

Minutes
Meeting of the Council of the College of Chiropractors of Ontario
180 Dundas Street West
By ZOOM
Friday, October 23, 2020
9:00 a.m. - 4:00 p.m.

Present

Professional Members

Melanie Atkinson
Nosheen Chaudhry
Ed Chung
Matt Doyle
Peter Ferguson
Sasha Kozera
Irv Luftig
Cesar Mendez
Agnes Potts
Peter Stavropoulos
Elliot To

Public Members

Jim Daley
Douglas Ellis
Andrew Gassmann
Allan Katz
Winnie Linker
Agnes Potts

Regrets:

Staff: Felecia Smith, Registrar and CAO

Legal Counsel: Alan Bromstein

Part 3

5. For Decision

The Registrar acted as Chair. She welcomed the new members Melanie Atkinson, Doug Ellis and Irv Luftig. A roll call was taken. The Registrar also welcomed Nosheen Choudhry & Yulian Pavlyuk.

Part 1

1. Call to Order, Ray McDonald was appointed Secretary,

Approval of the Agenda

MOTION

MOVED BY: Jim Daley

SECONDED BY: Allan Katz

THAT Council approve the agenda, for the October 23, 2020 meeting of Council.

CARRIED UNANIMOSLY

Declaration of Conflict of Interest, Taping Policy,

Part 3

5. For Decision

5.1 Update on Election

The Registrar updated Council about the election. In District 3, Matt Doyle was elected for a second term. There was an election in that district and there was a 45% turnout. Melanie Atkinson was acclaimed in District 2. In District 5, there was a bi-election for Sonia Maragoni's position on Council. No one came forward on two calls for nominations. A letter was sent out to chiropody members and eight people came forward. The Executive reviewed all the applications and recommended two people, Nosheen and Yulian, who were present at the meeting to address Council. Both individuals addressed Council.

MOTION

Moved by: Agnes Potts

Seconded by Douglas Ellis

THAT council conduct a secret ballot for the elections to Council

CARRIED UNANIMOUSLY

Nosheen was appointed to Council for District 5 for the 20/21 year. It is a one year term and there will be an election in that District next year.

(i) Chiropodist Members

(a) District 3 – Matt Doyle elected for a second 3-year term

(b) District 4 – Melanie Atkinson acclaimed

(c) District 5 bi-election to be appointed:

Nosheen Chaudhry

Yulian Pavlyuk

(ii) Podiatrist Member - Districts 3&4 Combined District 2

Irv Luftig – acclaimed

5.2 Election of President and Vice-President

Peter Stavropoulos was acclaimed as President of the College.

Peter Ferguson was acclaimed as Vice-President to the College.

5.3 Election of Remaining Positions on Executive

Matt Doyle was acclaimed as the third professional member of Council.

Jim Daley and Winnie Linker were nominated for the public members position on Council. A vote was cast and there was a tie. Three options were proposed. The first is another vote; the second was that either Jim or Winnie could withdraw to allow the other one to be acclaimed on the understanding that they can still run for the second position. The third option is to determine if anyone else was intending to run. Before voting a second time, Council was asked if another public member intended to run. Mr. Stavropoulos nominated Andrew Gassmann. Mr. Daley withdrew.

Therefore, Winnie is the successful first public member. Andrew Gassmann was acclaimed as the second public member of Executive.

MOTION

Moved by: Peter Stavropoulos

Seconded by: Mr. Jim Daley

THAT Council approve destroying any and all election ballots cast

CARRIED UNANIMOUSLY

The Chair was handed from the Registrar to the President

Part 1

Approval of the Minutes of June 26, 2020

MOTION

Moved by: Ms. Potts

Seconded by: Mr. Daley

That Council approve the adopting of the minutes of the June 26th 2020 meeting

CARRIED UNANIMOUSLY

****THE AGENDA ITEMS MAY NOT NECESSARILY BE DEALT WITH IN THE ORDER THEY APPEAR****

Part 2

1. Discussion

4.1 Proposed Amendments to Drug Regulation

Mr. Mendez brought Council up-to-date about where the College is with the proposed amendments to the drug regulation. Switching from a list of drugs to classes will allow member to prescribe the best, the safest and the most effective drugs for some of the cases that we are currently seeing. The draft regulation was posted on the Ministry site for stakeholder comments. A week ago a response came in from the OMA which is included in your package. It was not very supportive and also not terribly surprising. The same issues that are reflected in the OMA letter come up repeatedly - how will we regulate this as a college; what is the educational standpoint. We have experts in place that

can assess the knowledge base of our members. We implemented that the first time around. They have not made the effort to review what we submitted in the past because their concerns have already been addressed in terms of what we have submitted to the Ministry. Every time these arise, we have the public's best interest at the forefront. For the OMA to say it is okay for patients to have to go back to their general practitioner two or three times to make things right makes no sense. If we can safely address that and do it efficiently and save money, we can save frustration while providing the best care for our patients which is really what we are trying to do and that is all we tried to do. Unfortunately, their comments do not seem to support that.

4.2 Spousal Exemption Regulation – Update

This matter had been outstanding for 6-7 years but the regulation is now in place. Members can now treat their spouses without it being sexual abuse. The President indicated that the Registrar picked up on the fact that government overlooked us when they were revisiting this issue. We would have been in line with the other Colleges waiting to have this done. This is something that members should be able to offer their patient, particularly if they are our partners or spouses, with safety and all the due precautions that should be in place whenever we are treating any patients.

4.3 Updates on other Regulations with Proposed Amendments

The college has two regulations that need finalizing – the registration regulation and the professional misconduct regulation. Ms. Henry advised the Registrar earlier in the week that legal counsel was under the misunderstanding that the regulation had already been sealed. The Registrar advised that it should be sealed because there is nothing further to do. In terms of the Professional Misconduct regulation, we received many comments back and are working through them.

4.4 Processes that are now online at the College

There are many processes that are now online. To name a few – annual renewal, the corporation financial system, the continuing education logs and review. We also now have 3 social media sites.

4.5 Registration Examination – Update

The examination took place on Saturday and Sunday, October 17 & 18 October. We found out at 4:00 p.m. on Friday that we were a confirmed 'go' for the exam. There were many things that we had to do to convince the Michener that we would adhere to all the COVID requirements. The OSCE was a major undertaking for insuring that we met the requirements. The College felt the pain of the graduates. The College also did everything possible to ensure that the process was proper, with the assistance of the psychometrist.

4.8 Government Relations

The Executive Committee felt that given everything that is happening in the world of COVID that this would not be an appropriate time to pursue the College's desired scope expansion and title change effort. Given the enormous changes that are occurring round the health care system presently and the need for the College to finalize many of the regulations our efforts will be devoted to tidying these things up. We have not forgotten our belief that this pursuit is important but the timing is currently not appropriate.

4.9 Ministry of Health's Rollout of their New College Performance Measurement Framework

The CPMF will be an enormous amount of work for a College that has 4 employees. The government is looking to ensure that there is a minimum standard of transparency and there are guidelines in

place There are measures that are being put in place. The information is explained in the College parcel.

Short recess. Nosheen Choudhry and Allan Katz left the meeting.

In camera session taking place.

Roll call taken

MOTION

Moved by: Doug Ellis

Seconded by: Irv Luftig

That council confirm that the meeting of the Council as a whole in the exclusion of the public was for the purpose of receiving a report from the Registrar's Performance and Compensation Committee and for that purpose only.

CARRIED UNANIMOUSLY

The President reported that he will have something formal that he will be providing as they feel that they should. The President stated that early next week the Registrar will know that he will have something for her.

4.10 Financial Information – Update

Mr. Daley explained that from a revenue perspective we are on track with where we expected to be except for a couple of timing issues such as exam fees and first-time registrant fees but otherwise everything is pretty much in line. Expenses are either near budget and there are no major discrepancies other than legal fees for ICRC. This reflects a very active year in complaints. A lot of this has come from the zero tolerance policy that was adopted a little while ago. This has left us with a deficit of just short of \$82,000.00. We are in a strong position to weather this storm. Cash at the end of August is at almost \$1.9 million and a strong equity position.

There are two major concerns with complaints – whether the volume of complaints continues to come in as they have over the last little while and secondly, we have 25 discipline hearings scheduled. We budgeted for about \$11,000 per hearing. Our current budget was for thirteen hearings which will probably not occur. We have no idea how many will be contested. If we average \$25,000 per case, that is about \$625,000. We are currently in a good position to manage this but we will need to pay very close attention in our budgeting going forward.

Mr. Bromstein advised that there is statutory authority which limits you in going into an overdraft or deficit position. The College can move into a deficit position presuming we can obtain whatever finances we need to meet our day-to-day matter. In essence, the College is a taxing authority. There is nothing that stops us from doing this. There is a summary for every case that goes to the Registrar outlining the time spent by each individual on each file. The rates are transparent and agreed to at the beginning of each year. Mr. Bromstein reviews each account. The amounts are due to the number of cases; time spent by panels and the lawyers. Any file sent to discipline is going to be much more expensive because you have allegations to prepare that have to be done in a particular form. Mr. Daley responded to a question about why there is an increase by saying that now there are maybe three or four meetings involving investigation and legal counsel is present at each meeting. A lot more cases have been referred. He said it would be inappropriate to audit the invoices. The bills reflect the volume and complexity of what the College is doing that clearly drives this increase and is

not unexpected. Mr. Daley indicated that he did not think the College was in trouble. It is unlikely that we will need a fees increase but we will need to pay close attention to it.

Mr. Mendez indicated that in his role as Chair, he has inherited some cases from many years ago that have been much more complex than the College has ever has to deal with. It is the College's mandate to treat these appropriately and adjudicate them as necessary. We cannot say a typical case would cost x; these cases are complex and that alone will drive costs up significantly. Once a complaint comes in, the College is going to investigate it and treat it with all due process. Cutting back on proper legal advice is not the way to cut costs. The Registrar explained that the reason the rent is higher this year is because she had negotiated 4-5 months free when she renegotiated our lease.

Part 3

5. For Decision

5.5 Prescription Custom Foot Orthoses –Comments Received from Circulation

The reason for the amendments was really a request from ICRC and legal counsel that there were issues that needed to be dealt with. The group was balancing the need to protect the public, as always, with the practical day to day circumstances in an office. A comment was made that a Council member could not understand some of the stakeholders feeling that this demeans them in a way. This is the College executing its mandate to protect the public and protecting the public means protecting the public from individuals who have put financial gain in front of the public's best interests.

The President commented that some of the people or groups that elected to comment on our standard felt that in some way that we were demeaning other professions or disparaging other professions, both regulated and not regulated, by the standard. That was never the intention. The College was doing what it needed to do to fulfil its mandate as it applies to this particular service that members provide to their patients.

MOTION

THAT Council finally approve the standard of practice for custom foot orthoses as set out in pages 55-64, effective immediately.

CARRIED UNANIMOUSLY

A comment was made that the new standard removes the grey areas and will definitely assist peer assessors.

The question was raised how amendments to our Standard restricts inter-disciplinary or inter-multi practice. Bioped was used as an example. They are owned by pedorthists and chiropodists work there and some may do the assessment portion. The pedorthist may make the orthotic and the pedorthist may dispense it. There is no problem with a chiropodist working alongside a pedorthist or being employed or employing a pedorthist to fabricate the orthotics. However, the end responsibility to the patient that they are both treating is to have the chiropodist or podiatrist dispense the orthotic to ensure that what was laid out on paper in the form of a prescription is actually being implemented in the three-dimensional medical device that is being dispensed. We are not saying a pedorthist may not be qualified to dispense the orthotic but we feel there is a greater responsibility to the patient on behalf of the member to ensure that what is dispensed in actual fact fulfils the prescription that we have written and our unique set of skills makes us duly able to be able to.

If the patient comes in and is seen by the pedorthist, the chiropodist or podiatrist is not involved at all. The pedorthist is able to undertake the treatment free of the member. It is only when the member becomes involved in the assessment and prescribing that they have a duty to see it through.

5.8 Diversity and Inclusion –Developing a Policy

The Registrar had raised with Executive Committee whether we should be developing a policy on diversity and inclusion. Other Colleges are working on this. A couple of Colleges have hired a diversity specialist on staff. Council provided direction for the Registrar to work with the Practice Advisor to have this moving forward. It was suggested that not only should we liaise with the other health regulatory bodies, but also reach out to the Law Society of Ontario. They now require as part of the CPF hours certain numbers of hours in diversity education.

5.9 Survey of Membership regarding Member’s finances & the pandemic – follow up from June Council meeting

The Registrar indicated that at the June 2020 Council meeting, there was a discussion whether we should be sending out a survey to our membership regarding their financial position in relation to the pandemic. Executive discussed this and felt it was too early. Council agreed – it will be deferred for now.

5.4 Formation of Statutory and Non- statutory Committee

The Executive Committee arranged the committees as follows:

Registration Committee

Chair – Matt Doyle

Professional Member – Sasha Kozera and Peter Stavropoulos

Public Members – Winnie Linker and Doug Ellis

ICRC

Chair – Peter Stavropoulos

Professional Members: Melanie Atkinson, Ed Chung, Matt Doyle, Peter Ferguson, Sasha Kozera, Irv Luftig, Cesar Mendez, Jamie Mazcko, Nosheen Chaudhry

Public Members: Jim Daley, Douglas Ellis, Andrew Gassmann, Allan Katz, Winnie Linker

Selected: Elliot To

Non-Council: Riaz Bagha, Peter Guy, Alan Frankel, Stephen Haber, Martin Hayles, Sylvia Kovari, Neil Naftolin, Nat Rave, Stephanie Shlemkevich, Ruth Thompson, Millicent Vorkapich-Hill

Discipline Committee

Chair: Cesar Mendez

Professional Members: Melanie Atkinson, Ed Chung, Matt Doyle, Peter Ferguson, Sash Kozera, Irv Luftig, Cesar Mendez, Peter Stavropoulos, Nosheen Chaudhry

Public Appointees Jim Daley, Doug Ellis, Andrew Gassmann, Allan Katz, Winnie Linker

Non-Council Appointees: Riaz Bagha, Peter Guy, Stephen Haber, Martin Hayles, Jamie Maczko, Marie McLaren, Millicent Vorkapich-Hill

Fitness to Practice

Chair: Peter Guy

Professional Members: Matt Doyle, Cesar Mendez

Public Appointees: Andrew Gassmann

Non-Council appointees – Pauline Looi, Kim Resmer, Pete Guy

Quality Assurance

Chair: Anna Georgiou

Professional Members

Public Members: Winnie Linker, Dog Ellis, Andrew Gassmann

Non-Council: Anna Georgiou, Annmarie McLaren, Brooke Mitchell, Millicent Vorkapich-Hill, Cindy Lewis

Patient Relations

Chair: Peter Stavropoulos

Professional Members: Matt Doyle, Peter Stavropoulos

Public Members: Andrew Gassmann, Allan Katz

Non- Council: Pauline Looi

Elections Committee:

Chair: Allan Katz

Committee members: Doug Ellis, Andre Gassmann, Allan Katz

Strategic Planning

Chair: Andrew Gassmann

Professional members: Peter Ferguson, Sasha Kozera, Peter Stavropoulos (ex-officio)

Public Members: Jim Daley, Allan Katz, Dou Ellis, Andrew Gassmann

Registrars Performance and Compensation Committee:

Chair: Andrew Gassmann

Professional Members: Peter Stavropoulos (ex officio), Peter Ferguson

Public Members: Andrew Gassmann, Winnie Linker, Allan Katz

Audit Committee

Chair – Jim Daley

Professional Members: Ed Chung, Andrew Gassmann. Peter Stavropoulos

Sedation Committee

Chair: Anna Georgiou

Professional Members

Public Members: Winnie Linker, Dog Ellis, Andrew Gassmann

Non-Council: Anna Georgiou, Annmarie McLaren, Brooke Mitchell, Millicent Vorkapich-Hill, Cindy Lewis

Technical Committee

Chair: Peter Ferguson

Professional Members: Peter Ferguson, Sasha Kozera, Matt Doyle, Ed Chung

Public Member: Andre Gassmann

Non-Council: John Lanthier and Tracy Oliver

Registration Examination Committee

Chair: Stephanie Shlemkevich

Professional Members: Peter Ferguson, Matt Doyle Nosheen Chaudhry

Non-Council Professional Members: Stephanie Shlemkevich, Marcella Cowan, Kathryn Ferguson, Jaky Fu, Megan Grantham, Kay Hayles, Andrew Klayman, Brooke Mitchell, Sonia Rebello, Donna Shewfelt, Martin Hayles

Standards & Guidelines

Chair: Nosheen Chaudhry

Professional Members: Nosheen Chaudhry, Ed Chung, Sasha Kozera, Melanie Atkinson, Peter Ferguson Irv Luftig

Selected Member: Eliot To

Non-Council appointed: Anna Georgiou, Peter Guy Martin Hayles, Cindy Lewis

MOTION

Moved by: Peter Stavropoulos

Seconded by: Agnes Potts

THAT Council appoint each of the statutory committee member who are not member of Council as non-Council committee members

CARRIED UNANIMOUSLY

MOTION

Moved by: Peter Stavropoulos

Seconded by: Ed Chung

THAT Council compose and appoint a chair for each of the statutory, standing and other committees and working groups as proposed and presented by the Executive Committee

CARRIED UNANIMOUSLY

5.6 Amendments to Fees by-law –Comments Received from Circulation

This is a proposed by-law amendment coming from the Executive committee. It reads “for the calendar year 2021 the annual fee is \$1,700 if paid on or before August 14, 2021 and \$1,900 if paid thereafter.”

The motion is extending the deadline to pay the fee to August 14, 2021.

MOTION

That Council approve the following amendments to the College’s Fees By-law:

- 1. Add the phrase, “Subject to article 4.03.1, to the beginning of Articles 4.02 and 4.03; and**
- 2. Add a new Article 4.03.1 as follows: “For the calendar year 2021, the annual fee is \$1700.00 if paid on or before August 14, 2021 and \$1900.00 if paid thereafter.**

CARRIED (by a 2/3 majority)

5.7 Standards of Practice – Records - and Discontinuation of Services*

This is a by-product of the request of ICRC legal counsel and in close cooperation with the standards and guidelines Committee people that had seen some requirement to amend the standards consistent with the expectation as far as proper practice. Executive is putting forward the motion.

MOTION

THAT Council approve the standard of practice on records as set out on pages 107 to117 of the materials.

CARRIED UNANIMOUSLY

MOTION

THAT Council approve the advisory entitled discontinuation of services as set out on page 118-130 of the materials.

CARRIED UNANIMOUSLY

Part 2

1. Discussion

4.11 Practice Advisor – Update

The idea of having a practice advisor had been discussed for a long time. Meghan Hoult officially 'launched' on September 8, 2020. She has provided some information about the frequency of inquiries. A question was asked what she would do if she was asked a question about bone surgery. The Registrar explained that she would not respond to a question that she was not competent to answer. She would discuss the question with the Registrar and she would seek the assistance of the Executive Committee or whomever else we would need to contact to receive the assistance needed.

Part 4

6. Other Statutory Committee Reports

(Available from committees that have met since the last meeting of Council)

In reviewing the reports, Council agreed that rather than the Chair going through the report, we will simply ask if anyone has any questions.

- 6.1 ICRC* – Martin Hayles
- 6.2 Discipline* – Cesar Mendez
- 6.3 Quality Assurance * - Anna Georgiou
- 6.4 Registration – Agnes Potts

Part 5

7. Working Group/Other Committee Reports

7.1 Standards and Guidelines [Peter Ferguson]

Mr. Ferguson thanked the committee members There area number of documents going forward that are being worked on – social media and advertising – and will come back to Council.

7.2 Registration Examination – [Stephanie Shlemkevich]

7.3 Audit Committee – Jim Daley

7.4 Strategic Planning Committee [Andrew Gassmann]

The committee has not been active due to COVID

7.5 Registrar's Review and Compensation Committee [Winnie Linker]

No further comment by the Chair.

8. In Camera Session

9. Next Meeting

9.1 Items for Agenda – Next Council Meeting

9.2 Next Meeting Date – February 26, 2021

10. Adjournment

Motion

Moved by: Agnes Potts

To adjourn meeting

CARRIED UNANIMOUSLY