

COLLEGE OF CHIROPODISTS OF ONTARIO

Minutes

Meeting of the Council of the College of Chiropractors of Ontario

180 Dundas Street West

19th Floor Boardroom

Toronto, Ontario

Friday, October 23, 2015

9:00 a.m. - 5:00 p.m.

Present

Professional Members

Ed Chung

Julie DeSimone

Peter Guy

Stephen Haber

Martin Hayles

John Infanti

Ann-Marie McLaren

Tony Merendino

Millicent Vorkapich-Hill

Public Members

Donna Coyne

Khalid Daud

Wilhelmina Gonzales

Sohail Mall

Regrets:

Grace King (present by teleconference only during elections for Executive)

Jamie Maczko (present by teleconference only during elections for Executive)

Agnes Potts

Staff: Felecia Smith, Registrar and CAO

Legal Counsel: Alan Bromstein

Observers:

John Hardy

Sonia Maragoni, President, OSC

Bruce Ramsden, President, OPMA

Ross Wallace, Representative of Santis Health

Rosemarie Childerhose - Manager, Market Access & Government Affairs—National Advocacy,

Valeant Canada

****THE AGENDA ITEMS MAY NOT NECESSARILY BE DEALT WITH IN THE ORDER THEY APPEAR****

The Registrar opened the meeting. She reported on the Election this past spring. The election was held in Districts 5 and 6. Pete Guy was re-acclaimed in District 5. There was an election in District 6 and Julie DeSimone was successful and is on Council for a second term. There was a bi-election in District 4 and Martin Hayles was acclaimed to the position. There was also a by-election in District 3 and John Infanti was acclaimed to the position. The Registrar welcomed both new and returning members to Council.

Part 1

1. Approval of the Agenda

MOTION

Moved by: Sohail Mall

Seconded by: Khalid Daud

To adopt the agenda

CARRIED UNANIMOUSLY

Declaration of Conflict of Interest, Taping Policy, Welcoming Policy, Welcoming of Observers

There were no declarations of conflict of interest with respect to the approved agenda. The policy against taping of the meeting was announced by the President. All observers were welcomed by the President.

5.1 Appointment

(i) Podiatrist Member - District 5 & 6

There was an election in districts 5 and 6, combined District 3 for a podiatrist member of Council. No member came forward. The College sent out a second call for nominations and no member came forward. The College then sent a letter to all podiatrist members in Ontario and Ed Chung put his name forward. The Executive Committee has recommended Mr. Chung be appointed to Council.

Motion

Moved by: Stephen Haber

Seconded by: Wilhelmina Gonzales

THAT Council appoint Ed Chung as a podiatrist member to Council

CARRIED UNANIMOUSLY

(ii) Selected Member of Council

Cesar Mendez' term is over on Council and Tony Merendino's name has been put forward. Executive has recommended Mr. Merendino to Council.

MOTION

Moved by: Stephen Haber

Seconded by: Donna Coyne

THAT Council appoint Tony Merendino as a selected member to Council

CARRIED UNANIMOUSLY

MOTION

Moved by: Sohail Mall

Seconded by: Stephen Haber

THAT Council allow members Jamie Maczko and Grace King to join the meeting via teleconference

CARRIED UNANIMOUSLY

Both members will not be able to vote. The vote is by secret ballot and both Council members cannot vote by secret ballot if they are not physically present at the meeting.

MOTION

Moved by: Martin Hayles

Seconded by: Ann-Marie McLaren

THAT Council appoint Felecia Smith and Alan Bromstein as election scrutineers

CARRIED UNANIMOUSLY

5.2 Election of President and Vice-President

Mr. Sohail Mall was elected as President and Mr. Stephen Haber was acclaimed to the position of Vice-President.

5.3 Election of Remaining Positions on Executive Committee

Mr. Jamie Maczko and Mr. Pete Guy were appointed as professional members of the Executive Committee. Mr. Khalid Daud was elected as returning public member to Executive.

MOTION

MOVED BY: Sohail Mall

SECONDED BY: Millicent Vorkapich-Hill

THAT Council destroy the election ballots

CARRIED UNANIMOUSLY

5.4 Formation of Statutory Committees

Mr. Bromstein explained to Council that there is a process in the by-laws for appointing non-Council members to Council.

Mr. Infanti indicated that although he had not been put on any committee, he believed that he is entitled to serve on one or two committees if he wishes to do so. He indicated that he was not in a position to discuss it today because he had recently retained legal counsel and that he plans to make a submission to the College in the future to determine if he can actually participate on committees.

MOTION

MOVED BY: Khalid Daud

SECONDED BY: Ann-Marie McLaren

THAT Council ratify the slate of candidate appointments as presented

CARRIED UNANIMOUSLY

2. Declaration of Conflict of Interest, Taping Policy, Welcoming of Observers

There were no declarations of conflict of interest with respect to the approved agenda.

Part 3

5. For Decision

5.6 Inhalation Standard of Practice – College Oversight

Mr. Mendez was present for this agenda item. Most of the changes to the Standard deal with the regulatory portion and how the College will oversee the standard. Mr. Bromstein indicated that the previous Executive Committee had input into the draft. No member of the College should be doing anything more than minimal sedation. The question arose whether we want specific authorization for specific members to be able to be authorized to administer minimal sedation and the use of nitrous oxide and oxygen perhaps in combination with other things to achieve that level of sedation and the answer was yes. Therefore there should be a mechanism whereby an individual must establish that they have done certain things to the satisfaction of the College. The Executive also determined that if we are going to go forward with this, Council ultimately would be responsible for trying to estimate the costs of doing so and those costs would be borne by the individuals who want the authorization. Besides the standard, there will be a by-law for fees and an amendment to the public register by-law. The College will need to approve this plan moving forward as it will entail legal fees and costs. It is unclear how many people are going to use this modality. It will be expensive, especially at the beginning. The members will need to bear the proportionate share of the administrative cost, ongoing monitoring costs, the cost of purchasing the canisters, to name a few. The Executive felt that all matters relating to this should be cost neutral.

Council is agreeable with the direction of the previous Executive Committee and has no concerns about moving forward. The Executive Committee will have to determine how much priority is given to the project. The Registrar and Mr. Bromstein will need to put the standard into a form that can be administered. There will need to be a by-law amendment. This will go back to Executive and will be brought back to Council in February with the estimated costs and the needed changes to the standard.

4.12 Drug Regulation – Update [including agenda item 4.10]

The Registrar advised that on October 8, 2015, the regulation package was sent to the Ministry. The College has not heard back from the Ministry.

Part 1

3. Approval of Minutes

(i) *June 19, 2015 Meeting*

One amendment – Item 4.16, second paragraph, third line there are two ‘a’s between the words “use” and “lawyer”

MOTION

Moved by: Khalid Daud

Seconded by: Donna Coyne

THAT Council approve the minutes of the June 19, 2015 meeting of Council

CARRIED UNANIMOUSLY

(ii) *Special Meeting of Council – October 8, 2015*

Item (3) should say Stephen Haber as opposed to Stephen Hartman

MOTION

Moved by: Julie DeSimone

Seconded by: Stephen Haber

THAT Council approve the amended minutes of the Special meeting of Council

Part 2

1. Update and Discussion

4.2 Code of Conduct for Council Members

Mr. Bromstein indicated that the Code had not been forgotten at the time the by-laws were passed. It was deliberately not included. There are many different Codes of Conduct that could be adopted.

MOTION

Moved by: Peter Guy

Seconded by: Martin Hayles

THAT the public be excluded from the meeting pursuant to clause 7(2)(e) of the Health Professionals Procedural Code of the Regulated Health Professions Act, 1991 in that instructions will be given to or opinions received from solicitors for the College

CARRIED UNANIMOUSLY

Council moved back in public.

MOTION

Moved by: Stephen Haber

Seconded by: Ann-Marie McLaren

The Executive Committee will do its investigation, determine whether there is a model out there that they can recommend and if so bring the recommendation forward.

CARRIED UNANIMOUSLY

4.1 HPRAC Update (Don Gracey)

The report was transmitted to the Minister on August 28 2015. It consists of 3 volumes. The first volume is about 220 pages and deals with HPRAC's findings and recommendations coming out of the foot care model review. The second book is about the same length and deals with the chiropody and podiatry review. The third is appendices, most of which were provided by the College. The Ministry has divided its internal review up amongst multiple individuals. As of 2 weeks prior, no one at the Ministry had read all of the documents and only a few had read their apportioned pieces. The Ministry has a number of priorities before this one - recommendations from the sexual abuse task force and the creation of a separate body of some sort to handle the complaints, investigation, discipline of RHPA members who are alleged to have engaged in sexual abused as defined by the RHPA. There is also the completion of the transparency initiative for the Colleges which is a very high priority for the Minister. There is also the regulation of diagnostic stenographers and the regulation of paramedics. The Ministry will release the report but not until at least January/February 2016. Since the College will not be part of the omnibus package of amendments to the RHPA that the Ministry is bringing forward in 2016, the best case

scenario would be amendments to legislation in 2017. Thereafter it will take 2-3 years before the legislation is passed depending on the extent and nature of HPRAC's recommendations.

Mr Gracey had previously mentioned that the drafting of regulations, by-laws, standards of practice, policies, guidelines etc. could cost approximately \$250,000.00 The College could ask the government for assistance if we are asked to incorporate additional professions into the regulatory landscape of the College. In years gone by, the legislative draftsmen at the government would take the principles the College requested and prepare the regulation. The College would only have to review the drafts rather than creating them from the start.

The government will prorogue in 2016 to allow for a cabinet shuffle and a throne speech. The College has to be wary of having the capacity – including fiscal resources, staff resources and the political will – to finalize this. It was also mentioned that whoever wishes to speak about the College's position in whatever venue, ensure that the information that is provided is accurate.

4.3 Retaining Mentors to Assist the College – Update

Grace King, Peter Stavropoulos, Meghan Hault and the Registrar reviewed the applications that were received. The Committee plans to follow up with these applicants with more specific questions to assess capabilities.

4.4 Transparency Initiative – Update

The government is putting together a transparency working group which will consist of members from different colleges, patients and representatives from the wider health community. Allison Henry is Chair of the committee.

Mr. Hayles asked if the College's draft agenda could be posted before the Council meeting. A discussion ensued about posting all the Council materials prior to the meetings of Council. On a going forward basis, we may need to pass new by-laws to provide for broader transparency initiatives. The posting prior to the meeting becomes much more labour intensive. The Executive will review the possibility of potentially putting the draft agenda on the website and working towards additional materials that is all in keeping with transparency principles.

4.5 Task Force on the Prevention of Sexual Abuse of Patients and the *Regulated Health Professions Act, 1991* - Update

The task force's report has not been made public, as yet.

4.6 Proposed amendments to the Regulation under the *Healing Arts Radiation Protection Act, 1990**

The Registrar advised that the College, as part of the government's stakeholder review, was asked to comment on the government's proposal for a cost recovery fee for service relating to the process that must be followed in order to have x-ray equipment in a professional's office. Currently the cost is \$360.00 per response. The College's letter in response is found at Tab 5 of the materials.

4.7 HARP Act Renewal Process

The College was asked to comment on the renewal process and as noted in the letter found in the materials at Tab 6, we did so.

4.8 Public Health - Survey on Infection Prevention and Control

The College responded to the survey. Mr. Mall asked whether the College is doing enough around infection control. The question arose whether there should be more focus in the QA audits. The Registrar indicated that infection control is certainly the subject matter of the audits. She indicated to the Committee that she felt that they could perhaps do more. A suggestion was made that perhaps members can be mandated to do a minimum of an hour of CE on infection control, even if it falls in Category B.

There was a general discussion about having people declare on their annual renewal form if they do invasive procedures in their office whether or not they have reviewed the infection control standards within the last year. The College continues to remind members in the newsletter and will continue to do so. Professional members on Council can be a beacon for infection control.

4.9 Acupuncture – Developing a Policy Statement

The Registrar reminded Council that there had been discussions around whether the College should develop a standard or statement policy with respect to acupuncture since our members are now able to do this. Five of our members are also registered members with the College of Traditional Chinese Medicine and Acupuncture. The Registrar was asked to follow up with the College of Podiatrists in B.C. – they do not have anything nor does Alberta. We have no idea how many members are actually using acupuncture. The question is whether the five individuals are using it with their hat on as practicing Traditional Chinese Medicine or whether they use it with their hat on as a member of this College. The legislation was changed to say that a procedure below the dermis is a controlled act that does not include acupuncture. The question is how much harm can one do by inserting these needles into a patient as a modality of treatment for the foot. Obviously they must be appropriately sterilized. The placement of the needles does not have to be in the foot or ankle. However, the placement of the needles has to be for the purposes of treating a foot or ankle problem.

Mr. Bromstein suggested that the College could say that a member that is going to use any acupuncture procedure, must be skilled at infection control and familiar with clean needle techniques, aware of any and all contra indications, trained in the appropriate response to accidents and untoward reactions and aware of precautions necessary to prevent injury. A member is required to have patient consent prior to treatment by acupuncture that is fully informed, voluntary etc. Members are reminded that the standard, if drafted, would be read in conjunction with guidelines on acupuncture that have been adopted and to practice acupuncture as an adjunctive therapy. In context of the chiropody or podiatry practice, a member must have completed specific acupuncture training as taught in the core curriculum, post graduate curriculum or continuing education approved by the Council of Chiropodists of Ontario. The College of Chiropodists example could be used as a starting point to draft a standard. The Executive will continue to review this.

4.11 Michener and UHN merger – implications for the Chiropody program

The Registrar advised that she can provide information that has been provided in the public domain. A memorandum of understanding has been signed between the two entities. Over the summer months, both parties were conducting their due diligence and the UHN has not completed theirs.

4.13 List of Education Programs Recognized by the College Posted on the College's Website

The educational designations that were approved by the Executive Committee have been posted on the website.

Part 3

5. For Decision

5.5 Monitoring Members who are Suspended – College Protocol

The College sends letters to insurance companies and to the suspended member. Consideration is being given to having the member sign a document that says that he or she has not benefitted from their practice. An article about this was in the last newsletter. There was a discussion about conducting surprise visits on members who are suspended to ensure that they are not practising. The Registrar indicated that most members who have gone through the discipline process want to be very clear about what they can and cannot do while suspended and inquire of the College. It is virtually impossible for a member to hide the fact that he or she is practising. Members usually do not want to put their licence at risk by helping a suspended member by splitting fees with them 'under the table, for example.

5.7 Hotel Expenses for Council and Committee members

The Registrar indicated this was a balancing act. The College needs to clearly watch expenses while at the same time not offending members who volunteer their time to the College. The College appreciates all the hard work members and our public members of Council undertake for the College. The College obviously does not want to make members angry but we are price conscious and need to find a reasonable compromise.

MOTION

Moved by: Sohail Mall

Seconded by: Pete Guy

THAT the College adopt a policy to reimburse for hotel expenses at a maximum rate of \$200.00 per night for the room, excluding any tax or other charges related to the hotel, effective January 1, 2016, unless prior approval from the Registrar has been obtained.

CARRIED UNANIMOUSLY

5.8 Clinic Regulation Consortium

The Registrar updated Council. The government is on board with the project but it may not be a priority for them currently. A number of new Colleges have joined the consortium including dental technologists, opticians, Traditional Chinese Medicine and Optometrists. The consortium is ready to launch its outreach which includes town hall meetings, a webinar and a website. At the last Council meeting there was a motion brought forward that was unfortunately not approved. The College has already paid \$3,500 towards this initiative. We have been asked us to engage our membership when and if appropriate (e.g. stakeholder outreach) even if we are unable to financially contribute or actively participate in the consortium.

MOTION

Moved by: Sohail Mall

Seconded by: Stephen Haber

THAT Council agrees to contribute pro rata with other interested colleges up to \$10,000 to the Clinic Regulation project

5.9 Radio Frequency Ablation – Report of the Technical Committee

This report is presented for information purposed only as it was apparently approved at a prior time.

5.10 Frequency Rhythmic Electrical Modulation System

Mr. Merendino indicated that this is very similar to the TENS unit and does the exact same thing. The Technical Committee determined that this modality should be recommended for utilization as a therapeutic modality. The Committee's report is found at Tab

MOTION

Moved by:

Seconded by: Martin Hayles

THAT the report that was separately sent and before Council be approved as presented.

CARRIED UNANIMOUSLY

5.11 Formation of New Standing Committee – Registrar's Compensation and Succession Planning and Audit Committee

The scope of this Committee was discussed and expanded in camera and not in a public forum. Members of the committee are currently Donna Coyne, Khalid Daud, Julie DeSimone and Sohail Mall. Mr. Mall has resigned from the Committee, effective today.

MOTION

Moved by: Sohail Mall

Seconded by: Khalid Daud

THAT Council establish a new standing committee entitled Registrar's Compensation and Succession Planning and Audit Committee to perform the following functions; (1) take responsibility for and make recommendations to Council respecting the Registrar's compensation; (2) to report to Council at least annually; (3) to meet with the College's auditor and Registrar to review the audit program and any other item requested by the committee prior to the June Council meeting each year and then to meet with the committee in camera without the Registrar to obtain any information that the committee feels is required; (4) when necessary plan for the succession of the Registrar and to make recommendations to Council in that regard and (5) such other duties as may be assigned to it from Council from time to time.

CARRIED UNANIMOUSLY

A by-law amendment is necessary to make this a Standing committee. Until such time as that occurs, the Committee is an ad hoc committee of Council. Standing committees are anticipated to go on indefinitely. MS. Coyne will accept the Chair.

MOTION

Moved by: Sohail Mall

Seconded by:

**THAT Council approve Donna Coyne as the Chair of the Succession Planning, Audit and Registrar's Compensation Committee
Committee
CARRIED UNANIMOUSLY**

5.12 Receipt of Recommendation from the Previous Council to the New Council

Mr. Bromstein indicated that there is no need to deal with the recommendation at this stage having regard to what transpired today. His recommendation was that Council simply defer the matter for the time being and unless and until it becomes something Council has to deal with.

Part 4

6. Other Statutory Committee Reports

(Available from committees that have met since the last meeting of Council)

6.1 ICRC – Peter Stavropoulos

Information is provided statistically because the complaints are confidential in nature. The College needs to be very careful because some Council members would be sitting on a discipline panel if a matter is referred.

6.2 Discipline – Wilhelmina Gonzales

Ms. Gonzales indicated that there was one change to the report. The Acosta hearing has been reduced to one day on December 1, 2015.

6.3 Quality Assurance - Anna Georgiou [report as presented]

6.4 Registration – [no report]

Part 5

7. Working Group Reports

7.1 Practice Working Group [no report]

7.2 Registration Examination – [Stephanie Shlemkevich & Meghan Hout]

7.3 HPRAC Referral Committee – (see agenda item 4.1 above) Peter Stavropoulos & Jamie Maczko [oral report]

7.4 Education Committee – [no report]

7.5 Standing Drug Committee (see agenda item 4.10 above) – Cesar Mendez [oral report]

8. In Camera Session

9. Next Meeting

9.1 Items for Agenda – Next Council Meeting

Mr. Daud reminded Council about record retention in terms of what is the expectation when Council receives materials, proper disposal and retention time period.

9.2 Next Meeting Date – February 26, 2016

MOTION

Moved by: Sohail Mall

Seconded by: Donna Coyne

THAT Council approve February 23, June 23, October 26, 2018 as meeting dates for Council.

10. Adjournment

MOTION

Moved by: Sohail Mall

Seconded by: Khalid Daud

That the meeting be adjourned

CARRIED UNANIMOUSLY

* See attachments