

**(Draft) COUNCIL MEETING MINUTES**  
**Monday May 28, 2018 9:00 am – 4:00 pm**  
**COO Boardroom | 90-300 Adelaide St. W., Toronto**

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**Council Members Present:**

Mr. David Milne, President, Public Member  
Mr. Bryan Todd, Vice President, Elected Member  
Ms. Dorina Reiz, RO, Elected Member  
Ms. Ingrid Koenig RO, Elected Member  
Mr. Omar Farouk, Public Member  
Mr. Joseph Richards, Public Member  
Ms. Jacalyn Cop-Rasmussen, Public Member  
Ms. Neda Mohammadzadeh RO, Elected Member  
Mr. Edward Viveiros RO, Elected Member  
Ms. Peggy Dreyer RO, Elected Member  
Ms. Trudy Mauth, Public Member  
Mr. Gordon White, Public Member  
Mr. Rob Vezina, RO, Elected Member  
Mr. Balbir Dhillon, RO, Elected Member

**Administration:**

Mr. Fazal Khan, RO, Registrar  
Ms. Bev Sloan, Deputy Registrar  
Ms. Amy Stein, General Counsel  
Ms. Carolyn Robertson, Executive Assistant (*meeting recorder*)

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**1.1 Introductions and Announcement**

Mr. Dunsdon, the Independent Meeting Chair, opened the meeting with roll call around the Council table and in the Gallery. It was noted that two appointed members, Derrick Summers and Margaret Osborne were joining the meeting via teleconference.

**1.2 Conflict of Interest**

No conflicts of interest were declared.

**1.3 Adoption of Agenda**

Motion: To approve the agenda as presented.  
Moved: P. Dreyer  
Seconded: T. Mauth

**VOTE: CARRIED**

It was noted by the Registrar, that if there were no objections, the Committee reports would be approved with one motion.

## **2.0 Minutes**

A number of corrections to the minutes were noted.

Motion: To adopt the minutes of January 29<sup>th</sup> and January 30, 2018 as corrected.

Moved: D. Milne

Seconded: O. Farouk

**VOTE: CARRIED**

## **3.0 Finance**

### **3.1 2017 Draft Audited Statements**

The College heard from Peter Sevitt of Sevitt & Associates regarding the College's 2017 financial statements. An increase in revenue was noted over 2016. The financial statements also indicated an increase in 2017 to College expenses, which arose primary from the office relocation, database development, and salaries and benefits with the addition of two new staff. The floor was then opened to questions.

Motion: To approved the draft 2017 Audited Financial Statements as presented.

Moved: D. Milne

Seconded: T. Mauth

**Vote: Carried**

### **3.2 2017 College Reserve Funds Allocation**

The Registrar briefed Council regarding the 2017 College Reserve Funds Allocation. It was noted that the Executive Committee had reviewed the proposed allocations based on the suggestions of administration. With regard to the College's mandatory Funding for Therapy and Counselling Program, a proposal was put forward to increase the amount of funding allocated to that program to an amount sufficient to cover the maximum funding available to six claimants, as opposed to four claimants. Council also noted that the funds allocated to the relocation contingency were being reallocated to a premises contingency, as the office relocation was now complete.

Motion: To approve the allocation of the 2017 accumulated surplus and reserve funds.

Moved: B. Dhillon

Seconded: E. Viveiros

**VOTE: CARRIED**

### **3.3 Confirmation of College Auditor for 2018**

Council heard from Ms. Sloan who briefed the Council on the status of the College's auditor. Each year the Council is required to confirm the auditor for the following year.

Motion: To approve Peter Sevitt and Associates as the College auditors for 2018.

Moved: B. Todd  
Seconded: E. Viveiros

**VOTE: CARRIED**

**3.4 2017 Year-End Variance Report**

Ms. Sloan reviewed the 2017 Year-End Variance Report which was presented for information only.

**3.5 2018 Year-to-date Financial Report**

Mr. Khan and Ms. Sloan briefly spoke to the 2018 Year-to-Date Financial Report which was provided for information purposes only.

**4.0 Discussion and Decisions**

**4.1 Executive Election By-Law Update**

As a result of the Executive Election in January a number of changes to the by-laws concerning the election process were proposed. These included:

- In the event that only one Council Member is a candidate for a position on the Executive Committee, that candidate shall be declared elected by acclamation.
- In the event that there is more than one candidate for a position on the Executive Committee the candidate who receives a majority of the votes cast on a ballot shall be declared elected.
- Where no candidate receives a majority of the votes cast, a second vote will take place. Where no candidate receives a majority of the votes cast following the second vote, the person with the least amount of votes shall automatically be removed from the ballot and a third vote shall take place. This process will be repeated until such time as one candidate receives a majority of votes, the vote is tied, or only two candidates remain on the ballot.
- In the event of a tie vote, additional rounds of voting shall be conducted until one candidate receives a majority, for a maximum of two additional rounds of voting. In the event that the vote is still tied after two additional rounds of voting, the neutral meeting chair or his or her delegate shall break the tie by lot.

Council was of the view that these were cosmetic changes to facilitate Council business, and as such, it was not necessary to circulate the proposed by-law amendments for public feedback.

Motion: To adopt the proposed by-law amendments as presented without public circulation.

Moved: G. White  
Seconded: T. Mauth

**VOTE: CARRIED**

**4.2 By-Law Requiring Public Member Chair of Council, ICRC and Discipline**

Council was briefed by Mr. White regarding proposed changes to the by-laws that would require a public member to chair the Council, the ICRC and the Discipline Committee.

Motion: To approve the proposed by-law to require a public member be chair of Council, ICRC and the Discipline Committee as presented.

Moved: G. White  
Seconded: D. Milne

Concerns were raised about limiting the number of potential candidates for each of the three positions.

The motion was defeated and it was decided that the issue would be referred back to the Governance Committee for further discussion after public feedback is obtained.

Council had a straw vote regarding the possibility of an informal investigation by the Governance Committee. The Governance Committee, armed with this information would treat the proposal as a white paper and reintroduce it at a later date. The majority of Council members voted in favour of proceeding in this manner.

Motion: To table the discussion regarding the proposed changes to the by-law to allow only a Public Member be Chair of Council, ICRC and Discipline Committee until the next Council meeting in the fall.

Moved: B. Todd  
Seconded: D. Milne

**VOTE: CARRIED**

#### **4.3 By-Law Amendment Feedback – Electoral District 6 (all of Ontario)**

Mr. White presented feedback received by the Governance Committee on a proposed by-law amendment that would replace the Council seat currently reserved for an individual holding a designation as a Certified Contact Lens Fitter CCLF with a seat reserved for an individual who has been approved by the College as a Contact Lens Mentor. Council reviewed the feedback. Based on the responses received, the majority of individuals are in favour of the proposed by-law amendment.

Motion: To adopt the proposed by law for Electoral district 6 with the amended language as provided.

Moved: G. White  
Seconded: P. Dreyer

**VOTE: CARRIED**

#### **4.4 By-Law Amendment Feedback – Committee Terms**

Mr. White presented feedback received by the Governance Committee on proposed by-law amendments would change the time for electing and appointing members to COO committees from the first annual Council meeting in January to the last annual Council meeting in December. Council

reviewed the feedback. Based on the responses received, the majority of individuals are in favour of the proposed by-law amendment.

Motion: To approve the amendment of the by-laws for the committee terms and to accept the proposed language for article 1, 8, 9, 9.1 and article 12.10

Moved: G. White

Seconded: I. Koenig

**VOTE: CARRIED**

#### **4.5 Governance Policy Updates**

##### **4.5.1 Human Resources and Operational Boundaries Policies**

Mr. White reviewed the background and details of the proposed policy with Council.

Motion: That the COO Council move to approve the revised Human Resources and Operational Boundaries (OB II-20) policy as outlined in Figure 2 and further that the Council approve the policy title name change to “Human Resources and Relations.”

Moved: G. White

Seconded: R. Vezina

**VOTE: CARRIED**

##### **4.5.2 Reserve Fund Policy**

Mr. White reviewed the background and details of the proposed policy with Council.

Motion: That the COO Council Moves to approve the new Council Operational Boundaries Policy (OB-II- 15) on COO reserves.

Moved: G. White

Seconded: I. Koenig

**VOTE: CARRIED**

##### **4.5.3 Council Terms of Reference Policy**

Mr. White reviewed the background and details of the proposed policy with Council.

Motion: That the COO Council Moves to approve the new Council terms of reference – Governance Process Policy (GP IV-05) for approval and further that Council rescind the old Council role description as outlined in figure 1.

Moved: G. White

Seconded: I. Koenig

**VOTE: CARRIED**

**4.5.4 Council Effectiveness Self Evaluation Policy**

Mr. White reviewed the background and details of the proposed policy with Council.

Motion: To adopt the Council Effectiveness Self Evaluation Policy (GP IV-100)  
Moved: G. White  
Seconded: T. Mauth

Discussion followed regarding the appointed members and it was confirmed that they would have a separate process.

**VOTE: CARRIED**

**4.6 Prescription Expiry Dates**

Mr. Khan reviewed the background and the briefing note with the Council. The College of Optometrists have updated their Standards of Practice concerning prescription expiry dates. Under the new standards of Practice, prescriptions for those under 19 and over 65 are good for one year and for everyone else for two years. The COO website currently indicated that prescriptions do not expire, potentially exposing our members to risk and the College to risk. The Council reviewed how the College of Pharmacists, provides guidance to their members on how to address prescription expiry dates when dispensing prescription drugs.

It was decided, by consensus, that the COO would also provide guidance to members in a manner that was similar to the College of Pharmacists. The Council reviewed draft wording, and determined to add reference to members' need to exercise professional judgment.

**4.7 Refining the Appointed Member Selection Process**

Mr. Milne discussed the briefing note with Council which was put forward by the Executive Committee. The briefing note outlined 4 options for refining the Appointed Member selection process. The Executive Committee recommended Option 4, pursuant to which the Executive Committee would review applications and create a short list, and provide Council with a short bio of the finalists.

Consensus: To approve Option 4: Council receiving the list of finalists and a short bio.

**4.8 Standards of Practice Review**

David Milne reviewed the briefing note with Council coming forward from the Executive Committee. The briefing note outlined the fact that the College's Standards of Practice were due to be reviewed in 2018, and proposed convening an ad-hoc committee for that purpose. Council reviewed the list of people who volunteered to be part of the ad-hoc Committee:

1. Peggy Dreyer, R.O., Elected Member
2. David Milne, Public Member
3. Trudy Mauth, Public Member
4. Daniela Celi, R.O., Appointed Member

5. Bryan Todd, R.O., Elected Member
6. John Battaglia, R.O., Appointed Member

Motion: To approve reviewing the Standards of Practice and adopt the proposed ad-hoc committee as presented.

Moved: D. Milne  
Seconded: T. Mauth

**VOTE: CARRIED**

#### **4.9 Sexual Abuse Prevention Guidelines**

David Milne reviewed the proposed changes to the Sexual Abuse Prevention Guidelines as put forward by the Patient Relations Committee. The previous Guidelines were created in 2007 and reviewed in 2012 with no changes. The updated Guidelines reflect recent legislative changes. On May 30, 2017, Bill 87, the Protecting Patients Act, made significant amendments to the RHPA and the accompanying Health Professions Procedural Code. On May 1, 2018, the Ontario Government passed three new regulations and proclaimed a number of Bill 87 amendments into force.

Motion: To adopt the proposed updates to the Sexual Abuse Prevention Guidelines.

Moved: D. Milne  
Seconded: D. Reiz

**VOTE: CARRIED**

#### **4.10 Funding for Therapy and Counselling Program**

David Milne reviewed the briefing note put forward by the Patient Relations Committee. Under Bill 87, significant changes were made to the Funding for Therapy and Counselling Program expanding the program significantly. In light of the expanded program the College created a package of documents to facilitate the application process including an application form and a therapist information form.

Motion: To approve the Funding for Therapy and Counselling Application Package as presented.

Moved: D. Milne  
Seconded: B. Todd

**VOTE: CARRIED**

#### **4.11 NAIT Refraction Program**

Mr. Vezina reviewed the briefing note and noted that NACOR has changed the competency to including refracting. The changes to the course bridge between what Opticians used to learn and what they are learning now. With the addition of the new Refraction Program some gaps in the competencies are closed.

Motion: To approve the NAIT refracting Course, as presented, and in so doing so confirm the NAIT refracting course meets the current refracting competencies and acknowledge that completing the NAIT refracting Course would not entitle an Optician to refract in Ontario.

Moved: R. Vezina  
Seconded: E. Viveiros

**VOTE: CARRIED**

## **5.0 Updates**

### **5.1 Legislative Updates**

Ms. Stein briefed the committee regarding the new regulations which came into force On May 1, 2018. At that time the Ontario Government passed the following : 1) a new definition of “patient”; 2) An expanded list of information that Colleges are required to post to the public register; 3) A list of Offenses under the criminal code for which mandatory license revocation is required.

### **5.2 Professional Demographics**

Ms. Shtrachman presented current demographics to the College. The presentation comprised various graphs which showed mentorship, where our membership is located, the fluctuation of members entering and leaving the profession and a break down by age and gender.

### **5.3 Projects update**

Ms. Kamani provided Council with an update on the website, the database, the public register, and electronic elections.

## **6.0 Reports**

### **6.1 Registrar’s Report**

Mr. Khan provided an overview of the Registrar’s report including the Council training and the changes the College is making as part of the Facilitation Training that chairs, vice-chairs and administrative staff have undergone.

NACOR is looking to accreditation Canada to provide some information about the transition because the scope is just getting too big for NACOR.

Regarding the injunction, the court granted Essilor a stay of until their appeal is heard. The hearing is expected to take place mid- Summer.

The Registrar then announced some staff changes. Melanie Woodbeck will be returning and Laura Briard will be joining the COO permanently.

### **6.2 Fairness Commissioner**

Ms. Briard briefed the Council regarding the report the Fairness Commissioner provided to the College.

Every year we submit a report to the Fairness commissioner. We also submit information if anyone was denied registration. The Fairness Commissioner's report is available on their website. It includes a list of what they liked and what they thought could be improved.

### **6.3 Committee Reports**

Motion: To adopt the Committee Reports as amended.

Moved: Gord White

Seconded: Bryan Todd

**VOTE: CARRIED**

### **7.0 Announcement**

**Bev's retirement was announced.**

### **8.0 Adjournment**

Motion: To adjourn the Council meeting.

Moved: Trudy Mauth

Seconded: David Milne

**CARRIED**