

COMPLAINT PROCESS

OF

L'ALLIANCE CANADIENNE DE MÉDECINE ALTERNATIVE (ACMA)

As the regulatory organization for the following profession: osteopathy, massage therapy, naturopathy and kinesiology, ACMA has the legislated authority through the code of ethics to establish, maintain and promote standards of practice for its members. ACMA is responsible for governing and regulating its members in a manner that protects the public. Regulation makes the professions of osteopathy, massage therapy, naturopathy and kinesiology, and its members, accountable to the public for the delivery of safe, competent and ethical practice.

Formal Complaint

A formal complaint is any written, signed report or allegation by a complainant, regarding the conduct, competence or health of a member. A complainant can be any individual including a supervisor, a co-worker, another health care professional, or a member of the public such as a patient or family member. Complaints lodged with ACMA are usually of a very serious nature such as:

- Professional misconduct
- Incompetence
- Dishonesty
- Incapacity

Mandatory reporting

Reporting to ACMA about “ a person’s engagement as a member is terminated because of dishonesty, incompetence, or incapacity , shall forthwith report the matter to the association” is mandatory by the employer of a member under the following circumstances:

- the dismissal of a member for reasons of incompetence, incapacity or professional misconduct;
- when a member resigns or retires from employment, while the employer is in the process of investigating the member’s practice for reasons of incompetence or incapacity or the employer has established a remediation plan that has not been completed;

- after all appropriate avenues have been exhausted at the organization, any member who has reason to believe that another member is unable to practice safely to such an extent that the welfare of patients is jeopardized; and
- failure to report the above circumstances is considered to be professional misconduct in and of itself.

Other complaints pertaining to the conduct, competence or health of a member may be lodged at the discretion of the complainant.

Step 1: Complaint

Lodging a complaint with ACMA is a measure of last resort, once all other avenues have been exhausted. In general, every attempt should be made to deal with the problem, prior to lodging a complaint.

When you are filing a complaint, provide as much of the following information as possible to the ACMA:

- A description of your concerns
- The date(s) the event(s) occurred
- The name of the involved member
- Copies of any relevant documents you have relating to your complaint

To file a complaint, you may use the form located on our website: www.acma-association.com

Please note: Anonymous complaints cannot be accepted!

Step 2: Investigation

Once your complaint has been received, the ACMA will open a file, send an acknowledgment to both the complainant and the member, and the Disciplinary Board will start an investigation. All personal information relating to the investigation and resolution of a complaint is held confidential by the Disciplinary Board and by all persons involved.

The Disciplinary Board consists of a minimum of three persons appointed by the Board of Directors of ACMA Association, one of which may be a public representative, the majority of the committee will be practicing members. The panel will gather more information relating to the complaint. This may include interviewing you the complainant, the member, and anyone else who may have information relating to the complaint. All personal information relating to the investigation and resolution of a complaint is held confidential by the Disciplinary Board. The investigations process is a screening of the written documents only. Legal representation at this

level of the process is limited. Full disclosure is practiced by forwarding the complaint and related documents to the member, the complainant and the panel.

Once the investigation is completed, the Disciplinary Board has three options:

1. Determine that there are no grounds for the complaint and dismiss the complaint.
2. May attempt to informally mediate and resolve a complaint
3. Refer the matter to Disciplinary Board to hear and determine the complaint through a formal hearing process. The complainant may be called as a witness at this hearing.

If the matter is referred to the Disciplinary Board, a third party trained in this process may be appointed to facilitate the hearings. NOTE: Both the complainant and the member will be informed of the decision of the Complaints Committee.

Step 3: Hearing

The Disciplinary Board consists of a minimum of three persons appointed by the Board of Directors, one of which may be a public representative, the majority of the committee practicing members.

At least 14 days prior to a hearing, a copy of the complaint is sent to the member who is the subject matter of the discipline hearing along with a "Notice of Hearing" with notification of the date, time and place of the hearing.

The discipline hearing is a process similar to but less formal than any other court. For example:

- the hearing may accept any evidence it considers appropriate, relevant and admissible;
- all parties involved may be represented by legal counsel at their own expense;
- testimony of witnesses is under oath;
- examination, cross-examination and re-examination is a full right of all parties involved;
- failure of the member to appear does not delay nor postpone the hearing.

Rights of the member

- A hearing in the language of their choice either: French or English
- May be represented by legal counsel at their own expense
- Receive copies of all the documents
- Fourteen Days written notice of a first hearing
- Prompt notice of any decision rendered by the committee

Step 4: Decision

Where the Disciplinary Board finds a member guilty of professional incompetence or professional misconduct, it may:

- order that the member be suspended from the association for a specified period of time;
- order that the member be suspended from the association pending the satisfactory completion of any conditions specified in the order;
- order that the member be expelled from the association and that the member's name be struck from the register;
- order that the member may continue to practice under specific conditions which may include, but are not restricted to:
 - not do specified types of work;
 - successfully complete specified classes or courses of instruction;
 - obtain medical or other treatment or counselling or both;
 - having a reprimand placed on his/her file; or
 - make any other order that it considers just.
 - Accept the voluntary resignation/surrender of the license by the member

Also, the Disciplinary Board may make an order that the member pay to the Association (within a fixed period) a fine and/or costs of the inquiry and hearing, in a specified amount.

Copies of such orders shall be sent to the member involved and the person who made the complaint.

Step 5: Appeal

A member who has been found guilty by the Disciplinary Board may appeal the decision of the Committee within 30 days of the decision. The Appeal is brought forward to the Board of Directors.

Transparency:

As the regulatory body in the interest of public safety, the report of a final guilty verdict, as well as the summary of the proceedings is posted on the ACMA website, annual report and is on the member's permanent record.

Definitions

What is Incapacity?

Physical or mental condition or disorder that no longer permits the practice of a member. Practice of the member involved is suspended or subjected to conditions, limitations, & restrictions.

What is Professional Incompetence?

Professional incompetence is a question of fact, but the display by a member of:

- a lack of knowledge, skill, judgement; or
- a disregard for the welfare of members of the public served by his profession;

of a nature or to an extent that demonstrates that the member is unfit to continue in the practice of his profession is professional incompetence within the meaning of the Act.

What is Professional Misconduct?

Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonorable, is professional misconduct within the meaning of ACMA Code of Ethics.

- it is harmful to the best interests of the public or the members;
- it tends to harm the standing of his profession;
- it is a breach of the Act or the bylaws; or
- it is a failure to comply with an order of the counselling and investigation committee, the Disciplinary Board or the council.