

**COLLEGE OF CHIROPODISTS OF ONTARIO**  
**Minutes**  
**Meeting of the Council of the College of Chiropractors of Ontario**  
**By ZOOM**  
**Friday, June 26, 2020**  
**9:00 a.m. - 12:00 p.m.**

**Present**

*Professional Members*

Ed Chung  
Matthew Doyle  
Peter Ferguson  
Martin Hayles  
Sasha Kozera  
Cesar Mendez  
Peter Stavropoulos  
Eliot To  
Millicent Vorkapich-Hill

*Public Members*

Jim Daley  
Andrew Gassmann  
Allan Katz  
Aladdin Mohaghegh  
Agnes Potts  
Winnie Linker

Staff: Felecia Smith, Registrar and CAO  
Legal Counsel: Alan Bromstein

**Part 1**

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

Approval of the Agenda

**MOTION**

**Moved by: Agnes Potts**

**Seconded by: Matt Doyle**

**That Council approve the agenda for June 26, 2020 meeting as amended.**

**CARRIED UNANIMOUSLY**

2. Declaration of Conflict of Interest - No one came forward with a conflict of interest.  
Taping Policy – No one is to tape or record the meeting other than Ray McDonald.  
Welcoming of Guests and Observers from the Associations and Ministry.

### 3. Approval of Minutes of the February 28, 2020 Meeting

#### MOTION

Moved by: Winnie Linker

Seconded by: Aladdin Mohaghegh

THAT Council approve the minutes of February 28, 2020 meeting, as amended

CARRIED UNANIMOUSLY

#### Approval of Minutes of the April 15, 2020 Meeting

#### MOTION

Moved by: Agnes Potts

Seconded by: Jim Daley

THAT Council approve the minutes of the special meeting dated April 15, 2020

CARRIED UNANIMOUSLY

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

## Part 2

### 1. Discussion

#### 4.1 Proposed Amendments to Drug Regulation – Updates

The Ministry has posted the College's draft regulation on the Regulatory website. It is out for consultation for 45 days. Before posting, on June 11<sup>th</sup>, Mr. Mendez and the Registrar met with Ross Smith, our contact at the Ministry. It was a productive meeting and he indicated that matters were moving along as they should be. The posting went up on June 12<sup>th</sup>. The Registrar advised that Ms. Henry, from the Ministry, will meet with her and inform the College of the type of questions that they have received. The President added that at the Executive meeting, displeasure was voiced at the fact that the ministry seemed to be asking questions that the College had already answered. The Registrar articulated this to Mr. Smith. The posting went up shortly thereafter. The plan is also for the College to meet with the Associations around the same time that the posting ends (July 27<sup>th</sup>). We need to determine if there are any types of 'drop-dead issues' that we would need to deal with that could delay the regulation or simply drop the matter that is causing the problems from the draft amendments and move on.

#### Spousal Exemption Regulation Posting

The President and Registrar noted that on the same ministry posting for the drug regulation, the spousal exemption adjustments for the College of Optometry and the College of Dental Hygienists were posted. The College amendments were forwarded in 2014. The Registrar quickly contacted the Ministry to ask why our draft Regulation had not been posted. The outcome of the conversation with the Ministry is that our proposed Regulation is also posted with the other 2 Colleges.

Mr. Bromstein explained what this regulation is and what it covers. At some point the government amended the legislation to allow colleges to pass a regulation if they wished to indicate that it is not sexual abuse if the patient is a member's spouse. Approximately 4 colleges have put forth the proposed Regulation. The dentists had their amendments passed quickly and then everything stopped. When the exemption is granted if you treat your spouse it will not be sexual abuse.

In terms of next steps for this Regulation, we will be provided with a draft Regulation approved by the Minister to be signed by the President and Registrar. It will then be sent to Cabinet to be approved. With the drug regulation, if there are major changes, we may need to recirculate the draft Regulation but that is something that we will deal with at the time.

#### 4.2 Status of Online Information (Applications, QA, elections)

The Registrar reported that all applications to the College are now online. The generic QA letter that goes out to the membership was obviously delayed this year. It is now online as well. The elections this year for districts 3&4 are all online. We are currently working on members who have been randomly selected to put that online. The submission that is made to the Ministry each year in March was also a challenge because it was the first time that we were working with iMIS.

#### 4.3 COVID 19 - Update

The President said that the College did a great job at trying to keep people and members informed and current and allow them to practise what they were able to do at particular times. The Executive met multiple times a week at the beginning but gradually tapered down to once a week. It is currently less. Members are concentrating on re-opening their practices and no one knows what the future holds.

#### 4.4 Correspondence from the OPMA - fyi

During the COVID time period, the College received a few communications from the OPMA. The primary concern of the OPMA was to keep things moving forward on the change in title and scope. The one good thing is that other regulations are moving forward. It will be important for the College to have the best foot care model for its citizens.

#### 4.5 Registration Examination – fyi

The College has had several meetings with our psychometrists about how to handle the College's registration examination this year. We have issues with the number of people that can gather in one place and gaining access to OSCE suites. At this point in time, we do not have confirmed access to the Michener site for running the OSCEs. Our psychometrists have advised that we need to keep the same type of registration exam in order to maintain its validity. The College must be careful. Until we have confirmation of the OSCE suites there is nothing the College can do at this point. The Registrar said there are also issues with PPE, candidates who cannot fly in, whether the examiners want to come in, the limited number in one place etc. We asked Dr. Harley about students taking an online exam and we were advised that it comes with risks. Even if we were to overcome those risks, we still have the practical component of the exam to deal with.

A question was asked what other regulators are doing. The President responded that most professions run their exams nationally so the perspective is different. Most Colleges have had to delay their exams. Our regulation requires the College to run the exam once a year and to have a supplemental once a year as well. Based on our regulation, we cannot award temporary licenses. Those applicants can work in a clinic but could not do any of the controlled acts. They would be working as a member of the public in the member's office and under the supervision directly and the responsibility of the particular member. Mr. Mendez indicated that the Michener is not going back in September – courses will be delivered virtually. The plan is to try to get the clinic up and running within the parameters of COVID. The Michener clinic is in the OSCE suites we do our registration in.

#### 4.6 QA – Changes to CE requirements for the 2020-2021 cycle

The QA committee felt that for the one cycle, the full amount of CE could be done in a virtual fashion but the courses and result would have to be validated. The normal CE requirements would revert back in the next cycle. Therefore, 20 hours that is required in Category A could all be virtual instead of in person attendance at seminars and conferences.

#### 4.7 Staffing Changes

The Registrar announced that Meghan Clarke will be continuing with the College in a permanent position as the Manager of Professional Conduct and Hearings. She was initially hired at the College to cover a maternity leave. Meghan Hoult is returning from maternity leave on July 7<sup>th</sup> as the College's Practice Advisor. Her role is to be a resource for the membership and public. We are trying to be proactive rather than reactive in helping the membership. She will respond to questions prepare articles, organize online seminars. She will liaise with Meghan Clarke in relation to complaints and discipline to find out what the trends are and assist with the development of standards & guidelines. Mr. Hayles explained that the idea is to be proactive and to help members understand their responsibilities. By liaising with complaints and discipline, for example, we can understand where the problems are and prepare educational materials to cover the issues. There was some discussion about members being required to do a one-hour mandatory webinar on infection control, for example, or a mandatory ethics exam before members can renew. The Practice Advisor position was initially a one day a week position but we quickly realized that this would not be enough time for a person to accomplish all the things expected of the position. The Registrar also indicated that we did have a recruitment process that was opened up for all the membership. The CV's that came back, were vetted by 2 members of the Executive and the Registrar, and the position was discussed several times at the Executive.

### Part 3

#### 5. For Decision

##### 5.1 Approval of the Audited Financial Statements for 2019\*

The audit was slightly different because of COVID. The auditors were not in a position to do formal field work and College staff were not on site to be able to pull invoices or verify documentation. However, the documents requested were able to be accessed and provided electronically. The auditors indicated that they got everything that was needed. The Audit Committee was able to have their meeting with the auditor within a week or two of when we would have done so normally. Mr. Daley commented that good work was done by the auditors and great work by College staff in being able to keep that process moving in a timely basis given the circumstances. The changes from the financial statements in February were minimal.

#### **MOTION**

**Moved by: Jim Daley**

**Seconded by: Martin Hayles**

**THAT Council approve the College's audited financial statements for the year ended December 31<sup>st</sup> 2019 as found on pages 42-54 of the Council materials.**

**CARRIED UNANIMOUSLY**

##### 5.2 Appointment of the Auditors for 2019\*

Mr. Daley indicated that the service and price are good. The price will not change – this was confirmed.

#### **MOTION**

**Moved by: Jim Daley**

**Seconded by: Agnes Potts**

**THAT Council appoint the firm of Hillborn LLP to be the College's auditors for the year ending December 31<sup>st</sup>, 2020.**

**CARRIED UNANIMOUSLY**

A question arose as to whether the Registrar has an opportunity to ask for a rent rebate from the landlord or a reduction of rents going forward. The College does not qualify for the government rent reduction but we do for the 10% wage subsidy.

### 5.3 Bi-election in District 5

Ms. Maragoni resigned her position on Council and all Committees for personal reasons. The Registrar prepared a memo outlining the possible courses of action. There are 3 options for filling her spot as follows:

1. Leave the position vacant;
2. Appoint an elected councilor who had the most votes of all the unsuccessful eligible candidates in the previous election in that district. There were no other candidates.
3. Conduct a bi-election

### **MOTION**

**Moved by: Martin Hayles**

**Seconded by: Winnie Linker**

**Council direct that a bi-election be held for a chiroprapist Council member in District 5 as soon as reasonably possible**

**CARRIED UNANIMOUSLY**

### 5.4 Possible Fee Adjustment for Members (2021-2022) due to COVID 19

Executive felt that members have suffered significant fiscal distress related to COVID-19 in having their practices essentially significantly reduced or shut entirely for the last 2-3 months. There is also a time process of trying to rebuild their practices. Jim was tasked with looking at different models as to how the College could give some relief to the membership to enable them to take account if they really are unable to practice for 3 months. The College looked at a fee reduction base on the approximate amount of time that members' offices would have been significantly disrupted, a delay in paying next year's fees to give members more time to recoup some of their losses.

The scenarios looked at what the College's fiscal position will be at the end of this year or when fees would start to roll in again. The College has a good equity and cash base. He looked at a 3-month fee reduction equivalent to the total shutdown or with a combination of either a deferral or fee waiver and deferral. The cost of upcoming discipline matters is enormous and very significant. To reduce fees and commit to that at this point would be irresponsible because of the potential for significant financial problems for the College. Given that our cash position is strong enough we can comfortably recommend the deferral of payment until August 2021. Members will not need to incur any cost for fourteen months. Hopefully this will be enough for them to recoup the real impact that they have suffered in the first 3 months of the year. We can articulate the College's rationale for the deferral in terms of our financial impact over the next year or so. It is difficult to predict with a reasonable or a minimal amount of error what the College's cash flow over the next couple of years. This is in relation to any cost orders at discipline. Even in Colleges where the members may charge higher fees for their services you see cost recovery orders over 36-48 months. We are also beginning to see the lag time of our zero tolerance policy. Hopefully we will see an effect of diminishing future complaints.

A question was raised about the College asking for rent reduction vis-a-vis not reducing the fees. We cannot ask for the reduction today when we do not know when we will be back in the office physically. Will we go back in September or December? The matters are not quantifiable. They may be down the road. Today with the information the College has we cannot make a motion that we reduce fees based on a request that will be made in the future or which we have no probability assigned for receiving it. It does not make sense. If halfway through the year before the fees are actually due Council reviews expenses and says we are in a really good position to reduce the fees, there may be a possibility that the fees could be dropped temporarily. At some point next year if Council decides to drop the fee, there is time to do so before August 31<sup>st</sup> if that is what is decided.

A question was raised about our government relation initiatives. The College was in the midst of signing a contract with Ms. Lantsman's new firm when COVID struck. The College budgeted \$56,000 for 2020 for this initiative and has not spent any monies yet.

### **Recommendation:**

That Council approve in principle the following amendments to the College's Fees By-law:

1. Add the phrase, "Subject to article 4.03.1, to the beginning of Articles 4.02 and 4.03; and
2. Add a new Article 4.03.1 as follows: "For the calendar year 2021, the annual fee is \$1700.00 if paid on or before August 14, 2021 and \$1900.00 if paid thereafter.

And further that Council direct that the proposed amendments be circulated to members and other stakeholders for at least 60 days.

### **MOTION**

**THAT Council approve the motion forwarded from Executive.**

**CARRIED BY A MAJORITY**

**1 no; 1 abstention**

The Executive will move forward with a survey of the members to determine where members are financially in terms of returning to practice.

The by-law change as drafted is only for one year and would revert back to the usual on February 14, as opposed to August 14<sup>th</sup> and then would be circulated to members and other stakeholders for comment. The by-law change that we are discussing now would be approved in principle, circulated for 60 days and returned to Council for final approval.

### **5.5 Request from St. Michael's Hospital for the College to send out a Survey on their Behalf**

The College has been asked to assist St. Mike's with a piece of research they are conducting that focuses on the effect of foot care by COVID-19. In the past we have simply circulated the survey link by e-mail. The College is then not involved and it remains entirely at the members' discretion whether they wish to participate.

### **MOTION**

**Moved by: Martin Hayles**

**Seconded by: Sasha Kozera**

**THAT the College assist St. Michel's Hospital Toronto to distribute two research ethics board approved surveys to all members of the College in such a manner as the Registrar shall determine appropriate so long as the survey questions are considered appropriate by the Executive Committee.**

**CARRIED UNANIMOUSLY**

## Part 4

### 6. Other Statutory Committee Reports

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

#### 6.1 ICRC – Martin Hayles

There were 14 new complaints, a little over half of those came in from families and patients. The balance were actually from insurance companies. Thirty percent was incentivization and half were breaches of standards of practice. In the last 4 months, the ICRC has disposed of 20 complaints and in half of those, no further action was taken. Three went towards a SCERP and six were referred to discipline. Two cases were withdrawn. The cases were disposed of in about 229 days which is slightly higher than the target of 150 days.

#### 6.2 Discipline – Cesar Mendez

There are 16 referrals to discipline, eight of those since our last meeting in February. No hearings were completed since the last Council meeting in February. There is no statutory time limit for matters to go to discipline.

#### 6.3 Quality Assurance - Anna Georgiou [see Item 4.6 above]

The Registrar reported that as soon as the virtual access is completed, we will then be able to notify those who have been randomly selected.

#### 6.4 Registration – Agnes Potts

The Registration Committee met once since the last meeting. The matter dealt with an applicant who had not practised for at least 3 months during the previous two years. The individual was allowed to register with limitations and conditions which was that a mentor was approved by the College with a minimum of forty hours supervision.

## Part 5

### 7. Working Group/Other Committee Reports

#### 7.1 Standards and Guidelines [Peter Ferguson]

Mr. Ferguson commented on the excellent work of the committee during COVID and particularly noted Eliot To and Sasha Kozera. The Committee will continue working on the record keeping standard, advertising and social media work. Hopefully, it will be ready for the October Council meeting.

#### 7.2 Registration Examination – [Stephanie Shlemkevich]

The biggest challenge is how and where to hold the exam. It is still a work in progress as the College works to find a location. We continue to work with our psychometrist regarding the exam.

7.3 Audit Committee\* – Jim Daley [dealt with under 5.1 above]

7.4 Strategic Planning Committee [Andrew Gassmann]

The Committee has not been able to meet because of COVID but is hoping to do so in the near future.

7.5 Registrar’s Review and Compensation Committee [Winnie Linker]

The plan is to put a plan together over the summer.

Mr. Mendez acknowledged and thanked three of our outgoing Council members - Aladdin Mohaghegh, Millicent Vorkapich-Hill and Martin Hayles.

## **8. In Camera Session**

### **Motion**

**THAT the public be excluded from the meeting pursuant to clause 7.2e of the Health Professions Procedural Code of the *Regulated Health Professions Act, 1991* as instruction will be given to or opinions received from the solicitors for the College.**

Anonymous Complaints – reasonable and probable grounds

## **9. Next Meeting**

9.1 Items for Agenda – Next Council Meeting

9.2 Next Meeting Date – October 23, 2020

## **10. Adjournment**