



College of Chiropodists of Ontario

**Minutes of the Council Meeting
Friday, October 28, 2022 9:00 a.m.
180 Dundas St. W., 19th Floor Conference Room**

Council Members in Attendance:

1. Matthew Andrade
2. Melanie Atkinson
3. Chad Bezaire
4. Ed Chung
5. Matthew Doyle
6. Irv Luftig – via Zoom
7. Patrick Rainville
8. Donna Shewfelt
9. Peter Stavropoulos
10. Deborah Loundes, Selected Member
11. Ramesh Bhandari, Public Appointee
12. Winnie Linker, Public Appointee
13. Jim Daley, Public Appointee – via Zoom
14. Allan Katz, Public Appointee

Regrets:

1. Andrew Simmons, Public Appointee
2. Reshad Nazeer, Public Appointee

Staff in Attendance:

1. Nicole Zwiers, Registrar and CEO
2. Meghan Clarke, Deputy Registrar and Manager, Professional Conduct and Hearings
3. Christine Hickey, Manager, Registration, Examination and Quality Programs
4. Stanley Huang, Executive Assistant

General Legal Counsel:

1. Alan Bromstein – via Zoom
2. Sarah Yun – via Zoom

Guests:

1. Bruce Ramsden, President, OPMA
2. Jana Charyk, OSC – via Zoom

1. Call to Order

1.1 Call to Order, Appointment of Secretary

N. Zwiers called the meeting to order at 9:01 a.m., noting that notice of the meeting was given, and the meeting was properly constituted with a quorum present. Meghan Clarke was appointed as Secretary.

N. Zwiers welcomed Council members, new Council members (C. Bezair, D. Loundes and M. Andrade) staff and guests.

A. Katz delivered a land acknowledgement.

1.2 Approval of Agenda

N. Zwiers asked for a motion to amend the agenda to add the appointment of D. Loundes as the selected member on Council. It was added as item 3.1 (a).

It was moved by W. Linker and seconded by E. Chung to add item 3.1(a) to the agenda. Motion CARRIED.

N. Zwiers also requested that item 3.11 be dealt with as the first order of business.

It was moved by M. Doyle and seconded by A. Katz to discuss item 3.11 as the first item of business. Motion CARRIED.

It was moved by M. Atkinson and seconded by P. Rainville to approve the agenda as amended. Motion CARRIED.

1.3 Declaration of Conflict of Interest

No conflict of interest was declared.

1.4 Approval of Minutes of June 24, 2022 Council Meetings

It was moved by R. Bhandari and seconded by P. Rainville to approve the minutes of the June 24, 2022 Council meeting. Motion CARRIED.

2. Consent Agenda Items

It was moved by A. Katz and seconded by E. Chung to approve consent agenda items 2.1, 2.2. and 2.3 Motion CARRIED

3. Decision Items

3.1 Motion to Appoint P. Stavropoulos as the Podiatry Member for Districts 1 and 2 (Combined District 1)

In combined District 1, no podiatrists came forward despite two call outs to the membership. P. Stavropoulos has agreed to serve in this District.

It was moved by M. Atkinson and seconded by M. Doyle to appoint P. Stavropoulos as the podiatrist member for combined district 1. Motion CARRIED.

3.1 (a) Motion to Appoint D. Loundes as the Selected Member on Council

It was moved by W. Linker and seconded by E. Chung to appoint D. Loundes as the selected member on Council. Motion CARRIED.

3.2 Bylaw 2 Amendment to include Credit Card Payment Fee

N. Zwiers explained that credit card fees are a large line item on the College's budget, approximately \$28,000. The membership is subsidizing payments by credit card. N. Zwiers has been working with the bank to add the College as a payee for online payments, but that option is not in place at this time. The proposed fee will help offset the cost to the College from members paying fees by credit card.

It was moved by W. Linker and seconded by A. Katz to approve the amendment to Bylaw 2 by adding the following:

9.02 *A fee of \$35.00 shall be payable by a member or applicant where the member or applicant makes payment by VISA, Mastercard or other credit card accepted by the College. Such fee shall apply to each credit card transaction made by a member or applicant.*

Motion CARRIED.

E. Chung asked if \$35 is revenue neutral and N. Zwiers explained it is in line with other retailers, and it is not revenue generating for the College. W. Linker noted that new legislation allows retailers to charge 2.4% for credit card fees, and this is slightly lower than that. P. Rainville asked if this will cause an increase in members paying by cheque, and N. Zwiers noted that she will report back to Council after the February 2023 renewal.

M. Doyle explained that the College also offers the option to pay by e-transfer because many banks have raised the transfer limit.

3.3 Motion to Change 2023 Council Dates

N. Zwiers explained that the College ran in to a number of challenges this year with the June Council date because of Pride and the challenge with booking hotel rooms/the cost. The proposal is to move the dates up, which will also allow the budget to be presented in January, rather than February, since the College operates on a calendar year. N. Zwiers spoke with the auditors, who confirmed that the proposed dates give them enough time to prepare the audited financial statements.

P. Rainville suggested that middle of the month dates would be better. M. Clarke and N. Zwiers explained that the College considered all dates, and these were the most viable options – some considerations included professional conferences, religious holidays, the exam, and other business meetings.

It was moved by D. Shewfelt and seconded by E. Chung to set the 2023 Council dates as follows – January 27, 2023, May 12, 2023 and September 22, 2023. Motion CARRIED.

3.4 Motion to Approve Equity, Diversity and Inclusion (EDI) as part of Registrants' Continuing Education

N. Zwiers noted that the CPMF has an EDI requirement, and in speaking with the registrars of the other 25 regulated health colleges, it was clear that most are embedding EDI in their CE requirements. C. Hickey recently met with the HPRO quality assurance group, and more than half of the Colleges in attendance have implemented mandatory EDI in their continuing education. This is new to the College, but it is not new in regulation. The Law Society has had an EDI CE requirement for years.

N. Zwiers noted that a number of different options were discussed in terms of how to implement this. The Executive Committee first discussed this in order to bring it to Council to be implemented in 2023. One option was to take the Four Seasons course from the First Nations University, which staff have completed. N. Zwiers spoke with the University and they were willing to offer it to members for \$50, if all members took the course. The College would not have financially benefit from the course. This option was recommended by the Executive Committee. However, given that CE is a QA measure, it went to the QA Committee to adopt a policy. At the QA meeting, there was a good discussion, and all perspectives were considered. The QA Committee ultimately recommended that members be able to choose the course in category B and that it needed to be five hours.

P. Rainville stated that he was at the QA Committee meeting when this was discussed. He said he opposed the option of mandating EDI in category 1 and he felt members should be able to choose the course they want to take.

N. Zwiers also explained that the College is moving to annual hours for CE – as of 2024, CE requirements will need to be completed annually.

W. Linker asked for clarification about whether the resources listed in the policy are just suggestions, not requirements, and N. Zwiers confirmed.

It was moved by P. Stavropoulos and seconded by M. Doyle to approve to approve the Continuing Education and Self-Assessment Policy as set out below:

As part of a Registrant's Category B continuing education requirements, each Registrant shall complete 5 hours of continuing education relating to Equity, Diversity & Inclusion ("EDI"), to be completed by December 31, 2023. Registrants can choose the EDI program that best suits their continuing education objectives as identified in the Self-Assessment Tool. The following is a non-exhaustive list of resources for Registrants:

- <https://www.univcan.ca/priorities/equity-diversity-inclusion/resources-from-canadian-and-international-organizations/>
- Canadian Centre for Diversity and Inclusion - <https://ccdi.ca/>
- First Nations University of Canada – <https://www.fnuniv.ca/admissions/icec/4-seasons-of-reconciliation/>
- National Centre for Truth and Reconciliation - <https://nctr.ca/education/>
- <https://canadianequality.ca/services/training/>
- Dalhousie University - <https://www.dal.ca/faculty/open/programareas/equity-diversity-inclusion.html>
- The Canadian Diversity Initiative - <https://candiversity.com/courses/>
- Toronto Metropolitan University (formerly Ryerson University) - <https://continuing.torontomu.ca/search/publicCourseSearchDetails.do?method=load&courseId=2401>

Motion CARRIED.

3.5 Revised Per Diems and Council and Committee Compensation & Expense Policy

N. Zwiers explained that some minor changes were made to the policy to make the operationalization of the policy easier for staff.

It was moved by W. Linker and seconded by M. Doyle that Council approve the revised Per Diems and Council and Committee Compensation & Expense Policy. Motion CARRIED.

3.6 Motion to Approve Information Sharing Policy Document

N. Zwiers noted that this is a requirement of the CPMF, and that the policy reflects obligations the College already has with respect to information sharing.

It was moved by D. Shewfelt and seconded by A. Katz to approve the Information Sharing Policy. Motion CARRIED.

3.7 Motion to Approve Bylaw 2 Amendment to Increase Examination Fee

N. Zwiers explained that last year, the College brought forward recommendations from Martek, the psychometrists, to raise its examination fees. Martek advised that the College's exam fee were too low, and it was not recovering the full cost of the examination. As a result, the exam fees were raised earlier this year. After running the exam in June 2022, it was determined that a further increase was required in order to get the College in a cost neutral position. Council is being asked to vote on circulating this bylaw change to the membership for 60 days. It will then come back to Council to vote on in January.

P. Rainville advocated for the increase to get the College in a cost neutral position. N. Zwiers noted that there could be more increases in the future if the cost of administering the exam goes up. D. Shewfelt also supported the increase.

It was moved by P. Stavropoulos and seconded by M. Doyle to direct that the proposed amendments to Bylaw 2 be circulated to members and other stakeholders for comment for 60 days before the matter is returned to Council. The proposed amendment to Bylaw 2 as follows:

1. Revoke Articles 5.01, 5.02, 5.03(a) & (b), and substitute as follows:

FEES RELATED TO EXAMINATIONS

5.01 *A person who applies to attempt the College's jurisprudence exam without applying to attempt the other examinations required for a certificate of registration shall pay a fee of ~~\$500.00~~ \$750.00.*

5.02 *A person who applies to attempt an examination which is a requirement for a certificate of registration but is not the jurisprudence examination referred to in Article 5.01 or the supplemental examination referred to in Article 5.03, shall pay a fee of ~~\$2600.00~~ \$3,600.00.*

5.03 *Where a person fails the examination referred to in Article 5.02 and the person applies for and is eligible to take a supplemental examination, the person shall pay a fee of*

(a) ~~\$500.00~~ \$750.00 for the written examination, if the requirement to take a supplemental examination was due solely to the applicant being unsuccessful on the jurisprudence portion of the written examination;

(b) ~~\$500.00~~ \$750.00 for the written examination, if the requirement to take a supplemental examination was due solely to the applicant being unsuccessful on the core competencies portion of the written examination;

(c) ~~\$1000.00~~ \$1500.00 for the written examination, if the requirement to take a supplemental examination was due to the applicant being unsuccessful on both the jurisprudence and core competencies portions of the written examination; and

(d) ~~\$1,600.00~~ \$2100.00 if the requirement to take a supplemental examination was due to the applicant being unsuccessful on the clinical (OSCE) examination.

2. that Council direct that the proposed amendments be circulated to members and other stakeholders for comment for 60 days before the matter is returned to Council.

Motion CARRIED.

3.8 Motion to Approve EDI College Statement

N. Zwiers explained that the College's EDI statement is a move towards incorporating EDI into its work. Other regulators have adopted similar approaches.

A. Katz questioned whether the statement should include specific definitions of equity, diversity and inclusion. N. Zwiers proposed that the statement be voted on, as drafted, and staff can present the definitions at the next meeting to amend the statement.

It was moved by P. Stavropoulos and seconded by A. Katz to approve the College's EDI Statement, with the proviso that staff bring a revised policy with the definition of equity, diversity and inclusion at the next Council meeting. Motion CARRIED.

3.9 Motion to Approve Fees, Billing and Accounts Guideline

E. Chung noted that he was at the Standards and Guidelines Committee when this was reviewed, and it was carefully drafted by legal counsel.

It was moved by P. Rainville and seconded by M. Andrade to approve the Fees, Billing and Accounts Guideline. Motion CARRIED.

3.10 Motion to Approve Draft Drug Regulation

N. Zwiers explained that the Standing Drug Committee has been working on amending the College's current drug regulation for years because it contains an outdated list. The goal was to move towards categories to avoid a similar situation in the future. Prior to getting to the categories, a new list was created, to draft the categories. The draft for Council's consideration is the final updated and expanded drug list the Committee put together.

The MOH initially said the category approach was appropriate – it was based on the American Hospital Formulary Service. Before the election, the College was told the Regulation would be approved. It was then put on hold because of the election. The College was then told that the American Hospital Formulary Service was sold, and it is now a private, for-profit entity so it is cost prohibitive. The MOH will no longer rely on the American Hospital Formulary Service, and it does not have a third-party provider for the categories, so it cannot adopt this approach. The MOH plans to develop its own formulary service, but this will take time. As a compromise, the MOH agreed to adopt the updated list. The Committee did not view this as an ideal outcome, but it is a step in the right direction. This will be considered an interim measure, and it will help protect the public by giving members the ability to prescribe drugs they are currently not able to prescribe.

M. Doyle commented on the amount of work the Committee has put it to the revised regulation, and although it is not exactly what the College wanted, it is better than the current regulation.

M. Andrade asked if the College will adopt a policy on prescribing opioids if this new list is adopted, and P. Stavropoulos said the College will do what is necessary to protect the public.

A. Katz asked what the strategy is in terms of lobbying the government to find an alternative to the American Hospital Formulary Service. N. Zwiers explained that she met with Christine Elliott and the perception is that professional regulation is not a top priority for the MOH right now. The College will continue to advocate for this change, in conjunction with other regulators, but it does not have much leverage right now.

It was moved by W. Linker and seconded by P. Rainville to approve the amended Drug Regulation. Motion CARRIED.

3.11 Election of Executive Committee Members

N. Zwiers reported that there are five positions for election to the Executive Committee that would be cast by secret ballot, if necessary. The five positions are President, Vice-President, professional member, first public member and second public member. She added that there would be five separate elections, one for each position, if necessary.

(a) Election of President

N. Zwiers requested nominations for President. M. Doyle nominated P. Stavropoulos and P. Stavropoulos accepted the nomination. There were no further nominations. P. Stavropoulos was acclaimed as President.

(b) Election of Vice-President

N. Zwiers requested nominations for Vice-President. P. Stavropoulos nominated M. Doyle as Vice-President, and he accepted. There were no further nominations M. Doyle was acclaimed as Vice-President.

(c) Election of Professional Member

N. Zwiers requested nominations for the professional member. P. Stavropoulos nominated M. Atkinson as the professional member on the Executive Committee and he accepted. There were no further nominations. M. Atkinson was acclaimed.

(d) Election of Public Member – First Position

N. Zwiers requested nominations for the first public member on the Executive Committee. M. Doyle nominated W. Linker and she accepted. There were no further nominations. W. Linker was acclaimed.

(e) Election of Public Member – Second Position

N. Zwiers requested nominations for the second public member on the Executive Committee. P. Stavropoulos nominated J. Daley and he accepted – he advised that his appointment expires in December 2022, and he is hopeful it will be renewed, but if not, this process will have to be repeated. There were no further nominations. J. Daley was acclaimed.

4. Education Session

Council received an education session from other regulators about common trends in regulation.

Lise Betteridge, Registrar/CEO of the College of Social Workers and Social Service Workers
Brian O’Riordan, Registrar/CEO of the College of Audiologists and Speech Language Pathologists
Maureen Boom, Registrar/CEO of the College of Massage Therapists
Gillian Slaughter, Director of Professional Conduct at the Royal College of Dental Surgeons of Ontario

5. Discussion Items

5.1 New Committee Composition/Chairs – Executive Committee Update

It was moved by D. Shewfelt and seconded by P. Rainville to consider and approve the committee composition and chairs recommended by the Executive Committee. Motion CARRIED.

(a) Inquiries, Complaints and Reports Committee

Peter Stavropoulos, Chair
Matthew Andrade, Professional Member
Melanie Atkinson, Professional Member
Chad Bezaire, Professional Member
Ed Chung, Professional Member
Deborah Loundes, Professional Member
Irv Luftig, Professional Member
Donna Shewfelt, Professional Member
Ramesh Bhandari, Public Appointee
Jim Daley, Public Appointee
Allan Katz, Public Appointee
Winnie Linker, Public Appointee
Reshad Nazeer, Public Appointee
Brooke Mitchell, Non-Council

Cesar Mendez, Non-Council
Riaz Bagha, Non-Council
Ruth Thompson, Non-Council
Stephanie Shlemkevich, Non-Council
Stephen Haber, Non-Council
Eliot To, Non-Council
Shael Weinberg, Non-Council

(b) Discipline Committee

Cesar Mendez, Chair (Non-Council)
Matthew Andrade, Professional Member
Melanie Atkinson, Professional Member
Chad Bezaire, Professional Member
Ed Chung, Professional Member
Deborah Loundes, Professional Member
Irv Luftig, Professional Member
Donna Shewfelt, Professional Member
Peter Stavropoulos, Professional Member
Ramesh Bhandari, Public Appointee
Jim Daley, Public Appointee
Allan Katz, Public Appointee
Winnie Linker, Public Appointee
Reshad Nazeer, Public Appointee
Riaz Bagha, Non-Council
Peter Guy, Non-Council
Stephen Haber, Non-Council
Brooke Mitchell, Non-Council
Eliot To, Non-Council
Shael Weinberg, Non-Council

(c) Fitness to Practise Committee

Brooke Mitchell, Chair (Non-Council)
Matthew Doyle, Professional Member
Winnie Linker, Public Appointee
Kimberley Resmer, Non-Council
Pauline Looi, Non-Council
Eliot To, Non-Council
Peter Guy, Non-Council
Cesar Mendez, Non-Council

(d) Patient Relations Committee

Peter Stavropoulos, Chair (Professional Member)
Matthew Doyle, Professional Member
Allan Katz, Public Appointee
Jim Daley, Public Appointee
Pauline Looi, Non-Council
Brooke Mitchell, Non-Council

(e) Quality Assurance Committee

Millicent Vorkapich-Hill, Chair (Non-Council)

Melanie Atkinson, Professional Member
Matthew Doyle, Professional Member
Patrick Rainville, Professional Member
Ramesh Bhandari, Public Appointee
Andrew Klayman, Non-Council
Julie Fraser, Non-Council
Tina Rainville, Non-Council
Lisa Balkarran, Non-Council
Brooke Mitchell, Non-Council

(f) Sedation Committee

Millicent Vorkapich-Hill, Chair (Non-Council)
Melanie Atkinson, Professional Member
Matthew Doyle, Professional Member
Patrick Rainville, Professional Member
Ramesh Bhandari, Public Appointee
Andrew Klayman, Non-Council
Julie Fraser, Non-Council
Tina Rainville, Non-Council
Lisa Balkarran, Non-Council
Brooke Mitchell, Non-Council

(g) Registration Committee

Matthew Doyle, Chair (Professional Member)
Matthew Andrade, Professional Member
Peter Stavropoulos, Professional Member
Melanie Atkinson, Professional Member
Ramesh Bhandari, Public Appointee
Winnie Linker, Public Appointee
Deepka Duggal, Non-Council
Tejinder Sahota, Non-Council

(h) Audit Committee

Jim Daley, Chair (Public Appointee)
Ed Chung, Professional Member
Melanie Atkinson, Professional Member

(i) Standards and Guidelines Committee

Brooke Mitchell, Chair (Non-Council)
Ed Chung, Professional Member
Deborah Loundes, Professional Member
Chad Bezaire, Professional Member
Peter Stavropoulos, Professional Member
Jim Daley, Public Appointee
Jannel Somerville, Non-Council
Peter Guy, Non-Council

(j) Registration Examination

Stephanie Shlemkevich, Chair (Non-Council)

Matthew Doyle, Professional Member
Donna Shewfelt, Professional Member
Andrew Klayman, Non-Council
Brooke Mitchel, Non-Council
Julie Fraser, Non-Council
Sonia Rebella, Non-Council

(k) Drug Committee

Peter Stavropoulos, Chair (Professional Member)
Jim Daley, Public Appointee
Jannel Somerville, Non-Council
Cesar Mendez, Non-Council

(l) Technical Committee

Ed Chung, Chair (Professional Member)
Matt Doyle, Professional Member
Chad Bezaire, Professional Member
John Lanthier, Non-Council
Tracy Oliver, Non-Council

(m) Elections Committee

Allan Katz, Chair (Public Appointee)
Matt Doyle, Professional Member
Ramesh Bhandari, Public Appointee
Jim Daley, Public Appointee

(n) Strategic Planning Committee

Millicent Vorkapich-Hill, Chair (Non-Council)
Matthew Andrade, Professional Member
Peter Stavropoulos, Professional Member
Patrick Rainville, Professional Member
Jim Daley, Public Appointee
Allan Katz, Public Appointee
Jannel Sommerville, Non-Council

(o) Registrar's Performance and Compensation Committee

Winnie Linker, Chair (Public Appointee)
Allan Katz, Public Appointee
Peter Stavropoulos, Professional Member
Melanie Atkinson, Professional Member

5.2 Registrar's Report

N. Zwiers advised that she provided the written report in advance and offered to answer any questions – there were no questions from Council.

5.3 Presentation on Current Trends in Regulation

N. Zwiers and M. Clarke presented on trends in regulation from the CLEAR and CNAR conferences – EDI, Covid-19, barriers for international applicants, cost recovery at discipline, member burnout and the regulation of off-duty conduct.

6. In Camera

It was moved by M. Atkinson and seconded by M. Doyle to move in camera pursuant to section 7(2)(b) of the Health Professions Procedural Code on the basis 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. Motion CARRIED.

Council moved in camera at 1:44 p.m.

7. Next Meeting

7.1 Council Meeting Dates for 2023

- January 27, 2023
- May 12, 2023
- September 22, 2023

7.2 Council Survey Reminder

7.3 Proposed Agenda Items for Next Meeting

8. Adjournment

It was moved by P. Ferguson and seconded by M. Doyle that the meeting be adjourned. Motion CARRIED.

The meeting was adjourned at 2:50 p.m.