

TCMAC Complaints Process – Information Sheet

Traditional Chinese Medicine Association of Canada (TCMAC)

Version: v0.3 – Public Summary (English)

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Applies to: All TCMAC members (General, Student, Honorary)

1. Introduction

TCMAC is a national professional association for Traditional Chinese Medicine practitioners and acupuncturists in Canada.

We support high standards of **professional conduct and ethics**, and we take complaints about our members seriously.

However, **TCMAC is *not* a statutory regulator.**

- Licensing, fitness to practise, and formal discipline of regulated health professionals are the responsibility of the **provincial regulatory bodies** (for example, the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (CTCMPAO) in Ontario).
- TCMAC can only take **Association-level actions** (for example: membership status, education requirements, participation in Association activities).
- When needed, TCMAC will **refer or report** matters to the relevant **provincial regulatory body** and/or other authorities.

This information sheet explains, in plain language, **how to make a complaint** and **what you can expect from our process**.

2. Before Filing a Complaint

If you have concerns about a TCMAC member's professional conduct:

1. **Consider speaking with the practitioner first**
Many misunderstandings can be resolved directly through clear communication.
2. **Check who regulates them**

- o If the practitioner is a **registered TCM or acupuncture professional**, they are normally licensed by a **provincial regulatory body**.
 - o Concerns about **clinical competence, safety, or sexual misconduct** may need to go directly to the **provincial regulatory body**.
 - o If you are unsure, you may contact TCMAC for guidance.
3. **If the person is *not* a TCMAC member**
- o TCMAC cannot investigate non-members.
 - o If you believe someone is **misrepresenting themselves** as a regulated professional, we may direct you to the appropriate **provincial regulatory body** or other authority.
4. **Emergencies / urgent safety risks**
- o If there is an immediate risk of harm or a criminal concern, please contact **police or emergency services first**.
 - o TCMAC's process is **not** designed for emergencies.
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3. Who Can Make a Complaint?

A complaint can be made by:

- A **patient**, patient's family member, or authorized representative
 - Another **health professional** or colleague
 - An **employer**, clinic, insurer, or organization
 - A **member of the public** or a **government body**
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4. What Can TCMAC Look At?

We consider complaints about **professional conduct and ethics** of our members, for example:

- Disrespectful or unprofessional behaviour
- Boundary issues, harassment, or abuse
- Concerns about honesty, billing practices, or possible fraud
- Consent, communication, and record-keeping concerns
- Infection control and basic safety practices

We **do not**:

- Decide civil or commercial disputes (e.g., **fee disputes, refunds, general business issues**)
- Replace court decisions or the role of **provincial regulatory bodies**
- Provide legal advice to either party

Where a matter is **outside our authority**, we will explain this and, where possible, direct you to a more appropriate body (for example, a regulatory body, court, or consumer protection office).

5. How to File a Complaint

5.1 Complaint Form and Contact

The easiest way is to use our **online complaint form** or to send us an email.

- **Preferred email:** complaint@tcmac.ca
- You may attach documents such as invoices, messages, or other evidence.

If you cannot use email, TCMAC may provide an alternative method (for example, mail) on request.

5.2 Information We Need

To help us understand your concerns, please provide:

- **Your information:** name and contact details (phone, email, mailing address)
 - Anonymous complaints are accepted, but this may limit what we can do.
- **The practitioner's information:**
 - Legal name
 - Professional title (for example, R.TCMP, R.Ac)
 - Provincial registration number (if known)
 - Clinic or workplace name and address
- **What happened:**
 - Dates and times (approximate if unsure)
 - Location
 - What was said or done, and by whom
- **Evidence:**
 - Documents, chart excerpts, invoices, screenshots, letters, relevant audio/video, and witness details (if any)
- **Reports to others:**
 - Let us know if you have already contacted a **provincial regulatory body**, police, a privacy commissioner, or another authority.
- **Consent to share information:**
 - In fairness to the member, we normally share your complaint and supporting documents with them so they can respond.

6. What Happens After You Submit a Complaint?

6.1 Acknowledgement and Initial Review

- We **acknowledge** your complaint, usually within **30 days** (earlier for urgent matters).
- Our **Secretariat (Complaint Intake Office)** will:
 - Confirm we have enough information
 - Check if the person is a **TCMAC member**
 - Decide whether the concern is about **professional conduct/ethics** or something outside our scope
 - Assign a confidential **case ID**
 - Conduct a **risk assessment** (for example, whether there is a public safety issue or mandatory reporting obligation)

At this stage, TCMAC may:

- Provide an **information-only response** (if the issue is clearly outside our scope)
- **Refer or concurrently report** to a **provincial regulatory body** or other authority (especially in serious matters like sexual misconduct or significant safety risk)
- Open a **formal investigation** within TCMAC

6.2 No Automatic Probation

Receiving a complaint – even about **alleged fraud** – **does not automatically place a member on probation** or suspend their Association membership.

- Interim measures (for example, temporarily limiting someone’s ability to represent TCMAC at events) are considered **only** where there is an **immediate risk to public safety** or a serious risk to Association activities.
- Any such measure must be **proportionate, time-limited, and approved** by the Chair (or delegate), and basic fairness must be preserved.

7. Exchange of Information

If the complaint proceeds:

1. **Your complaint and documents** are shared with the member.
 2. The member is invited to send a **written response** (normally within **14 days**).
 3. Their response may be shared with you, and you may be given a short opportunity to comment on **new facts**.
 4. After this exchange, no further documents are usually accepted unless requested by the Investigation Panel or Disciplinary Committee.
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8. Investigation & Committee Review

8.1 Investigation

- An **Investigation Panel** (normally at least two people, including a senior member and, where possible, a public or external representative) reviews the information, may request further documents, and may conduct interviews.
- Panel members must sign **confidentiality and conflict-of-interest declarations**.
- A **written investigation summary** is prepared.

8.2 Optional Mediation (Low-Risk Matters Only)

For **low-risk issues** (for example, communication problems or minor service concerns):

- TCMAC may suggest **mediation or informal resolution**, if **both sides agree**.
- Outcomes may include clarification, apologies, improvements to practice procedures, or further education.
- Mediation is **not used** for serious safety concerns, sexual misconduct, or other mandatory-reporting cases.

8.3 Disciplinary Committee

A **Disciplinary Committee** (3–5 people, including at least one public representative and, where possible, a legal/regulatory advisor) will:

- Review the investigation summary and written submissions
- Decide whether the complaint is **substantiated**
- Decide what Association-level action is appropriate
- Decide whether to **refer or report** the matter to a **provincial regulatory body** or other authority

This stage is **paper-based**; it is not usually a formal court-style hearing.

9. Possible Outcomes

After reviewing the case, TCMAC may:

- **Dismiss the complaint** (no Association action)
- Issue a **written warning or reprimand**
- Require **education or remediation**, such as:
 - Ethics and professional boundaries
 - Record-keeping and documentation
 - Informed consent and communication

- o Infection control and safety procedures
- **Limit or suspend Association membership privileges**, such as:
 - o Temporary suspension from TCMAC membership
 - o Limits on acting in TCMAC roles or activities
- **Terminate membership** (expulsion from TCMAC)
- **Refer or concurrently report to:**
 - o The relevant **provincial regulatory body**
 - o **Police**, a **privacy commissioner**, or other regulators if appropriate

TCMAC may also set **follow-up requirements**, such as proof of course completion or a reflective report within a specified time.

Note: TCMAC does **not** impose an automatic probation period just because a complaint is received. Any outcome is decided only after reviewing the information and following the process above.

10. Timelines and Records (Summary)

While actual timelines may vary depending on complexity, TCMAC aims for:

- **Acknowledgement** of the complaint: within **30 days**
- **Investigation**: generally within **60 days**
- **Decision notice**: usually within **10 days** after the Disciplinary Committee's decision

Records (case files, decisions, and related documents):

- Are normally kept for at least **five (5) years**, or longer if required by law
- Are stored securely, with **restricted access and encryption** where possible
- May be used in **de-identified form** for statistics and risk-management reporting

11. Notification and Appeal

11.1 Decision Notice

When a case is closed, both the **complainant** and the **member** will receive a **written outcome letter**, which will indicate, for example:

- Substantiated / Not substantiated / Referred to another body
- A brief summary of reasons
- Any education, remediation, or other follow-up requirements

11.2 If a Member Disagrees with the Outcome

- The member (respondent) may **appeal in writing** within **30 days**, explaining:
 - Any **new evidence** that was not reasonably available earlier; or
 - Alleged **errors in process or law**.
 - An **Appeal Review Panel** (with no overlap with the Disciplinary Committee majority and an independent Chair) will:
 - Review the file and the appeal grounds
 - Decide whether to uphold, vary, or return the matter for reconsideration
 - Issue a **final written decision**, normally within **30–45 days**
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12. If a Complainant Is Dissatisfied with the Process

TCMAC's internal process is focused on:

- Whether the complaint falls within **Association jurisdiction**; and
- Whether **Association-level measures** are appropriate.

If you are dissatisfied with **how** your complaint was handled (for example, process or communication), you may raise your concerns with TCMAC. In some cases, an internal reviewer may examine whether the process was **fair and consistent** with TCMAC's policies.

This review does **not** re-decide the facts of the case but looks at **process only**.

13. Withdrawal of a Complaint

If you decide to **withdraw** your complaint:

- Please notify TCMAC in writing.
 - In some situations, especially where there appears to be an **ongoing public-safety risk**, TCMAC may decide to **continue** its review or to **inform a provincial regulatory body**, even if you withdraw.
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14. Confidentiality and Privacy

- Complaint information is treated as **confidential** and is shared only with those who **need to know** to handle the case (for example, the member, committee members, legal advisors).

- In fairness to the member, we normally **share your complaint and key documents** with them so they can respond.
 - TCMAC complies with applicable **privacy laws** (including PHIPA and PIPEDA, where relevant).
 - If a matter is referred to a **provincial regulatory body** and they later publish a decision, TCMAC may **acknowledge** the outcome but will not release personal details beyond what is required by law or already public.
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15. Governance (Summary of Roles)

To keep the process fair and manageable, TCMAC uses a **small, rotating pool** of trained people:

- **Complaint Intake Office (Secretariat)** – receives and screens complaints, manages files and referrals.
- **Investigation Panel** – collects and reviews information, prepares an investigation summary.
- **Disciplinary Committee** – makes decisions on outcomes and possible referrals.
- **Appeal Review Panel** – reviews decisions when a member appeals, focusing on process and clear errors.

Members must **declare conflicts of interest** and step aside from cases where there is a real or perceived conflict (for example, family, business, or close personal relationships).

16. Insurers and Risk Management

For insurers and other stakeholders, this process is designed to be:

- **Enforceable** – clear steps, documented decisions, and specific follow-up requirements
 - **Auditable** – records kept for at least five years; key performance indicators (for example, number of complaints, resolution times, remediation completion)
 - **Risk-focused** – high-risk matters are escalated promptly to the **relevant provincial regulatory body** or authorities; education and remediation are prioritized where appropriate.
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17. When a Matter Is Referred to a Provincial Regulatory Body

(Example: Ontario – CTCMPAO)

In some cases, TCMAC will **refer or concurrently report** a matter to the relevant **provincial regulatory body** (for example, the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario – CTCMPAO). Once a matter has been referred, **the regulatory body uses its own, separate legal process** under provincial law. TCMAC **does not control** that process or its outcomes.

17.1 Separate and Independent Process

- Each provincial **regulatory body** has its **own complaints and discipline process** set out in legislation and regulations.
- TCMAC’s role is limited to:
 - providing information (such as our investigation summary or documents we received); and
 - cooperating with the regulatory body, if they request additional information.
- **Decisions** about a practitioner’s licence, fitness to practise, or formal findings of professional misconduct are made **only** by the regulatory body – **not** by TCMAC.

17.2 Example: Ontario (CTCMPAO) – Complaint and Decision Process

While the exact steps may change from time to time and may differ in other provinces, the process at **CTCMPAO in Ontario** generally includes the following:

1. **Complaint received**
 - The regulatory body receives a formal complaint in writing or other recorded format.
 - A copy is normally **sent to the practitioner**, who is given a limited period (often around **30 days**) to provide a **written response**.
2. **Investigation and Inquiries, Complaints and Reports Committee (ICRC)**
 - The ICRC reviews the complaint, the practitioner’s response, and any additional information or records gathered during the investigation.
 - The ICRC may decide, for example, to:
 - take no further action;
 - provide advice or a written caution to the practitioner;
 - require the practitioner to complete a **specified education or remediation program** (e.g., a SCERP); or
 - refer specified allegations of **professional misconduct or incompetence** to the **Discipline Committee**.
3. **Discipline or Fitness to Practise (if referred)**
 - If referred to the **Discipline Committee**, there may be a **formal hearing** where evidence and submissions are presented.
 - If concerns relate to a practitioner’s **capacity** (for example, health conditions affecting safe practice), the case may go to a **Fitness to Practise Committee**.
 - After a hearing, the Committee issues **written reasons for decision** and, where appropriate, an **order** (for example, reprimand, terms and conditions, suspension, or revocation).
4. **Review / Appeal Outside the College (HPARB)**

- o In Ontario, both the practitioner and the complainant usually have a limited time (commonly around **30 days**) to request a review of certain ICRC decisions to an independent provincial tribunal, the **Health Professions Appeal and Review Board (HPARB)**.
- o HPARB reviews:
 - the **adequacy of the ICRC's investigation**, and
 - the **reasonableness of the ICRC's decision**, but does not re-hear the case from the beginning or make its own findings of professional misconduct.

17.3 Relationship Between TCMAC and Regulatory Body Processes

- TCMAC's **internal complaints and disciplinary process** is **separate** from any process of a provincial regulatory body.
- When TCMAC **refers or reports** a matter:
 - o TCMAC may still complete its **own** Association-level process (for example, membership status, education requirements), **or**
 - o TCMAC may decide to **pause or limit** its own actions to avoid interference with the regulatory body's proceedings.
- Outcomes at the regulatory body (for example, a public discipline decision or licence restriction) may inform:
 - o whether the member **remains in good standing** with TCMAC; and
 - o whether **additional education or conditions** are required at the Association level.

Important: If your matter has been referred to a provincial regulatory body, you should consult that body's **official website** and documents for the most current and detailed description of their process. TCMAC cannot provide legal advice and does not interpret or override decisions made by provincial regulatory bodies.

Contact

If you have questions about whether this process applies to your situation or how to make a complaint, please contact TCMAC at:

Email: complaint@tcmac.ca