



**College of Optometrists of Ontario  
Council Meeting  
September 30, 2015  
APPROVED**

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**September 30, 2015**

**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. Dino Mastronardi

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

**Staff:**

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

Mr. David Whitton  
Dr. David Wilkinson

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2 **1. Call to Order:** Dr. Noël called the meeting to order at 9:06 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; no conflicts of interest were declared.

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8 **2. Adoption of the Agenda:** A draft agenda was circulated before the meeting. Mr. Christopher  
9 requested that an item be added regarding abstention votes.

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11 Moved by Dr. Ruskin and seconded by Mr. Christopher **to adopt the agenda, as amended.**

12 **Motion carried**

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14 On behalf of Council, Dr. Noël presented certificates of recognition to three outgoing Council members  
15 for their outstanding contributions to public protection. Former president Dr. Dennis Ruskin and long-  
16 serving Council members Dr. Marlee Spafford and Dr. Derek MacDonald will be leaving at the end of  
17 2015.

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19 **3. 2015 Strategic Plan:** The strategic plan was circulated prior to the meeting. Dr. Noël thanked Mr.  
20 Teich for drafting it, and encouraged Council to review it.

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22 **4. Adoption of the Consent Agenda:** A draft consent agenda was circulated before the meeting. One  
23 item was removed from the consent agenda for further discussion: the report from the Executive  
24 Committee.

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26 Moved by Dr. Hemami and seconded by Dr. Mastronardi **to adopt the consent agenda.**

27 **Motion carried**

28 **Items removed from the consent agenda**

29 a) Executive Committee: A report was circulated prior to the meeting. Council commented on  
30 correspondence received from the Eye Health Council of Ontario (EHCO) asking for  
31 participation from both the College and the College of Physicians and Surgeons of Ontario.  
32 The Executive Committee passed a motion that, going forward, it would attend meetings as  
33 an observer, as many issues before EHCO relate to advocacy rather than regulatory matters.  
34 Dr. Noël gave an update on a recent meeting with FORAC; Council talked about matters of  
35 concern to both the College and FORAC.

36 **Abstention voting:** Council discussed meeting protocol relating to how abstention votes are recorded.

37 **IN CAMERA SESSION**

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39 Moved by Dr. Hemami and seconded by Dr. Chisholm **to have the meeting go in camera.**

40 **Motion carried**

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42 *Staff and guests left the meeting.*

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53 *Staff and guests returned to the meeting.*

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55 *Representatives from the College of Physiotherapists of Ontario joined the meeting.*

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57 **5. Regulation of Clinics:** Ms. Shenda Tanchuk, Registrar, and Ms. Joyce Huang, Policy Analyst, of the  
58 College of Physiotherapists of Ontario gave a presentation to Council. Ms. Tanchuk detailed a multi-  
59 college initiative that is studying the need to regulate inter-professional health clinics, particularly clinics  
60 that are owned by unregulated persons. Any new oversight body would seek to address public safety  
61 issues that arise from unregulated clinical practice such as: high volume of patients; inadequate  
62 supervision of employees; problems with infection control; and poor record-keeping. Several health  
63 regulators are active in the project.

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*Representatives from the College of Physiotherapists of Ontario left the meeting.*

The College is currently acting as observers of the clinic regulation working group; Council discussed the relevance of the initiative to the College given recently enacted independent contractor provisions, which address many of the issues raised by the group, and how it might contribute to furthering the analysis of the working group. The College will recommend that the group considers a mechanism to control the business owner who is not regulated by a college.

Moved by Dr. Ruskin and seconded by Dr. Witer **to continue the College’s role as observers in the clinic regulation working group.**

**Motion carried**

**6. Financial Matters/Treasurer’s Report:**

**a. Treasurer’s Report:** College Treasurer Ms. Irene Moore presented the report.

**b. Balance Sheet and Income and Expenditure Report – to June 30, 2015:** The unaudited income and expense (I&E) report through June 30, 2015 reflects an operating surplus of \$55,080, running well ahead of the 2015 budget. It is likely that full-year results will be lower than the anticipated deficit, the extent of which will depend on remaining committee and legal expenses in the second half of 2015.

**c. Investment Account Update:** After a summer downturn in the markets, the College’s investment firm held a teleconference, advising that it was a “wait and see” situation; the US economy was strong and they believed that market correction was inevitable. The Executive Committee discussed the advantages of increasing US equity and international equity proportions in the College’s investment policy from 10 to 15% each. These changes would provide the investment manager with increased flexibility for the selection of investment securities to optimize risk-adjusted investment returns.

Moved by Ms. Moore and seconded by Dr. Nurani **to increase the maximum permissible international equity and US equity allocations in our investment portfolio from 10% to 15% each; the total permissible maximum overall equity allocation (including Canadian equity) to remain unchanged at 45%.**

**Motion carried**

**d. Draft 2016 Budget:** A preliminary budget was presented to Council. No membership fee increase was considered at this time although low single-digit increases may be considered to provide additional tolerances for operating budget variances. Decisions on possible fee increases will take into account the results from upcoming I&E statements (corresponding to the second half of 2015).

**e. Draft Council and Committee Member Expense Policy:** Executive reviewed the draft Council and committee expense policy prior to the meeting. These guidelines will provide information for new and current members with respect to reasonable expenses that will be paid by the College for travel, hotel, and other related expenses when attending College meetings.

107 Moved by Ms. Moore and seconded by Mr. Christopher **to approve the draft Expense Guidelines for**  
108 **Council and committee members.**

109 **Motion carried**

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111 **6. Motions Brought Forward From Committees:**

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113 **a. Quality Assurance Committee**

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115 **i. QA Panel:** A report was circulated prior to the meeting. In past Continuing Education cycles, the QAC  
116 has had to devote considerable time to supplementary audits of members who inaccurately reported  
117 their CE hours. To discourage this, the Panel recommends charging \$350 + 13% HST for members who  
118 ask the Quality Assurance Committee to reassess their underreported CE hours at the end of a cycle. The  
119 amount of this fee is intended only to cover administrative and Committee time.

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121 Moved by Dr. Quaid and seconded by Mr. Christopher **to charge a fee of \$350 + 13% HST for a self-**  
122 **reported CE-deficient member who expressed that they mistakenly reported incorrect CE hours, to**  
123 **have their CE certificates audited.**

124 **Motion carried**

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126 **ii. Clinical Practice Panel (CPP):** A report was circulated prior to the meeting. After revisions to OPR 5.2  
127 The Prescription were approved at the April 2015 meeting, Council debated whether it would be  
128 appropriate for optometrists to provide spectacle therapy to patients with expired prescriptions. CPP  
129 was directed to consider amending OPR 6.4 Spectacle Therapy for clarity. The draft document addresses  
130 members' obligations prior to filling an expired prescription.

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132 The documents were reviewed and suggestions were made for clarification and grammar.

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134 Moved by Dr. Nurani and seconded by Dr. Quaid **to approve revisions to OPR 6.4 Spectacle Therapy.**

135 **Motion carried**

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137 **iii. Registration Committee:** A report was circulated prior to the meeting. The Committee has drafted a  
138 policy called "Assessing an Applicant's Good Character," which explains how the College assesses  
139 information from or about applicants for whom evidence of past conduct raises questions about their  
140 ability to practise optometry with honesty and integrity.

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142 Moved by Mr. Van Bastelaar and seconded by Dr. Ruskin **to approve the good-character requirement**  
143 **policy for applicants for registration.**

144 **Motion carried**

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146 The Committee has developed a policy to clarify the process by which members may change their  
147 registration status in Ontario from practicing to non-practising, or vice-versa, for both fixed or indefinite  
148 periods of time.

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150 Moved by Mr. Van Bastelaar and seconded by Dr. Quaid **to approve the policy for non-practising**  
151 **members returning to practice for circulation for two months for member input and final approval by**  
152 **Council at the January 2016 Council meeting.**

153 **Motion carried**

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155 **7. Transparency Project:** A report was circulated prior to the meeting. Ms. Moore updated Council on  
156 the Transparency Subcommittee's recent activities. In late August, the final draft Phase 2 transparency  
157 by-laws were circulated to members and stakeholders for comment. After reviewing the comments, the  
158 Subcommittee grew concerned that members appear not to fully understand the College's complaints  
159 and investigation process. Council discussed the comments and how more outreach might be done with  
160 members regarding the transparency provisions. The Subcommittee recommended sending an email  
161 blast to members as soon as possible. This may help ease the concerns of many members who  
162 commented on the by-law circulation by improving their understanding of the ICRC's process for  
163 investigating complaints and reports.

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165 **Action Item:** Staff to send an email blast to members explaining the complaints and investigation  
166 process.

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168 Moved by Ms. Moore and seconded by Mr. Christopher **to approve the Phase 2 transparency by-law**  
169 **(Part 18 – Register), as circulated.**

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**Motion carried**

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172 The Subcommittee presented a draft of "Guidelines to Determine Relevance to Member's Suitability to  
173 Practise," a document that is intended to help the Registrar to determine whether certain  
174 behaviour/conduct is relevant to a member's suitability to practise. They are based on guidelines drawn  
175 up by the Ontario College of Pharmacists.

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177 Moved by Ms. Moore and seconded by Mr. Van Bastelaar **to approve the Guidelines to Determine**  
178 **Relevance to Member's Suitability to Practise.**

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**Motion carried**

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181 Council was informed that a review of the electoral districts in the by-laws showed that some county  
182 names had changed since the by-laws were passed. A request was made to approve updating the county  
183 names in Section 6.01 of the by-laws.

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185 Moved by Dr. Ruskin and seconded by Mr. Hussain **to revise the electoral districts that are listed in the**  
186 **College by-laws.**

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**Motion carried**

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189 **9. Internet Dispensing Update:** Dr. Noël informed Council that FORAC has formed a committee to look  
190 at this issue.

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192 **10. Regulation Updates:**

193 **a. Spousal Exemption Sexual Abuse Provisions:** The regulation amendment has been submitted to the  
194 Ministry of Health and Long-Term Care and will be reviewed in due course.

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196 **b. QA Regulation Amendments:** The new regulation has been submitted to the Ministry of Health and  
197 Long-Term Care, and will be reviewed in due course.

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199 **c. Designated Drugs Regulation:** Amendments to add new drugs to the Schedule have been submitted  
200 to the Ministry of Health and Long-Term Care.

201 **d. Optometry Review Committee:** As the Ministry has not yet passed the revoking regulation, the ORC  
202 remains a statutory committee of the College.

203

204 **11. Correspondence:**

205 **a. Letter from the Assistant Deputy Minister of Health and Long-Term Care:** Denise Cole, Assistant  
206 Deputy Minister of the MOHLTC, wrote to thank the College for providing her with a copy of the 2014  
207 annual report.

208

209 **b. Letter from the Ministry of Citizenship, Immigration and International Trade:** Helen Angus, Deputy  
210 Minister of Citizenship, Immigration and International Trade, announced the appointment of Mary  
211 Shenstone as interim Fairness Commissioner effective September 21, 2015.

212

213 **12. Dates of upcoming Council meetings:** The next Council meeting has been scheduled for Wednesday,  
214 January 20, 2016. The following meetings are set for Friday, April 15, 2016 and Monday, June 20, 2016.

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216 **13. Adjournment:** Moved by Dr. MacDonald and seconded by Dr. Ruskin **to adjourn the meeting at 3:38**  
217 **p.m.**

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**Motion carried**