

Title

# KAHNAWA:KE HEALTH CARE PROFESSIONS LAW

K.R.L. c. H-3

[Enacted by MCR # 59/2004-2005 on 24, Kentenhkó:wa/November, 2004]

[Amended by MCR # 09/2005-2006 on 06, Enníska/February, 2006]

Preamble

WHEREAS the Mohawk Council of Kahnawá:ke has the power and jurisdiction to enact a Law for the regulation of Health Care Professions within the Territory ; and,

## SECTION I

### 1. JURISDICTION

{Self Determination}

1.1 The Kanien'kehá:ka of Kahnawá:ke, are a community within the Kanien'kehá:ka Nation and the Rotinohsonnion:we. The Kanien'kehá:ka of Kahnawá:ke are Indigenous Peoples who possess a fundamental and inherent right of self-determination.

"Exclusive Jurisdiction"

1.2 The Kanien'kehá:ka of Kahnawá:ke have consistently and historically exercised ultimate and exclusive jurisdiction over the Mohawk Territory of Kahnawá:ke and have asserted our rights and laws with foreign governments.

"Inherent Rights"

1.3 The Kanien'kehá:ka of Kahnawá:ke have existing and inherent rights, including the right of self-determination which includes the right and responsibility to monitor and regulate professional health care services provided within their Territory.

"Right to Regulate"

1.4 The Kanien'kehá:ka of Kahnawá:ke, represented by the Mohawk Council of Kahnawá:ke, have the ultimate power, right and jurisdiction to permit, control and regulate businesses, trades and to permit the practice of health care professions within their Territory.

### 2. PURPOSE

"Purpose"

2.1 This Law is an expression of the wishes of the Kanien'kehá:ka of Kahnawá:ke that persons who are carrying on, or who want to carry on, health care professions within the Territory be regulated in a fair and responsible manner to preserve and promote the highest quality health care services at reasonable cost within the Territory.

"Prohibition"

3. **APPLICATION**

3.1 No person shall carry on a health care profession on common or privately held lands within the Territory except in accordance with this Law and the Regulations.

4. **DEFINITIONS**

4.1 For the purposes of this Law and the Regulations:

"Community Organization"

"Community Organization" an institution recognized by the Mohawk Council of Kahnawá:ke.

"Community Organization Permit"

"Community Organization Permit" a permit issued to a Community Organization under which all health care professionals employed or associated with the Community Organization are deemed to be a Permittee for the purpose of their work or association with the Community Organization, without the need to hold a Private Permit.

"Health Care Professional"

"Health Care Professional" a member of a professional order listed in Schedule "B" to this Law;

"Kanien'kehá:ka Territory of Kahnawá:ke" or "Territory"

- a) "Kanien'kehá:ka Territory of Kahnawá:ke" or "Territory" the lands under the control and jurisdiction of the Kanien'kehá:ka of Kahnawá:ke;
- b) "Kanien'kehá:ka Territory of Kahnawá:ke" or "Territory" any and all lands that may be added to the lands now under the control and jurisdiction of the Kanien'kehá:ka of Kahnawá:ke through the negotiation and resolution of land grievances;
- c) "Kanien'kehá:ka Territory of Kahnawá:ke" or "Territory" any and all lands that may be added to the lands now under the control and jurisdiction of the Kanien'kehá:ka of Kahnawá:ke as a result of any other means;
- d) "Kanien'kehá:ka Territory of Kahnawá:ke" or "Territory" lands, which are returned to, Kahnawá:ke as lands within the meaning of subsection 91(24) of the *Constitution Act*, 1867.
- e) "Kanien'kehá:ka Territory of Kahnawá:ke" or "Territory" within the above definition, both common and privately held lands.

“Member of the Community of Kahnawá:ke”

“Member of the Community of Kahnawá:ke” a person that is defined as a Mohawk and a member of the Community of Kahnawá:ke pursuant to the present Kahnawá:ke Membership Law or any Kahnawá:ke Membership Laws or Codes that may be enacted from time to time;

“Mohawk Council of Kahnawá:ke”

“Mohawk Council of Kahnawake” the elected government of Kahnawá:ke or its designate as established by Mohawk Council Resolution.

“Permit”

“Permit” a Permit issued under this Law in the form set out in Schedule “A” or “A.1”

“Permitee”

“Permitee” a person that receives a Private Permit or is employed or associated with a Community Organization that holds a Community Organization Permit under this Law;

“Person”

“Person” an individual, a corporation, a community organization, or a partnership;

“Patients”

“Patients” a person obtaining or receiving the services of a person holding themselves out to be a health care professional.

“Private Permit”

“Private Permit” a permit issued, under the provisions of this Law, to a health care professional operating in the Territory in a private practice, and not within a Community Organization.

## SECTION II

### 5. REQUIREMENTS FOR PERMIT

“Type of Permit”

5.1 Every person providing professional health care services to patients within the Territory of Kahnawá:ke must hold either a valid Private Permit or be employed or associated with a Community Organization that holds a valid Community Organization Permit issued under this Law.

“Permit for Health Care Professionals”

5.2 For greater certainty, section 5.1 applies equally to all health care professionals operating within the Territory of Kahnawá:ke at the time this Law is enacted.

“One Permit Per Office”

5.3 Any person who is required to obtain a Private Permit under the provisions of this Law must obtain a separate Private Permit for each professional office that person operates within the Territory. Community Organizations are only required to hold one Community Organization Permit regardless

of how many offices they may have within the Territory.

*"Permit to Practice in Kahnawá:ke"*

5.4 Every Permit granted under this Law is valid and allows the Permittee to carry on the health care profession in accordance with the applicable laws of Kahnawá:ke, Quebec and Canada and the terms and conditions of the Permit.

*"Displaying Permit"*

5.5 The Permittee must at all times keep the Permit prominently displayed in an area of the premises to which the public has access or in an area designated by the Permit Inspector.

*"Notify Change of Conditions"*

5.6 The Permittee must notify the Permit Inspector of any change in:

- a) the mailing address of the Permittee's office;
- b) the type of health care profession carried on at the Permittee's office;
- c) the surface area of the premises where the Permittee has their office,
- d) any substantial physical alteration to the premises where the health care profession is being operated; or
- e) ownership of the Permittee's private practice.

*"Surrender of Permit"*

In the event the Permittee ceases to offer services within the Territory of Kahnawá:ke, the Permittee will surrender their Permit to the Permit Inspector.

## **6. PERMIT APPLICATION**

*"Application"*

6.1 To obtain a Permit, a person must apply in writing to the Permit Inspector. The application must contain all information required by this Law and its Regulations.

*"Information to be Supplied"*

6.2 Every person applying for a Permit to carry on a health care profession that is governed or requires registration by any other Law, Regulation or self-regulating professional body, must supply proof of their qualifications and of the qualifications of their employees to carry on such a profession and this must accompany the forms prescribed by Regulation. In addition the applicant must provide proof that the equipment they intend to use in relation to their practice are well maintained and operate in accordance with the manufacturer's specifications.

*“Proof of Incorporation”*

6.3 Where the applicant is a corporation or a partnership, proof of incorporation or partnership must be provided with the completed application form. The proof of incorporation or partnership must indicate the names and addresses of all beneficial owners of the corporation or partnership.

*“Permit Transfer”*

6.4 The Permit Inspector will allow a transfer of the Permit from one premises to another provided:

- a) the Permittee has completed an application as prescribed by Regulation;
- b) the Permittee has paid the fee prescribed by the Permit Inspector, and
- c) the proposed premises of the health care profession comply with the terms of this Law and the Regulations.

7. **PERMITS**

*“Duration of Permit”*

7.1 A Permit will be granted for not more than a two (2) year period. Permits must be renewed by completing the application required by Regulation on or before the two (2) year anniversary date of the issuance of the Permit or the Permit will expire. Permits having expired for non-timely request for renewal may be renewed in accordance with section 8.3 of this Law.

*“Indication on Permit”*

7.2 A Permit will specify the type and location of the profession the Permittee is permitted to conduct, and the time period for which the Permit is valid.

*“Other Terms”*

7.3 A Permit may contain such other terms and conditions as provided for in the regulations as approved by the Mohawk Council of Kahnawá:ke.

8. **FEES**

*“Fees”*

8.1 All Permittees’ shall pay the fee prescribed by the Permit Inspector. A Permit is not valid until the prescribed fee has been paid in full.

*“Prescribed Amounts”*

8.2 The Permit Inspector prescribes the fees payable for the issuance of a Permit, the transfer of a Permit, or the renewal of a Permit.

"Renewal of Permit"

8.3 Where a former Permittee has not renewed the Permit on or before the expiry date as set out in section 7.1 of this Law, the Permit will expire and the Permittee has ten (10) days after the date of expiry to renew the Permit. The Permit may be reinstated by completing the required application and paying the Permit fee and an added fee as prescribed by the Permit Inspector. In the event the Permittee fails to reinstate the Permit within the ten (10) day period, the Permit will be considered void and the former Permittee will be required to reapply for a new Permit in accordance with the provisions of this Law and the Regulations.

"General Account"

8.4 The fees paid for Permits under this Law shall be deposited in the general account of the Mohawk Council of Kahnawá:ke.

9. **NO REFUND**

"No Refund"

9.1. No Permit fee, or portion of a Permit fee, paid pursuant to this Law will be refunded for any reason.

10. **ISSUANCE OF PERMIT**

"Issuance of Permit"

10.1 The Permit Inspector may, upon receiving an application for a Permit, issue a Permit to the applicant at the address shown in the Permit application provided:

- a) the application complies with this Law and the Regulations;
- b) the applicant or the organization for which the applicant works satisfies all requirements of the *Code of Ethics for Health Professionals Working in Kahnawá:ke* and the *Community Control Standards to Regulate Health Professionals in Kahnawá:ke*, attached hereto as Schedule "C";
- c) the applicant has received a positive recommendation from Onkwata'karitáhtshera or the hiring procedures of the organization the applicant works for have been approved by Onkwata'karitáhtshera;
- d) the Permit Inspector is satisfied that the applicant's profession complies with all provisions in any of the other Laws, By-laws or Regulations in force in the Territory;

- e) the applicant has disclosed all required information in the application form and the Permit Inspector is satisfied that the information is accurate and complete;
- f) the applicant has not, within the preceding five (5) years, been convicted of a criminal offense for which the applicant has not been pardoned;
- g) the Permit Inspector's investigations do not disclose any reason to believe that the carrying on of the said profession may result in a breach of the law or in any way be adverse to the public interest;
- h) the required Permit fee has been paid.

*"Copies of Permit"*

10.2 Every Permit granted pursuant to this Law will be in triplicate: one copy will be issued to the Permittee and the other copies will be retained by Onkwata'karitáhtshera and the Permit Inspector. The Permit so issued will be deemed a personal Permit to the Permittee.

*"Refuse to Issue"*

10.3 If the Permit Inspector is not satisfied with information received from the applicant or Permittee under section 10.1 of this Law, the Permit Inspector will forthwith serve the applicant notice as prescribed by Regulation of the refusal to issue the Permit and the said notice will be served personally or by registered mail to the applicant at the address shown in the Permit application. The notice will set out the reasons for the refusal to issue.

*"Re-Consideration"*

10.4 Within thirty (30) days of service of the notice under section 10.3 of this Law, the applicant or Permittee may request the Mohawk Council of Kahnawá:ke to reconsider the application, providing specific reasons for the request and any additional information that may be appropriate.

*"Decision final"*

10.5 Within fifteen (15) days of receiving a request for reconsideration under section 10.4, the Mohawk Council of Kahnawá:ke will reconsider the application and will serve the applicant with notice of its decision personally or by registered mail at the address shown in the Permit application. No further request can be made for a period of one (1) year from the date the notice was served.

## **11. REGULATIONS**

*"Regulations"*

11.1 Onkwata'karitáhtshera will prepare all regulations required by this Law and will submit them to the Mohawk Council of Kahnawá:ke who may

enact them by Mohawk Council Resolution.

**12. PERMIT INSPECTOR**

*“Permit  
Inspection”*

**12.1 Onkwata’karitáhtshera:**

- a) will appoint a Permit Inspector and such other officers as may be necessary, to administer and enforce the provisions of this Law and the Regulations with the assistance, if necessary, of the Kahnawá:ke Peacekeepers;
- b) will provide for reasonable remuneration to be paid to the Permit Inspector and other appointed officers;
- c) will appoint the Permit Inspector for an initial term as required;
- d) may dismiss the Permit Inspector from the appointed position, for failure to carry out duties as described in this Law or for having been convicted of a criminal offense or for contravening any other Law or by-law enacted by the Mohawk Council of Kahnawá:ke.

**13. DUTIES OF PERMIT INSPECTOR**

*“Duties”*

**13.1 The Permit Inspector will:**

- a) determine, with the approval of the Onkwata’karitáhtshera, an appropriate fee scale for all health care professionals;
- b) receive Permit applications, and other requests from the Permittees’ and determine whether Permits should be issued;
- c) issue or refuse to issue Permits to applicants and issue or refuse to issue renewal of Permits to Permittees’;
- d) maintain a record of all applications and fees paid for Permits and retain on file a copy of all Permits issued, together with their particulars;
- e) exercise due diligence in ascertaining that all information furnished by the applicant in connection with an application for a Permit is accurate;



- f) make all investigations required by this Law or by the Mohawk Council of Kahnawá:ke operations manual or other Laws, by-laws or Regulations of the Mohawk Territory of Kahnawá:ke, relative to such an application, and in so doing, may request the assistance and advice from other experts as required such as the Kahnawá:ke building inspector, safety inspector, fire inspector;
- g) in response to receipt of a written complaint, or at least once a year, with prior notice to the Permittee, make inquiries and inspect the Permittee's premises and equipment to determine whether the holder of a Permit issued under this Law is complying with the Permit issued and the Laws, By-laws and Regulations of the Mohawk Territory of Kahnawá:ke and no Permittee shall obstruct or hinder the making or completing of the inspection;
- h) issue warning and/or citations to Permittees' who are in breach of any provision of this Law or its regulations;
- i) with respect to complaints, the Permit Inspector shall consult, as required by regulation, with Onkwata'karitáhtshera.
- j) report monthly, in writing, to Onkwata'karitáhtshera concerning his or her activities for the previous month, and
- k) perform such other duties as may be requested by Onkwata'karitáhtshera and that are in furtherance of the objectives of this Law.

*"No Liability"*

13.2 While acting in good faith and within the powers conferred upon him/her by this law or its regulation, the Permit Inspector will not be civilly liable for any actions or decisions taken in the performance of his/her duties.

#### **14. REVOCATION OR SUSPENSION OF PERMIT**

*"Powers of Inspector"*

14.1 The Permit Inspector may in urgent situations, immediately suspend the Permittee's Permit, and the Permittee has recourse to contest the immediate suspension, the whole in accordance with the regulations and guidelines enacted by the Mohawk Council of Kahnawá:ke.

*"Re-commendations"*

14.2 On the receipt of a recommendation from Onkwata'karitáhtshera or on his/her own initiative the Permit Inspector may,:

- (a) issue a notice to comply with any obligation attached to the Permit within the time mentioned in the notice;
- (b) suspend a Permit for a period not exceeding ninety (90) days; or
- (c) revoke any Permit issued under this Law where it has come to the attention of the Permit Inspector that the Permittee:
  - i. has failed to comply with this Law;
  - ii. is carrying on a profession that fails to comply with provisions in any of the other Mohawk Territory of Kahnawá:ke Laws, by-laws or Regulations;
  - iii. within the preceding five (5) years of Permit issuance and since Permit issuance has been convicted of a criminal offense for which the Permittee has not been pardoned;
  - iv. has conducted the profession in a manner that is detrimental to the health, welfare, safety and environment of the residents of the Territory;
  - v. is convicted of any offense under any law of Kahnawá:ke, Canada, Quebec or any other jurisdiction in respect of the Licensed profession or with respect to the premises named in the Permit; or
  - vi. is carrying on a profession, the purpose of which is to engage in or permit, allow, facilitate, encourage or assist others to engage in any criminal activity.
  - vii. is carrying on a profession without holding a valid license issued by a professional board, body, authority or order.

*"Posting Notice"*

14.3 The Permit Inspector will post the notice of suspension or revocation of a Permit upon the premises and/or place of business for which the Permit was issued and the notice must not be removed until:

- a) the Permit is reinstated;

- b) the Permittee ceases to occupy the premises; or,
- c) a new profession, other than the one carried on by the former Permittee is allowed on the premises.

**SECTION III**

**15. PENALTIES AND ENFORCEMENT**

*"Penalties"*

- 15.1 Every person who contravenes this Law or the Regulations is guilty of an offense punishable on summary conviction and is liable to a fine:
- (a) For a first offense a minimum fine of Fifty Dollars (\$50.00) to a maximum fine of Two Thousand (\$2,000.00) Dollars;
  - (b) For a second offense a minimum fine of Five Hundred Dollars (\$500.00) to a maximum fine of Two Thousand (\$2,000.00) Dollars;
  - (c) For any subsequent offense a minimum fine of One Thousand Dollars (\$1000.00) to a maximum fine of Two Thousand (\$2,000.00) Dollars.

*"Mohawk Council of Kahnawá:ke"*

- 15.2 The Mohawk Council of Kahnawá:ke may take such steps as are necessary to prevent any person from carrying on a profession in contravention of this Law or the Regulations.

*"Peacekeepers"*

- 15.3 The Kahnawá:ke Peacekeepers have authority to enforce the provisions of this Law or the Regulations.

**16. COURT OF KAHNAWÁ:KE**

*"Court of Kahnawá:ke"*

- 16.1 The Court of Kahnawá:ke has exclusive jurisdiction to hear and decide any charge concerning a contravention of this Law or the Regulations.

**17. AMENDMENTS TO THE LAW**

*"Amending the Law"*

- 17.1 The Mohawk Council of Kahnawá:ke may amend this Law by Mohawk Council Resolution after consultation with Onkwata'karitáhtshera.

**18. COMING INTO FORCE**

*"Coming into Force"*

18.1 This Law comes into force on a day to be fixed by Resolution of the Mohawk Council of Kahnawá:ke.

**19. PORTFOLIO CHIEF**

*"Portfolio"*

19.1 This Law falls under the responsibility of the Health Portfolio Chief(s).

**20. HISTORY**

*"History"*

Origin MCR #59/2004-05. Date of Revision June 8, 2008.

Schedule "A"

PRIVATE PERMIT

Issued to: \_\_\_\_\_

Type of Health Care Profession: \_\_\_\_\_

Location at which the Health Care Profession will be carried on:  
\_\_\_\_\_

Other Terms and Conditions:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Permit valid from \_\_\_\_\_ until \_\_\_\_\_

**This Permit is issued pursuant to the *Kahnawá:ke Health Care Profession Law* and may not be transferred or assigned except as authorized by the Mohawk Council of Kahnawá:ke.**

ISSUED the \_ day of \_\_\_\_\_, \_\_\_\_\_ by an authorized representative of the Mohawk Council of Kahnawá:ke,

\_\_\_\_\_  
**Signature of Issuing Officer** (seal)

THIS PERMIT MUST BE PROMINENTLY DISPLAYED IN AN AREA OF THE PREMISES TO WHICH THE PUBLIC HAS ACCESS OR IN AN AREA DESIGNATED BY THE PERMIT INSPECTOR.

Schedule "A.1"

COMMUNITY ORGANIZATION PERMIT

Issued to: \_\_\_\_\_

Types of Health Care Professions Employed or Associated with the Community Organization:

Location(s) at which the Health Care Profession will be carried on:

\_\_\_\_\_

List the name and position/title of each person practicing under this permit:

Other Terms and Conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Permit valid from \_\_\_\_\_ until \_\_\_\_\_

**This Permit is issued pursuant to the *Kahnawá:ke Health Care Profession Law* and may not be transferred or assigned except as authorized by the Mohawk Council of Kahnawá:ke.**

ISSUED the \_ day of \_\_\_\_\_, \_\_\_\_ by an authorized representative of the Mohawk Council of Kahnawá:ke,

\_\_\_\_\_

**Signature of Issuing Officer**

(seal)

THIS PERMIT MUST BE PROMINENTLY DISPLAYED IN AN AREA OF THE PREMISES TO WHICH THE PUBLIC HAS ACCESS OR IN AN AREA DESIGNATED BY THE PERMIT INSPECTOR.

## Schedule "B"

### LIST OF PROFESSIONAL ORDERS

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1. The Professional Order of Physicians
2. The Professional Order of Dentists
3. The Professional Order of Pharmacists
4. The Professional Order of Optometrists
5. The Professional Order of Veterinarians
6. The Professional Order of Chemists
7. The Professional Order of Radiology Technologists
8. The Professional Order of Denturologists
9. The Professional Order of Dispensing Opticians
10. The Professional Order of Chiropractors
11. The Professional Order of Hearing Aid Specialists
12. The Professional Order of Podiatrists
13. The Professional Order of Nurses
14. The Professional Order of Acupuncturists
15. The Professional Order of Dietitians
16. The Professional Order of Psychologists
17. The Professional Order of Guidance Counselors
18. The Professional Order of Dental Hygienists
19. The Professional Order of Dental Technicians
20. The Professional Order of Speech Language Pathologists and Audiologists
21. The Professional Order of Physiotherapists
22. The Professional Order of Occupational Therapists
23. The Professional Order of Nursing Assistants
24. The Professional Order of Medical Technologists
25. The Professional Order of Professional Technologists
26. The Professional Order of Respiratory Therapists
27. The Professional Order of Orthodontists
28. The Professional Order of Ophthalmologists
29. The Professional Order of Phnatologists
30. The Professional Order of Social Workers
31. Emergency Medical Technicians working for the Fire Brigade
32. Any other Health Care Service providers as recognized by the Mohawk Council of Kahnawá:ke upon recommendation of Onkwata'karitáhtshera.

## Schedule "C"

### CODE OF ETHICS FOR HEALTH PROFESSIONALS WORKING IN KAHNAWÁ:KE

#### **Preamble:**

The purpose of the Code of Ethics for Health Professionals Working in Kahnawá:ke is to serve as a guide. It contains standards of ethical behavior governing personal behavior that directly relates to the role and identity of Health Professionals working in Kahnawá:ke.

The fundamental objectives of Health Professionals are to enhance the overall quality of life, dignity and well-being of every individual needing health care services in Kahnawá:ke and to create a more equitable, accessible, effective and efficient health care system.

Health Professionals have an obligation to act in ways that will merit the trust, confidence and respect of all health care workers and Kahnawá:keró:non. Therefore, Health Professionals working in Kahnawá:ke should lead lives that embody an exemplary system of values and ethics.

In fulfilling their commitments and obligations to those seeking their services, Health Professionals function as moral advocates. Since every professional decision affects the health and well-being of both individuals and the community of Kahnawá:ke, Health Professionals working in Kahnawá:ke must carefully evaluate the possible outcomes of their decisions. The role of moral advocates requires that Health Professionals speak out and take actions necessary to promote such rights, interests and prerogatives as they see necessary.

#### **I. The Health Professional's Responsibilities to the community of Kahnawá:ke**

Health Professionals working in Kahnawá:ke shall:

- 1) Work to identify and meet the health care needs of the community of Kahnawá:ke;
- 2) Work to ensure that all people have reasonable access to health care services;
- 3) Participate in public dialogue on health care issues and advocate solutions that will improve health status and promote quality health care in Kahnawá:ke;



- 4) Consider the short-term and long-term impact of health care decisions on both the community and on society; and
- 5) Provide community members with adequate and accurate information, enabling them to make enlightened judgments and decision regarding services.

## **II. The Health Professional's Responsibility to be supportive of the Health Profession**

Health Professionals working in Kahnawá:ke shall:

- 1) Uphold the values, ethics and mission of the health care profession, and adhere to the medical ethics of each respective professional order;
- 2) Conduct all personal and professional activities with honesty, integrity, respect, fairness and good faith in a manner that will reflect well upon the profession;
- 3) Comply with all communal laws pertaining to health care in Kahnawá:ke's jurisdiction;
- 4) Maintain competence and proficiency in health care by implementing a personal program of assessment and continuing professional education;
- 5) Avoid the exploitation of professional relationships for personal gain;
- 6) Use this Code to further the interests of the profession and not for selfish reasons;
- 7) Respect professional confidences;
- 8) Enhance the dignity and image of the health care management profession through positive public information programs; and
- 9) Refrain from participating in any activity that demeans the credibility and dignity of the health care management profession.

## **III. The Health Professional's Responsibility to Kahnawá:keró:non**

Health Professionals working in Kahnawá:ke shall, within the scope of their authority:

1. Work to ensure the existence of a process to evaluate the quality of care or service rendered;

2. Work to ensure the existence of a process that will advise patients or others served of the rights, opportunities, responsibilities and risks regarding available health care services;
3. Work to provide a process that ensures the autonomy of patients or others served; and
4. Work to ensure the existence of procedures that will safeguard the confidentiality and privacy of patients or others served.

#### **IV. Conflicts of Interest**

A conflict of interest exists when the Health Professional:

- 1) Acts so as to create a benefit for themselves or a friend, relative or associate, directly or indirectly, by using his or her authority or inside information;
- 2) Uses his or her authority or inside information to make a decision that is intended to have a negative effect on a person, group, or the entire community of Kahnawá:ke;
- 3) Does not disclose to the appropriate authority any direct or indirect financial interests that pose potential or actual conflicts of interest;
- 4) Accepts gifts or benefits offered by a person or a group with the express or implied expectation of obtaining the Health Professional's cooperation in influencing a management decision; and
- 5) Does not inform the appropriate authority of any personal or financial conflicts of interest in relation to the Health Professional's appointment to a board committee.

## KAHNAWÁ:KE HEALTH PROFESSIONAL RELEASE AUTHORIZATION FORM

All information submitted by me with this application is true to my best knowledge and belief. I fully understand that any significant misstatements or omissions with this application constitute cause for denial or removal of a license to practice in Kahnawake.

By applying for a license to practice in Kahnawá:ke, I hereby authorize Onkwata'karitáhtshera or its designate \_\_\_\_\_, Permit Inspector to consult with other health care organizations, institutions, or people including past or present malpractice carriers who may have information bearing on my professional competence, character and ethics.

I hereby release from liability all representatives of Onkwata'karitáhtshera or its designate and the Permit Inspector for their acts performed in good faith and without malice in connection with the evaluation of my application and my individuals and organizations who provide information to Onkwata'karitáhtshera or its designate in good faith and without malice concerning my professional competence, ethics, character and other qualifications for a license.

I hereby consent to the release of such information.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **Kahnawá:ke Community Control Standards to Regulate Health Professionals**

The purpose of this document is to outline the development of community control standards in Kahnawá:ke.

### **The Existing Process:**

To ensure a greater co-ordination of our health services, Kahnawá:ke has restructured its existing health organizations into one health authority, Onkwata'karitáhtshera.

To continue improving our health services, we will begin to regulate Health Professionals that work within our Territory.

This process will allow Kahnawá:ke to exert its jurisdiction by providing greater community control with accountability to the community membership.

### **Preamble:**

Onkwata'karitáhtshera believes it is important to have an understanding of the values and principles that guide health and social services in Kahnawá:ke. According to our traditions, these principles serve as our guide for all relationships:

Peace  
Respect  
A Good Mind

Our traditions require us to operate on the ethic of responsibility. It is important for us to deal with others in an honest and forthright manner always keeping in mind our responsibility to our community.

Historically, Mohawks have based their approach to health on two guiding principles: that health is holistic and is based on a partnership of personal and collective responsibility.

Holistic Health is relative to the world around us (creation) and includes all aspects of being human:

The mental, emotional, physical and spiritual states.

If these states lose their balance to each other a person becomes unwell. If the world around us does something to harm one of these states, it also creates imbalance and leads to illness. All things are connected.

**Responsibility:**

As individuals, we are all given the gift of life and are charged with individual responsibility for caring for these gifts. As families and communities, we are also charged with the responsibility to support those who care for their gifts and intervene when they are not.

**Holistic Health and Responsibility in Kahnawá:ke:**

The Mohawks of Kahnawá:ke have never waited for others to do for them. They are initiators and operate on the above principles. Kahnawá:ke has established and proven its ability to manage and control its own health and social services.



**Permit Inspector**  
P.O. Box 720  
Kahnawá:ke, QC J0L 1B0  
Phone: (450) 632-7500  
Fax: (450) 638-5958

Onkwata'karitáhtshera  
*Health & Social Services Agency*  
P.O. Box 1440  
Kahnawá:ke, QC J0L 1B0  
Phone: (450) 632-6880  
Fax: (450) 632-5116



**KAHNAWÁ:KE HEALTH PROFESSIONAL  
PERMIT APPLICATION FORM**

- Initial -

Name:			
Address:			
City:		Province:	
Postal Code:		Phone:	(      )
Fax:	(      )	E-mail:	

<b>A.</b>	<b>ORGANIZATION</b>
	Kateri Memorial Hospital Centre
	Kahnawá:ke Fire Brigade & Ambulance Services
	Kahnawá:ke Shakotiiá'takehnhas Community Services
	Other:

<b>B.</b>	<b>COMMUNITY LOCATION IN KAHNAWÁ:KE WHERE PROFESSIONALS SERVICES WILL BE RENDERED.</b>
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Address:	
Provide the Following Documents:	I. Curriculum Vitae II. Two (2) Work Related Letters of Reference (for newcomers) III. Copy of Professional Permits IV. Copy of Proof of Malpractice Liability Insurance V. Kahnawá:ke Health Professional Release Authorization Form VI. Privacy Waiver
Fee:	

I have read and understood the Kahnawá:ke Health Care Professions Law and the Code of Ethics for health care professionals and I agree to abide by them. I have signed the application agreement."

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_



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 Fax: (450) 632-5116



**KAHNAWÁ:KE HEALTH PROFESSIONAL  
 PERMIT APPLICATION FORM**  
 - Renewal -

Name:			
Address:			
City:		Province:	
Postal Code:		Phone:	(      )
Fax:	(      )	E-mail:	

<b>A.</b>	<b>LOCATION</b>
	Kateri Memorial Hospital Centre
	Kahnawá:ke Fire Brigade & Ambulance Services
	Kahnawá:ke Shakotiiá'takehnhas Community Services
	Other:

<b>B.</b>	<b>COMMUNITY LOCATION IN KAHNAWÁ:KE WHERE PROFESSIONAL SERVICES WILL BE RENDERED.</b>
-----------	---

Address:	
Provide the Following Documents:	I. Copy of Professional Permit II. Copy of Proof of Malpractice Liability Insurance III. Kahnawá:ke Health Professional Authorization Form IV. Kahnawá:ke Health Professional Application Form V. Privacy Waiver
Fee:	

**I have read and understood the Kahnawá:ke Health Care Professions Law including the Code of Ethics for health care professionals and I agree to abide by them. I have signed the application agreement."**

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_



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**PRIVACY WAIVER**

I, \_\_\_\_\_, d.o.b. (dd-mm-yy) \_\_\_\_\_ am applying to the Permit Inspector for a permit under the Kahnawá:ke Health Care Professions Law for the position of \_\_\_\_\_. I understand that this is a position of responsibility to the Community of Kahnawá:ke and that the Mohawk Council of Kahnawá:ke has a duty to inquire into and take into consideration an applicant's previous criminal convictions.

I hereby assert that:

I have never been convicted of a criminal offence. \_\_\_\_\_ (Applicant's initials)

OR

**I have been convicted of the following criminal offences (please state the types of offences, the date of conviction, sentence imposed and, if applicable the date on which pardon was issued):**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(Applicant's initials)

PLEASE NOTE that "criminal offence" includes both summary conviction and indictable offences under the Criminal Code or any other applicable law. Your response should include a reference to any offence for which you have obtained a formal pardon. The fact that you have been convicted of any offence will be considered in the processing of your application but does not necessarily make you ineligible for the position.

I hereby consent to having the Permit Inspector obtain such information as, in its sole discretion, may be necessary to verify whether I have ever been convicted of a criminal offence. For this purpose, I hereby agree to waive all rights of privacy and confidentiality that I might otherwise claim under Kahnawá:ke, Federal or Provincial law.

I understand that all information obtained will be kept in a confidential file of the Permit Inspector or in the organization's personnel/professionals files. I understand further that this information will be used only for the purpose of determining if I am a suitable candidate for this or any other job, for which I have or may apply to the Community of Kahnawá:ke.

I have read, understood and agree with the contents of this document and I attest that the assertions I make in this document are complete and accurate.

Signed within the Mohawk Territory of Kahnawá:ke this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ .

\_\_\_\_\_  
 Signature of Applicant

\_\_\_\_\_  
 Witness