



**College of Optometrists of Ontario
Council Meeting
June 22, 2017
APPROVED**

June 22, 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
Mr. Bashar Kassir
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. Justin Rafton

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

- 1 **1. Call to Order:** Dr. Hemami called the meeting to order at 9:05 a.m. Dr. Hemami welcomed everyone
2 in attendance, including guests, to the meeting.
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4 Dr. Hemami welcomed to Council a new public member, Mr. Bashar Kassir.
5
6 **2. Adoption of the Agenda:** A draft agenda was circulated before the meeting.
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8 Moved by Dr. Quaid and seconded by Mr. Rivait **to adopt the agenda as amended.**
9 **Motion carried**
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11 **a. Conflicts of Interest:** Dr. Hemami asked Council members if anyone had a conflict of interest with any
12 item on the day's agenda; no conflicts of interest were declared.
13
14 **3. Adoption of the Consent Agenda:** A draft consent agenda was circulated before the meeting. After
15 having confirmed that all councilors had read the consent agenda materials, two items were removed
16 for further discussion.
17
18 Moved by Dr. Hrynchak and seconded by Dr. Chisholm **to adopt the consent agenda.**
19 **Motion carried**
20 **Items removed from the consent agenda**

- 21
22 a) List of Motions and Action Items for the April 6, 2017 Council meeting: The list of Motions
23 and Action Items was circulated prior to the meeting. Staff clarified an entry for line 212
24 regarding a perceived inconsistency in the labour mobility provisions. Staff had met with the
25 Ministry of Health and Long-Term Care and determined that no inconsistency existed and no
26 change to the Registration Regulation is needed.
- 27 b) Registration: A report was circulated prior to the meeting. Faculty of the University of
28 Waterloo School of Optometry and Vision Science expressed concern about the WOVS
29 Faculty Member Minimum Practice Requirement Policy, which was drafted by the
30 Committee with input from stakeholders. The Committee expressed appreciation for the
31 faculty's involvement and affirmed that it can amend the policy.

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33 **4. Financial Matters:**

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35 **a. Treasurer's Report:** College Treasurer Ms. Irene Moore presented the report. The Executive
36 Committee met with the College's investment advisor and discussed adding funds to the portfolio. With
37 an overabundance of caution related to risk management, the Committee decided to engage another
38 investment firm to invest additional funds that are currently being held in GICs. The Committee
39 continues to monitor the activity and performance of the investment account and the portfolio; given
40 current market conditions they have experienced growth. The Committee is reviewing the investment
41 policy and is expecting to bring any suggested changes to Council at September's Council meeting.

42

43 **b. Financial Dashboard:** The Executive Committee, in collaboration with the College's Manager, Finance
44 and Office Administration, has developed a financial dashboard. The dashboard's purpose is to show the
45 financial health of the College at a glance. This summary sets out the income and expenditures, liquid
46 fund indicator, and performance of the investment portfolio, and is colour-coded to display areas that
47 are performing as expected (green), areas that require some attention (yellow), and those that are
48 performing poorly (red). The Committee will review the dashboard on a regular basis; it is expected to
49 become a regular feature of the Treasurer's report to Council.

50

51 **c. Balance Sheet and Income and Expenditure Report – to April 30, 2017:** The April 2017 balance sheet
52 and I/E indicates the College is in accord with its 2017 budget. ICRC and Legal are over budget due to
53 increased activity; the Treasurer will continue to monitor this line.

54

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

56

57 **a. Executive:** The proposed motions, including relevant background information, were circulated prior to
58 the meeting. Dr. Hemami told Council about a recent Association of Regulatory Boards of Optometry
59 (ARBO) meeting in Washington D.C., which he, Dr. Knaizew and Dr. Garshowitz attended. The College
60 spoke with regulators in other jurisdictions about issues of mutual interest: the rationale for having
61 professional members on councils; continuing education; and recent technologies such as telehealth.
62 Council discussed the importance of responding to disruptive technologies and anticipating how
63 patients might seek optometric care in the future.

64

65 Moved by Ms. Pekilis and seconded by Dr. Witer **to direct the Clinical Practice Panel to examine**
66 **emerging technologies and telehealth for the scope of the issue and determine how the College can**
67 **manage them in the interest of public protection.**

68 **Motion carried**
69

70 At the April 2017 Council meeting, Council approved circulation of a proposed by-law amendment that
71 would change the composition of the Discipline Committee to include all public members, including
72 those who are appointed to ICRC. The proposal is a result of an increasing number of referrals to the
73 Discipline Committee and the consequent difficulty in assembling panels. Council reviewed feedback
74 from the stakeholder consultation.

75
76 Moved by Dr. Chisholm and seconded by Mr. Rivait **to approve an amendment to College by-law 14.05**
77 **to appoint all public members to the Discipline Committee.**

78 **Motion carried**
79

80 The College currently has seven active public members, four of whom are appointed to ICRC, leaving
81 three public members for appointment to the Discipline Committee. Appointing the remaining public
82 members would relieve the burden on these three public appointees to be available to attend every
83 Discipline hearing.

84
85 Moved by Mr. Van Bastelaar and seconded by Dr. Kniaziew **to appoint the following Council members**
86 **to the Discipline Committee:**

- 87 • Ms. Maureen Chesney
- 88 • Mr. Bashar Kassir
- 89 • Ms. Irene Moore
- 90 • Ms. Luisa Morrone
- 91 • Mr. Brian Rivait

92 **Motion carried**

93 At its April 2017 meeting, Council asked staff to compose guidelines for the appointment of Council,
94 public, and non-Council members to statutory committees of the College. These guidelines provide
95 procedures to ensure balance, diversity, and renewal of committees on a regular basis. Having a policy
96 in place demonstrates a higher level of transparency to the public and other stakeholders of the College.
97

98 Moved by Dr. Quaid and seconded by Mr. Van Bastelaar **to approve the Policy on Appointment of**
99 **Council, Public and Non-Council Members to Statutory Committees of the College.**

100 **Motion carried**
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102 **b. Patient Relations:** The proposed motion was circulated prior to the meeting. Council reviewed and
103 discussed the eLearning module “Professionalism, Ethical Decision Making and the Prevention of Sexual
104 Abuse of Patients.” The interactive module outlines acceptable and unacceptable behaviour in the
105 patient–practitioner relationship. Council discussed issues surrounding implementation of the module.
106 Completion of the module will be mandatory for all members before the end of the 2018 annual report
107 period. It must be reviewed every three years, in line with the CE cycle. Council considered whether
108 penalties for mandatory reporting be made explicit when communicating the module to members.
109

110 Moved by Ms. Moore and seconded by Mr. Rivait **to approve the launch of the eLearning module**
111 **“Professionalism, Ethical Decision Making and the Prevention of Sexual Abuse of Patients”** as follows:
112 • **Completion of the module will be mandatory for the 2018 renewal of certificate of registration**
113 **for all existing College members, and thereafter at any intervals the Council may decide upon**
114 **Motion carried**

115
116 Moved by Ms. Moore and seconded by Ms. Morrone **that Council consider directing the Registration**
117 **Committee to explore options to ensure that every new applicant for a certificate of registration as an**
118 **optometrist in Ontario successfully completes the module upon registration in Ontario.**
119 **Motion carried**

121 c. Quality Assurance

122
123 **i. Clinical Practice Panel:** The proposed motions, including relevant background information, were
124 circulated prior to the meeting. Based on a consensus of practitioners, the Panel has revised OPR
125 Standards of Practice 4.2 Required Clinical Information to add “Visual fields, by confrontation or
126 automated perimetry” as a required examination for patients at first presentation, replacing “when
127 indicated.” Council discussed whether the wording of this change implied that the test would be
128 mandatory. No evidence was presented to justify the change; Council suggested the issue be
129 reconsidered.

130
131 Moved by Dr. Hrynychak and seconded by Dr. Quaid **to approve revisions to OPR Standards of Practice**
132 **4.2 Required Clinical Information.**
133 **Motion defeated**

134
135 The Panel has revised the description section and examination procedures table for OPR Standards of
136 Practice 6.2 Posterior Segment Examination. The standard is reworded but not materially changed.

137
138 Moved by Dr. Hrynychak and seconded by Ms. Moore **to approve revisions to OPR Standards of Practice**
139 **6.2 Posterior Segment Examination.**
140 **Motion carried**

141
142 The Panel has revised OPR Standards of Practice 7.2 Patients with Glaucoma. If approved, gonioscopy,
143 threshold visual field, and measurement of central corneal thickness will be required for patients with
144 glaucoma unless they are to be referred to another provider for continued glaucoma-related care. There
145 are few circumstances where these tests would not be indicated, so they should not be qualified with
146 “when indicated” as they are currently. Council debated whether the revised standard is evidence-
147 based, and whether making these test mandatory disallows professional judgment.

148
149 Moved by Dr. Hrynychak and seconded by Mr. Van Bastelaar **to approve revisions to OPR Standards of**
150 **Practice 7.2 Patients with Glaucoma.**
151 **Motion defeated**

152
153 **Action item:** The Clinical Practice Panel to gather evidence that will demonstrate that the current
154 standard should be revised.

155

156 **d. Registration:** The proposed motions, including relevant background information, were circulated
157 prior to the meeting. At its April 2017 meeting, Council approved the new OEBC written and OSCE exam.
158 The College subsequently learned that, during the transition from the CACO to the new OEBC exam, a
159 cohort of candidates had challenged the CACO written exam and the new clinical OEBC OSCE. Because
160 this combined exam had not previously been approved, Council is asked to consider this additional exam
161 as a standards assessment exam for registration purposes. In addition, some candidates who
162 successfully challenged the CACO exam in the past are in the process of applying for registration, so
163 Council is also asked to continue to approve the CACO exam.

164
165 Moved by Mr. Van Bastelaar and seconded by Dr. Quaid **to approve the successful completion of the**
166 **following standards assessment examination set or approved by the College for registration purposes**
167 **for 2017, and to revisit in 2018:**

- 168 i. **Canadian Assessment of Competence in Optometry (CACO) written exam and clinical exam; or**
169 ii. **CACO written exam and OEBC OSCE.**

170 **Motion carried**

171
172 The College has contributed to OEBC on an annual basis. In 2017, OEBC raised its fee to take the exam
173 while making significant changes to the exam without consultation with the regulators. From a public
174 safety perspective, the Registration Committee felt it would not be exercising due diligence if it
175 recommended that Council make a financial contribution to OEBC.

176
177 Moved by Mr. Van Bastelaar and seconded by Dr. Kniaziew **not to approve the \$25/member**
178 **membership contribution to OEBC pending the addition of critical technical skills to the OEBC OSCE by**
179 **January 1, 2018.**

180
181 Amendment: Moved by Mr. Van Bastelaar and seconded by Mr. Rivait **to amend the motion to remove**
182 **the phrase “pending the addition of critical technical skills to the OEBC-OSCE exam by January 1,**
183 **2018”.**

184 **Motion carried**

185
186 Main motion as amended: **Not to approve the \$25/member membership contribution to OEBC.**

187
188 **Motion carried**

189
190 The Registration Committee expressed interest in more robust communications with OEBC. Council
191 considered ways to move forward with a defensible exam.

192
193 IN CAMERA SESSION (under Section 7(2)(b) of the *Health Professions Procedural Code*)

194
195 Moved by Mr. Rivait and seconded by Mr. Van Bastelaar **to have the meeting go in camera.**

196 **Motion carried**

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Moved by Dr. Kniaziew and seconded by Dr. Chisholm **to have the meeting go out of camera.**

Motion carried

The College has a duty under the HPPC 22.4(2) to ensure that any third party it relies upon to assess qualifications for registration purposes does so in a way that is transparent, objective, impartial, and fair.

Council discussed the benefits of looking for an alternative exam to the one provided by OEBC.

Moved by Dr. Kniaziew and seconded by Dr. Chisholm **to direct the Registration Committee to study the National Board of Examiners in Optometry (NBEO) exam as a possible alternative to the OEBC exam.**

Motion carried

<p>Action item: Staff to compose and send a letter to the appropriate parties regarding Council's decision not to provide funding to OEBC.</p>

6. Protecting Patients Act, 2017 – Update: Council heard an update from Dr. Garshowitz about Ontario's new *Protecting Patients Act, 2017*. The Act, which will enhance patient protection and prevent the sexual abuse of patients by health-care practitioners, was given Royal Assent on May 30. Council learned which of its provisions took effect immediately, and which will take effect upon proclamation. Many of the provisions, such as enhanced transparency, have been in place at the College for some time. Others, like the requirement to automatically fund therapy for victims of sexual abuse at the time they file a complaint, are new. The Act will bestow increased powers to the Minister of Health and Long-Term care, and change how health colleges handle complaints of sexual abuse.

IN CAMERA SESSION (under Section 7(2)(e) of the *Health Professions Procedural Code*)

Moved by Dr. Nurani and seconded by Dr. Kniaziew **to have the meeting go in camera.**

Motion carried

Moved by Dr. Nurani and seconded by Mr. Rivait **to have the meeting go out of camera.**

248 **Motion carried**

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250 Council spoke about changes in the complaints process. College registrars can now approve the
251 withdrawal of complaints. A policy could be drafted to give the Registrar some guidance on this issue.
252 Council considered how the provisions could change governance and committee structure. The issue
253 needs further thought. It might be productive to have some discussion between colleges. The Executive
254 Committee wants to strike an ad hoc committee to study governance.

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256 Moved by Dr. Nurani and seconded by Dr. Quaid **to strike an ad hoc committee to study governance**
257 **composed of the following Council members:**

258

- 259 • Dr. Pooya Hemami
- 260 • Dr. Richard Kniaziew
- 261 • Ms. Irene Moore
- 262 • Ms. Ellen Pekilis
- 263 • Mr. John Van Bastelaar
- 264 • Dr. Marta Witer
- 265 • Dr. Thomas Noël

266

Motion carried

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268 **7. Injunction Application – Update:** In December 2016, the College of Optometrists of Ontario and the
269 College of Opticians of Ontario filed an injunction against Essilor/Clearly. Depositions were heard in May
270 and the application will be heard in court on September 11, 2017.

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272 **8. Regulation Updates:**

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

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

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279 **c. Designated Drugs Regulation:** The College has submitted a proposal, approved by Council last year
280 that would give optometrists the authority to prescribe all Health Canada–approved topical and oral
281 drugs that are within the scope of practice of the profession. The proposal is in the hands of the
282 Ministry; the College will be working with the Ministry to move it ahead.

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284 **9. Correspondence**

- 285 a. Letter from the Fairness Commissioner, Mr. Grant Jamieson
- 286 b. Reappointment of Mr. John Van Bastelaar
- 287 c. Appointment of Mr. Bashar Kassir

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289 **10. List of Acronyms**

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291 **11. Dates of Upcoming Council Meetings:**

- 292 • Tuesday, September 19, 2017
- 293 • Monday, January 15, 2018

- 294 • Monday, April 9, 2018
295 • Thursday, June 21, 2018

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297 **12. Adjournment:** Moved by Dr. Kniaziew and seconded by Dr. Morcos **to adjourn the meeting at 2:23**

298 **p.m.**

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Motion carried