



**College of Optometrists of Ontario
Council Meeting
January 16, 2015
APPROVED**

Attendance:

Dr. Thomas-A. Noël, President
Dr. Pooya Hemami, Vice President
Ms. Irene Moore, Treasurer
Dr. Dennis Ruskin, Outgoing President
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
Mr. Eyal Birenberg
Ms. Hanan Jibry

Ms. Mina Kavanagh
Mr. David Whitton
Dr. David Wilkinson

Guest: Mr. Richard Steinecke

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4 **1. Call to Order:** Dr. Ruskin called the meeting to order at 9:00 a.m. Dr. Ruskin welcomed everyone to
5 the meeting. He introduced a new professional member, Dr. Marta Witer, and a new public member,
6 Ms. Shoshana Gladstone.
7

8 **a. Conflicts of Interest:** Dr. Ruskin asked Council members if anyone had a conflict of interest with any
9 item on the day's agenda; there were no conflicts of interest declared. Dr. Witer informed Council of her
10 involvement with the Vision Institute of Canada and the Board of Governors for the University of
11 Waterloo, and expressed her mindfulness of any potential issues.
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13 **2. Adoption of the Agenda:** A draft agenda was circulated before the meeting.
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15 Moved by Ms. Morrone and seconded by Mr. Christopher **to adopt the agenda.**
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Motion carried

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18 **3. Election of Officers for 2015:** A call for nominations had been sent previous to the meeting.
19 Councillors interested in running for a position on Executive had been asked to indicate their intention,
20 in writing, to the Registrar by January 15. Dr. Ruskin announced that the three College officers'
21 positions, as well as the four member positions, were acclaimed.

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Officers:

Dr. Thomas-A. Noël, President
Dr. Pooya Hemami, Vice-President
Ms. Irene Moore, Treasurer

Executive Committee members-at-large:

Dr. Areef Nurani
Dr. Dennis Ruskin
Mr. Ira Teich
Mr. John Van Bastelaar

Outgoing President Dr. Dennis Ruskin requested that new President Dr. Thomas-A. Noël take the gavel. Due to illness, Dr. Noël deferred the chair to Vice-President Dr. Pooya Hemami.

4. Orientation: Dr. Garshowitz gave a brief presentation. Council learned about the duties of the College and Council, the organization of the College, confidentiality and indemnity, and the new consent agenda process for Council meetings.

5. Adoption of the Consent Agenda: A draft consent agenda was circulated before the meeting. Dr. Ruskin asked that two items be removed for further discussion: the Executive Committee report, and an ICRC chart on page 32 of the agenda.

Moved by Ms. Moore and seconded by Dr. Quaid **to adopt the consent agenda.**

Motion carried

ii. Items removed from the Consent Agenda

- a) Executive Committee Report: A report was circulated prior to the meeting. Council learned that Dr. Ruskin and the president of the College of Opticians updated Ministry of Health and Long-Term Care officials on Internet dispensing. The government was pleased with the collaborative work of the Colleges. In November, Dr. Ruskin presented an update to members at the Vision Institute Fall Seminar and Trade Show. Members were given an opportunity to submit questions in advance, which Dr. Ruskin, Dr. Noël, and College staff answered that evening. Approximately 80 members attended. Dr. Ruskin also spoke about his recent meetings with FORAC and with CEHPEA.
- b) ICRC chart: The discussion ended with staff explaining the layout of the ICRC chart related to the nature of complaints considered by the ICRC since the last Council meeting.

Minutes of Prior Council Meetings: The in camera minutes of the meeting of September 17, 2014 were circulated to Council. Councillors were given an opportunity to review them.

Moved by Dr. Ruskin and seconded by Dr. Quaid **to approve the in camera minutes of September 17, 2014.**

Motion carried

68 **6. Financial Matters/Treasurer’s Report:** Dr. Hemami presented the report.

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70 **Balance Sheet and Income and Expenditure Report – to October 31, 2014:** Preliminary financial results
71 through October 31, 2014 reflect an operating surplus. This excludes payments toward the three
72 exceptional investments (construction and leaseholds, database and evaluating exam). Operating
73 expenditures to date are trending at 21% below forecasts. In particular, legal expenditures, Discipline
74 Committee, and Registration Committee expenses year-to-date were below budgeted amounts. Given
75 trends year-to-date, it is anticipated that 2014 final results will see a net surplus (excluding exceptional
76 investments).

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78 **Draft 2015 Budget:** The 2015 budget maintains the forecasts passed at the September 2014 Council
79 meeting, and does not include an increase in membership fees. The 2015 budget forecasts an operating
80 loss of over \$129,000, but after including investment income the net deficit is forecast at under \$55,000.
81 Dr. Garshowitz proposed that additional funds be allocated for a subcommittee to review proposed
82 Phase 2 transparency by-law amendments. The funds would be used to cover legal and operational
83 expenses.

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85 Moved by Dr. Ruskin and seconded by Dr. Chisholm **to allocate \$15,000 for expenses incurred by a**
86 **Phase 2 by-law review subcommittee.**

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Motion carried

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89 Moved by Dr. Nurani and seconded by Mr. Teich **to approve the preliminary 2015 budget, as amended.**

90 **Motion carried**

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92 Transfer of the College’s investment portfolio to Cumberland Private Wealth Management was
93 completed in early November 2014. The current investment portfolio remains highly weighted toward
94 fixed income instruments, followed by a more modest allocation to common equity securities, which
95 collectively provide high liquidity for future purposes and/or tolerances for unexpected events. The
96 investment portfolio delivered an estimated net return of 7.0% year-to-date through November 30,
97 2014.

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99 Council is required to annually authorize the Registrar to provide direction to the College’s investment
100 advisor.

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102 Moved by Mr. Christopher and seconded by Dr. Quaid **to authorize, by resolution, the Registrar to**
103 **provide direction to the College’s investment advisor.**

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Motion carried

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106 Council is required to annually appoint the auditor.

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108 Moved by Dr. Chisholm and seconded by Mr. Van Bastelaar **to appoint Radvany Jurina Cleary**
109 **Associates LLP Chartered Accountants as the College’s auditor for fiscal 2015.**

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Motion carried

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114 **7. Motions Brought Forward From Committees:**

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116 **a. Executive Committee:** Executive Committee agreed that a process was needed for Council members
117 to declare a conflict of interest. Proposed revisions provide for this process, allowing a member to
118 introduce a motion to have a conflict of interest issue determined by Council. This member, as well as
119 the member who is the subject of the potential conflict of interest, are given an opportunity to explain
120 their perspectives on the conflict of interest issue. Council then determines, by special resolution using a
121 secret ballot, whether the councillor has a conflict of interest.

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123 Moved by Dr. Ruskin and seconded by Mr. Van Bastelaar **to approve revised Part 11 to the College by-**
124 **laws with respect to conflict of interest.**

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126 Council discussed the background and history of this motion. It debated the efficacy of the proposed
127 process and considered how it might be applied and what the consequences of its application might be.
128 Some language of the proposal, in particular subparagraph 11.02(3)(b), was questioned.

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130 Moved by Dr. Ruskin and seconded by Mr. Van Bastelaar **to table the motion pending further**
131 **discussion.**

Motion tabled

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134 **Action Item:** Staff will provide the principles of Council's discussion with respect to amendments to the
135 proposed by-law to legal counsel for re-drafting.

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137 **b. Quality Assurance Committee**

138 **i. Quality Assurance Panel**

139 A proposed amendment to the Quality Assurance Regulation was circulated to members and
140 stakeholders for 60 days in late 2014, and all comments reviewed. The amendment allows for more
141 flexibility in the definition and process of practice assessments, and make it more consistent with the
142 new Registration Regulation and the RHPA.

143
144 Moved by Dr. Quaid and seconded by Dr. Nurani **to approve the draft regulation amendment to O. Reg.**
145 **119/94 Part IX Quality Assurance to the Ministry of Health and Long-Term Care for government**
146 **approval.**

147 **2 Abstentions**
148 **(1 public member, 1 professional member)**

Motion carried

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151 **ii. Clinical Practice Panel**

152 Council discussed amending the current Designated Drugs Regulation (O. Reg. 112/11) to authorize
153 optometrists to prescribe all Schedule 1 drugs, limited by scope of practice and all other federal and
154 provincial laws, and to remove the two-week restriction on oral antibacterials. Two OPR documents,
155 OPR 4.1 Clinical Equipment and OPR 7.6 Cycloplegic Refraction, were revised; Council discussed these
156 items and offered feedback.

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158 Moved by Dr. Nurani and seconded by Dr. Ruskin **to direct CPP to prepare an amendment to the**
159 **Designated Drugs Regulation (O. Reg. 112/11).**

160 **Motion carried**

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162 Moved by Dr. Nurani and seconded by Dr. Quaid **to approve revisions to OPR 4.1 and OPR 7.6.**

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164 The documents were reviewed and suggestions made for clarifications and additions. The changes will
165 be reflected in the published documents.

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167 Amendment to the motion:

168 Moved by Dr. Witer and seconded by Mr. Van Bastelaar **to amend the document to remove the phrase**
169 **“uncooperative patients.”**

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Motion carried

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172 **Vote on main motion amended.**

Motion carried

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174 **c. Registration Committee:** The College’s jurisprudence examination is reviewed regularly by College
175 staff and is approved by Council on an annual basis.

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177 Moved by Mr. Van Bastelaar and seconded by Mr. Hussain **to approve the jurisprudence exam for 2015.**

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Motion carried

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180 The standards assessment examination is considered by the Registration Committee and approved by
181 Council on an annual basis.

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183 Moved by Mr. Van Bastelaar and seconded by Mr. Hussain **to approve the Canadian Assessment of**
184 **Competence in Optometry (CACO) exam as the standards assessment examination set or approved by**
185 **the College for registration purposes for 2015.**

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Motion carried

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188 Council debated the merits of delaying the TPA certification deadline, previously approved by Council for
189 January 1, 2016. Maximizing the number of certified members is desirable. While firm deadlines might
190 serve as a motivation for members, the scarcity of TPA courses should also be considered. It was
191 suggested that it might be beneficial to initiate a communications campaign to encourage members to
192 get certified.

193

194 Moved by Mr. Christopher and seconded by Dr. Nurani **to approve delaying the deadline of January 1,**
195 **2016 for College members to become TPA-certified until January 1, 2017.**

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Motion withdrawn

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198 Before it can consider changing this date, Council must first rescind its original motion from an earlier
199 meeting by special resolution:

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201 Moved by Dr. Noël and seconded by Dr. Mastronardi **to rescind the original motion.**

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Motion carried by special resolution

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204 Moved by Dr. Noël and seconded by Mr. Christopher **to establish a deadline of January 1, 2017 for**
205 **members to become TPA-certified.**

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Amendment to the motion:

Moved by Dr. Ruskin and seconded by Dr. Quaid **to amend the motion to change the deadline back to the original date of January 1, 2016.**

Amendment to the motion defeated

Vote on original motion (to establish a deadline of January 1, 2017).

Motion carried

Action item: Staff to send an email blast to members encouraging them to become TPA-certified.

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Moved by Dr. Nurani and seconded by Mr. Christopher **not to allow members to use two additional qualifications in the course of providing professional services.**

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Council considered whether members should be able to add to their names professional qualification letters that were earned from international training. The issues discussed included public protection, and whether members of the public might misinterpret these qualifications, or their absence. There was also a question about why some designations are allowed and others aren't, and how to apply and maintain consistency. It was suggested that the various professional qualifications and their meanings could be communicated through the College website. It was agreed that the matter would be sent back to the Registration Committee for further consideration.

Motion tabled to a later meeting.

Action Item: The Registration Committee will consider the issue of additional qualifications and bring their suggestions back to Council.

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8. Transparency Project:

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a. Report to Minister of Health and Long-Term Care – December 1, 2014: A copy of the Minister's letter and the College's response was circulated prior to the meeting. Dr. Garshowitz informed Council of recent transparency initiatives. The College has been proactively working with five other regulators on the Advisory Group on Regulatory Excellence (AGRE) to make more information about health professionals available to and understood by the public.

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b. Phase 1 by-law circulation: Proposed changes to the register were circulated to members and stakeholders for 60 days. Council is now asked to consider the feedback and approve the changes.

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Moved by Dr. Chisholm and seconded by Ms. Moore **to approve changes to the register related to the circulated by-law amendments for the Phase 1 transparency project.**

Motion carried

Action Item: Staff will update the by-laws for posting on the College website.

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c. Phase 2 Proposed by-law amendments – Presentation by Mr. Richard Steinecke at 11:00 a.m.:

Council heard a presentation by health regulatory law specialist Richard Steinecke on risk management.

252 Mr. Steinecke touched on some core concepts of risk management, speaking about its origins and its
253 importance for the College, with particular emphasis on transparency and ICRC outcomes. Council
254 learned how it might identify, assess, treat, and monitor risk, as well as how to incorporate some key
255 strategies into its organization.

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257 At a future meeting, Council will be asked to consider adding to the register information about members
258 related to ICRC findings. To ensure that these decisions are made in the public interest, and with a
259 balance of fairness, the ICRC proposes a risk assessment model that will inform its decision-making
260 process. There was discussion about how the ICRC developed the model and how it might determine
261 levels of risk related to referrals.

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263 Moved by Dr. Ruskin and seconded by Ms. Morrone **to approve the proposed risk assessment model**
264 **for ICRC decision-making.**

265 **Motion carried**

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267 Dr. Garshowitz proposed a subcommittee to further consider the Phase 2 by-laws and recommended
268 that it comprise three members: Irene Moore, Annie Micucci, and David White.

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270 Moved by Dr. Ruskin and seconded by Ms. Morrone **to approve the composition of the transparency**
271 **subcommittee.**

272 **Motion carried**

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274 **9. Appointment of Committee Chairs and Committee Members for 2015:** The proposed statutory and
275 ad hoc committee chairs and members for 2015 were presented by Dr. Garshowitz.

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277 Moved by Dr. Nurani and seconded by Dr. Quaid **to approve the proposed chairs and members of**
278 **College committees as presented.**

279 **Motion carried**

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281 **10. Correspondence:**

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283 **i. Letter from Minister Hoskins – Patient Relations Program:** Dr. Eric Hoskins, Minister of Health and
284 Long-Term Care, wrote a letter to the 26 regulatory colleges asking that they cooperate with the newly
285 struck Task Force on the Prevention of Sexual Abuse of Patients and that they provide him with
286 information on the status and operations of their patient relations programs' measures for preventing
287 and dealing with the sexual abuse of patients.

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289 **ii. Letter from Dr. Paul Murphy:** Dr. Paul Murphy, Director of the School of Optometry and Vision
290 Science at the University of Waterloo, responded to the College's request for clarification regarding
291 prerequisites for admission to the Doctor of Optometry Degree Program.

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293 **11. Decision of the Ontario Superior Court of Justice in the matter of Mr. James McLean:** Dr.
294 Garshowitz informed Council that, on January 5, 2015, the Ontario Superior Court issued its decision in
295 the matter of Mr. James McLean versus the Attorney General of Ontario. The case had been ongoing for
296 a number of years. Mr. McLean, an optician, was seeking the court's permission to use an Eyelogic
297 refraction system at his clinic to arrive at a refractive result, the prescription for which would be written

298 by a remote prescriber. Mr. McLean would then dispense glasses based on the prescription. The court
299 upheld the College’s position that refraction isn’t a standalone activity, and that prescribing cannot be
300 done remotely. The OPR was quoted in a court decision, validating the College’s stand regarding this
301 issue.
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303 **Action Item:** Staff to draft an item on the case for the next issue of *In Focus* and the College website.

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305 Dr. Nurani asked a question regarding the School of Optometry and Vision Science’s position with
306 regards to internships and conflict of interest. Dr. Spafford recommended the College send a formal
307 letter to the school to seek further clarification.
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309 **Action Item:** Staff to draft a letter to the School of Optometry and Vision Science regarding internships.

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311 **12. Dates of upcoming Council meetings:** The next Council meeting has been scheduled for Wednesday,
312 April 8, 2015 at the College office, 65 St. Clair Ave. E., Suite 900, Toronto. The following meeting is set
313 for Thursday, June 18, 2015.
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315 **13. Adjournment:** Moved by Dr. Ruskin and seconded by Mr. Christopher **to adjourn the meeting at**
316 **3:30 p.m.**
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Motion carried