

# COLLEGE OF CHIROPODISTS OF ONTARIO

## Draft Minutes

### Meeting of the Council of the College of Chiropractors of Ontario

180 Dundas Street West

19<sup>th</sup> Floor Boardroom

Toronto, Ontario

Friday, June 22, 2018

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

#### **Present**

##### *Professional Members*

Ed Chung

Adrian Dobrowsky

Matt Doyle

Stephen Haber

Martin Hayles

Sasha Kozera

Jamie Mandlsohn

Tony Merendino

Millicent Vorkapich-Hill

##### *Public Members*

Donna Coyne

Jim Daley

Winnie Linker

Sohail Mall

Aladdin Mohaghegh

Agnes Potts

#### **Regrets:**

Julie DeSimone

Grace King

**Staff:** Felecia Smith, Registrar and CAO

**Legal Counsel:** Alan Bromstein & Sarah Yun

#### **Observers:**

Bruce Ramsden, OPMA

Shannon Frizzell, OSC

#### **Guests:**

Don Gracey

Kristina Muscat

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

## Part 1

1. Call to Order, Appointment of Secretary  
Ray MacDonald was appointed secretary

Roll call was taken.

Approval of the Agenda

### **MOTION**

**Moved by: Agnes Potts**

**Seconded by: Tony Merendino**

**That Council approve the agenda for the meeting of Council dated June 22, 2018.**

**CARRIED UNANMOUSLY**

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. The policy against taping of the meeting was announced by the President. All observers were welcomed by the President.
3. Approval of Minutes of the February 23, 2018 Meeting  
There were two amendments to the minutes;
  1. Mr. Mall indicated that his name was not listed as having attended the meeting. The Registrar indicated that the correction had already been made and he is now listed as having attended;
  2. P. 14. Mr. Merendino's name is misspelled.

### **MOTION**

**Moved by: Sohail Mall**

**Seconded by: Donna Coyne**

**That Council approve the minutes of the February 3, 2018 meeting, as amended**

**CARRIED UNANMOUSLY**

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

## Part 2

### **1. Update and Discussion**

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

The new government will likely begin operations in the middle of July and by the end of July the government will be back to full operation. The legislature is going to be reconvened in early August. There has been no opportunity to have conversations with Ministry officials since the writs were issued. The government has indicated that they intend to conduct a review of the Ministry of Health which could inevitably result in some organizational and personnel changes within the Ministry over the next 1-2 years. Mr. Gracey indicated that at the time, the Wynne government was prepared to proceed with the amendments that the College had proposed as part of the budget bill. However for technocratic and bureaucratic reasons, that did not occur. The government's view is that scope of practice issues should be left to the bureaucracy to work out and is not something the government needs to get involved in. Mr.

Gracey indicated that he did not think that the kind of matters that the College has in mind will come up under the radar at the political level. We should probably not 'wait and see' what happens at the political level but rather start working with the Ministry. Other professions have followed the same route.

Mr. Bromstein reminded the changes we had recommended was one title, one scope, an expansion of scope, the ability for current chiropractors to, with additional education and training, become podiatrists, different classes etc. (whatever we want to call them). It was clear that while the political individuals were in favour of this, the Ministry of Health was not. They have indicated that they support the ability of individuals to move to more advanced roles within the profession with proper education. At the same time the Ministry is also effectively saying that they are not going to remove the cap and they are not going to allow chiropractors to do what podiatrists do. Their view is that podiatrists will be extinct over a period of time. Ms. Cole made it very clear that she did not see the removal of the cap or change of scope of practice to be in the cards. She would consider the members having the ability to do additional things with appropriate training. She referred to such a group as advanced practice. There is not a lot of costs involved to continue the discussions with the Ministry. Chiropractors will not be able to do bone surgery – there is no way to do that without a legislative change. However, there are things we might be able to achieve for some, perhaps all, who have the education, that shows that they are competent to do it or will get the education to be competent to do it. A lot of money does not need to be spent, other than time and effort to meet with the people to get that and to keep the lines of communication open.

Mr. Gracey indicated that the Ministry wishes to evaluate whatever the College comes forward with under the MESPO framework. There was a question of whether the changes the Ministry is suggesting in the form of an advanced practitioner who could do certain things (e.g. Lab Specimen and Collections Act, access forms of energy etc.) requires the MESPO framework or is it only in relation to the legislative changes that the College first proposed which were not accepted. Scope and title changes involve MESPO but that is not something the Ministry is offering. The Ministry does not understand what the profession does and has many misconceptions about it - there is a need to advise them on this.

In terms of next steps Mr. Gracey suggested the following:

1. Send the Ministry a document saying that we wish to pursue discussions on this regarding amendments to the Laboratory and Specimen Collection Centre Licensing Act, expanding the regulation dealing with forms of energy;
2. Lay out why doing so is in the public interest;
3. Why it enhances a seamless continuum of care and increases patient access; and
4. How to address a gap in knowledge.

The issue of the cap should not be raised at this point. Mr. Gracey indicated that he thinks through conversations with the College, they will realize that it has to be removed. In order to keep costs down, the College may not need our lawyer at the initial meetings or a government relations person. After the letter of April 26, 2018, there have been requests for further meetings but the ministry has said no. Through further meetings, we are trying to explore the possibility that chiropractors will be able to do more than what legislation currently allows. We are looking for approval from Council to continue the dialogue with the Ministry. All options are still open. Council is happy to move forward with a ladder approach towards changes to the profession.

## **MOTION**

**Moved by: Tony Merendino**

**Seconded by: Jim Daley**

**THAT Executive proceed to communicate with the Ministry of Health and Long Term Care to hopefully establish a series of meetings to discuss moving forward with different suggestions including advanced chiropodist concepts and to report back to Council at the next meeting  
CARRIED UNANIMOUSLY**

#### **Follow up**

Mr. Gracey will put together a time frame, cost, specific tasks and the outcomes each is trying to achieve on this plan. We need to be targeted so we know exactly where the money is going. This will go back to Executive for review and approval.

#### **4.2 New Database – Update**

The Registrar advised that in October, Council authorized the Registrar to negotiate a contract with Visual Antidote (VA), acceptable to the Executive Committee, to obtain a new database for the College. The Registrar worked with a lawyer at WeirFoulds to draft the contract. And, after a lot of back and forth with wording, VA signed off on it. Because the contract amount is over \$15,000.00, the President or VP must sign it as well as the Registrar. The contract agreed upon was sent to the President for signature and she had a number of questions. These included the total amount for the contract and clarification on the total costs. Mr. Guy indicated that the Strategic Planning committee had met with the President of VA in December and had the opportunity to ask him questions and thoroughly review their response to our proposal. The Registrar explained that there is a \$57,000 contract price to transfer to an iMIS platform. There will be ongoing costs to maintain the database – for e.g., software (iMIS), costs for a separate server. Some of the ongoing costs are mixed into the proposal – e.g. \$60,000.00 for options for customization. There is a laundry list of options in the response that the College will be able to choose from on a going forward basis and we can decide when, and if, we implement any of these. There are upfront costs and continuing costs. The Registrar did check the references and they were glowing. Now that we are halfway through the year, it is doubtful that we will be done on time to have the annual renewals be able to be completed electronically this year. Also, until we start migrating the data, we have no idea what types of problems we will run into.

In terms of signing, the person doing so just need to ensure it has been properly authorized by either the Executive Committee or Council. There is no personal liability on the part of the signatories to the contract. It is College liability. It was agreed that the VP, Mr. Hayles, will sign the contract with the Registrar as required by the by-laws.

#### **4.3 Inhalation Course and Examination - Update**

The inhalation course will take place on September 21 and 22. It will be limited to 18 people. The didactic will take place on Friday at the Cricket Club and the clinical will be in Dr. Nkansah's office on the Saturday. It will be on a first come, first served basis and the member will not be considered a participant until s/he has fully paid. It is meant to be delivered on a break even basis. Whether it counts towards CE will be up to the QA committee. Perhaps on a going forward basis, the Associations or the Michener can take over the course as the College is not in the education business. The e-mails will be going out to members in the next couple of weeks.

The Registrar suggested that if the College does not get the required 18 people, that the College should absorb the cost differential. After discussion, Council decided that the Executive Committee could use its discretion as to how much the College would subsidize the course if it fell short of the 18 person requirement. Council had indicated that an amount up to \$5,000 would be acceptable in order for the course to run this first time.

## Part 3

### 5. For Decision

#### 5.1 Approval of the Audited Financial Statements for 2017\*

The Audit Committee met with the auditor on May 28<sup>th</sup>. Management is responsible for the preparation of the financial statements and the auditor reviews the accuracy of these statements. There were only a few minor adjustments to the statements management prepared. There were no red flags or concerns with management that the auditor noted. Once again, the College has a clean audit and the recommendation before Council is to approve the draft audited financial statements.

By way of background, Mr. Daley explained that the auditors come in every year to conduct the audit. They ask for information and documentation before they arrive. They also provide a list of what they will need to review. They are usually in the office 2 days and continue their work back at their office. The audit ensures that Council members are meeting their fiduciary obligations. The College relies on the auditors to determine that everything is appropriate and consistent with good management practices. Their testing is based on materiality.

#### **MOTION**

**THAT Council approve the College's audited financial statements for the year ended December 31, 2017, as appended at Tab 5 of the agenda book.**

**CARRIED UNANIMOUSLY**

#### 5.2 Appointment of the Auditors for 2018

The auditors have invoiced the College \$5,000.00 for at least the last 15 years. They have asked for an increase of \$100.00. They write off approximately \$3,000 of WIP. Mr. Daley indicated he sees no reason to tender this out at this point.

#### **MOTION**

**Moved by: Millicent Vorkapich-Hil**

**Seconded by: Pete Guy**

**THAT Council appoint the firm Hilborn, LLP to be the College's auditors for the year ending December 31, 2018 at a fee of \$5,100.00.**

**CARRIED UNANIMOUSLY**

Ms. Linker congratulated on a great audit and the management of the books as well. The Registrar also announced that the costs of the health benefits are decreasing by 4.9%.

#### 5.3 General By-law No. 1 amendments –Register\*

The amendments were circulated to members and other stakeholders. No comments were received.

#### **MOTION**

**THAT Council approve amendments to By-Law No.1, General, effective immediately as set out in Appendix 6 and in particular the amendments to article 42.**

**CARRIED UNANIMOUSLY**

#### 5.4 General By-law No. 1 amendments – Member Information -Practice locations\*

There was one response from the OPMA when the amendments were circulated. The OPMA did not believe that the language was particularly clear in some respects. The language as proposed by Council was legally appropriate so that amendments remained the same.

#### **MOTION**

**THAT Council approve amendments to the College's By-law No. 1, General, effective immediately as set out in appendix 7 and in particular the amendments to Article 44.02 paragraphs (i), (i.1) and (ii).**

**CARRIED UNANIMOUSLY**

5.5 Guideline for Extraosseous Subtalar Joint Implant Procedure [Subtalar Joint Arthroereisis] – Review of Amendments\*

The Registrar advised that the Guideline was approved at the October 23<sup>rd</sup> Council meeting and thereafter issues came up about it not being fulsome and lacking clarity. The President indicated that 'SJA' should be 'STJA'.

**MOTION**

**THAT Council approve the amended Guideline as set out in Appendix 8 subject to additional grammatical changes.**

**CARRIED UNANIMOUSLY**

5.6 Approval of new members of the Registration Examination Committee\*

The College sent an e-mail to all the membership asking for members interested in assisting with the preparation of the registration examination by joining the Registration Examination Committee. We received an excellent response. The members selected have already been trained by Dr. Harley as to the proper way to create questions. Members spend hours of their personal time writing questions and then sitting in front of the committee having their draft questions shredded to pieces. Members often do not like the criticism or simply run out of creative juices and simply stop participating. The process for acceptance of a question that will go into our database of questions is; individual members create the question, they are then edited to ensure that they meet competencies, the format is reviewed and a determination is made as to whether the question is simple retention. If the question is then accepted (sometimes the committee can spend up to an hour on one question), it is referenced. It then goes back to Dr. Harley and is put into the bank of questions. The written registration exam is selected from that bank of questions based on the varying competencies. The goal is to ensure that each exam tests a broad range of competencies. Thirty questions are included for jurisprudence. The Committee also develops OSCE stations which tests things such as script writing, injections, suturing or examining a patient with diabetes. The committee tries to limit new OSCE stations to one or two per registration exam because they could turn out to be a bust - we do not want to jeopardize an entire OSCE exam with too many new stations. We do not know until the station is tested.

Both the written component and the clinical are 'Angoffed' which means that every exam will have a different pass mark – it will be based on the minimally competent candidate not based on the average person. Every question, every station is marked by an Angoff process by subject experts.

**MOTION**

**THAT Council approve the following new members of the Registration Exam Committee; Katheryne Blundell, Kathy Ferguson, Peter Ferguson, Sonia Rebello, Brooke Mitchell and Donna Shewfelt**

**CARRIED UNANIMOUSLY**

5.7 Amended Infection Control Standard \*

Mr. Haber commented that a great deal of information under invasive surgery – surgical space –applies to hospitals and not members' offices. In order to prepare a checklist that Public Health can use, the College must first approve the standard. The committee was contemplating creating a separate standard

for invasive surgery and removing the surgical space information for now. Changes that were suggested by Ms. Kozera:

1. P.97 binder [21 of standard] - above the information on When Can I use my Sterilized Instrument add "for Routine Procedure instruments;
2. P.100 binder [24 of standard] removed "Responsibility for cleaning anaesthetic machines and carts should be clearly defined."
3. Different references throughout – surgical suite, operating rooms and theatre - changed to surgical suite
4. P.102 binder (26-27 standard) – remove entire box under surgical space.

#### **MOTION**

**Moved by: Peter Guy**

**Seconded by; Donna Coyne**

**THAT Council approve the standard as shown in Tab 10 of the agenda materials subject to the amendments that Ms. Kozera has signified.**

**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 report was presented for information. A Council member commented that he has not been selected for a panel as yet. The recommendation was that he e-mail the Chair of ICRC and indicate that he wishes to sit on a panel. Ms Linker suggested that the *new* complaints be put in chart form that would reflect the year at a glance. It would assist in delineating how the complaints are trending. The chart would show how many came in, how many were already in the pipeline, how many were resolved and the nature of the new complaints. The chart could be broken down by quarters. The Registrar will speak to Ms. Hoult about this.

#### 6.2 Discipline\* – Cesar Mendez

The words 'in principle' after referral need not be there. Mr. Bromstein indicated that it is not unusual to have a prehearing conference before a discipline hearing takes place to try and resolve as many issues and to streamline the process as much as possible.

#### 6.3 Quality Assurance - Anna Georgiou

The Registrar reported that all of the random practice assessments have been completed. There were two that required a second visit to ensure that the individual had completed certain things but those are also completed.

#### 6.4 Registration – Agnes Potts [no report]

## **Part 5**

### **7. Working Group/Other Committee Reports**

#### 7.1 Practice Working Group [Anna Georgiou] [see 5.7 above]

## 7.2 Registration Examination – [Stephanie Shlemkevich & Meghan Hoult](see above)

## 7.3 Audit Committee

Mr. Daley reported that the revenue is on track and expenses are under control.

## 7.5 Strategic Planning and Registrar’s Review and Compensation Committee

The database was already discussed above in 4.2. Mr. Guy offered to stay on as Chair after his term on Council is over. Currently the committee must consist of 5 Councilors, at least one of them must be a public councilor. It must include 2 councilors who are members of the Executive committee and 3 councilors who are not members of the Executive committee. The bylaw would need to be amended and that would entail another meeting and appropriate notice to the members of Council. It could not be finally changed until February 2019. The new committees will be put together in October 2018. Committees that deal with compensation or the Registrar do not generally have external people on them. With the appropriate authority, the committee could ask someone to assist them and authorization from the Executive that the person be compensated. The committee could also include the former Chair whether or not he or she is a member of Council.

Mr. Guy indicated that he is hoping that the committee can improve the timeliness for the Registrar’s review. For example, he was hoping that the Executive would have goals for the Registrar in place by January so that when the Strategic Planning Committee meets in February and puts everything all together, the goals are completed. The Registrar asked if there was any way the entire process could be completed before January each year. Mr. Guy indicated that this could be accomplished if the surveys are sent out in November.

Mr. Hayles raised the issue of a standardizing review time for all standards, guidelines etc. The Registrar suggested that we create a committee whose sole focus is to do these updates. The Registrar indicated that we are going to standardize the look of all of these that are on the website – it will be reflective of how the Infection Control Standard looks. Much of the early materials that were created by the College will not have dates on them so it will be difficult to know exactly when they were created. If they do not have dates, they probably predate 2003. We will standardize the materials and the approach to their review.

## **Saying goodbye...**

On behalf of Council, the President thanked Ms. DeSimone and Mr. Guy for their excellent work on Council during their 6 year term which ends on October 26, 2018. She wished them well in all their future endeavours.

## **8. In Camera Session**

## **9. Next Meeting**

9.1 Items for Agenda – Next Council Meeting

9.2 Next Meeting Date – October 26, 2018

## **10. Adjournment**