



**College of Optometrists of Ontario
Council Meeting, April 6, 2017
Council Training Day, April 7, 2017
APPROVED**

April 6, 2017

Attendance:

Dr. Pooya Hemami, President
Dr. Richard Kniaziew, Vice President
Ms. Irene Moore, Treasurer
Dr. Linda Chan
Ms. Maureen Chesney
Dr. Bill Chisholm
Dr. Patricia Hrynchak
Dr. Dino Mastronardi

Dr. Kamy Morcos
Ms. Luisa Morrone
Dr. Areef Nurani
Ms. Ellen Pekilis
Dr. Patrick Quaid
Mr. Brian Rivait
Mr. John Van Bastelaar
Dr. Marta Witer

Staff:

Dr. Paula Garshowitz, Registrar
Ms. Hanan Jibry
Ms. Mina Kavanagh
Mr. Nektarios Kikonyogo

Mr. David Whitton
Dr. David Wilkinson
Ms. Bonny Wong

1 **1. Call to Order:** Dr. Hemami called the meeting to order at 9:03 a.m. Dr. Hemami welcomed everyone
2 in attendance, including guests, to the meeting.

3
4 College Registrar Dr. Paula Garshowitz introduced a new staff member, Nektarios Kikonyogo. Nektarios
5 will be the College's Manager of Finance and Office Administration.

6
7 **2. Adoption of the Agenda:** A draft agenda was circulated before the meeting. The following items were
8 added to the agenda:

- 9
10
 - Approval of in camera minutes of the January 16, 2017 Council meeting
 - Minutes of the March 30, 2017 teleconference

11
12
13 Moved by Dr. Kniaziew and seconded by Dr. Quaid **to adopt the agenda as amended.**

Motion carried

14
15
16 **a. Conflicts of Interest:** Dr. Hemami asked Council members if anyone had a conflict of interest with any
17 item on the day's agenda; no conflicts of interest were declared.

18
19 **3. Adoption of the Consent Agenda:** A draft consent agenda was circulated before the meeting. One
20 item was removed for further discussion.

21

22 Moved by Dr. Chisholm and seconded by Mr. Van Bastelaar **to adopt the consent agenda.**

23 **Motion carried**

24 **Items removed from the consent agenda**

25

26 a) Minutes of the January 16, 2017 Council meeting: The draft minutes of the January 16, 2017
27 minutes were included in the briefing book.

- 28 • Lines 149, 202, 207, and 212 – Correction of spelling of “Van Bastelaar”

29

30 **Minutes of Prior Council Meetings:** The in camera minutes of the meeting of January 16, 2017 were
31 circulated to Council. Councillors were given an opportunity to review them.

32

33 Moved by Ms. Morrone and seconded by Dr. Morcos **to approve the in camera minutes of January 16,**
34 **2017.**

35 **Motion carried**

36

37 **4. Representatives of Optometry Examining Board of Canada (OEBC) (formerly CEO-ECO) addressed**

38 **Council at 9:30 a.m.:** Council heard a presentation from representatives of the Optometry Examining
39 Board of Canada (OEBC) (formerly CEO-ECO). Ms. Tami Hynes, Chief Executive Officer of OEBC, and Dr.
40 Carolyn Acorn, Chair, gave an overview of OEBC's history, governance structure, and strategic goals.
41 They also spoke about the new OEBC entry-to-practice exam, which consists of a written component
42 and an OSCE (objective, structured, clinical exam). The exam will be administered for the first time this
43 spring; they believe it will offer applicants a more comprehensive and standardized assessment of their
44 skills. At the conclusion of the presentation, Council asked questions and discussed issues related to fee
45 structure, internal processes, and data collection.

46

47 **5. Financial Matters/Treasurer's Report:**

48

49 **a. Treasurer's Report and Motions:** College Treasurer Ms. Irene Moore presented the report. The
50 Executive Committee has reviewed the January income and expenditure report, which details only one
51 month of operation and appears to be in order. Executive continues to monitor the activity and
52 performance of the investment account and the portfolio; given the current market conditions it has
53 experienced growth.

54 **b. Draft Financial Strategy Policy:** The Executive Committee has developed a document that will inform
55 the strategies for responsible planning and management of the College's finances. The Committee
56 proposes that, when reviewing the College's financial health, certain guiding principles be applied
57 regarding: the College's financial mission statement; monitoring of College finances; reserve funds;
58 review of the College's investment policy; the review of investments and investment advisors.

59

60 **c. Proposed Allocation of Reserve Funds:** In March, the Executive Committee approved a proposal to
61 allocate more reserve funds into specific internally appropriated funds. The 2016 draft audited financial
62 statements show that the College currently holds \$2,350,000 in appropriated special policy funds.
63 Council discussed specifics of the allocations and the reasoning behind how the funds would be used.

64

65 Moved by Ms. Moore and seconded by Dr. Kniaziew **to approve the addition of the following new**
66 **reserve funds in the following amounts:**

- 67 • **Investigations and Hearings – \$200,000**
- 68 • **Fee Stabilization – \$100,000**
- 69 • **Public Engagement – \$50,000**
- 70 • **Research – \$50,000**

71 **Motion carried**

72

73 Moved by Ms. Moore and seconded by Dr. Quaid **to approve the addition of the following amounts to**
74 **existing reserve funds:**

- 75 • **New Government Initiatives – \$50,000**
- 76 • **Building Fund – \$200,000**

77

78 Council debated whether the \$200,000 earmarked for the building fund might be better spent on
79 initiatives such as research or continuing education, which would protect the public through
80 development of the profession.

81

82 Amendment to the motion: Moved by Dr. Witer and seconded by Dr. Quaid **to remove the \$200,000**
83 **building fund from the list of reallocated funds.**

84

Motion defeated

85

86 **Vote on main motion (no amendment)**

87

Motion carried

88

89 *Ms. Ildiko Jurina Cleary and Mr. Terry Lee, of Radvany Jurina Cleary LLP, College auditors, joined the*
90 *meeting.*

91

92 **d. Review of Draft 2016 Audited Financial Statements:** Ms. Jurina Cleary presented an overview of the
93 2016 draft audited financial statements. The 2016 audited financial report shows that the College ended
94 the year with an operating surplus of \$665,259.

95

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

97

98 Moved by Ms. Moore and seconded by Dr. Kniaziew **to approve the 2016 financial statements.**

99

Motion carried

100

101 **8. Motions Brought Forward From Committees:**

102

103 **a. Executive:** The proposed motions, including relevant background information, were circulated prior to
104 the meeting. Under current College by-laws, all members of Council are appointed to the Discipline
105 Committee, except for those who have been appointed to Inquiries, Complaints and Reports Committee
106 (ICRC).

107

108 The College currently has six active public members, four of whom are appointed to ICRC, leaving two
109 public members for appointment to the Discipline Committee. This places an undue burden on these
110 two public appointees. In 2016 and 2017, the Discipline Committee saw increased activity in the form of
111 longer and more frequent hearings. This has made it harder for the Chair of the Discipline Committee to

112 assemble the quorum needed for the panels. This proposed by-law amendment would help facilitate the
113 appointment of properly constituted panels for Discipline hearings.

114

115 Moved by Dr. Kniaziew and seconded by Dr. Morcos **to circulate to members for 60 days a proposed**
116 **amendment to College by-law 14.05 to appoint all public members to the Discipline Committee.**

117

Motion carried

118

119 If passed, it will be important to properly ensure that public members, who are also appointed to ICRC,
120 are only appointed to Discipline panels for matters to which they have no prior exposure.

121

122 **Action item:** Staff will develop a process/policy for ensuring that, prior to their appointment, Discipline
123 Panel members have not had any prior involvement or exposure to the matter being heard.

124

125 At the January FORAC meeting, FORAC's treasurer explained that funding for operations would need to
126 be renewed because the planned hiring of an Executive Director will increase expenses; it was also
127 noted that membership fees had not been collected since 2015. The funding formula agreed upon in
128 2015 would be used, meaning Ontario would be asked for \$10 per member.

129

130 Moved by Dr. Kniaziew and seconded by Mr. Rivait **to approve the payment to FORAC of membership**
131 **fees in the amount of \$10 per College member.**

132

Motion carried

133

134 **b. Quality Assurance Committee**

135

136 **i. Quality Assurance Panel (QAP):** The proposed motion, including relevant background information,
137 was circulated prior to the meeting. The Committee has drafted a policy for practising members who fail
138 to provide at least 750 hours of direct optometric care to patients in Canada in any given three-year
139 period. The policy, "Practising Members with Insufficient Practice Hours," requires that members who
140 have provided less than 750 hours of optometric care to patients in Canada complete a practice
141 assessment at their own cost, while members who have provided zero hours will be required to
142 complete a practice evaluation at their own cost and comply with any orders of the Quality Assurance
143 Committee. The purpose of this policy is to establish a fair process for optometrists that also protects
144 the public by ensuring members' skills are current and up to date.

145

146 Moved by Dr. Morcos and seconded by Ms. Pekilis **to approve the adoption of the policy "Practising**
147 **Members with Insufficient Practice Hours."**

148

Motion carried

149

150 **c. Registration:** The proposed motions, including relevant background information, were circulated prior
151 to the meeting. Applicants for registration to the College are required to complete a jurisprudence exam
152 set or approved by the College. This exam is reviewed periodically by College staff and is approved by
153 Council annually. Council discussed the timing, format, and pricing of the exam, and whether it would be
154 beneficial to move the exam to an online platform.

155

156 Moved by Mr. Van Bastelaar and seconded by Dr. Quaid **to approve the College jurisprudence exam for**
157 **2017.**

158 **Motion carried**

159
160 **Action item:** Staff will research options for providing the jurisprudence exam online for consideration by
161 the Registration Committee.

162
163 There was some discussion regarding if members should be required to demonstrate continuous
164 understanding of jurisprudence throughout their career.

165
166 **Action item:** Quality Assurance Panel of the Quality Assurance Committee to discuss options for creating
167 an online jurisprudence refresher/exam for members.

168
169 Applicants for registration to the College are required to complete a standards assessment examination
170 set or approved by the College. The standards assessment exam is reviewed by the Registration
171 Committee and is approved by Council annually. Council discussed alternative assessment exams and
172 the College's current RFP.

173
174 Moved by Mr. Van Bastelaar and seconded by Dr. Mastronardi **to approve the Optometric Examining**
175 **Board of Canada (OEBC) written exam and OSCE as the standards assessment examination set or**
176 **approved by the College for registration purposes for only one year (2017), and to revisit this in 2018.**
177 **Motion carried**

178
179 Council briefly discussed the National Board of Examiners in Optometry (NBEO) exam and asked the
180 Registration Committee to have further discussions about the exam regarding its applicability to
181 Canadian standards for entry-to-practice.

182
183 Members of the Registration Committee are vetted prior to their appointments. The creation and
184 implementation of "Guidelines for Eliminating Bias" formalizes the process and educates the public
185 about how Committee members are appointed and guided in making transparent, objective, impartial,
186 and fair assessments about applicants to the College. These guidelines were developed in response to a
187 recommendation from the Office of the Fairness Commissioner. A draft policy was circulated to Council
188 prior to the meeting.

189
190 Moved by Mr. Van Bastelaar and seconded by Dr. Quaid **to approve the "Guidelines for Eliminating**
191 **Bias."**
192 **Motion carried**

193
194 **Action item:** Staff to compose a policy that sets out guidelines for appointments to all statutory
195 committees.

196
197 After reviewing feedback from January's stakeholder consultation, Council considered, for circulation, a
198 number of further changes to the Registration Regulation. If approved by the Ministry, these changes
199 would add a good character clause and a non-practising status provision. They would also change
200 certain registration requirements for the Academic Certificate of Registration. Council discussed the
201 feedback that the College received, in particular a drafting error in the existing legislation that has
202 created an inconsistency in the non-exemptible requirement for a certificate of good standing as it

203 relates to applicants applying under labour mobility provisions versus applicants using the normal
204 application process.

205
206 Moved by Mr. Van Bastelaar and seconded by Dr. Kniaziew **to approve the enclosed further amended**
207 **draft of the proposed amendments to the Registration Regulation (O. Reg. 837/93) as amended under**
208 **the *Optometry Act, 1991*, for submission to the Ministry of Health and Long-Term Care.**

209 **Motion carried**

210 **Recorded vote: All councillors present at the meeting voted in favour of the motion.**

211

212 **Action item:** Staff will arrange to meet with MOHLTC to discuss the perceived inconsistency in the
213 labour mobility provisions.

214

215 **7. Update on Injunction Application Against Clearly:** In December 2016, the College of Optometrists of
216 Ontario and the College of Opticians of Ontario filed an injunction against Essilor/Clearly. Council
217 learned that a hearing will take place on September 11, 2017 in Ontario Superior Court.

218

219 **8. Regulation Updates:**

220 **a. Spousal Exemption to MOHLTC:** These provisions have been submitted to the Ministry of Health and
221 Long-Term Care; the College has yet to hear any feedback.

222

223 **b. QA Regulation:** This regulation amendment has been submitted to the Ministry of Health and Long-
224 Term Care; the College has yet to hear any feedback.

225

226 **c. Designated Drugs Regulation:** In February, the Ministry of Health and Long-Term Care approved a
227 proposed amendment to the Regulation that expanded the list of drugs that optometrists are allowed to
228 prescribe to their patients. A further proposal, approved by Council last year, would give optometrists
229 the authority to prescribe all Health Canada–approved topical and oral drugs that are within the scope
230 of practice of the profession; staff are in the process of finalizing the submission to the Ministry. Council
231 considered whether, while waiting for the Ministry to grant this broad authority via the *Optometry Act*,
232 it might be useful for the College to propose a Regulation amendment that would allow categories of
233 drugs to be prescribed, rather than those contained in a delineated list.

234

235 Moved by Dr. Witer and seconded by Dr. Morcos **to direct the Clinical Practice Panel to consider**
236 **categories and come back to Council with a recommendation.**

237 **Motion carried**

238

239 **Action item:** Clinical Practice Panel to consider categories for a recommendation to Council.

240

241 **9. Update on Bill 87, *Protecting Patients Act*:** College Registrar Dr. Paula Garshowitz gave an update on
242 Bill 87, which was introduced last year by the Minister of Health and Long-Term Care to enhance patient
243 protection and prevent the sexual abuse of patients by health-care practitioners. The bill proposes
244 significant changes to the *Regulated Health Professions Act* and the *Health Professions Procedural Code*.
245 Many of these changes arise from recommendations made by the Sexual Abuse Task Force, and others
246 relate to transparency and increased powers of the Minister. Dr. Garshowitz also outlined some
247 suggestions by the Federation of Health Regulatory Colleges (FHRCO) that will help to implement the
248 proposals and ensure the provisions have their intended effect.

249
250 Council agreed that Dr. Garshowitz should attend any public hearings for the bill so that Council can
251 have input.

252
253 **10. Correspondence**

254 a. Letter from Ministry of Health and Long-Term Care, dated February 6, 2017

255
256 **11. List of Acronyms**

257
258 **12. Dates of Upcoming Council Meetings:**

- 259 a. Thursday, June 22, 2017 – confirmed
260 b. The following dates are proposed for the coming year:
261 • Tuesday, September 19, 2017
262 • Monday, January 15, 2018
263 • Monday, April 9, 2018
264 • Thursday, June 21, 2018

265
266 **13. Adjournment:** Moved by Dr. Kniaziew and seconded by Mr. Rivait **to adjourn the meeting at 2:45**
267 **p.m.**

Motion carried

268
269
270

Friday, April 7, 2017 – Council Training Day

Attendance:

Dr. Pooya Hemami, President
Dr. Richard Kniaziew, Vice President
Ms. Irene Moore, Treasurer
Dr. Linda Chan
Ms. Maureen Chesney
Dr. Patricia Hrynchak
Dr. Dino Mastronardi

Dr. Kamy Morcos
Ms. Luisa Morrone
Dr. Areef Nurani
Ms. Ellen Pekilis
Dr. Patrick Quaid
Mr. Brian Rivait
Mr. John Van Bastelaar
Dr. Marta Witer

Committee Chairs:

Dr. Dennis Ruskin
Dr. Thomas Noël

Staff:

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

Presentations:

1. Vision 2020 – Modernizing the College of Nurses of Ontario’s Governance

Presented by:

- Ms. Megan Sloan, President, College of Nurses of Ontario
- Ms. Anne Coghlan, Registrar and CEO, College of Nurses of Ontario
- Mr. Kevin McCarthy, Manager, Strategy, College of Nurses of Ontario

2. Saskatchewan College of Nurses vs. Carolyn Strom – How Personal Behaviour is Considered by Colleges

Presented by: Ms. Julia Martin, General Legal Counsel, College of Optometrists of Ontario

3. Bill 132 – Amendments to Ontario’s *Occupational Health and Safety Act*

Presented by: Ms. Sarah Crossley, Partner, Littler LLP

4. Vision Institute of Canada – An “optometry primer” and tour of the Vision Institute of Canada attended by public members of Council.

Presented by: Dr. Paul Chris, Executive Director, Vision Institute of Canada

5. Conclusion – 4:30 p.m.