

COUNCIL MINUTES

Thursday, June 20, 2019

9:30 a.m. to 3:35 p.m.

375 University Avenue, Suite 803

Council Members:

Andrew Benedetto, RP (President & Chair)
Barbara Locke Billingsley
Shelley Briscoe-Dimock, RP
Gary Cockman (via Zoom)
Carol Cowan-Levine, RP
Sheldon Kawarsky
Kenneth Lomp, RP
Malcolm MacFarlane, RP (Vice-President)
Miranda Monastero, RP
Pat Rayman, RP
Jane Snyder
Kevin VanDerZwet Stafford, RP

Staff Members:

Shanzeh Ameen, Coordinator, Professional Conduct
Deborah Adams, Registrar
Alexandra Brennan, Coordinator, Registration
Janice D'Souza, Administrator, Registration
Jo Anne Falkenburger, Director of Operations & HR
Amy Fournier, Executive Coordinator (Recorder)
Sarah Fraser, Manager, Registration (via Zoom)
Taya Henry, Administrator, Registration
Sabina Hikel, Manager, Communications
Lene Marttinen, Manager, Quality Assurance
Mark Pioro, Deputy Registrar & General Counsel
Kelly Roberts, Manager, Operations
Kristina Reyes, Coordinator, Registration
Jenna Smith, Manager, Professional Conduct

Regrets:

Steven Stijacic

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 welcomed new public appointment, J. Snyder, to the Council table and noted that G. Cockman and S. Fraser were listening in on the Council meeting via videoconference.

2. Approval of Draft Agenda

The Chair introduced the draft agenda of the June 20, 2019 Council meeting.

MOTION C-20JUN2019 – M01

That the agenda of the June 20, 2019 meeting of Council be approved as presented.

Moved: C. Cowan-Levine

Seconded: K. VanDerZwet Stafford

CARRIED

3. Approval of Draft Minutes

The Chair introduced the draft minutes from the March 1, 2019 Council meeting.

MOTION C-20JUN2019 – M02

That the draft minutes from the March 1, 2019 meeting of Council be approved as presented.

Moved: K. Lomp

Seconded: C. Cowan-Levine

CARRIED

4. Conflict of Interest Declarations

None declared.

5. President's Remarks

A. Benedetto noted that the last several months have involved reflection on upcoming changes. In particular, the proposed changes to regulatory governance that have been put forward by the College of Nurses of Ontario, with several other colleges following suit with their own governance reviews. CRPO has commenced an extensive governance review, starting with an analysis conducted by Darrel Pink, who will present on Transforming Regulation later in the meeting. The CRPO's first strategic planning session is also scheduled to take place on September 12 with Cate Creede of The Potential Group acting as facilitator.

The Chair thanked M. Kardos Burton, public member whose term expired on June 11, 2019 for her years of service and contributions to Council. S. Stijacic's term as a public member is scheduled to end on August 27, 2019, prior to the next scheduled Council meeting. A. Benedetto thanked S. Stijacic for his contributions to Council and committees over the course of his term.

Council was informed that this Council meeting would be the last for C. Cowan-Levine and K. VanDerZwet Stafford. Both members were thanked for the important roles that they played in the early days of transitional council up until the present, including C. Cowan-Levine's term as the first president of the CRPO. A. Benedetto noted that M. MacFarlane will be resigning as the elected professional member representing District 2 in the fall of 2019.

6. Registrar's Report

D. Adams, Registrar, provided an update on CRPO statistics including registration numbers and inquiries to the practice advisory service. The number of inquiries has grown significantly over the last three months. Council was informed that the Association Stakeholder meeting took place at the CRPO on June 13 with 13 associations in attendance.

7. Committee Reports to Council

Client Relations

C. Cowan-Levine, Committee Chair, asked D. Adams, Registrar, to speak to the report included in the package, as the committee has not held a meeting since their last report to Council. D. Adams informed Council that at its next meeting, the Committee will further examine feedback from the public consultation regarding the draft Regulation Defining Client for Sexual Abuse Provisions. This will be done to inform discussion of right touch resources that could be developed to assist Council in addressing allegations of sexual abuse by a registrant.

Examination

K. Lomp, Examination Committee Chair, provided Council with an update on examination appeals that have been considered since the last Council meeting.

Executive

A. Benedetto, Executive Committee Chair, presented the Executive report to Council noting that several items in the report will be addressed as separate agenda items.

Inquiries, Complaints and Reports Committee

K. VanDerZwet Stafford, ICRC Chair, presented the committee report to Council noting that he had nothing further to add to the report but thanked the committee members for their diligence.

Quality Assurance

No further information was provided regarding the Quality Assurance Committee report to Council in the absence of former chair, M. Kardos Burton.

Registration

M. MacFarlane, Registration Chair, presented the report to Council and noted that he had no further comments to add.

8. Transforming Regulation & Governance: Presentation by Darrel Pink

A. Benedetto, Chair, introduced D. Pink, who has recently conducted a review of CRPO's governance.

D. Pink presented on the Nova Scotia Barristers' Society's work under his leadership to examine their role and modernize their operations.

The presentation elaborated on the role of Council and what an effective regulator needs to consider in order to avoid risk of harm to the public.

9. Criminal Background Checks

S. Fraser, Manager, Registration, introduced the item and provided background information regarding the review process that was undergone by the Registration Committee in researching the use of criminal background checks, including what other colleges require and the police record check options currently available.

Currently, CRPO requires mandatory self-disclosures at initial registration and annual renewal. A police check is only requested by staff when an individual self-discloses a legal finding. CRPO staff request a police check in these cases to verify what the individual has reported.

S. Fraser informed Council that the criminal background checks item is brought forward again for Council's consideration due to changes to the *Police Record Checks Reform Act, 2015* and *Regulated Health Professions Act, 1991*. Registration Committee has proposed that all new applicants be required to complete a criminal records and judicial matters check and that CRPO consider adding at a future date a random, periodic audit of current registrants.

B. Locke Billingsley, public member, asked for clarification as to why the CRPO was proposing that applicants submit a criminal record and judicial matters check, as opposed to a vulnerable sector check.

M. Pioro responded that, while slightly more information becomes available through the vulnerable sector check, when considering the increased cost of the vulnerable sector check, the administrative time on behalf of the applicant and staff, the criminal record and judicial matters check was

recommended by the Registration Committee as an appropriate compromise. D. Adams noted that there are only two pieces of information that are available through the vulnerable sector check that are not provided in the criminal record and judicial matters check. Council was encouraged to review the link to the Ministry of Community Safety & Correctional Services comparison chart to appreciate the differences.

Concerns were raised regarding members that are already registered with the CRPO with some members of Council suggesting that the criminal record check should be an ongoing registration requirement to be completed cyclically. M. Piro noted that the authority of the College to require the criminal records check for new applicants is stronger than for existing members. Regulatory Health colleges do not have the authority, without a legislative change, to require members to provide the criminal records check.

M. MacFarlane, Registration Committee Chair, reiterated that this issue is very complex, highlighting the number of times the issue has been discussed at Registration Committee meetings. Council was reminded that the committee is proposing that the issue of adding criminal record checks be circulated for 60-day public consultation and the feedback received will be brought back to Council after further review.

MOTION C-20JUN2019 – M03

That Council approve the 60-day circulation of the proposal that all applicants be required to submit a criminal record and judicial matters check.

Moved: M. MacFarlane

Seconded: S. Kawarsky

CARRIED

10. Strategic planning: Presentation by Cate Creede

A. Benedetto, Chair, introduced Cate Creede of The Potential Group. C. Creede will be acting as facilitator for the College's strategic planning session scheduled to take place on September 12, 2019.

C. Creede asked Council members to participate in a brainstorming discussion to assist her in determining what Council wants to achieve at strategic planning in the fall.

11. Developing a College Performance Measurement Framework: Presented by Doug Ross

A. Benedetto, Chair, introduced Doug Ross of the Health Workforce Regulatory Oversight Branch. D. Ross provided a brief presentation on the College Performance Measurement Framework (CPMF) initiative that is in progress. The purpose of the CPMF is to strengthen accountability and oversight of the regulatory health colleges in Ontario and to provide benchmarks to improve overall performance. D. Ross provided an outline of and timelines for the work being done by the CPMF working group, which includes representation from regulatory health colleges, members of the public and experts who will provide advice to ministry staff on key elements for developing and implementing CPMF.

Consultations will be conducted with all Federation of Health Regulatory Colleges of Ontario (FHRCO) members in the fall.

12. **By-law redundancy**

M. Piro, Deputy Registrar and General Counsel, introduced the topic noting that there are several sources of legal authority that determine what information goes onto the public register. It is possible for redundancy or inconsistency to result from these multiple sources of authority. Staff conducted a comparison of by-laws and Code/regulation provisions dealing with the public register. In some cases, it was found that the by-laws offered greater transparency than the Code/regulation. In such cases it is recommended that the by-laws remain as-is.

Some current by-law provisions concerning Findings of Guilt, Criminal Charges and Suitability to Practise have inconsistencies with the Code/regulation that could cause confusion. M. Piro recommended that these by-law provisions be repealed and proposed putting forward these changes for 60-day public consultation.

MOTION C-20JUN2019 – M04

That Council approve circulating the following proposed by-law amendments for public consultation:
Repealing paragraphs (xvii) and (xxii) of article 21.08 of the by-laws

Moved: C. Cowan-Levine

Seconded: K. VanDerZwet Stafford

CARRIED

13. **Registration History on public register**

Following public consultation, M. Piro, Deputy Registrar and General Counsel, presented about posting a member's historical registration history on the public register. This would include registration category changes and any suspensions for non-payment of fees. M. Piro noted that access to registration information is a necessary and expected public protection measure and this additional information would contribute to transparency.

D. Adams, Registrar, noted that staff had consulted with insurance companies to determine if access to this information was something that would support coverage of RP services and, in doing so, facilitate access to care. The responding insurance companies, as well as their association noted that this is information they rely on to administer benefits.

Staff also pointed out that, if a client is submitting claims to their insurer for reimbursement for care received during a period of time when a registrant was suspended, there is a larger issue of professional liability insurance and, potentially, professional misconduct.

P. Rayman expressed concern that this measure would be unfair to members who had struggled to renew. D. Adams described the process that is undertaken by staff in terms of notification to registrants who fail to pay the registration fee or otherwise complete the renewal process. She noted that opportunities are provided to registrants to meet their obligations before staff takes action to suspend them.

Council agreed that further discussion was warranted and so this item was deferred to a future Council meeting.

14. Filling of Vacancies & By-election

D. Adams, Registrar, introduced the topic noting that with K. VanDerZwet Stafford resigning his seat in District 1 and a vacancy remaining in District 6 the College will have two electoral districts with vacancies with more than twelve months remaining on the terms of office.

The CRPO by-laws (10.33) state that “if the seat of an elected Council member becomes vacant more than twelve (12) months before the expiry of the member’s term of office, Council shall direct the Registrar to hold a by-election in accordance with this by-law.”

As such, D. Adams requested that Council provide direction regarding running a by-election to fill vacancies in Districts 1 and 6.

P. Rayman, professional member, voiced concerns citing a belief that that the chair of Nominations & Elections should have been informed of the proposed by-elections prior to Council. In addition, P. Rayman also pointed out that District 6 has been vacant for over a year and suggested that the district boundaries be redrawn. D. Adams reminded P. Rayman that the direction needed to run by-elections would come from Council as per the by-laws. D. Adams further noted that if Council was to direct her to run by-elections she would engage with the Nominations and Elections Committee. Regarding District 6, D. Adams noted that District 6 includes areas that have many new immigrants, particularly in the South Asian community and a relatively small number of RPs whose primary practice is in this area. She expressed reservations about collapsing this district and recommended that further engagement is needed to foster engagement as a way of increasing the diversity of perspectives at the Council table.

C. Cowan-Levine offered that it was most important to move forward with the by-election, due to the low numbers at the Council table and the boundary re-drawing process is lengthy and would include a by-law change and public consultation, which would further inhibit the process. As such, Council agreed that it would be in the best interest of the CRPO to direct the Registrar to hold a by-election.

MOTION C-20JUN2019 – M05

That Council directs the Registrar to hold a by-election to fill the vacancies in District 1 and District 6.

Moved: S. Kawarsky

Seconded: S. Briscoe-Dimock

CARRIED

D. Adams recommended that Council appoint C. Cowan-Levine and K. VanDerZwet Stafford as non-council members in order to complete work on any open panel files that remain in Registration and ICRC. This will ensure that they are able to participate in any review or deliberations related to

decisions and reasons. D. Adams noted that C. Cowan-Levine and K. VanDerZwet Stafford would not be appointed to any new matters, only panel work that is already in progress.

C. Cowan-Levine and K. VanDerZwet Stafford excused themselves from the council chambers for the proposed motion.

MOTION C-20JUN2019 – M06

That Council appoint Carol Cowan-Levine as a non-council member of the Registration Committee.

Moved: B. Locke Billingsley

Seconded: M. Monastero

CARRIED

MOTION C-20JUN2019 – M07

That Council appoint Kevin VanDerZwet Stafford as a non-council member of the Inquiries, Reports & Complaints Committee.

Moved: S. Briscoe-Dimock

Seconded: P. Rayman

15. Question Period

Questions included a question regarding the election of officers process and the automated email replies from CRPO general mailbox.

21. Adjournment

MOTION C-20JUN2019 – M08

That the meeting be adjourned at 3:42 p.m.

Moved: K. Lomp

Seconded: S. Briscoe-Dimock

CARRIED

Andrew Bendetto
President & Chair