

Title

KAHNAWÁ:KE BUSINESSES, TRADES & PROFESSIONS LAW

K.R.L. c. B-3

[Enacted by MCR # 55/1999-00 on 22 Kentenhkó:wa/November 1999]
[Amended by MCR #32/2001-02 on 09 Kenterha/October, 2001]

SECTION I

"Jurisdiction"

1. JURISDICTION

- 1.1 The Mohawk People of Kahnawá:ke, as part of the Mohawk Nation and the *Haudenosaunee* or Iroquois Confederacy are, and have always been, sovereign peoples.
- 1.2 The Mohawk People of Kahnawá:ke have consistently and historically exercised ultimate and exclusive jurisdiction over the Mohawk Territory of Kahnawá:ke.
- 1.3 The Mohawk People of Kahnawá:ke have existing and inherent rights, including the right of self-determination which includes the right and responsibility to monitor and regulate economic development within their Territory.
- 1.4 The Mohawk People of Kahnawá:ke, represented by the Mohawk Council of Kahnawá:ke, have the ultimate and exclusive power, right and jurisdiction to license, control and regulate businesses, trades and professions within their Territory.

"Purpose"

2. PURPOSE

- 2.1 This Law is an expression of the wishes of the Mohawk People of Kahnawá:ke that persons who are not members of the community of Kahnawá:ke who are carrying on, or who want to carry on, businesses, trades or professions within the Territory be regulated in a fair and responsible manner to preserve and promote peace, order and economic well-being within the Territory.

"Definitions"

3. DEFINITIONS

- 3.1 For the purposes of this Law and the Regulations:

"Business"	"Business" means any activity involving the supply or sale of commodities or services for gain that is carried out in whole or in part within the Territory and, without limiting the generality of the foregoing, includes: utility and transportation companies and agencies, including telephone, telegraph, electrical, railway and inland waterway companies; retail or wholesale stores; golf clubs; automobile service stations; funeral parlors; restaurants; snack bars and alcohol or tobacco outlets but does not include activities operated on a not for profit basis;
"License"	"License" means a license issued under this Law in the form set out in Schedule "A";
"Licensee"	"Licensee" means a person that receives a License under this Law;
"Member of the Community of Kahnawá:ke"	"Member of the Community of Kahnawá:ke" means 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;
"Person"	"Person" means an individual, a corporation or a partnership;
"Profession"	"Profession" means a member of a professional order listed in Schedule "B" to this Law;
"Territory"	<p>"Territory" means the Mohawk Territory of Kahnawá:ke, which includes:</p> <ul style="list-style-type: none"> (a) the Kahnawá:ke Indian Reserve No.14, including Tiowero:ton; b) any and all lands that may be added or returned to the lands set out in (a) through the negotiation and resolution of land grievances; c) any and all lands that may be added or returned to the lands set out in (a) as a result of any other means; d) any and all lands which Canada and the Mohawk People of Kahnawá:ke agree are lands reserved for the Mohawk People of Kahnawá:ke within the meaning of 91(24) of the <i>Constitution Act</i>, 1867; and, e) within the above definition, both common and privately held lands.
"Trade"	"Trade" means an occupation or activity requiring manual or mechanical skill or expertise and, without limiting the generality of the foregoing includes interior or exterior construction, ironwork, painting, bricklaying and operators of machinery;

"Prohibition"

4. **PROHIBITION**

4.1 No person who is not a member of the community of Kahnawá:ke shall carry on any business, trade or profession on common or privately held lands within the Territory except in accordance with this Law and the Regulations.

"Requirements for License"

5. **REQUIREMENTS FOR LICENSE**

5.1 Every person that is not a member of the community of Kahnawá:ke, or in the case of a corporation or partnership that is not owned by a member of the Community of Kahnawá:ke, carrying on any business, trade or profession within the Territory - whether or not the professional operates from premises located within the Territory of Kahnawá:ke - must hold a valid License issued under this Law.

5.2 For greater certainty, section 5.1 applies equally to all businesses, trades or professions operating within the Territory of Kahnawá:ke at the time this Law is enacted.

5.3 For the purposes of this Law and the Regulations, a corporation or partnership will be deemed to be owned by a member of the Community of Kahnawá:ke if it is a joint venture or partnership controlled by a member of the Community of Kahnawá:ke.

5.4 Notwithstanding paragraph 5.1, this Law and the Regulations apply equally to all Health Professionals, whether or not they are members of the Community of Kahnawá:ke.

5.5 (a) Any person who fails to provide the information requested by the Mohawk Council of Kahnawá:ke pursuant to subsection 5.3 commits an offence under this Law and is liable on summary conviction to a fine not to exceed Two Thousand (\$2,000.00) Dollars.

(b) If, as a result of the failure to provide information referred to in section 5.3, the Mohawk Council of Kahnawá:ke is unable to determine ownership, the business, trade or profession in question will be deemed not to be owned by a member or members of the community of Kahnawá:ke and will be treated as such for all purposes of this Law and the Regulations.

5.6 Any person who is required to obtain a License under the provisions of this Law, must obtain a separate License for each business, trade or profession that person operates within the Territory.

5.7 Every License granted under this Law is valid and permits the Licensee to carry on the business, trade or profession in a lawful manner, according to the provisions of this Law, the Regulations and the terms and conditions of the License.

- 5.8 The Licensee must at all times keep the License prominently displayed in an area of the premises to which the public has access or in an area designated by the License Inspector.
- 5.9 The Licensee must notify the Mohawk Council of Kahnawá:ke of any change in:
- (a) the mailing address of the business, trade or profession;
 - (b) the type of business, trade or profession carried on by the business, trade or profession;
 - (c) the area of the premises,
 - (d) any substantial physical alteration to the premises where the business, trade or profession is being operated; or
 - (e) ownership of the business, trade or profession.
- 5.10 In the event the business, trade or profession ceases its operations, the Licensee will surrender the License to the Mohawk Council of Kahnawá:ke.

"License Application"

6. **LICENSE APPLICATION**

- 6.1 To obtain a License, a person must apply in writing to the Mohawk Council of Kahnawá:ke and must disclose all information required.
- 6.2 Every person applying for a License to carry on a business, trade or 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 business, trade or profession and this must accompany the forms prescribed by Regulation.
- 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 and the percentage of each of their shares.
- 6.4 The Mohawk Council of Kahnawá:ke will permit a transfer of the License from one premises to another provided:
- (a) the new Licensee has completed an application as prescribed by Regulation;
 - (b) the new Licensee has paid the fee prescribed by the License Inspector, and

- (c) the proposed business, trade or profession premises comply with the terms of this Law and the Regulations.

6.5 In the event of a sale of the business, trade or profession for which a License has been issued, the Mohawk Council of Kahnawá:ke will permit an assignment of the License to the purchaser of the business, trade or profession provided:

- (a) the proposed assignee has completed an application as prescribed by Regulation;
- (b) the proposed assignee has paid the fee as prescribed by the License Inspector;
- (c) the proposed assignee meets the provisions of this Law and the Regulations to carry on the business, trade or profession for which the License was issued.

"Licenses"

7. **LICENSES**

7.1 A License may be granted for not more than a two (2) year period. Licenses must be renewed by completing the application required by Regulation on or before the two (2) year anniversary date of the issuance of the License or the License will expire and be considered suspended. Licenses may be renewed, and reinstated from suspension for non-timely renewal in accordance with section 8.3 of this Law.

7.2 A License will specify the type and location of the business, trade or profession the Licensee is permitted to conduct, and the time period for which the License is valid.

7.3 A License may contain such other terms and conditions as the Mohawk Council of Kahnawá:ke deems to be appropriate.

"Fees"

8. **FEES**

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

8.2 The fees payable for the issuance of a License, the transfer of a License, the assignment of a License, or the renewal of a License are prescribed by the License Inspector.

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

8.4 The fees paid for Licenses under this Law shall be deposited in the general account of the Mohawk Council of Kahnawá:ke or the fees for licenses under this law shall be used to defray the expenses of administering this Law. Any surplus shall be used to benefit charitable organizations within the Mohawk Territory of Kahnawá:ke.

"No Refund"

9. **NO REFUND**

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

"Issuance of License"

10. **ISSUANCE OF LICENSE**

10.1 The Mohawk Council of Kahnawá:ke will, upon receiving an application for a business, trade or profession License, issue a License to the applicant at the address shown in the License application provided:

- (a) the application complies with this Law and the Regulations;
- (b) for health professionals, 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";
- (bb) for health professionals, the applicant has received a positive recommendation from the Onkwata'karitáhtshera Standing Committee for the Regulation of Health Professionals; or the hiring procedures of the organization the applicant works for have been approved by the Onkwata'karitáhtshera Standing Committee for the Regulations of Health Professionals;
- (c) the Mohawk Council of Kahnawá:ke is satisfied that the applicant's business, trade or profession complies with all provisions in any of the other Laws, By-laws or Regulations in force in the Territory;

(d) the applicant has disclosed all required information in the application form and the Mohawk Council of Kahnawá:ke is satisfied that the information is accurate and complete;

(e) the applicant has not, within the preceding three (3) years, been convicted of an indictable criminal offense for which the applicant has not been pardoned;

the applicant's business, trade or profession would not be detrimental to the health, welfare, safety and environment of residents of the Territory;

the Mohawk Council of Kahnawá:ke's investigations do not disclose any reason to believe that the carrying on of the said business, trade or profession may result in a breach of the law or in any way adverse to the public interest;

(f) the required License fee has been paid.

10.2 Every License granted pursuant to this Law will be in triplicate: one copy will be issued to the Licensee and the other copies will be retained by the Mohawk Council of Kahnawá:ke and the License Inspector. The License so issued will be deemed a personal License to the Licensee.

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

10.4 Within thirty (30) days of service of the notice under section 10.3 of this Law, the applicant or Licensee 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.

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 License application.

11. LICENSE INSPECTOR

11.1 The Mohawk Council of Kahnawá:ke:

"License Inspector"

- (a) will appoint a License 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 License Inspector and other appointed officers;
- (c) will appoint the License Inspector for an initial term as required, after which reappointment shall be discussed by both parties; and, may dismiss the License 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.

12. **DUTIES OF LICENSE INSPECTOR**

12.1 The License Inspector will:

- (a) determine, with the approval of the Mohawk Council of Kahnawá:ke, an appropriate fee scale for all health professionals;
- (aa) maintain a record of all applications and fees paid for Licenses and retain on file a copy of all Licenses issued, together with their particulars;
- (b) ascertain, as far as reasonably practical, that all information furnished by the applicant in connection with an application for a License is accurate;
- (c) 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;
- (d) in response to receipt of a written complaint, or at least once a year, with the consent of the Licensee (such consent not to be unreasonably withheld) make inquiries and inspect premises to determine whether every holder of a License issued under this Law complies with the License issued and the Laws, By-laws and Regulations of the Mohawk Territory of Kahnawá:ke and no Licensee shall obstruct or hinder the making or completing of the inspection;
- (dd) with respect to complaints concerning health professionals, the license inspector may consult, as required by regulation, with the Onkwata'karitáhtshera Standing Committee for the regulations of Health Professionals.

"Duties of License Inspector"

- (e) report monthly, in writing, to the Mohawk Council of Kahnawá:ke concerning his or her activities for the previous month, and
- (f) perform such other duties as may be requested by the Mohawk Council of Kahnawá:ke and that are in furtherance of the objectives of this Law.

*"Revocation or
Suspension of License"*

13. **REVOCATION OR SUSPENSION OF LICENSE**

13.1 The Mohawk Council of Kahnawá:ke may, by Resolution, and after giving the notice as prescribed by Regulation:

- (a) suspend for a period not exceeding ninety (90) days; or
- (b) revoke any License issued under this Law where it has come to the attention of the Mohawk Council of Kahnawá:ke that the Licensee:
 - i. has failed to comply with this Law;
 - ii. is carrying on a business, trade or 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 three (3) years of License issuance and since License issuance has been convicted of an indictable criminal offense for which the Licensee has not been pardoned;
 - iv. has conducted the business, trade or 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 business, trade or profession or with respect to the premises named in the License; or
 - vi. is carrying on a business, trade or profession, the purpose of which is to engage in or permit, allow, facilitate, encourage or assist others to engage in any criminal activity.

13.2 The License Inspector will post the notice of suspension or revocation of a License by the Mohawk Council of Kahnawá:ke upon the premises for which the License was issued and the notice must not be removed until:

- (a) the License is reinstated;

- (b) the Licensee ceases to occupy the premises; or,
- (c) a new business, trade or profession, other than the one carried on by the former Licensee is Licensed on the premises.

"Appeal"

14. **APPEAL**

14.1 Within thirty (30) days of service of the notice under section 13 of this Law, the applicant or licensee may apply by letter for a review hearing by the Executive Committee of the Mohawk Council of Kahnawá:ke.

14.2 The Executive Committee of the Mohawk Council of Kahnawá:ke shall open the file on receipt of:

- a) a copy of the original license application as completed by the applicant and copies of any supporting documentation accompanying the license application.
- b) a copy of the License Inspector's decision.

14.3 Upon receipt of the material described in section 14.2, the Executive Committee of the Mohawk Council of Kahnawá:ke will determine the time and the date of the review hearing, which will take place within fifteen (15) working days following the receipt of the material.

14.4 The decision of the Executive Committee of the Mohawk Council of Kahnawá:ke will be rendered within five (5) days of the hearing.

14.5 The decision of the Executive Committee of the Mohawk Council of Kahnawá:ke will be final.

"Regulations"

15. **REGULATIONS**

15.1 The Mohawk Council of Kahnawá:ke will prepare and enact by Resolution all Regulations required by the Law.

SECTION III

"Penalties"

16. PENALTIES

- 16.1 Every person who contravenes this Law or the Regulations is guilty of an offense and on summary conviction is liable to a fine not to exceed Two Thousand (\$2,000.00) Dollars.
- 16.2 The Mohawk Council of Kahnawá:ke may take such steps as are necessary to prevent any person from carrying on a business, trade or profession in contravention of this Law or the Regulations.
- 16.3 The Kahnawá:ke Peacekeepers have authority to charge persons violating provisions of this Law or the Regulations.

"Court"

17. COURT

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

SECTION IV

"History"

18. HISTORY

- 18.1 Origin MCR #55/1999-00 enacted on 22 Kentenhkó:wa/November 1999. Date of Revision 01 Tsothohrkó:wa/January, 2008.

Schedule "A"

LICENSE

Issued to: _____

Type of Business, Trade or Profession: _____

Location at which the Business, Trade or Profession will be carried on:

Other Terms and Conditions:

License valid from _____ until _____

This License is issued pursuant to the *Kahnawá:ke Businesses, Trades and Professions 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 LICENSE MUST BE PROMINENTLY DISPLAYED IN AN AREA OF THE PREMISES TO WHICH THE PUBLIC HAS ACCESS OR IN AN AREA DESIGNATED BY THE LICENSE INSPECTOR.

Schedule "B"

LIST OF PROFESSIONAL ORDERS

1. The Professional Order of Lawyers
2. The Professional Order of Notaries
3. The Professional Order of Physicians
4. The Professional Order of Dentists
5. The Professional Order of Pharmacists
6. The Professional Order of Optometrists
7. The Professional Order of Veterinarians
8. The Professional Order of Agronomists
9. The Professional Order of Architects
10. The Professional Order of Engineers
11. The Professional Order of Land Surveyors
12. The Professional Order of Forestry Engineers
13. The Professional Order of Chemists
14. The Professional Order of Chartered Accountants
15. The Professional Order of Radiology Technologists
16. The Professional Order of Denturologists
17. The Professional Order of Dispensing Opticians
18. The Professional Order of Chiropractors
19. The Professional Order of Hearing Aid Specialists
20. The Professional Order of Podiatrists
21. The Professional Order of Nurses
22. The Professional Order of Acupuncturists
23. The Professional Order of Certified Management Accountants
24. The Professional Order of Certified General Accountants
25. The Professional Order of Dietitians
26. The Professional Order of Social Workers
27. The Professional Order of Psychologists
28. The Professional Order of Industrial Relations Consultants
29. The Professional Order of Guidance Counselors
30. The Professional Order of City Planners
31. The Professional Order of Certified Administrators
32. The Professional Order of Chartered Appraisers
33. The Professional Order of Dental Hygienists
34. The Professional Order of Dental Technicians
35. The Professional Order of Speech Language Pathologists and Audiologists
36. The Professional Order of Physiotherapists
37. The Professional Order of Occupational Therapists
38. The Professional Order of Nursing Assistants

List of Professional Orders Con't

39. The Professional Order of Medical Technologists
40. The Professional Order of Professional Technologists
41. The Professional Order of Respiratory Therapists
42. The Professional Order of Certified Translators and Interpreters
43. The Professional Order of Orthodontists
44. The Professional Order of Ophthalmologists
45. The Professional Order of Pathologists
46. Firemen and Ambulance Technicians Employed by the Kahnawá:ke Fire Brigade

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:kerónon. 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:

- A) Work to identify and meet the health care needs of the community of Kahnawá:ke;
- B) Work to ensure that all people have reasonable access to health care services;
- C) Participate in public dialogue on health care issues and advocate solutions that will improve health status and promote quality health care in Kahnawá:ke;
- D) Consider the short-term and long-term impact of health care decisions on both the community and on society; and
- E) Provide community members with adequate and accurate information, enabling them to make enlightened judgments and decisions regarding services.

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

Health Professionals working in Kahnawá:ke shall:

- A) Uphold the values, ethics and mission of the health care management profession, and adhere to the medical ethics of each respective professional order;
- B) Conduct all personal and professional activities with honesty, integrity, respect, fairness and good faith in a manner that will reflect well upon the profession;
- C) Comply with all communal laws pertaining to health care in Kahnawá:ke's jurisdiction;
- D) Maintain competence and proficiency in health care by implementing a personal program of assessment and continuing professional education;
- E) Avoid the exploitation of professional relationships for personal gain;
- F) Use this Code to further the interests of the profession and not for selfish reasons;
- G) Respect professional confidences;
- H) Enhance the dignity and image of the health care management profession through positive public information programs; and
- I) 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 and self-determination 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:

- A) 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;

- B) 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;
- C) Does not disclose to the appropriate authority any direct or indirect financial interests that pose potential or actual conflicts of interest;
- D) 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
- E) 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 PERMIT TO PRACTICE IN KAHNAWÁ:KE.

By applying for a license to practice in Kahnawá:ke, I hereby signify my willingness to appear for an interview in regard to my application. I hereby authorize Onkwata'karitáhtshera or its designate and other health care organizations or institutions, their staffs and representatives to consult with administrators and members of staffs of other hospitals or institutions with which I have been associated and with other organizations or people, including past or present malpractice insurance carriers who may have information bearing on my professional competence, character and ethics. I hereby further consent to the inspection of my professional competence, character and qualifications. I hereby further consent to the inspection by Onkwata'karitáhtshera or its designate of all records and documents that may be material to an evaluation of my professional qualifications and competence to carry out professional activities as well as my moral and ethical qualifications for a license. I hereby release from liability all representatives of Onkwata'karitáhtshera or its designate for their acts performed in good faith and without malice in connection with evaluating my application and my credentials and qualifications, and hereby release from any liability any and all 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, under the Kahnawá:ke Business, Trades and Professions Law, 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.



Mohawk Council Of Kahnawá:ke
Office of the Council of Chiefs
 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
 LICENSE APPLICATION FORM**

- Initial -

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

A.	ORGANIZATION
	Kateri Memorial Hospital Centre
	Kahnawá:ke Fire Brigade & Ambulance Services
	Kahnawá:ke Shakotiaa'takehnhas Community Services
	Other:

B.	COMMUNITY LOCATION IN KAHNAWÁ:KE WHERE PROFESSIONALS SERVICES WILL BE RENDERED.
-----------	--

Address:	
Provide the Following Documents:	I. Curriculum Vitae II. Two (2) Work Related Letters of Reference (for newcomers) III. Copy of Professional Licenses 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 Kahnawá:ke's Business, Trades & Professions Law including the Code of Ethics and I agree to abide by them. I have signed the application agreement."

Signature: _____ **Date:** _____



Mohawk Council Of Kahnawá:ke
 Office of the Council of Chiefs
 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
 LICENSE APPLICATION FORM
 - Renewal -**

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

A.	LOCATION
	Kateri Memorial Hospital Centre
	Kahnawá:ke Fire Brigade & Ambulance Services
	Kahnawá:ke Shakotiiia'takehnhas Community Services
	Other:

B.	COMMUNITY LOCATION IN KAHNAWÁ:KE WHERE PROFESSIONAL SERVICES WILL BE RENDERED.
-----------	---

Address:	
Provide the Following Documents:	VII. Copy of Professional License VIII. Copy of Proof of Malpractice Liability Insurance IX. Kahnawá:ke Health Professional Authorization Form X. Kahnawá:ke Health Professional Application Form XI. Privacy Waiver
Fee:	

I have read and understood Kahnawá:ke's Business, Trades & Professions Law including the Code of Ethics and I agree to abide by them. I have signed the application agreement."

Signature: _____ **Date:** _____



Mohawk Council Of Kahnawá:ke
Office of the Council of Chiefs
 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



PRIVACY WAIVER

I, _____, d.o.b. (dd-mm-yy) _____ am applying to the Mohawk Council of Kahnawá:ke for a permit under the Kahnawá:ke Businesses, Trades and 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 Mohawk Council of Kahnawá:ke 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 Regulatory 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