



College of Chiropodists of Ontario

**Minutes of the Council Meeting
Friday, February 26, 2021, 9:00 a.m.
Online via Zoom**

Peter Stavropoulos, President

Council Members in Attendance:

1. Andrew Gassmann
2. Matthew Doyle
3. Winnie Linker
4. Peter Ferguson
5. Melanie Atkinson
6. Nosheen Chaudhry
7. Ed Chung
8. Sasha Kozera
9. Irv Luftig
10. Cesar Mendez
11. Eliot To
12. Jim Daley
13. Douglas Ellis
14. Allan Katz
15. Ramesh Bhandari

Regrets: N/A

Staff in Attendance:

1. Julie Maciura, Acting Registrar
2. Meghan Clarke, Manager, Professional Conduct and Hearings
3. Meghan Hoult, Practice Advisor
4. Tera Goldblatt, Executive Assistant

Guests:

1. Kumail Karimjee, Legal Counsel
2. Tara Breckenridge, Ministry of Health and Long-term Care

1. Call to Order

1.1 Call to Order, Appointment of Secretary

The Chair opened the meeting noting that notice of the meeting was given, and the meeting was properly constituted with a quorum present.

Meghan Clarke was appointed as Secretary.

1.2 Welcome Guests and Introduction of Acting Registrar

President, P. Stavropoulos, welcomed guests to the meeting. He also welcomed the Acting Registrar, J. Maciura, noting that her appointment was ratified at a Council meeting on February 18, 2021, as well as College staff. He thanked College staff for their assistance during the transition to the new Registrar.

P. Stavropoulos noted that K. Karimjee, Legal Counsel and T. Breckenridge from the Ministry of Health were in attendance.

1.3 Approval of Agenda

The agenda was revised to add item 3.2.2, a motion from the Executive Committee to approve the next standard to be updated by the Standards and Guidelines Committee. Also, a small typo was noted in section 1.5 – the approval of the minutes should be for the October 23, 2020 Council meeting, not October 20, 2020.

Approval of the minutes of the February 18, 2021 Special council meeting were added for approval in item 1.5.

It was moved by S. Kozera and seconded by I. Luftig to approve the agenda with the amendments noted. Motion CARRIED.

1.4 Declaration of Conflict of Interest

No conflict of interests were declared.

1.5 Approval of Minutes of October 23, 2020 and February 18, 2021 Council Meetings

It was moved by J. Daley and seconded by S. Kozera to approve the minutes of the October 23, 2020 and February 18, 2021 Council meetings. Motion CARRIED.

2. In Camera

Council moved *in camera* to discuss personnel issues with Legal Counsel, K. Karimjee, pursuant to section 7(d) of the *Health Professions Procedural Code*.

It was moved by M. Doyle and seconded by N. Chaudhry to move in camera pursuant to section 7(d) of the Health Professions Procedural Code at approximately 9:10 a.m. Motion CARRIED.

Council came out of in camera at approximately 9:30 a.m.

3. Decision Items

3.1 Committee Appointments (and Chair of Audit Committee)

J. Daley resigned from the Audit Committee, which created a vacancy. The Executive Committee was required to appoint a Council member to replace him. D. Ellis expressed an interest in joining the Audit Committee and has relevant experience. Pursuant to Bylaw 26.02, the Executive Committee appointed D. Ellis to the Audit Committee on February 3, 2021 so that it met its quorum requirements and was properly constituted.

It was moved by A. Gassmann and seconded by N. Chaudhry that Council approve the appointment of D. Ellis to the Audit Committee to fill the vacancy on that Committee. Motion CARRIED.

J. Daley was the Chair of the Audit Committee, and so with his resignation, the Executive Committee was required to appoint a new Chair. A. Gassmann expressed an interest in becoming Chair, at least for the rest of the 2021 term. The Executive Committee appointed A. Gassmann as Chair of the Audit Committee pursuant to Bylaw 26.03 on February 3, 2021.

It was moved by D. Ellis and seconded by M. Doyle that Council approve the appointment of A. Gassmann as Chair of the Audit Committee. Motion CARRIED.

R. Bhandari is a new public Council member. On February 3, 2021, the Executive Committee appointed R. Bhandari to the Quality Assurance Committee, the Registration Committee, the Inquiries, Complaints and Reports Committee and the Discipline Committee.

It was moved by J. Daley and seconded by E. Chung that Council approve the appointment of R. Bhandari to the Quality Assurance, Registration, Inquiries, Complaints and Reports and Discipline Committee. Motion CARRIED.

Given D. Ellis' appointment to the Audit Committee, he was removed from the Quality Assurance Committee. Because of R. Bhandari's appointment to the Quality Assurance Committee, D. Ellis' removal from the Quality Assurance Committee will not cause any committee composition issues.

It was moved by E. Chung and seconded by A. Gassmann that Council approve the removal of D. Ellis the QA Committee. Motion CARRIED.

3.2 Bylaw Amendments re Standards and Guidelines Committee

Issue 1:

The Standards & Guidelines Committee has working as an ad hoc committee of Council to date. Given the important work undertaken by this Committee, it is recommended that the Committee become a Standing Committee of Council established in the bylaws.

It was moved by J. Daley and seconded by E. Chung that Council establish the Standards and Guidelines Committee as a Standing Committee of the College by amending By-law No. 1 to add the following new articles under the heading "Standards and Guidelines Committee" as follows:

- 23.4.01 The Standards and Guidelines Committee shall be a standing committee of the College composed of*
- i) at least one elected or selected councillor;*
 - ii) at least one public councillor; and*
 - iii) at least one non-council committee member.*

23.4.02 The President shall be an ex-officio member of the Standards and Guidelines Committee.

23.4.03 The Standards and Guideline Committee's responsibilities are to assist the Executive Committee and Council in developing and amending Standards of Practice, Guidelines, Advisories, policies and other documents, when requested or directed to do so by the Executive Committee or Council.

23.4.04 A quorum of the Standards and Guidelines Committee is a majority of the Committee.

Motion CARRIED.

Issue 2:

It is appropriate to keep the existing committee members on the Standards & Guidelines Committee for 2021 but one public member of Council will also have to be appointed to the Committee so that it is properly constituted.

It was moved by M. Atkinson and seconded by S. Kozera that the current members and Chair of the Standards and Guidelines Committee as it existed immediately prior to revising the by-laws to make the Committee a Standing Committee continue to be the Chair and members of the new Standing Committee and that Mr. Jim Daley be appointed to the Standards and Guidelines Committee, effective immediately. Motion CARRIED.

3.2.2 Direction to the Standard and Guidelines Committee to update the Prescription Shoe Standard

It was moved by E. Chung and seconded by D. Ellis that the *Standards and Guidelines Committee* be directed to update the Prescription Footwear standard. *Motion CARRIED.*

Allan Katz joined the meeting at 9:42 a.m.

3.3 Registration Examination for 2021

Issue 1:

The Council of the College is required to “set or approve” a registration examination for entry-to-practice, pursuant to the College’s Registration Regulation. The examination approved by Council consists of a written competency component, a written Jurisprudence component and an Objective Structured Clinical Examination (OSCE). The examination questions are created by subject matter experts and the validity, reliability and fairness of the examination (and any changes to it) is measured by a psychometrician retained by the College. The College administers the examination, and prior to COVID-19, it was physically offered at the Michener Institute (but the examination itself is independent of the Michener Institute).

Council approved the use of the updated Profile of Competencies (approved by Council in October 2019) to serve as a guide for the development of the College’s registration examination. The use of the updated Profile of Competencies was intended to start in 2021. Unfortunately, Council’s previous decision in that regard was not articulated to stakeholders, and as a result, it would be unfair to current students to implement the new Profile of Competencies any earlier than 2022. With Council’s approval, the updated Profile of Competencies will serve as a guide for the College’s registration exam starting in 2022. Stakeholders, including the Michener Institute (which offers the approved Ontario chiropractic program and which is aware of the issue), will be advised immediately after Council’s decision (and this information will also be included on the College website immediately so that applicants for registration will have sufficient and fair notice).

It was moved by M. Doyle and seconded by P. Ferguson that stakeholders be advised immediately that starting in 2022, the updated (2019) Profile of Competencies will serve as a guide for the College's registration examination. Motion CARRIED.

Issue 2:

It is extremely expensive for the College to offer supplemental OSCEs for candidates who fail the OSCE. It is also expensive, as well as distressing, for candidates to have to retake a high-stakes examination. In the Examination Committee's experience, preparation for the written competency examination and jurisprudence examination contributes greatly to the chances of the candidate being successful at the OSCE, and as such, the Examination Committee believes that successful completion of both written parts of the registration examination should be required prior to a candidate being permitted to sit the OSCE.

It was moved by M. Doyle and seconded by E. Chung that Council approves, starting in 2022, that candidates attempting the College's registration examination must first successfully complete both the written Jurisprudence examination and the written competency examination before being permitted to attempt the OSCE. Motion CARRIED.

C. Mendez asked if the Committee discussed the scheduling of the examinations and whether it would be done over the course of two weekends, for example. M. Doyle advised that these logistical issues were still to be discussed, and that he would bring it to the Committee's attention for discussion.

Issue 3:

Given that it is unclear when in-person examinations for large groups of people will be safe/permitted again because of COVID-19, the Examination Committee believes it is prudent to put steps in place to be able to offer the June 2021 written portions of the registration examination electronically. This decision is in the public interest given the safety concerns created by the COVID-19 pandemic.

It was moved by P. Ferguson and seconded by E. Chung that, in light of the COVID-19 pandemic, starting June 2021, Council approves the jurisprudence and written competency registration examinations of the College being offered either in-person or via an online format, whichever is operationally more feasible at the time at the sole discretion of the College. Motion CARRIED.

3.4 Member Request re Prescribing and Injecting

It was moved by W. Linker and seconded by C. Mendez that, if a member pays the associated fee (\$625), the member's credentials should be assessed for equivalence by Dr. Anthony Merendino and if Dr. Merendino's opinion is that the program is equivalent to the College's approved course on prescribing and injecting, that the member be authorized to prescribe and inject. Once a program has been assessed as equivalent, then as long as the program does not substantially change, the program will be deemed to be equivalent to the College's approved prescribing and injecting program. Motion CARRIED.

A. Gassmann asked if injecting and prescribing is a course taken by most students in Ontario and P. Stavropoulos confirmed that it is.

3.5 Advertising Guideline and Social Media Advisory

The Standards and Guidelines Committee carried out important work last year creating an Advertising Guideline to assist members in understanding their legal and professional responsibilities regarding any advertising related to a member's practice. Furthermore, the Committee also created a Social Media Advisory intended to assist members when using various social media platforms, which have become sources of information and sources of innovative ideas for clinical practice, networking and social support.

Given that the College has an Advertising Regulation (which is law), the Guideline and Advisory (which are not law) are purposely drafted using language such as "should" and "may," rather than "must" or "shall" as guidelines and advisories are not binding documents that can be enforced in the same way that regulations can be. Issues such as the inappropriate use of search terms or algorithms to drive traffic to a particular website will be addressed through a Question & Answer section in an upcoming College Newsletter.

Council members discussed protected titles and how the College will police the use of hashtags, Google analytics, algorithms and website optimization. J. Maciura explained that any Q+A to the membership about this issue will be reviewed by legal counsel and will take into account the issues raised in the discussion.

It was moved by P. Ferguson and seconded by D. Ellis that the Advertising Guideline dated January 2021 be approved by Council. Motion CARRIED.

Council members discussed why "don't cheat" from the 12-Word Social Media Policy by the Mayo Clinic Social Media Network was omitted in the Social Media Advisory. N. Chaudhry explained that it was removed on advice from legal counsel, and J. Maciura suggested that the reference to the Mayo Clinic could be moved to a footnote, as a compromise.

It was moved by A. Katz and seconded by S. Kozera that the Social Media Advisory dated January 2021 be approved by Council, with the revisions discussed by Council. Motion CARRIED.

BREAK from 10:30 a.m. to 10:45 a.m.

4. Discussion Items

4.1 Proposed Amendment to the Drug Regulation and Professional Misconduct Regulation Update

C. Mendez provided background on the amendments to the Drug Regulation. He advised that the proposed changes to the Drug Regulation are still with the Ministry of Health for its review.

J. Maciura noted that College will respond to the Ministry's questions about the proposed changes to the Professional Misconduct Regulation.

4.2 HPRO Government Training for Council Members

J. Maciura said the College is offering to cover the cost of the HPRO governance training course to Council members which is held on the mornings of two consecutive Fridays in either April 2021 or October 2021 for those who are interested. To date five councilors had expressed interest.

4.3 Registrar Search Update

P. Stavropoulos noted that the Registrar position was posted earlier this month and closes today. The next step will be to review applications, which will then be brought forward to Council.

4.4 CPMF Update

J. Maciura said a draft of the College Performance Measurement Framework will be provided to the Executive Committee for its review early March. It is an operational document and therefore it will not come to Council for approval but they will be provided a copy for their information.

4.5 Budget Update

J. Maciura explained that the 2021 budget is almost complete, and some areas of efficiency have been identified. Once the 2020 financial statements are ready, a draft budget will be provided to the Executive Committee. A special Council meeting will be required in March to approve the budget.

5. Other Committee Reports

P. Stavropoulos noted that, at other regulatory colleges, reports from standing committees are generally included as part of a consent agenda and are approved as part of one motion, leaving more time for Council to focus on its important decisions. At future meetings, Council will use this approach.

5.1 ICRC

P. Stavropoulos thanked College staff and members of the Committee and he referred Council to the report in the material. There were no questions about the report.

5.2 Discipline Committee

C. Mendez thanked College staff and Committee members, and noted that since the report was drafted, one pre-hearing conference was heard and three more were scheduled. As well, a hearing is in the process of being scheduled. There were no questions about the report.

5.3 Registration Committee

M. Doyle advised that the Committee met once to approve the registration of a member. The registration was approved pending the completion of the jurisprudence examination, which was completed in December 2020. There were no questions about the report.

5.4 Quality Assurance Committee

P. Stavropoulos thanked the Quality Assurance Committee for its work.

Council discussed CE logs and C. Mendez explained that the Committee's intent is to provide feedback to members who were audited, but that this feedback has been delayed.

Council discussed whether in-person assessments will occur next year, but it was noted that, due to COVID-19, nothing was certain at this time.

6. Working Groups/Other Committee Reports

6.1 Technical Committee

P. Ferguson noted that, as set out in the Committee's report, given that the Swift System which utilizes microwave therapy is Health Canada approved, that it is recommended that no further action be taken at this time. There were no questions about the report.

6.2 Registration Examination Committee

P. Stavropoulos said the Committee's work has led to the motions that Council approved today in item 3.3.

M. Doyle reported that the College is working on retaining a new psychometrician. The written exam will take place on March 5, 2021 and the OSCE is still being scheduled.

N. Chaudhry asked if the College considered granting provisional licenses given the pandemic. J. Maciura noted that the College's Registration Regulation does not allow provisional licenses.

6.3 Audit Committee

A. Gassmann summarized his report, which was included in the package to Council.

7. Next Meeting

7.1 Council Meeting Dates for 2021

The next Council hearing dates are: June 25, 2021 and October 29, 2021

7.2 Proposed Agenda Items for Next Meeting

J. Maciura noted that a special Council meeting will be required to approve the budget and select a new Registrar.

N. Chaudhry asked about a diversity policy. The Chair confirmed that the issue had been discussed previously and direction had been given to the Registrar to start work on that policy. That work will be undertaken.

Item 8.0 Adjournment

It was moved by I. Luftig and seconded by D. Ellis that the meeting be adjourned. Motion CARRIED.

The meeting was adjourned at 11:38 a.m.