

By E-mail to: registrar@collegeofnaturopaths.on.ca

Mr. Andrew Parr, CAE
Registrar & CEO
College of Naturopaths of Ontario
150 John Street, 10th Floor
Toronto, ON M5V 3E3

Re. The College of Naturopaths of Ontario, Proposed By-Law Changes

July 3, 2019

Dear Mr. Parr,

On behalf of the Ontario Association of Naturopathic Doctors (OAND), I very much appreciate the opportunity to provide comment on CONO's proposed by-law changes. We are supportive of some of these changes and have significant concerns about others. Our comments are below, roughly grouped into five sections.

OAND Support for Modernization & Functional Improvements

The OAND understands the need to update by-laws and the motivation for many of these proposed changes. The changes that the consultation material categorizes as "housekeeping changes" and "modernization changes" make total sense.

We also appreciate the desire of Council to improve function and "nimbleness". We do have concerns though about the erosion of the principle of self-regulation, through the weakening of Naturopathic Doctors' representation on Council Committees, that may result from the proposed improvements and the increased public participation.

We are not overly concerned, based on the information provided, about changes to the size of the committees, the reduction of Council members represented on the committees, or the removal of mandatory Council Member participation in Discipline and Fitness to Practice Committees.

OAND Concern About the Erosion of Self-Regulation

We are much more concerned with what we see as the more serious issue of reduced ND representation in general.

The intent to eliminate provisions that required a majority of committee members to be members of the Naturopathic profession is a very significant change.

We acknowledge that it could be the case, in the example given of the Audit Committee for instance, that no harm ensues with the loss of ND majority representation. It is a slippery slope though, and the application of this policy in other circumstances to other committees is of great concern to us.

The proposed by-law amendments in the CONO consultation document do not make fully clear the circumstances where ND majority representation may or may not be required.

We are not suggesting that the intention here is to undermine self-regulation, but that the breadth of possibilities of how this may be applied once passed, needs further, more detailed examination. The potential implications must be examined with full transparency and we are very willing to participate in such an undertaking.

Ultimately, the wording of the by-law must be crafted to ensure that the rule of self-regulation, specifically that there are a majority of ND members on critical committees, cannot be deviated from. Simply “[removing] by-law provisions that required the majority of [any] Committee’s members to be Members of the profession”, leaves open the possibility of eliminating ND majorities everywhere. Intended or not, we cannot accept this.

OAND Concerns About the Assumptions Supporting More Public Participation

There are “several important principles” identified in CONO’s documents that are given as the reasons for the proposed changes to increase public participation. The first principle, and arguably the most important of CONO’s justifications for “Increasing Public Participation” (Section 4 of the CONO consultation document) is not supported.

CONO states that “public participation in the regulatory process is of vital importance to be able to obtain and keep public trust.” We fully agree that patient trust in the profession’s regulation is important, but we’re not as convinced that the evidence shows public participation is the way to improve that trust. We also disagree, with CONO’s next statement that “Recent news articles and research indicate that public trust is waning.”

Some media, along with professional skeptics on social media, have been critical of Naturopaths, but we have seen no evidence to support your position that the public trust is waning, especially with regard to the regulation of Naturopaths in Ontario. We are not aware of any study that shows either decreased or increased public trust in Ontario Naturopaths, nor of studies which show that more public appointees increase trust.

We are aware that CONO is not alone and that initiatives are under way at other regulatory colleges in Ontario to appoint more public members. More public participation sounds good, but it’s important to separate what sounds good from what the evidence may show.

We cannot support CONO justifying such significant changes to its governance structure on seemingly unsupported assumptions that greater public participation will improve public trust, or even that the public trust in CONO is decreasing.

OAND Support for the Restrictions on the Participation of Other Regulated Health Professionals

Apart from the above-mentioned concerns about evidence and the erosion of self-regulation, we are very supportive of the part of CONO's provision that proposes to only appoint Members of the Public *"who are not members of any health professions as set out in Schedule 1 of the RHPA"* to Committees.

We see value in restricting public members from being members of other health professions, but we do not understand why the Executive Committee seems to be exempted from this? We would like to better understand this and request further explanation of this exemption from such a positive-sounding principle.

OAND Support in Principle for Public Members Not Having to be Government Appointments

Separate from our concerns about the proportion of public members to ND members, we currently see no reason not to support CONO's proposal that would enable the Council to appoint members, i.e., that you do not have to rely on Ontario Government appointments of public members.

In closing, I would like to stress that Naturopathic knowledge is an integral part of a meaningful and patient-protective regulatory framework for Naturopathic Doctors in Ontario. Our greatest concern is about any erosion of that self-regulatory principle.

Thank you again for the opportunity to comment on these proposed changes. We would much appreciate the opportunity to further discuss the issues that we have raised here and are very willing to consult further if that is possible.

If you have any questions about this submission, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read 'John Wellner', with a stylized, flowing script.

John Wellner, CEO
Ontario Association of Naturopathic Doctors