the fees were set in 2013, and 2018);</li> <li>- ensuring that CRPO has sufficient reserves to fulfil its regulatory mandate.</li> </ul>

## Proposed By-law Amendments

Current By-law Provision	Proposed Change	Explanation
<p><b>19.03 – Fee Amounts (continued)</b></p> <p>(vii) The penalty fee for the late renewal of a certificate of registration is \$75;</p> <p>(viii) The fee for each letter after the first one reminding the Member of an obligation that has not been performed is \$50;</p> <p>(ix) The reinstatement fee for a person applying to the Registrar to lift a suspension or issue a new certificate is \$150;</p> <p>(x) The fee to transfer from the Qualifying or Inactive classes of registration to the Registered Psychotherapist class of registration is \$78;</p> <p>(xi) The fee for requiring a recount in an election is \$200.</p>	<p><b>19.03 – Fee Amounts (continued)</b></p> <p>(vii) The penalty fee for the late renewal of a certificate of registration is <del>\$75</del><u>150</u>;</p> <p>(viii) The fee for each letter after the first one reminding the Member of an obligation that has not been performed is <del>\$50</del><u>54</u>;</p> <p>(ix) The reinstatement fee for a person applying to the Registrar to lift a suspension or issue a new certificate is <del>\$150</del><u>350</u>;</p> <p>(x) The fee to transfer from the Qualifying or Inactive classes of registration to the Registered Psychotherapist class of registration is <del>\$78</del><u>80</u>;</p> <p>(xi) The fee for requiring a recount in an election is <del>\$200</del><u>214</u>.</p> <p><a href="#"><u>(xii) The fee for reviewing an applicant's education and training under subsection 6(1), paragraph 1, sub-paragraphs iii or iv of Ontario Regulation 67/15: Registration, is \$100</u></a></p>	<p>This by-law article will be amended to reflect new amounts for each of the fees. The increases are based on:</p> <ul style="list-style-type: none"> <li>- aligning with other regulatory bodies with similar membership and longer history of providing similar services;</li> <li>- cost recovery related to undertaking work (e.g., JRP module maintenance, mapping tool evaluation);</li> <li>- transferring cost recovery directly to member versus having cost spread across membership (e.g., cost for penalty fees and reminder letters that are only applicable to members who are not in compliance);</li> <li>- creating a stronger incentive for members to comply with responsibilities of self-regulating according to established timelines and deadlines;</li> <li>- keep pace with inflation (roughly 7% anticipated between when the fees were set in 2013, and 2018);</li> <li>- ensuring that CRPO has sufficient reserves to fulfil its regulatory mandate.</li> </ul>

## Proposed By-law Amendments

Current By-law Provision	Proposed Change	Explanation
<p><b>19.05 – Fee Increases</b></p> <p>Every three years the fees described in these by-laws shall be increased by the percentage increase for that three year period in the Consumer Price Index for goods and services in Canada as published by Statistics Canada or any successor organization.</p>	<p><b>19.05 – Fee Increases</b></p> <p>Every <del>three</del><u>two</u> years the fees described in these by-laws shall be increased by the percentage increase for that <del>three</del><u>two</u> year period in the Consumer Price Index for goods and services in Canada as published by Statistics Canada or any successor organization.</p>	<p>The automatic inflation-based fee increase frequency is to be reduced from three years to two years. This is to keep pace with inflation more efficiently, and to make the increases smaller, which will be more manageable for members.</p>