

# COUNCIL MINUTES

Friday, March 1, 2019

9:30 a.m. to 3:30 p.m.

375 University Avenue, Suite 803

## Council Members:

Andrew Benedetto, RP (President & Chair)  
Barbara Locke Billingsley

Shelley Briscoe-Dimock, RP  
Gary Cockman  
Carol Cowan-Levine, RP

Mary Kardos Burton  
Kenneth Lomp, RP  
Malcolm MacFarlane, RP (Vice-President)  
Pat Rayman, RP

## Staff Members:

Deborah Adams, Registrar  
Alexandra Brennan, Coordinator, Registration & Program Review  
Jo Anne Falkenburger, Director of Operations & HR  
Amy Fournier, Executive Coordinator (Recorder)  
Sarah Fraser, Manager, Registration (via teleconference)  
Sabina Hikel, Manager, Strategy & Policy  
Andrew Laughton, Coordinator, Registration & QA  
Lene Marttinen, Manager, Quality Assurance  
Mark Pioro, Director, Professional Conduct & Deputy Registrar

Kelly Roberts, Manager, Operations  
Jenna Smith, Manager, Professional Conduct

## Regrets:

Sheldon Kawarsky  
Miranda Monastero, RP  
Steven Stijacic  
Kevin VanDerZwet Stafford, RP

## 1. Welcome and Opening Remarks

A. Benedetto, President & Chair, called the meeting to order at 9:30 a.m. and welcomed all present.

The Chair noted that staff received notice from the Public Appointments Secretariat (PAS) late yesterday afternoon informing of the reappointment of public member, Steven Stijacic. As such, Council is properly constituted. S. Stijacic received a six-month reappointment, which ends on August 23, 2019. He sends his regrets today. In addition, regrets were received from Miranda Monastero, Kevin VanDerZwet Stafford and Sheldon Kawarsky.

A. Benedetto noted that the in-camera portion of the meeting will now require a motion to be made in-camera to approve the annual budget. It was also noted that the Quality Assurance Committee report to Council was not included in the package, however, paper copies were provided at the meeting.

## 2. Approval of Draft Agenda & Minutes

A. Benedetto, Chair, introduced the draft agenda.

### **MOTION C-01MAR2019 – M01:**

That the agenda of the March 1, 2019, meeting of Council be approved as presented.

Moved: K. Lomp

Seconded: C. Cowan-Levine  
CARRIED

A. Benedetto introduced the draft minutes from the November 29, 2018 Council meeting.

**MOTION C-01MAR2019 – M02:**

That the draft minutes of the November 29, 2018, meeting of Council be approved as presented.

Moved: C. Cowan-Levine  
Seconded: P. Rayman  
CARRIED

**3. Conflict of Interest Declarations**

None declared.

**4. President's Remarks**

A. Benedetto thanked all Council members for their patience in adapting to the changes that have been faced these past several months with not being properly constituted to make decisions. Council was informed in December of the reappointments of S. Kawarsky and B. Locke Billingsley (both reappointed for 12-month terms) and M. Kardos Burton (six-month term). A. Benedetto thanked S. Kasal and L. Rudner for their contributions and thoughtful perspectives in Council and committee work over the course of their years of service as public council members.

A. Benedetto highlighted the governance discussion (agenda item 7) and the impending modernization of the health regulatory professions. Helen Angus, Deputy Minister of Health and Long-Term Care (MOHLTC), issued an announcement yesterday regarding upcoming changes to the health care system. No mention was made regarding any changes to regulatory process; however, CRPO will follow communications from the MOHLTC and will provide updates to Council.

**5. Registrar's Report**

D. Adams directed Council to her written report in the package and presented highlights.

D. Adams noted that the letter from the Deputy Minister of the MOHLTC about the government's announcement concerning health system transformation that will involve changes to the Local Health Integration Network framework has been reviewed by the Federation of Health Regulatory Colleges of Ontario (FHRCO) and changes will be monitored closely.

Council was provided with an update regarding self-regulation in the province of Alberta, with D. Adams noting that a pan-Canadian meeting being planned to share information, to consider how to collaborate and to explore possibilities for consistency in regulation across Canadian jurisdictions.

D. Adams noted that the Nominations & Elections Committee provided staff with direction to move forward with member outreach and promotional materials related to the upcoming CRPO district elections. D. Adams reported that there has been positive response to the upcoming webinar to generate interest amongst the profession.

Council was updated on the implementation of the Aprio board support software; staff is taking time to train appropriately, build the resource library and create a procedures document to support

users and administrators. Council members are not required to complete training at this time and staff will provide updates to Council and non-Council members regarding training timelines later in the spring.

D. Adams informed Council that she attended a luncheon at the Office of the Fairness Commissioner (OFC) with staff members, L. Marttinen and S. Hikel also in attendance. The luncheon, which was offered as part of acknowledging black history month, featured a panel of speakers on how regulation needs to examine itself with regards to systemic racism.

The Council was reminded of the agenda items that were approved by consensus vote at the November 29, 2019, Council meeting when the Council was not properly constituted. These items included the approval of the Access to Care statement and the approval of the Draft Guideline: *Sexual Contact with Former Clients beyond Five-Years Post Termination of Care*. Council members were asked to reaffirm their support for the above noted documents; both were supported by all in attendance for adoption.

D. Adams noted that the 60-day public consultation to review the Draft *Regulation Defining Client for Sexual Abuse Provisions* and the Draft *Electronic Practice Guideline* were also approved by consensus vote at the November 29, 2018 Council meeting. Please see agenda items 13 and 15 for the motions relating to these documents.

Lastly, D. Adams informed Council that, on December 21, 2018, the Executive Committee approved the reappointment of S. Kawarsky, B. Locke Billingsley and M. Kardos Burton to the committees on which they previously served. Muriel McMahon, RP, was appointed as a Non-Council member to the Registration Committee.

## **6. Committee Reports to Council**

### **6.1. Client Relations Committee**

C. Cowan-Levine, Chair, presented the committee's report to Council noting that she will be presenting agenda item 13 regarding the Draft Regulation Defining Client for Sexual Abuse Provisions. The Council was informed that the committee conducted a panel meeting to approve funding for out-of-country therapy.

### **6.2. Discipline**

G. Cockman, Chair, informed the Council that a Discipline hearing was conducted on February 27, 2019.

### **6.3. Examination**

K. Lomp, Chair, updated Council regarding the committee meeting that took place on February 14, 2019. It was noted that examination preparation resources were being developed by staff in response to discussion at the Education Program Meeting. An update on exam statistics was provided in the report.

### **6.4. Executive**

A. Benedetto, Chair, summarized the report, noting that much time has been committed to addressing committee composition and election and strategic planning timing. A. Benedetto noted that an in-camera Executive Committee teleconference was held on February 21, 2019, to discuss the Registrar's Performance Review.

### **6.5. Inquiries, Complaints and Reports**

In the absence of K. VanDerZwet Stafford, Chair, D. Adams noted that complaints and reports statistics were provided in her written report. M. Piore also made note of the growth in the volume of complaints received; however, this increase in complaints aligns with the growth in membership numbers.

#### **6.6. Nominations & Elections**

P. Rayman, Chair, provided an update noting that member outreach is a priority. An elections webinar and promotional video has been created to inform members of the CRPO election process and to encourage members to run in upcoming district elections.

#### **6.7. Registration**

M. MacFarlane, Chair, presented the report to Council, thanking committee members for their hard work on completing the panel review of grandparenting applications. M. MacFarlane noted that the committee would be presenting Council with a draft policy on Clinical Experience for Registration (agenda item #14).

#### **6.8. Quality Assurance**

M. Kardos Burton, Chair, presented Council with a paper copy of the committee report to Council. Kayleen Edwards was welcomed to the Committee in her capacity as a Non-Council member appointment. It was also noted that S. Kawarsky and M. Kardos Burton were both reappointed to the committee.

### **7. Governance Review**

D. Adams introduced the topic providing Council with background information on the work being done by other regulatory colleges in Ontario and internationally. Messaging from government indicates that they are moving quickly to ensure that Ontario's regulatory model is still fit for purpose – as such, the College should be prepared to respond to incremental changes to the regulatory framework as a way of moving steadily toward significant transformation.

D. Adams asked Council to consider how the CRPO can respond to and drive some of these changes with our current resources. D. Adams highlighted the link between impending governance changes and the upcoming strategic planning session in September and how these processes could complement each other.

In the interim, the Executive Committee was supportive of staff working with Darrell Pink, former registrar of the Nova Scotia Barrister's Society, in order to provide Council members with more information about the emerging best practices that are informing Ministry decision-makers. The proposed education for Council members will build on current, overall knowledge of governance as well as previous presentations on risk-based/right-touch regulation. One of the goals of providing the education is to support each member in contributing to a strategic plan that will position CRPO for the anticipated shift in the province's regulatory scaffolding. D. Adams suggested looking at a portfolio of skills and attributes and asked how we can look at governance when the players are always changing. This could lead to a more codified approach to governance that is less dependent on the individuals serving.

### **8. Self-Assessment Survey**

D. Adams noted that staff would begin conducting research to begin to articulate the general consensus in the regulatory world regarding competencies to provide Council with a broader understanding of foundational competencies. Staff will continue to provide Council with reading

material (many resources are noted in the briefing note) with Council members completing a self-assessment and a Council assessment. These assessments will take place over the next few months and will feed into the strategic planning process that will take place in September and will assist Council in preparing for what modernization will look like. Results of the assessments will be presented to Council in June.

#### 9. Update: Strategic Planning

D. Adams informed Council of changes to the timing of strategic planning that have stemmed from Council not being properly constituted over the last several months. Cate Creede from The Potential Group has been consulted on this timing and we will hold a full day of strategic planning on September 12, 2019, followed by a Council dinner. A regular Council meeting will be held on September 13, 2019. Cate Creede will present to Council at the June 20, 2019, meeting, noting that the June 21, Council date has been cancelled. Staff will recirculate the Council 2019 meeting dates.

#### 10. IN CAMERA: 2019-2020 Expense Budget

##### **MOTION: C-01MAR2019 – M03**

That the public be excluded from the meeting pursuant to clause 7.2 (b) of the *Health Professions Procedural Code* of the *Regulated Health Professions Act*, in that financial or personal or other matters may be disclosed of such a nature that the harm created by the disclosure would outweigh the desirability of adhering to the principle that meetings be open to the public at 11:18 a.m.

Moved: B. Locke Billingsley

Seconded: P. Rayman

CARRIED

##### **MOTION: C-01MAR2019 – M04**

That the meeting resumed open session at 12:00 p.m.

Moved: P. Rayman

Seconded: B. Locke Billingsley

CARRIED

#### 11. Council Committee Assignments

A. Benedetto introduced the topic and provided Council with information on the process typically used to review committee composition. Committee appointments are usually based on recommendations made by the Executive Committee and are approved at the November Council meeting. The Executive Committee made a decision to hold off on committee appointments in order to have an experienced Registration Committee to review the last of the grandparenting applications. Council agreed that it made sense to keep the current committee assignments until after the election takes place in June, which would allow proper orientation to take place prior to the September Council meeting.

D. Adams noted that, ultimately, committee assignment would link to the self-assessments and determining Council member competencies. The development of desired Council member competencies would likely increase the transparency of the committee assignment process.

**ACTION: Staff to work with Executive Committee to develop and document committee assignment procedures.**

## 12. Committee Composition

D. Adams introduced the topic of committee composition and the shifting workload of committees as the membership grows; in particular, the increase in the number of complaints and reports, more education programs seeking recognition and more exam writers. These shifts will necessarily lead to changes in how committee appointments are considered, as noted in the previous agenda item.

## 13. Draft Regulation Defining Client for Sexual Abuse Provisions

C. Cowan-Levine, Chair, Client Relations Committee, introduced the item and directed Council to the summary included in the briefing note. She provided background information on the Committee's research and review process, including a thorough deliberation and discussion regarding the issues raised in the public consultation feedback.

D. Adams directed Council members to the March 29, 2018, Council materials, which included fifteen pages of research relating to the drafting of the regulation, along with the accompanying policy and guideline.

The Committee deliberated the feedback from the consultation regarding the draft regulation and noted that the results of the consultation regarding the draft policy on Sexual Contact with Former Clients within Five-Years Post Termination of Care, which closed in June 2018, were decidedly different.

D. Adams provided Council with a brief presentation with responses to specific feedback that was received; regarding the comments about the penalty being too harsh, it was highlighted that the penalties for sexual abuse of a client are established in the Regulated Health Professions Act, not by the proposed regulation. Feedback was also received stating that the CRPO was imposing terms that are more restrictive than other colleges whose members provide psychotherapy; however, it was noted that the other colleges each have established their own penalties ranging from total prohibition, one- to two-year bans and five-year bans.

D. Adams noted that the College received feedback independent of the proposed five-year timeframe; most notably, some respondents stated that the language relating to the sexual abuse provisions was heteronormative and racialized. These comments will be further examined and considered by the Committee.

### **MOTION: C-01MAR2019 – M05**

That Council approves the draft Regulation Defining Client for Sexual Abuse Provisions for submission to the Ministry of Health and Long-Term Care.

Moved: K. Lomp

Seconded: G. Cockman

In favour: A. Benedetto; S. Briscoe-Dimock; G. Cockman; C. Cowan-Levine; M. Kardos Burton; B. Locke Billingsley; K. Lomp; M. MacFarlane; P. Rayman.

Opposed: None

Abstained: None

CARRIED

#### 14. **Draft Policy: Clinical Experience for Registration**

M. MacFarlane, Chair, Registration Committee, introduced the draft policy. It was noted that regular route applicants and Qualifying members currently rely on the definitions for the scope of practice of psychotherapy, direct client contact, and clinical supervision as guidance regarding whether their clinical experience will fulfill registration requirements. Applicants and members may wrongly assume their hours will be counted, spend time in roles where the College would not be in a position to recognize the DCC, and necessitate Registration Committee panel and HPARB resources clarifying the acceptability of the experience after-the-fact. The Clinical Experience for Registration policy was drafted to address this issue.

Council members discussed the content of the draft policy and concluded that the draft was unclear and required more work. The draft will be sent back to the Registration Committee for further review.

#### 15. **Draft Guideline: Electronic Practice**

M. Kardos Burton, Chair, Quality Assurance Committee, introduced the guideline. A. Laughton, Coordinator, Quality Assurance, provided a brief presentation on the public consultation feedback that was received, noting that the committee met and amended the guideline as necessary based on this feedback.

##### **MOTION: C-01MAR2019 – M06**

That Council approve the adoption of the Electronic Practice Guideline.

Moved: P. Rayman

Seconded: K. Lomp

CARRIED

#### 16. **By-laws: Registration History on Public Register**

M. Piro, Deputy Registrar, introduced the proposed by-law changes to Council, noting that in the interest of being more transparent and in response to specific concerns that have arisen (for example, insurance companies contacting the College regarding members being in good standing), College staff and the Executive Committee are proposing that a historical representation of an individual member's registration be accessible on the public register. This would include any changes to a member's registration status, including category transfers and suspensions. M. Piro noted that the registration history would not be posted retroactively, and a clear implementation date will be communicated with members when by-law changes are approved by Council at a later date.

##### **MOTION: C-01MAR2019 – M07**



That Council approve circulating the following proposed by-law amendments for public consultation:

Amending article 21.08(vi) by adding “and membership was terminated on or before [Date of Enactment of By-law]” after “non-payment of fees”; and

Enacting as article 21.08(xxiii), “the classes of certificate of registration held by the member and the date on which each certificate was issued.”

Moved: C. Cowan-Levine

Seconded: G. Cockman

CARRIED

## 17. **Update: Education Program Meeting**

D. Adams provided an update on the Education Program Meeting that took place at the CRPO on January 30, 2019; it was a success with 32 programs represented by 30 in-person representatives and 20 who joined the meeting via webinar. The CRPO hopes that this is the first in a series of ongoing opportunities to engage with education programs. Topics covered at the meeting included:

- Registration Requirements and Membership Categories for Applicants
- Controlled Act of Psychotherapy and Supervision
- Review and Recognition
- Private Career Colleges Act

D. Adams noted that evaluations by meeting attendees so far notes that 75% felt that all their questions were answered; 75% strongly agreed that the meeting was a good use of their time; and 100% learned something that they will be sharing with colleagues or students. Clinical supervision and recognition process were the focus of most discussion and much of the commentary in the evaluations. The registration exam was also a topic of interest; staff has taken this forward to the Examinations Committee.

## 18. **Question Period**

Questions included information regarding the public member appointments process, the examination appeals process and clinical supervision.

## 19. **Adjournment**

### **MOTION C-01MAR2019 – M08**

That the meeting be adjourned at 2:40 p.m.

Moved: G. Cockman

Seconded: M. Kardos Burton

CARRIED

Andrew Benedetto

President & Chair