

Bill 171
SCHEDULE P.1

HOMEOPATHY ACT, 2007

Definitions

1. In this Act,

- “College” means the College of Homeopaths of Ontario;
- “Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Regulated Health Professions Act, 1991*;
- “member” means a member of the College;
- “prescribed” means prescribed in the regulations;
- “profession” means the profession of homeopathy;
- “this Act” includes the Health Professions Procedural Code.

Health Professions Procedural Code

2.

- (1) The Health Professions Procedural Code shall be deemed to be part of this Act.

Same, interpretation

- (2) In the Health Professions Procedural Code, as it applies in respect of this Act,

- “College” means the College of Homeopaths of Ontario;
- “health profession Act” means this Act;
- “profession” means the profession of homeopathy;
- “regulations” means the regulations under this Act.

Definitions in Code

- (3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

Scope of practice

3.

- (1) The practice of homeopathy is the assessment of body system disorders and treatment using homeopathic techniques to promote, maintain or restore health.

College established

- 4. The College is established under the name College of Homeopaths of Ontario in English and Ordre des homéopathes de l’Ontario in French.

Council

- 5.** (1) The Council shall be composed of,
- (a) at least six and no more than nine persons who are members elected in accordance with the by-laws;
 - (b) at least five and no more than eight persons appointed by the Lieutenant Governor in Council who are not,
 - (i) members,
 - (ii) members of a College as defined in the *Regulated Health Professions Act, 1991*, or
 - (iii) members of a Council as defined in the *Regulated Health Professions Act, 1991*.

Who can vote in elections

- (2) Subject to the by-laws, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

President and Vice-Presidents

- 6.**
- (1) The Council shall have a President and a Vice-President who shall be elected annually by the Council from among the Council's members.

Restricted titles

- 7.**
- (1) No person other than a member shall use the title "homeopath", a variation or abbreviation or an equivalent in another language.

Representations of qualification, etc.

- (2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a homeopath or in a specialty of homeopathy.

Definition

- (3) In this section, "abbreviation" includes an abbreviation of a variation.

Notice if suggestions referred to Advisory Council

- 8.**
- (1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Regulated Health Professions Act, 1991*, a suggested,
- (a) amendment to this Act;
 - (b) amendment to a regulation made by the Council;
 - (c) regulation to be made by the Council.

Requirements re notice

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within 30 days after the Council of the College receives the Minister's notice of the suggestion.

Offence

9. Every person who contravenes subsection 7 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a second or subsequent offence.

Regulations

10. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

- (a) prescribing standards of practice respecting the circumstances in which homeopaths shall make referrals to members of other regulated health professions;
- (b) prescribing therapies involving the practice of homeopathy, governing the use of prescribed therapies and prohibiting the use of therapies other than the prescribed therapies in the course of the practice of homeopathy;

Transition before certain provisions in force

11.

(1) The Lieutenant Governor in Council may appoint a transitional Council.

Registrar

(2) The Lieutenant Governor in Council may appoint a Registrar who may do anything that the Registrar may do under the *Regulated Health Professions Act, 1991*.

Powers of transitional Council and Registrar

(3) Before section 5 comes into force, the Registrar, the transitional Council and its employees and committees may do anything that is necessary or advisable for the implementation of this Act and anything that the Registrar, the Council, and its employees and committees could do under this Act.

Same

(4) Without limiting the generality of subsection (3), the transitional Council and the Registrar and the Council's committees may accept and process applications for the issuance of certificates of registration, charge application fees and issue certificates of registration.

Powers of the Minister

(5) The Minister may,

(a) review the transitional Council's activities and require the transitional Council to provide reports and information;

(b) require the transitional Council to make, amend or revoke a regulation under this Act;

(c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Regulated Health Professions Act, 1991*.

Transitional Council to comply with Minister's request

(6) If the Minister requires the transitional Council to do anything under subsection (5), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Regulations

(7) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (5) (b) and the transitional Council does not do so within 60 days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Same

(8) Subsection (7) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

Expenses

(9) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (5).

Transition after certain provisions in force

12.

(1) After section 5 comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 5 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 5 (1).

Registrar

(2) After section 5 comes into force, the Registrar appointed by the Lieutenant Governor in Council shall be deemed to be the Registrar until a new Registrar is appointed by the Council constituted under subsection 5 (1).

COMPLEMENTARY AMENDMENTS

Health Care Consent Act, 1996

13. The definition of “health practitioner” in subsection 2 (1) of the *Health Care Consent Act, 1996* is amended by adding the following clause:

(g.1) a member of the College of Homeopaths of Ontario,

Regulated Health Professions Act, 1991

14. Schedule 1 to the *Regulated Health Professions Act, 1991* is amended by adding the following:

Homeopathy Act, 2007

Homeopathy

Commencement

15.

(1) Subject to subsection (2), the Act set out in this Schedule comes into force on the day the *Health System Improvements Act, 2006* receives Royal Assent.

Same

(2) Sections 3 to 10 and 12 to 14 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

16. The short title of the Act set out in this Schedule is the *Homeopathy Act, 2007*.