

COLLEGE OF CHIROPODISTS OF ONTARIO

Draft Minutes

Meeting of the Council of the College of Chiropractors of Ontario

180 Dundas Street West

19th Floor Boardroom

Toronto, Ontario

Friday, October 21, 2016

9:00 a.m. - 2:40 p.m.

Present

Professional Members

Ed Chung

Julie DeSimone

Adrian Dobrowsky

Peter Guy

Stephen Haber

Martin Hayles

John Infanti

Sasha Kozera

Jamie Mandlsohn

Tony Merendino

Millicent Vorkapich-Hill

Public Members

Donna Coyne

Jim Daley

Khalid Daud

Sohail Mall

Agnes Potts

Regrets:

Grace King

Staff: Felecia Smith, Registrar and CAO

Legal Counsel: Alan Bromstein

Observers:

John Hardy

Sonia Maragoni, President, OSC

Kel Sherkin, OPMA

Bruce Ramsden, OPMA

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

The Registrar opened the meeting. She introduced the three new Council members, Adrian Dobrowsky (selected member), Sasha Kozera (District 2) and Jamie Mandlsohn (District 1). They each introduced themselves to Council and provided a short history of their practice. The Registrar welcomed both new and returning members to Council.

Part 1

1. Approval of the Agenda

MOTION

Moved by: Tony Merendino

Seconded by: Donna Coyne

To adopt the agenda

CARRIED UNANIMOUSLY

Part 3

5.1 Appointment

(i) Podiatrist Member - District 1 & 2

There was an election in Districts 1 and 2, 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 Stephen Haber put his name forward. The Executive Committee has recommended that Mr. Haber be re-appointed for a second 3-year term to Council.

Motion

THAT Mr. Stephen Haber be re-appointed by Council as a podiatrist member as a result of there being no nominations from Districts 1 and 2

CARRIED UNANIMOUSLY

The Registrar advised Mr. Haber that he had been unanimously voted back on to Council.

5.2 Election of President and Vice-President

Mr. Sohail Mall was acclaimed as President and Mr. Stephen Haber was acclaimed to the position of Vice-President. Both were acclaimed for a second term.

MOTION

Moved by: Sohail Mall

Seconded by: Agnes Potts

THAT Council appoint Felecia Smith and Alan Bromstein as election scrutineers

CARRIED UNANIMOUSLY

5.3 Election of Remaining Positions on Executive Committee

Mr. Pete Guy was elected for a second term as a professional member of the Executive Committee. Mr. Tony Merendino was elected for his first term as a professional member of the Executive Committee. Mr. Jim Daley was elected as a public member to the Executive Committee.

MOTION

MOVED BY: Agnes Potts

SECONDED BY: Julie Desimone

**THAT Council destroy the election ballots for positions on the Executive Committee
CARRIED UNANIMOUSLY**

The Registrar handed the Chair back to Mr. Sohail Mall, President....

Part 1

- 1. Call to Order, Appointment of Secretary**
Ray MacDonald was appointed secretary.
- 2. Declaration of Conflict of Interest, Taping Policy, Welcoming of Observers**
3. 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.

Part 3

5.4 Formation of Statutory Committees

MOTION

MOVED BY: Donna Coyne

SECONDED BY: Agnes Potts

THAT Council adopt the slate of committees and chairs as read

CARRIED

1 Abstention

Move in Camera...

MOTION

Moved by: Agnes Potts

Seconded by Jim Daley

THAT the public be excluded from the meeting pursuant to clause 7.2 (e) of the Health Professions Procedural Code of the Regulated Health Professions Act, 1991 in that instructions will be given to or opinion received from the solicitors for the College

CARRIED UNANIMOUSLY

Returning...

Part 5

7. Working Group Reports

7.1 Practice Working Group [No report]

7.2 Registration Examination – [Update]

The College conducted the exams in June and the supplemental in August. Only one candidate was unsuccessful and will have to write the entire examination again next year. The Registrar spoke with Catharine Gray, Chair of the Chiropody program at the Michener to advise her that many people are unsuccessful on the OSCE which seems surprising. Mr. Hayles comments that the College is testing candidates' skills to ensure they have the basic clinical requirements needed to practice. The Committee is planning to include an ethics and jurisprudence into the OSCE. It is currently in the written component.

7.3 HPRAC Referral Committee – (see agenda item 4.1 above) Peter Stavropoulos & Jamie Maczko [No update]

7.4 Education Committee – [No report]

7.5 Standing Drug Committee [Update – see Item 4.2 (ii)]

The Registrar updated Council to say that up to recently, the College was receiving questions from the Ministry Mr. Mendez has been assisting with the responses. The Registrar is waiting for a draft regulation back from legislative counsel. Mr. Bromstein explained the process; the College puts forth a form of regulation, it goes to government, they work with their lawyers and policy advisors to look at the form and to see whether in general policy terms they agree or disagree. Once they get it in a form that they believe that Council will approve, it is finally sent to leg. counsel. If no recirculation is required, it will ultimately be signed by the Registrar and President and we will wait for Cabinet to direct the Lieutenant Governor in Cabinet to sign the Regulation and it becomes law.

Part 1

3. Approval of the Minutes of the June 24, 2016 Meeting

MOTION

Moved by: Martin Hayles

Seconded by: Donna Coyne

THAT Council approve the minutes of the June 24, 2016 meeting of Council, as amended.

CARRIED UNANIMOUSLY

1. Update and Discussion

4.1 HPRAC

The Registrar advised that there was no new update since the last information went out to the membership.

4.2 Proposed Draft Regulations [Update]

(i) Registration Regulation

It has been ongoing for 5 years. Mr. Bromstein reminded Council that when Council passed the last amendment the government gave us assurances that they would expedite the balance of the proposal. They were in a hurry to finalize the labour mobility provisions. The College will attempt to set up a meeting with the individual in the policy branch responsible for this Regulation.

(ii) Drug Regulation [see item 7.5]

4.3 Inhalation Regulation/Standard of Practice [Update]

There are still a number of matters that need to be sorted out with the Standard. Mr. Bromstein, Sarah Yuen (a lawyer assisting Mr. Bromstein) and the Registrar are meeting with Cesar Mendez on November 11, 2016 to review the proposed changes. The changes make the Standard easier to read and deal with such issues as who is the appropriate person to assist the member in his or her office. For example, a dentist cannot administer an anaesthesia in our member's offices– it is outside the dentist's scope of practice. The intent is to sort out the remaining issues and bring back the redrafted Standard to Council at their February 2017 meeting.

4.4 Technical Committee - [Update – Martin Hayles]

(i) PRP

Mr. Hayles explained that in this process a person essentially draws blood from a patient, spins it down, injects it and applies it to a wound or whatever it might be. There are no non-autologous PRP products listed. The problem lies in harvesting the PRP. Members cannot perform phlebotomy as per the RHPA. The conclusion reached by the Committee is that we should not consider adding it to our amended drug list because the government would never agree. There is also clinical data that is convincing to do so. Therefore this should not go forward as a possible amendment to our list until the issues around phlebotomy are sorted out.

MOTION

Moved by: Martin Hayles

Seconded by: Tony Merendino

THAT Council adopt the report of the Technical Committee

CARRIED UNANIMOUSLY

(iii) Guideline for Use of Lasers [information the committee could use]

The Committee will review this next.

4.5 Strategic Planning and Registrar's Performance and Compensation Committee [Update – Pete Guy]

The Committee met a second time and dealt with 3 matters. The new website should be live in and around January. The new website is a stepping stone but the College still needs a new database. Currently we are using Access which is wholly inadequate. We continue to have a secure members section on the website where people can log in and obtain information (although only a small portion of members actually have done so). When we have a new database, there will eventually be a Council section that we can log into and information will not have to be mailed out or delivered, a new membership information section and anything to do with a member's license would be in that section, online payment and registration and QA materials. It will be mobile friendly so that is important. With a new database, there has to be migration and organization of the current data base, deleting whatever we deem unnecessary from the old database and developing the new one to be able to so that added features can be put in place. The budget is not inexpensive because there are annual software fees and a onetime set up fee. The budget would probably be around \$100,000 to do it right. The Registrar indicated that based on our by-law, the College is obligated to do an RFP and to obtain 3 quotes. The Registrar will speak to Mr. Daley about 'ring fencing' some money for the database.

In terms of the Council survey, we will be doing another one as it drives transparency and discussion. We will upgrade Survey Monkey to a paid platform (\$348.00 per year) so that we are

able to expand the number of questions beyond ten. It will also provide data analysis for us. The survey will be broken into categories such as Council and Administration, structure of Council, strategic planning, Council and Executive and Council and the Registrar.

The Committee also discussed the Registrar's performance. Mr. Guy indicated that he has kept the Registrar apprised along the way because it is important to get buy in. It will help in the transition in the future from one Registrar to another although the Registrar is 'going to be here for a long time.' Two years ago, Mr. Maczko previously developed 33 questions on a survey which he gave to the Registrar. She completed the survey and gave it back to Mr. Maczko but was not told what transpired thereafter. The Registrar is currently reviewing the 33 questions and providing amendments to it. It will be sent out as a survey to Council and the results will come back to the Committee. The Executive will then sit down with the Registrar and review goals for the coming year. There will be responses from the surveys and goal setting. This is called a 360 review

4.6 Healing Arts Radiation Protection Act – Proposed Government amendments

The materials are for information purposes only. There are six outcomes from the report. The Committee did not look at is expanding the scope for those who could potentially fall under HARP.

4.7 Report of the Audit Committee [Jim Daley]

Mr. Daley had to leave the meeting early. He and the Registrar are going to work on a tender for a business account just to ensure that the College is not being overcharged and money is spent appropriately.

4.8 Release of the Sexual Abuse Task Force Report

Mr. Bromstein explained that Ms. McPhedren chaired the task force whose report was recently released. Its release had been delayed because the government felt it was defamatory. A lot of the report will require legislative change as well as changes to the RHPA. There are certain areas the government will focus on; for example, mandatory revocation offenses; minimum penalties for different allegations of sexual abuse, increased transparency, providing victims with more support in the process; additional education and training for people so that they understand the results of the report. Apparently the suggestion that an independent body outside of the regulated health professional colleges should deal with these allegations is not going to be followed. Rarely are allegations of sexual abuse not included with those of dishonourable disgraceful, unprofessional conduct and failure to maintain the standards of practice of the profession etc. If there were two avenues, a victim will not want to testify at two hearings.

Part 3

5. For Decision

5.7 Clinic Regulation Consortium

Earlier, the group was going to hire a public relations individual to help navigate the report through government because they felt that just sending the report would probably result in no action. That idea was stopped because the feeling was that the timing to push this through was not appropriate – the government has many other priorities. We were then advised that a meeting took place with government and with the PR representative present. We do not know, at this point, whether there will be further meetings.

MOTION

THAT Council advise the group responsible for the clinic regulation that the College supports the proposal contained in the e-mail from Joyce Huang dated August 19th, 2016 at a cost not to exceed \$1,200.00

CARRIED UNANIMOUSLY

Part 4

6. Other Statutory Committee Reports (Available from committees that have met since the last meeting of Council)

6.1 ICRC – Millicent Vorkapich-Hill

There are 32 ongoing matters and 2 referrals to HPARB matters. The Complaints officer is doing his best to push these matters through. A request was made to have statistics to identify an area that is a particular problem so that the College can be proactive.

6.2 Discipline – [No report]

There is one outstanding discipline matter that is going forward next month. Mr. Bromstein explained that there are many reasons why it takes a while for matters to come to a hearing.

6.3 Quality Assurance - Anna Georgiou

The Registrar referred to the report in the binder and the fact that the Committee will be reviewing the CE logs at their meeting on October 27, 2016. The mandatory CE program could be;

1. review the guideline on infection control; and
2. undertake the evaluative process on the College's website

6.4 Registration – [No report]

5.9 Code of Conduct for Council and Committee Members - Clarification of paragraph 13 [Member Inquiry]

The President referred to an e-mail from Ms. Georgiou. Initially the particular paragraph she refers to was in fact more stringent and it was subsequently amended. There was also a review of about 15 different versions of the Codes of Conduct from other Colleges and virtually each one of them had this paragraph within it. The idea is to ensure that Council or Committee members do not use their position on Council to give the person a professional leg up over other members in the community. The fact that a member is a good policy person does not make them a better practitioner. The issue is that being on Council does not make a member a better practitioner. It is highly unlikely that anyone would do anything about it inadvertently if something was viewed to be business related rather than personally related on a personal website. If a member has a plaque in their office, for example, the only one who is going to see it is someone who is already a patient and it is therefore not promotional. What is important is not the member's intent in advertising something on a website but what the actual perception is.

The question was raised about past Council members. Once a member is on Council or a Committee, they are subject to the Code. However, the Code only applies to current Council and committee members. The Professional Misconduct Regulation applies to everyone. Therefore, there will be no changes to the Code of Conduct.

- 5.5 Possible Amendments to the Infection Control Standard of Practice – Practice Working Group?
Pubic Health - Enforceability of Provincial Infectious Diseases Advisory Committee Best Practice Documents *Deferred

8. In Camera Session

Peter Wardle will update Council regarding the litigation.

- 5.6 Podologists – Follow up
5.8 Hypocure – follow up from June Council meeting

9. Next Meeting

- 9.1 Items for Agenda – Next Council Meeting
9.2 Next Meeting Date –February 24, 2017
9.3 Proposed Meeting Dates for 2019 and 2020:
February 22, 2019
June 21, 2019
October 25, 2019

February 21, 2020
June 26, 2020
October 23, 2020

10. Adjournment

MOTION

Moved by: Agnes Potts

Seconded by: Ed Chung

To adjourn the meeting at 2:40 p.m.

CARRIED UNANIMOUSLY