



**College of Optometrists of Ontario
Council Meeting
April 8, 2015
APPROVED**

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Attendance:

Dr. Thomas-A. Noël, President
Dr. Pooya Hemami, Vice President
Ms. Irene Moore, Treasurer
Dr. Dennis Ruskin
Dr. Bill Chisholm
Mr. Francis Christopher
Ms. Shoshana Gladstone
Mr. Emad Hussain
Dr. Derek MacDonald

Dr. Dino Mastronardi
Ms. Luisa Morrone
Dr. Areef Nurani
Dr. Patrick Quaid
Dr. Marlee Spafford
Mr. Ira Teich
Mr. John Van Bastelaar
Dr. Marta Witer

Staff:

Dr. Paula Garshowitz, Registrar
Ms. Hanan Jibry
Ms. Mina Kavanagh

Mr. David Whitton
Dr. David Wilkinson

- 1
2 **1. Call to Order:** Dr. Noël called the meeting to order at 9:00 a.m. Dr. Noël welcomed everyone to the
3 meeting.
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5 **a. Conflicts of Interest:** Dr. Noël asked Council members if anyone had a conflict of interest with any
6 item on the day's agenda; there were no conflicts of interest declared.
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8 **2. Adoption of the Agenda:** A draft agenda was circulated before the meeting.
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10 Moved by Dr. Quaid and seconded by Mr. Van Bastelaar **to adopt the agenda.**
11 **Motion carried**
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13 **3. Adoption of the Consent Agenda:** A draft consent agenda was circulated before the meeting. Three
14 items were removed from the consent agenda for further discussion: reports from the Executive
15 Committee, the Registration Committee, and the ICRC.
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17 Moved by Dr. Quaid and seconded by Ms. Moore **to adopt the consent agenda.**
18 **Motion carried**
19 **Items removed from the consent agenda**

- 20 a) Executive Committee: A report was circulated prior to the meeting. Dr. Noël updated
21 Council on Executive’s recent activities. In March, he presented to the Board of Directors of
22 the OAO concerning the College’s work with the other provincial regulators to advance the
23 fair registration of internationally trained applicants, including the FORAC credential
24 assessment process and the evaluating exam. Later that month, he met with representatives
25 from WOVS, where they discussed externships, Schedule 1 drugs, and the IOBP.
- 26 b) Registration: A report was circulated prior to the meeting. Council heard about progress in
27 the development of the new evaluating exam, which is scheduled to be administered in June
28 2015. The determination of the cut score for applicants who may by-pass bridging may not
29 be made until the exam has been administered a few times.
- 30 c) ICRC: Council discussed the role of communications in doctor–patient interactions, and how
31 improving communications could mitigate or decrease the number of complaints received
32 by ICRC.
- 33

34 **4. Financial Matters/Treasurer’s Report:** College Treasurer Ms. Irene Moore presented the report.

35

36 **a. Treasurer’s Report:** Ms. Moore indicated that representatives from Radvany Jurina Cleary Associates
37 LLP would be presenting the 2014 draft audited financial statements. Ms. Moore extended her
38 appreciation to Dr. Hemami for his work as outgoing treasurer.

39

40 Moved by Ms. Moore and seconded by Dr. Hemami **to approve budget variance to the 2015 budget for**
41 **member contribution to CEO from \$48,000 to \$55,000.**

42 **Motion carried**

43

44 Moved by Mr. Van Bastelaar and seconded by Dr. Ruskin **to approve payment of membership**
45 **contribution to CEO for the 2014–15 year at \$25 per member.**

46 **Motion carried**

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48 Moved by Dr. Ruskin and seconded by Dr. Hemami **to approve payment of FORAC membership**
49 **contribution at \$10 per member.**

50 **Motion carried**

51

52 **b. Balance Sheet and Income and Expenditure Report – to December 31, 2014:** The current investment
53 portfolio (as of December 31, 2014) remains highly weighted (66%) toward fixed-income instruments
54 (including cash/money market and preferred shares), followed by a more modest allocation to common
55 equity securities (34%), and which collectively provide high liquidity for future purposes and/or
56 tolerances for unexpected events. The investment portfolio delivered an estimated net return of 7.0%
57 for 2014.

58

59 *Ms. Ildiko Jurina Cleary and Mr. Terry Lee, College auditors, joined the meeting.*

60

61 **c. 2014 Draft Audited Financial Statements:** Ms. Jurina Cleary presented an overview of the 2014 draft
62 audited financial statements. The 2014 audited financial report shows the College ended the year with
63 an operating surplus of \$287,243. This surplus excludes funds disbursed for the development of an
64 evaluating exam. Capital expenditures were higher in 2014 than in 2013, largely attributable to the
65 development of a new database/IS system, and for leasehold improvements following the College’s

66 relocation. The variance in the net change in investments portion of the cash flow statement is the
67 result of the transfer of the College’s investment portfolio to a new investment manager in the last
68 quarter of 2014. This led to a temporary increase of cash, which should be reversed in early 2015 as the
69 new investment manager purchases marketable securities.

70

71 After consultation with Council, amendments were made to Notes 1 and 11b of the financial
72 statements.

73

74 *Ms. Jurina Cleary and Mr. Lee left the meeting*

75

76 Moved by Ms. Moore and seconded by Dr. Chisholm **to accept the audited financial statements, as**
77 **amended.**

78

Motion carried

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80 **5. Motions Brought Forward From Committees:**

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82 **a. Executive Committee:** Executive presented Council with amendments to College by-laws that would
83 allow a Council member to introduce a motion to declare a conflict of interest. These amendments were
84 based on Council’s input from the previous meeting. They provide for a process in which a Council
85 member can introduce a motion to have a conflict of interest issue determined by Council. This member,
86 as well as the member who is the subject of the potential conflict of interest, would have an opportunity
87 to explain their perspectives on the issue. Council would then determine, by special resolution using a
88 secret ballot, whether the councillor had a conflict of interest.

89

90 Moved by Dr. Hemami and seconded by Dr. Nurani **to approve revised Part 11 of the College by-laws**
91 **with respect to conflict of interest.**

92

93 Council considered details of the process, particularly as regards which members would be excused from
94 the ballot. After some discussion, it was agreed that both the member who introduces the motion and
95 the member who is subject of the motion would be excused.

96

97 Moved by Dr. Witer and seconded by Dr. Nurani **to add “and the person who initiates the conflict of**
98 **interest motion” to 11.02(2)(d)**

99

Motion withdrawn

100

101 Moved by Dr. Nurani and seconded by Dr. Witer **to strike clause 11.02(2)(d) – “The Council Member**
102 **who is the subject of the potential conflict of interest shall not participate in the vote.”**

103

Motion withdrawn

104 Amendment to the motion:

105

106 Moved by Dr. Witer and seconded by Mr. Christopher **to add “the councillor who initiates the conflict**
107 **of interest motion” to clause 11.02(2)(d).**

108

Motion carried

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110 **Vote on original motion, as amended.**

111 Moved by Dr. Hemami and seconded by Dr. Nurani **to approve revised Part 11 of the College by-laws**
112 **with respect to conflict of interest and to add “the councilor who initiates the conflict of interest**
113 **motion” to clause 11.02(2)(d).**

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Motion carried

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117 **b. Quality Assurance Committee**

118 **i. Quality Assurance Panel:** Dr. Quaid, on behalf of the QA Panel, sought direction from Council on how
119 to deal with extenuating circumstances when a member is deficient in CE hours. The QA Panel
120 understands that it has a certain level of discretion when imposing College policy on CE hour deficiency,
121 but felt it would benefit from further direction. Council discussed options for the CE cycle and for the
122 treatment of mitigating circumstances. It was agreed that the Panel should continue to use its judgment
123 when considering these situations and that QA develop a policy document to guide these decisions.

124

125 **ii. Clinical Practice Panel:** The proposed OPR amendment would require that expiry dates be included in
126 all optical prescriptions. Optometrists would maintain professional discretion regarding expiry dates,
127 and would be required to inform patients when specified expiry dates are other than as recommended
128 in the proposed guidelines.

129

130 Moved by Dr. Nurani and seconded by Mr. Van Bastelaar **to approve amendments to OPR 5.2 The**
131 **Prescription.**

132

Motion carried

133

134 **Action Item: Staff to communicate the amendment and its significance via an email blast to members.**

135

136 **c. Registration Committee:** The Registration Committee reconsidered whether to allow members to use
137 additional designations MCOptom or FCOptom in the course of providing professional services. This was
138 undertaken at Council’s request, taking into consideration practices from other Canadian jurisdictions. In
139 addition, the Committee also considered the use of an additional fellowship, FCOVD (Fellow of the
140 College of Optometrists in Vision Development).

141

142 Moved by Mr. Van Bastelaar and seconded by Mr. Hussain **not to allow members to use two additional**
143 **qualifications in the course of providing professional services.**

144

145 Council discussed whether the public interest is served by allowing optometrists to use the designations
146 of MCOptom and FCOptom, which are designations granted with licensure by the British College of
147 Optometrists. Some issues included whether it would confuse the public; whether certain practitioners
148 would gain an advantage or suffer a disadvantage; whether Ontario’s policy is in line with other
149 provinces/territories and other medical professions; and whether fellowships, (i.e. FCOVD) should be
150 included in the same discussion as designations.

151

152 Moved by Dr. Quaid and seconded by Dr. Hemami **to separate the use of fellowships from the use of**
153 **additional designations in the course of providing professional services.**

154

Motion carried

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157 **Vote on original motion.**

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Motion carried

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160 **Action Item:** Registration Committee to reconsider allowing optometrists to use the additional
161 fellowship of FCOVD in the course of providing professional services.

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163 **6. Transparency Project:**

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165 **a. Report from Transparency Subcommittee regarding Phase 2 by-law amendments:** A report was
166 circulated prior to the meeting. Dr. Garshowitz gave a presentation to Council on Phase 2 by-law
167 amendment proposals. These proposals will increase the amount of information made available to the
168 public on the College register, including some complaint outcomes, licences in other jurisdictions,
169 regulatory findings in other jurisdictions, and federal and provincial offences charges. Dr. Garshowitz
170 talked about how transparency will inform ICRC deliberations using a risk assessment framework.
171 Council discussed the impact the Phase 2 amendments would have on the remediation and appeals
172 process and considered expiration periods for posting the information. Dr. Garshowitz also presented
173 the preliminary results of a transparency survey that was sent to members earlier in the month. Council
174 provided feedback on the recommendations, which will be considered by the sub-committee. Council
175 also asked about the risk to the College in publishing an ICRC outcome that is subsequently overturned
176 by HPARB.

177

178 **Action Item:** The Transparency Sub-committee will consider the feedback provided by Council and will
179 bring its revised recommendations back to Council for approval prior to drafting the by-law
180 amendments.

181

182 **Action Item:** Staff will obtain a legal opinion on the risk to the College related to the transparency
183 initiatives when decisions are overturned on appeal.

184

185 **7. Reports on the College's Patient Relations Program:**

186 **a. Report to the Minister of Health and Long-Term Care, January 26, 2015:** A copy of the Minister's
187 letter and the College's response was circulated prior to the meeting. The College had been required,
188 along with all other health regulatory colleges, to provide the Ministry with information about the status
189 and operations of its Patient Relations program's measures for preventing and dealing with the sexual
190 abuse of patients by regulated health professionals.

191

192 **b. Report to the Task Force on the Prevention of Sexual Abuse of Patients and the RHPA, 1991:** A copy
193 of the Task Force's letter and the College's response was circulated prior to the meeting. The College
194 wrote to the Sexual Abuse Task Force in response to its request for information, dated February 6, 2015,
195 regarding the College of Optometrists of Ontario's processes, including complaints and outcomes,
196 related to sexual abuse, boundary violations of a sexual nature, or other matters that pertain to the
197 mandate of the Task Force.

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199 **8. Internet Dispensing Update:** Dr. Noël informed Council that the College, together with the College of
200 Opticians of Ontario, will be meeting with industry to discuss Ontario regulations related to optical
201 dispensing over the Internet and the need for compliance.

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11. Dates of upcoming Council meetings: The next Council meeting has been scheduled for Wednesday, June 17 for a strategic planning session, with the public Council meeting to be held on Thursday, June 18, 2015.

12. Adjournment: Moved by Dr. Ruskin and seconded by Ms. Moore **to adjourn the meeting at 3:30 p.m.**

Motion carried