

DRAFT BOARD MEETING MINUTES**June 5, 2023****9:30 AM to 3:40 PM****by zoom**

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- Attendees:** Mr. Stephen Kinsella, Chair, Government Appointee
Mr. Derick Summers, Vice Chair, RO, Elected Member
Ms. Diana Bristow, Government Appointee
Mr. Kevin Cloutier, RO, Elected Member
Ms. Peggy Judge, Public Member
Ms. Elsa Lee, RO, Elected Member
Ms. Neda Mohammadzadeh, RO, Elected Member
Ms. Alicia Munian, Government Appointee
Ms. Tonya Nahmabin, RO, Elected Member
Ms. Dorina Reiz, RO, Elected Member
Mr. Rob Vezina, RO, Elected Member
- Administration:** Mr. Fazal Khan, RO, Registrar, CEO
Ms. Amy Stein, Deputy Registrar and General Counsel
Ms. Carolyn Robertson, Manager, Communications and Executive Office
Ms. Fizza Asad, Human Resources and Accounting Specialist
- Guests:** Ms. Sarah Butson, Meeting Facilitator
Mr. Malcom Vaz, Auditor, Grewal Guyatt
- Regrets:** Mr. Henry Wiersema, Government Appointee
Mr. Paul Wilk, Government Appointee
Mr. Omar Farouk, Government Appointee
Mr. Samir Modhera, RO, Elected Member

1.1 Introductions and Announcements

S. Kinsella opened the meeting with introductions and a land acknowledgement.

1.2 Conflict of Interest Declaration

No conflicts of interest were declared.

1.3 Adoption of the Agenda

MOTION: TO APPROVE THE AGENDA AS AMENDED

MOVED: D. SUMMERS
SECONDED: K. CLOUTIER

FOR: 11
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

2.0 Minutes of the March 6, 2023, Board Meeting

MOTION: TO APPROVE THE MARCH 6, 2023 MINUTES

MOVED: D. BRISTOW
SECONDED: T. NAHMABIN

FOR: 9
AGAINST: 0
ABSTAINED: 2 E. Lee and A. Munian abstained as they were not present at the meeting.

VOTE: CARRIED

2.0 Minutes of the April 24, 2023, Board Meeting

MOTION: TO APPROVE THE APRIL 24, 2023 MINUTES

MOVED: R. VEZINA
SECONDED: P. JUDGE

FOR: 10
AGAINST: 0
ABSTAINED: 1 A. Munian abstained.

VOTE: CARRIED

3.0 Financial Report

3.1 Financial Variance Report to March 31, 2023

F. Asad presented the year-to-date variance report to the board. The floor was then opened to questions.

MOTION: THAT THE BOARD APPROVE THE FINANCIAL VARIANCE REPORT TO MARCH 31, 2023.

MOVED: N. MOHAMMADZADEH

SECONDED: K. CLOUTIER

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

As the meeting was slightly ahead of the agenda the board moved on to agenda item 4.0.

4.0 Board Policy Review and Update

At each meeting the Governance Committee brings forward policies that are scheduled for content review. D. Bristow presented the four policies up for review this quarter:

1. Financial Planning and Budgeting Policy
2. Financial Condition Policy
3. Discipline Committee Terms of Reference Policy
4. Role of the Committee Chairperson Policy

D. Bristow presented the Financial Planning and Budgeting Policy to the board noting that no changes were proposed to the policy.

The Public Interest Rationale: The board has recognized the importance of strong governance to carry out its object of regulating the profession in the public interest and has invested significant time and resources into updating its governance policies and processes. Reviewing the content of these policies ensures that policies are consistent and effective, and that the College is up to date with regulations, technology and regulatory best practices.

Diversity, Equity, and Inclusion Considerations: The board did not identify any concerns from a diversity, equity or inclusion standpoint relating to the policy.

MOTION: THAT THE BOARD APPROVE NO CHANGES TO THE FINANCIAL PLANNING AND BUDGETING POLICY AS RECOMMENDED BY THE GOVERNANCE COMMITTEE.

MOVED: D. REIZ

SECONDED: E. LEE

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

The board moved back to agenda item 3.2.

3.2 2022 Audit Report Presentation

M. Vaz from Grewal Guyatt LLP Chartered Accountants presented the 2022 Audited Financial Statements to the board, including a detailed review of the statement of financial position, statement of revenues and expenses, and statement of cash flows. The board was invited to ask questions.

MOTION: THAT THE BOARD APPROVE THE 2022 AUDITED FINANCIAL STATEMENTS.

MOVED: R. VEZINA
SECONDED: D. SUMMERS

FOR: 11
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

4.2 Financial Condition Policy

D. Bristow presented the Financial Condition Policy to the board noting that no changes were proposed to the policy. The board was invited to ask questions and affirmed the public interest considerations and the Diversity, Equity, and inclusion considerations.

The Public Interest Rationale: The board has recognized the importance of strong governance to carry out its object of regulating the profession in the public interest and has invested significant time and resources into updating its governance policies and processes. Reviewing the content of these policies ensures that policies are consistent and effective, and that the College is up to date with regulations, technology and regulatory best practices.

Diversity, Equity, and Inclusion Considerations: The board did not identify any concerns from a diversity, equity or inclusion standpoint relating to the policy.

MOTION: THAT THE BOARD APPROVE THE STATUS QUO FOR THE FINANCIAL CONDITION POLICY AS RECOMMENDED BY THE GOVERNANCE COMMITTEE.

MOVED: K. CLOUTIER
SECONDED: T. NAHMABIN

FOR: 11
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

4.3 Discipline Committee Terms of Reference Policy

D. Bristow presented the Discipline Committee Terms of Reference Policy. Currently the Governance Committee is not recommending any changes to the policy as the committee felt it was still serving the board's needs. The board was invited to ask questions.

The Board agreed with the Public Interest Rationale and the Diversity, Equity and Inclusion considerations put forward by the committee.

The Public Interest Rationale: The board has recognized the importance of strong governance to carry out its object of regulating the profession in the public interest and has invested significant time and resources into updating its governance policies and processes. Reviewing the content of these policies ensures that policies are consistent and effective, and that the College is up to date with regulations, technology, and regulatory best practices.

Diversity, Equity, and Inclusion Considerations: The board did not identify any concerns from a diversity, equity or inclusion standpoint relating to the policy.

MOTION: THAT THE BOARD APPROVE THE STATUS QUO FOR THE DISCIPLINE COMMITTEE TERMS OF REFERENCE POLICY AS RECOMMENDED BY THE GOVERNANCE COMMITTEE.

MOVED: A. MUNIAN

SECONDED: P. JUDGE

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

4.4 Role of the Committee Chairperson

D. Bristow presented the Role of the Committee Chairperson Policy noting that the policy, as it currently stands meets the board's needs and no updates are proposed. The board was invited to ask questions.

The Board agreed with the Public Interest Rationale and the Diversity, Equity and Inclusion considerations put forward by the committee.

The Public Interest Rationale: The board has recognized the importance of strong governance to carry out its object of regulating the profession in the public interest and has invested significant time and resources into updating its governance policies and processes. Reviewing the content of these policies ensures that policies are consistent and effective, and that the College is up to date with regulations, technology, and regulatory best practices.

Diversity, Equity, and Inclusion Considerations: The board did not identify any concerns from a diversity, equity or inclusion standpoint relating to the policy.

MOTION: THAT THE BOARD APPROVE THE STATUS QUO ROLE OF THE COMMITTEE CHAIRPERSON POLICY AS RECOMMENDED BY THE GOVERNANCE COMMITTEE.

MOVED: P. JUDGE

SECONDED: D. SUMMERS

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

5.0 Monitoring Reports

5.1 Financial Condition

F. Khan presented the Financial Condition Policy monitoring report. The report covers the period from June 2022 to May 2023 and includes information on the College's financial position, expenditures, debt, payments and receivables and reporting.

The floor was opened to questions and comments. No questions, concerns or issues were identified by the board.

MOTION: THAT THE BOARD APPROVE THAT THE REGISTRAR'S INTERPRETATION OF THE POLICY WAS REASONABLE

MOVED: D. BRISTOW

SECONDED: K. CLOUTIER

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

MOTION 2: THAT THE BOARD AGREES THAT THE REGISTRAR, CEO COMPLIED WITH THE POLICY.

MOVED: R. VEZINA

SECONDED: N. MOHAMMADZADEH

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

5.2 Investment Policy Monitoring Report

F. Khan presented the Investment Policy Monitoring Report to the board including reviewing the detailed chart outlining the criteria for the investment funds management, investment parameters and evaluation results. The report covers the period from January 2023 to May 2023.

The floor was opened to questions and comments. No questions, concerns or issues were identified by the board.

MOTION: THAT THE BOARD APPROVE THAT THE REGISTRAR'S INTERPRETATION OF THE POLICY WAS REASONABLE

MOVED: T. NAHMABIN
SECONDED: D. BRISTOW

FOR: 11
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

MOTION: THAT THE BOARD AGREES THAT THE REGISTRAR COMPLIED WITH THE POLICY.

MOVED: R. VEZINA
SECOND: A. MUNIAN

FOR: 11
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

6.0 Strategic Agenda/Workplan Monitoring Report

D. Reiz presented the Strategic Agenda Workplan Policy monitoring report to the board. The report covers the period from May 2021 to May 2023. It was noted that the previous report was at the start of the monitoring process, and therefore this report provides more detailed information. The report demonstrated, based on policy criteria, the way the board monitors the strategic plan to ensure it is on track to meet key targets. The report concluded that the board had met all policy requirements during the reporting period.

The Board did not come forward with any recommended steps for the future and no concerns were identified.

This was shared for information only.

7.0 Board Annual Strategic Agenda/ workplan mid-year review

A. Stein provided a mid-year progress report on the 2023 Strategic Agenda/Workplan to the board noting the progress made to date including benchmarks for each quarter. A. Stein identified those items on the workplan that were deferred to the next quarter in order to prioritize urgent registration policy development and consultations.

MOTION: TO APPROVE THE WORKPLAN AS PRESENTED

MOVED: D. REIZ

SECONDED: R. VEZINA

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

The board jumped ahead on the agenda to item 12.0.

12.0 Committee Appointments

S. Kinsella presented a proposal to the board to appoint A. Munian to the Registration Committee.

MOTION: TO APPOINT ALICIA MUNIAN TO THE REGISTRATION COMMITTEE

MOVED: D. BRISTOW

SECONDED: N. MOHAMMADZADEH

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

The board recessed from 11:35 to 1:00.

8.0 Registration Policies

8.1 Currency of Practice Policy

R. Vezina presented a proposal from the Registration Committee to approve a new Currency of Practice Policy. A policy on currency is necessary to support new requirements that will come into effect once the Ontario Government approves amendments to the Registration Regulation.

The proposed policy took into account data collected through a literature review and environmental scan, as well as feedback received from stakeholders following a period of circulation in April and May 2023.

The proposed policy will not come into effect until amendments to the Registration Regulation are approved by the Ontario Government.

Public interest considerations: The board agreed with the public interest considerations identified by the Registration Committee. Specifically, the Registration Committee considered that a requirement for opticians to demonstrate currency on an ongoing basis was built into the updated Registration Regulation because it was recognized that this type of requirement is in the public interest. The Registration Committee considered that the proposed policy ought to set the minimum currency requirement at a level that would achieve this goal without creating unnecessary barriers for opticians who are not practicing on a full-time basis. In the Committee's view, the proposed policy, which sets the minimum requirement at 500 hours over a three-year period, will strike this balance.

Diversity Equity and inclusion considerations: The Board agreed with the diversity, equity and inclusion considerations identified by the Registration Committee. Specifically, the Registration Committee considered the impact of the proposed policy on opticians who may have different individual needs and/or circumstances. The committee noted that setting the currency requirements at 500 hours over a three-year period would account for opticians who take leaves of absence or who may be working part-time. Additionally, the proposed policy builds in opportunities for the Registration Committee to consider the optician's individual circumstances.

MOTION: THAT THE BOARD APPROVE THE CURRENCY OF PRACTICE POLICY.

MOVED: S. KINSELLA

SECONDED: P. JUDGE

FOR: 9

AGAINST: 2

ABSTAINED: 0

VOTE: CARRIED

8.2 Practicum Policy

R. Vezina presented a proposal from the Registration Committee to approve a new Practicum Policy. A policy on practicum is necessary to support new requirements that will come into effect once the Ontario Government approves amendments to the Registration Regulation.

The committee proposed a policy that mirrors current regulatory requirements in order to ensure a policy is ready when amendments to the Registration Regulation come into effect. The proposed policy was circulated for stakeholder feedback in April and May 2023.

It was confirmed that additional consultations will take place at a later date to explore amending the practicum requirements to ensure they continue to align with current practice competencies.

The proposed policy will not come into effect until amendments to the Registration Regulation are approved by the Ontario Government.

Public Interest Considerations: The board agreed with the public interest considerations identified by the Registration Committee. Specifically, the Registration Committee considered that the proposed policy mirrors entry-to-practice requirements that are set out in the current regulation. These requirements were initially established following a thorough review process and are consistent with what all accredited education programs are teaching toward. Any changes to the practical component of the entry-to-practice requirements should only be made after a thorough review and consultation to ensure the requirements continue to align with national competencies and will be consistent with accredited education programs.

Diversity, Equity, and Inclusion considerations: The Board agreed with the diversity, equity and inclusion considerations identified by the Registration Committee. Specifically, The Registration Committee considered that moving the practical experience requirements to the policy will allow for a flexible approach should changes to the practical experience requirements be needed. The committee further recognized a concern raised by stakeholders regarding significant challenges faced by students in acquiring the required RGP fittings due to the shortage of RGP mentors and scarcity of RGP lens wearers. This was identified as a potential barrier as the students' inability to complete the required fittings in a timely manner may impede their graduation from the program and subsequent registration as an optician. However, the board was of the view that there is a need to engage in a proper review and consultation process before making any substantive changes to the entry-to-practice requirements.

MOTION: TO APPROVE THE PRACTICUM POLICY

MOVED: D. SUMMERS

SECONDED: K. CLOUTIER

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

8.3 Reinstatement and Changing from Active to Inactive Status Policy

R. Vezina presented a proposal from the Registration Committee to approve a new Reinstatement and Changing from Active to Inactive Status Policy. A policy on Reinstatement and Changing from Active to Inactive Status is necessary to support new requirements that will come into effect once the Ontario Government approves amendments to the Registration Regulation.

The proposed policy took into account data collected through a literature review and environmental scan, as well as feedback received from stakeholders following a period of circulation in April and May 2023.

The proposed policy will not come into effect until amendments to the Registration Regulation are approved by the Ontario Government.

Public Interest Considerations: The board agreed with the public interest considerations identified by the Registration Committee. Specifically, the Registration Committee considered that it is necessary for the College to have a process in place for opticians who wish to return to active practice following a period of inactivity. The proposed policy sets different requirements depending on how long an optician has been out of practice, in order to account for the fact that skills may decline after a prolonged absence from the profession. The proposed policy will also protect the public by striking a balance between the need for opticianry services and ensuring that opticians will practise safely and in accordance with the Standards of Practice.

Diversity, Equity, and Inclusion considerations: The Board agreed with the diversity, equity and inclusion considerations identified by the Registration Committee. Specifically, The Registration Committee considered a concern raised by stakeholders regarding the challenges opticians may encounter when striving to meet the reinstatement criteria after taking time-off for childcare or medical reasons. The Committee noted that the introduction of the new inactive class will provide a more flexible option for opticians who take short term leaves than are currently available. The Committee will continue to monitor the way that registration processes and policies impact opticians who take leave from practice.

MOTION: TO APPROVE THE REINSTATEMENT AND CHANGING FROM INACTIVE TO ACTIVE POLICY.

MOVED: D. SUMMERS

SECONDED: D. REIZ

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

9.0 Registration Fee Schedule

S. Kinsella reviewed the briefing note with the board. At the March board meeting the board had approved a fees schedule for stakeholder circulation. The briefing note summarized the stakeholder feedback that was received by the College, and which was reviewed in detail by the Finance Committee.

The Finance Committee noted that the majority of respondents indicated they were not in favour of the proposed fee schedule. In the Committee's view, however, a 2.5% annual fee increase remained necessary to ensure the College would remain in a stable financial position for the next five years and avoid running a deficit budget. S. Kinsella also reviewed the Committee's main reasons for continuing to support the proposed fee schedule, including that it would fall well below current inflation rates and would be subject to continued review over the course of the five-year period in the event that the financial situation changed. S. Kinsella also asked F. Khan to identify some of the ways the College has implemented cost-saving measures while ensuring the College could continue to carry out its regulatory functions. F. Khan also noted that the College's financial stability made it possible to implement fee relief during the COVID-19 pandemic.

The floor was opened to questions and comments. The comments acknowledged that fees are necessary if the College wants to maintain the privilege of self-regulation, and that the proposed fee increases were the minimum necessary to keep the College in a positive revenue situation.

Public Interest Considerations: The Board agreed with the public interest considerations identified by the committee. Specifically, that the Board is charged with ensuring that the College is adequately funded in order to carry out its statutory mandate. As registrant fees are the College's primary source of revenue, they ought to allow the college to perform all statutory functions, including registration, quality assurance, investigations, and discipline. The board is responsible for ensuring that adequate funds are available to achieve the initiatives identified in the strategic plan, which were developed with a public interest focus.

Diversity, Equity, and Inclusion Considerations: The Board agreed with the diversity, equity and inclusion considerations identified by the Committee. Specifically, the Board is responsible for ensuring that the College is adequately funded to implement strategic initiatives that are aimed ensuring equitable, inclusive, and culturally safe care for Ontario patients, including training, resource development, and stakeholder engagement.

MOTION: TO APPROVE THE 2024-2028 REGISTRATION FEE SCHEDULE.

MOVED: P. JUDGE

SECONDED: K. CLOUTIER

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

10.0 Approval of the Board pre-election training module

D. Bristow presented the briefing note. Every year the board approves a training module that candidates for election need to complete within six months of the election to be eligible to run. The Governance Committee recommended Jurisprudence Chapter 4: Regulated Health Professions Act.

MOTION: TO APPROVE JURISPRUDENCE CHAPTER 4: RHPA AS THE 2023 PRE-ELECTION TRAINING MODULE.

MOVED: K. CLOUTIER
SECONDED: T. NAHAMBIN

FOR: 11
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

11.0 Life Member Application

A. Jeremian presented the briefing note to the board. The College received applications for life membership from five registrants. All applicants met the criteria for life membership set out in by-law and policy. It was noted that Life Membership is a way of recognizing opticians and that Life Members have voting privileges.

MOTION: TO APPROVE ALLAN BENOAKOUN, TERRANCE EARL CARDOW, THOMAS M. WEISSBERGER, RAYMOND DENIS LEBLANC AND ERIC W. M. WONG AS LIFE MEMBERS.

MOVED: D. SUMMERS
SECONDED: D. REIZ

FOR: 11
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

13.0 Status of the 2023 Board Action Plan

D. Bristow presented a draft of the 2023 Board Action Plan to the board. In March the board reviewed the results of the and committee 2022 self-evaluation and the board's third-party evaluation. Action items were compiled into the 2023 Action plan which was reviewed by the Governance Committee. Once approved, the action plan will be posted to the College's website.

MOTION: TO APPROVE THE BOARD'S 2023 ACTION PLAN

MOVED: R. VEZINA

SECOND: K. CLOUTIER

FOR: 11
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

14.0 Registrar's Report

F. Khan presented the Registrar's Report to the board, including updates on the 2022 College Performance Measurements Framework, external relations, and space planning initiatives.

The report also included updates from the Ministry of Health, including the status of the Emergency Class of Registration and As of Right legislation.

14.4 Department Spotlight – Professional Conduct

The Professional Conduct team Raj Bhatti, Manager, and Maria Bigos, Investigator, provided the Board with an overview of the College's Professional Conduct department.

14.5 Examinations Report, Committee Reports, Communications Report and NACOR Report

S. Kinsella brought forward the package of board reports to be approved as a consent agenda item. No issues were identified with any of the reports. A significant increase in the speed with which the Quality Assurance department is reviewing portfolios due to the registrant portal was noted.

MOTION: TO APPROVE THE COMMITTEE REPORTS, THE EXAMS REPORT AND COMMUNICATIONS REPORT AND NACOR REPORT AS PRESENTED.

MOVED: D. SUMMERS
SECONDED: T. NAHMABIN

FOR: 11
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

Agenda Item 15.0 was removed as no recess was required.

16.0 In Camera Session

MOTION: TO GO IN-CAMERA UNDER S. 7(2)(D) OF THE HEALTH PROFESSIONS PROCEDURAL CODE
TO DISCUSS A PERSONNEL MATTER.

MOVED: N. MOHAMMADZADEH
SECOND: K. CLOUTIER

FOR: 11
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

17.0 Adjournment

MOTION: TO ADJOURN THE MEETING

MOVED: D. BRISTOW
SECOND: R. VEZINA

FOR: 11
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED