

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 26, 2018

9:00 a.m. - 3:30 p.m.

Present

Professional Members

Ed Chung

Matt Doyle

Stephen Haber

Martin Hayles

Sasha Kozera

Sonia Maragoni

Tony Merendino

Millicent Vorkapich-Hill

Public Members

Donna Coyne

Jim Daley

Sohail Mall

Aladdin Mohaghegh

Agnes Potts

Regrets:

Adrian Dobrowsky

Winnie Linker

Grace King

Jamie Mandlsohn

Staff: Felecia Smith, Registrar and CAO

Legal Counsel: Alan Bromstein

Observers:

Bruce Ramsden, OPMA

Greg Lawrence, OSC

Guests:

Don Gracey

Kristina Muscat – Ministry of Health and Long Term Care

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

Part 3

5. For Decision

5.1 Update on Election

(ii) *Podiatrist Member - District 5 & 6 - Ed Chung*

The Executive Committee recommended that Mr. Chung be re-appointed for a second 3-year term to Council.

Motion

Moved by: Sohail Mall

Seconded by: Tony Merendino

**THAT Council re-appoint Ed Chung to Council as a podiatrist member for Districts 5 and 6
CARRIED UNANIMOUSLY**

The Registrar advised Mr. Chung that he had been unanimously voted back on to Council for a second term.

5.2 Selected Member of Council - Application from Tony Merendino

The Registrar explained that Mr. Merendino was the only person that came forward from the Michener for the position of selected member. He is running for a second three year term on Council

Motion

Moved by: Millicent Vorkapich-Hill

Seconded by: Agnes Potts

**THAT Council appoint Tony Merendino as a selected member of Council for a second 3 year term.
CARRIED UNANIMOUSLY**

5.1 Update on Election

(i) *Chiropodist Member:*

a) District 5 – Sonia Maragoni

The Registrar explained that the College was required to send out a second call for nominations because no one came forward after the first call. Ms. Maragoni was the only member who came forward after the second call for nominations.

b) District 6 - to be appointed

The College went through the same process for District 6. However, no one came forward after the second call for nominations. The College then sent a letter to all chiropodists in Ontario and a number of people put their name forward. The list of members who came forward is found at Tab 7. The Executive Committee recommended two members – Peter Ferguson and Cesar Mendez – and Council will need to make the final decision.

MOTION

Moved by: Agnes Potts

Seconded by: Aladdin Mohagheh

THAT Council appoint Cesar Mendez as a chiropodist member to Council representing District 6.

CARRIED UNANIMOUSLY

5.3 Election of President and Vice-President

MOTION

Moved by: Jim Daley

Seconded by: Donna Coyne

THAT Council appoint 3 scrutineers for the counting of ballots.

CARRIED UNANIMOUSLY

There was an election for the position of President of the College. Mr. Martin Hayles and Ms. Vorkapich-Hill were nominated. On the first ballot, there was a tie vote. Council moved to a second ballot and Mr. Hayles was elected President.

Ms. Vorkapich-Hill was nominated and acclaimed as Vice-President.

5.4 Election of Remaining Positions on Executive Committee

Ms. Sasha Kozera, Ms. Sonia Maragoni and Mr. Cesar Mendez accepted the nomination for the professional member position of Council. Mr. Stephen Haber was nominated but declined the nomination. Mr. Cesar Mendez was elected as the professional member position on the Executive Committee. Mr. Jim Daley was acclaimed as a public member to the Executive Committee for a second term. Ms. Donna Coyne was acclaimed as a public member to the Executive for her first term.

MOTION

MOVED BY: Martin Hayles

SECONDED BY: Sohail Mall

THAT Council agrees to destroy the election ballots.

CARRIED UNANIMOUSLY

The Registrar handed the Chair back to Mr. Hayles, President....

Part 1

1. Call to Order, Ray McDonald was appointed Secretary,

Approval of the Agenda

MOTION

Moved by: Jim Daley

Seconded by Sohail mall

THAT Executive accept the agenda for the October 26, 2018 meeting, as presented

CARRIED UNANIMOUSLY

2. Declaration of Conflict of Interest

No one came forward with a conflict of interest. The President reminded people that they can also do so when Council deals with a particular agenda as well.

Taping Policy - only Ray McDonald should be taping,

Welcoming of Observers from the OSC, OPMA

Part 2

1. Update and Discussion

4.1 Proposed Changes to the Chiropractic Model in Ontario (MESPO) – Update (Mr. Gracey)

Mr. Gracey provided an update. He indicated that with all the changes over the last number of months, these changes will directly impact the College. Most of the power is centralized in the Premier's office which is somewhat usual after an election. There has been a reorganization in the Ministry of Health and Long Term Care. There is also a goal to reduce the number of LHINs from 14 to 9. Ms. Cole is no longer the Assistant Deputy Minister. She has been given a specific mandate to pursue the restructuring of the health professions regulatory framework. The Ministry and government will exert much more control and accountability over the regulatory colleges on a going forward basis. The Ministry is working on a performance evaluation and accountability framework for regulatory colleges. The intention is to lessen the Colleges from 26 to 15, to significantly enhance Ministerial oversight and control, to no longer have the election of professional members (everyone will be appointed), there will be one single body to handle all complaints, investigations and discipline and there will be the creation of what is known in the United Kingdom as accredited registries as an alternative to statutory regulation. Ms. Henry will be the point person for whatever happens in relation to the College as it is resolved one way or the other. In terms of MESPO, Mr. Gracey's office has taken the College's various HPRAC submissions and translated them into the MESPO framework. The submission is about 75% completed. Before we are able to submit it, the Minister has to approve MESPO which has not occurred. The strategy is that within 24 hours of us being advised that it has been approved, we will submit it. In terms of timing after submission, there are a number of other colleges ahead of us in the queue.

MOTION

Moved by: Agnes Potts

Seconded by: Tony Merendino

THAT the public be excluded from the meeting pursuant to clause 7.2(b) of the Health Professions Procedural Code of the *Regulated Health Professions Act, 1991* in that financial or personal or other matters may be disclosed of such a nature that the harm created by the disclosure would outweigh the desirability of adhering to the principle that meetings be open to the public.

CARRIED UNANIMOUSLY

Moving back in public...

A general direction was given to the Registrar to advise the Ministry, and in particular Ms. Henry and the ADM that a MESPO framework submission will be forthcoming as soon as it is completed.

Part 1

3. Approval of the Minutes of the June 22 2018 meeting

MOTION

Moved by: Jim Daley

Seconded by: Donna Coyne

THAT Council adopt the minutes, as written, of the meeting of June 22, 2018

CARRIED UNANIMOUSLY

Part 2

1. Update and Discussion

4.2 Quarterly Financials

Mr. Daley raised five high level points:

1. Cash position is up \$390,000 year over year.
2. Accounts payable have been reduced from \$88,000 to \$25,000 and equity is increased by the amount of our net income.
3. Revenue is \$40,000 ahead of last year and \$17,000 ahead of budget. Total income is \$17,000 behind of last year, \$21,000 behind budget. The reason for this is that legal recovery is not what was budgeted. The College may collect more but it may not hit target.
4. Overall, expenses are being well managed. Net income is \$230,000 which is ahead of last year by \$142,000 and ahead of budget by \$192,000.
5. All major expense categories are under budget with no significant risk of that changing.

4.3 Public Health– Update on checklist

The environmental core checklist has been given back to the College by Public Health but not the reprocessing one which is still being worked on. The checklist is really a self-audit tool which members can utilize and which follows the standards. Public Health will also use the checklist when they are required to visit a member's practice. The intention is to have the final draft checklist back to Council in February.

4.4 Inhalation Follow-Up

Mr. Mendez reported that Dr. Nkansah did an excellent job to bring the course down to something suitable for members' needs. There is a second course planned for May 2019. At some point, the College should become somewhat self-sufficient in relation to providing the course. The question remaining is how the College oversight will occur with members who are using inhalation. Currently members of the Sedation Committee are the same members of QA. There are people on the committee who took the course. The Registrar wants to ensure that a process is put together that covers all the concerns that the Committee might have with regard to the application process. The question arose whether the Sedation committee will continue as part of the QA committee or become a separate committee. It was originally linked to QA so it could ensure that individuals maintain competence on something that is potentially dangerous.

4.5 Office Space –follow up questions

The planning and eventual move has taken a great deal of time. Mr. Hayles commented that the Registrar did an excellent job of negotiating the lease. The College will advise our members why we moved and that it has not really cost more money. In fact, it will save money because we do not have to pay to rent space for meetings and we received 4 months free rent. The moving of all the equipment into one storage room is also better for the staff's health and less disruptive as, for example, the photocopier is not in Ms Hault's office.

4.6 By-law Review – Relating to Requirements for Running for College Council

Potential changes deal with a number of matters - how people actually become part of Council, the fact that the number of podiatrists is shrinking, the election is still district based and eligibility criteria that ought to be used. An approach to amending the by-law might be to only focus on the parts of the by-law that have caused problems and what need to be changed. The Registrar mentioned in passing that the government is reviewing public appointees – they have asked for a great deal of information. We can

review matters such as people who only apply to Council who have an axe to grind, people with criminal convictions or a more balanced approach between the public, elected and selected members.

MOTION

THAT Council authorize the review of the by-law with the assistance of the Registrar and legal counsel and, among other things, with regard to the composition of Council, considering eligibility to be a member of Council and how Council members are elected.

CARRIED UNANIMOUSLY

The Executive committee will review the changes and bring it back to Council.

Part 3

5.6 Accreditation of the Chiropractic Program and the College's Role* [Sarah Ingimundson, Director, Accreditation Canada will be joining by teleconference at 1:00 p.m.]

Mr. Merendino explained that the chiropractic program at the Michener is seeking accreditation. They have been trying to do so for many years but since there is no other program in Ontario, it has been virtually impossible. EQual Program at Accreditation Canada is now able to do this but they need an outside source to be the program client. As the program client, there is a small cost relating to the accreditation that the College will need to pay yearly. The accrediting body will ensure that the Michener is meeting the competency standards. The accreditation is good for 6 years.

Ms Ingimundson provided the following information:

1. Accreditation Canada has been delivering accreditation services for approximately 60 years - they complete about 3,250 per year and work with over 7,000 health and social service sites throughout Canada
2. The Health Standards Organization is an affiliate of Accreditation Canada and has existed since 2017. They develop the assessment program and methodologies.
3. They have the same Board of Directors for both but there is separation between those that deliver accreditation services and those that develop accreditation programs and standards.
4. The program clients, professional associations and regulatory bodies, form the program council. It provides oversight for the delivery and development of the EQual program. Each client has a representative at the program council. They ensure that graduates are prepared to deliver safe, competent and effective care at entry to practice. It is responsible to its stakeholders. It reviews any changes to the program, approves the standards that are used in the program. They also deal with accreditation decisions that are appealed.
5. The Technical Committee develops the standards and have members who are appointed by program council members. Out of 12 members, 4 represent professional associations, the other 4 are product users (educators) and the remaining 4 are composed of recent graduates and patients.
6. The College can appoint a member to the
 - a. Accreditation decision committee – time commitment is reviewing approximately two accreditation reports per month
 - b. Program Council – meets by teleconference for 3 meetings a year which are 2 hours in length.
 - c. Survey team – which is the actual team that accredits the program. Accreditation Canada will provide the training and also pay the costs.

7. Programs that are accredited for the first time are required to cover the costs of their first visit. Subsequent visits are covered in the annual fees

MOTION

Moved by: Agnes Potts

Seconded by: Sasha Kozera

THAT Council approve the annual payment of \$1,800.00 in order for the College to be the 'program client' to facilitate the accreditation of the Michener chiropody program.

CARRIED UNANIMOUSLY

[NOTE: Mr. Merendino and Mr. Mendez recused themselves from voting]

Each year the College will pay the \$1,800. That fee is not anticipated to increase until at least 2022 when the fee may change.

MOTION

Moved by: Jim Daley

Seconded by: Aladdin Mohaghegh

THAT Council approve with the understanding that no member of Council will be appointed to sit on the program council, the survey team, the accreditation decision committee or any other committee dealing with accreditation unless otherwise approved by Council.

5.8 Clinical Trials Regarding Hemodialysis – Survey to Members (Ann Marie McLaren’s request) + Research on Reducing Diabetic Foot Complications

The Registrar confirmed before the meeting that the individual names of our members are actually required. The Registrar suggested that we simply put a link to the survey into the e-mail that is sent out to the membership so that members who work in these units can directly link to the program and the College is not part of, nor responsible, for any further activity. We will simply facilitate the link to the survey.

MOTION

Moved by: Tony Merendino

Seconded by: Stephen Haber

THAT Council assist with the request of the member, who is conducting the clinical trial regarding hemodialysis, to survey the College members through the targeted email from the College.

CARRIED UNANIMOUSLY

5.7 Updating Standards of Practice, Guidelines, Policies etc - Next Steps

The recommendation from the Executive was that the Council establish an ad hoc committee to deal with guidelines and standards and to be composed of at least six member’s two of which are members of Council. Members will be selected by the Executive Committee to an ad hoc committee and then can later be treated as a Standing committee. The Registrar then pointed out that this was already in some part the mandate of the Practice working Group. It was determined that rather than formulating another committee the Practice Working Group would be renamed Standards and Guidelines Committee and the aspect of that particular committee that involved technical evaluation (i.e. looking at new techniques, new procedures) be removed and continued to be placed with the Technical Committee. There will be a set schedule for the reviewing of the standards and guidelines.

MOTION

Moved by: Jim Daley

Seconded by: Tony Merendino

THAT Council change the name of the Practice Working group to the Standards and Guidelines Committee. The overlap components of the previous Practice Working Group committee involving technical evaluation be removed from its responsibilities and placed with the Technical Committee that is pre-existing

CARRIED UNANIMOUSLY

5.5 Formation of Statutory Committees

Motion

Moved by: Jim Daley

Seconded by: Sohail Mall

THAT Council approve the proposed committee composition for 2018/2019 as presented by the President

CARRIED UNANIMOUSLY

5.9 Members Who Have Been Delisted by Insurance Companies

This was raised by an ICRC panel and the obligation of a member to advise the patient that they are not accepted by a particular insurance company. Individuals go into the practitioner's office to have services completed with the right to expect payment in accordance with the plan. The patient finds out when they submit their forms to the insurance company that it will not pay for the services. The question becomes what obligation does a member have to ensure that anyone who comes into his or her office for services knows that they may not be reimbursed for these costs? There was a discussion about what communication should be made to members and that the College should obtain an understanding of why the insurance companies are delisting particular members. The Executive felt that it was important to open up a dialogue. Comments were made that the onus is on the patient to look into their insurance before they agree to any services. A suggestion was made that the practitioner who is delisted could put a sign in their office indicating that if a patient has insurance from a particular insurance company, they will not be covered. The suggestion was also made that the Executive produce a guideline or a standard. The important question is what will the consequences be if a member chooses not to follow the College's recommendations?

MOTION

Moved by: Sasha Kozera

Seconded by: Tony Merendino

The matter will be moved to the Executive Committee in relation to the following:

- 1. The Registrar will contact CLIA; and**
- 2. The Executive will develop a statement or a communication on behalf of the College to advise people of their professional obligations in these circumstance.**

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

The suggestion was made that the College become more proactive rather than reactive in relation to the standards, guidelines policies etc. The Registrar announced that Ms. Hoult is pregnant and due on March 7th

6.2 Discipline – Cesar Mendez

Nothing additional to add to the report.

6.3 Quality Assurance - Anna Georgiou

The CE logs have all been reviewed and a meeting of the Committee is being set up for November (once we know the firm moving date).

6.4 Registration – Agnes Potts

Both matters that came before the Committee deal with the requirement to practise 3 months in the preceding two years' as found in the Registration Regulation. The Committee decision was that the individual had to undertake certain things to demonstrate competency to a mentor and the mentor had to provide a report to the Registrar before the individual member is able to practise independently.

Part 5

7. Working Group/Other Committee Reports

7.1 Practice Working Group [Anna Georgiou – see agenda item 5.7]

7.2 Registration Examination – [Stephanie Shlemkevich & Meghan Hoult]

Mr. Hayles reported that the Committee has already begun preparation for the 2019 exam. Most of the failures in 2018 related to the OSCE. In the end, everyone passed.

7.3 Audit Committee [previously dealt with]

7.4 Strategic Planning and Registrar's Review and Compensation Committee – Update on Work on the Database

The Registrar reported that although she has been told that we may be ready to go live with the new database for the annual renewal she is sceptical this will occur until 2020 annual renewals.

8. In Camera Session

9. Next Meeting

9.1 Items for Agenda – Next Council Meeting

9.2 Next Meeting Date – February 22, 2019

New meeting dates for 2021- February 19; June 25; October 22

Legalization of Cannabis

A question was raised whether we need to address this. Comments were made that it is not different than alcohol. A member has to assess whether a patient is impaired by drugs or alcohol, if the consent is

informed and voluntary and that the individual understands the information that is being provided. If a member believes that the patient is incapacitated, the practitioner has to decide whether or not they have received informed consent and whether they should proceed.

10. Adjournment

Motion to adjourn