



**College of Optometrists of Ontario
Council Meeting
Sept. 25, 2020
APPROVED**

Attendance:

Dr. Patrick Quaid	Mr. Bashar Kassir
Dr. Richard Kniaziew	Mr. Howard Kennedy
Ms. Suzanne Allen	Dr. Lindy Mackey
Ms. Kathryn Biondi	Dr. Annie Micucci
Dr. Linda Chan	Dr. Christopher Nicol
Dr. Lisa Christian	Mr. Narendra Shah
Mr. Ravnit Dhaliwal	Dr. William Ulakovic
Dr. Camy Grewal	Dr. Marta Witer
Ms. Winona Hutchinson	

Staff:

Mr. Ira Teich, Interim Registrar/CEO	Ms. Deborah McKeon
Mr. Edward Cho	Ms. Eden Tsafaroff
Ms. Hanan Jibry	Mr. David Wilkinson
Ms. Mina Kavanagh	Ms. Bonny Wong
Ms. Amber Lepage-Monette	

Guests:

Mr. Kim Allen, CEO, Optometry Examining Board of Canada
Ms. Julia Martin, Legal Counsel

- 1 **1. Call to Order:** P. Quaid called the meeting to order at 9:04 a.m. welcoming all attendees and guests.
2
3 **2. Adoption of the Agenda:** A draft agenda was circulated prior to the meeting. B. Kassir asked to add an
4 agenda item regarding the job action policy, specifically discussing a Toronto Star interview from Aug.
5 11.
6
7 Moved S. Allen and seconded by W. Hutchinson **to adopt the agenda.**
8 **Motion carried**
9
10
11 **a. Conflicts of Interest:** P. Quaid asked Council members if anyone had a conflict of interest with any
12 item on the day's agenda.
13
14
15 **3. Adoption of the Consent Agenda:** A draft consent agenda was circulated prior to the meeting. The
16 following items were included in the consent agenda:

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63

PART 1 - Minutes of Prior Council Meetings

- a. June 25, 2020
- b. July 27, 2020
- c. Motions and Actions Items Arising from the Minutes

PART 2 - Reports

- b. Committee Reports
 - a. Executive Committee
 - b. Quality Assurance:
 - i. QA Panel
 - ii. QA Subcommittee
 - iii. CP Panel
 - c. ICRC
 - d. Registration
 - e. Discipline
 - f. Governance/HR Committee
 - g. Audit/Finance/Risk Committee

P. Quaid explained the process for the consent agenda. P. Quaid asked to pull out the QA Panel report, A. Micucci asked to pull out the Governance/HR report.

A Micucci noted that the Governance/HR report is routinely pulled out of the consent agenda to discuss the Council Meeting Feedback survey results. For this report, most of the feedback related to by-law amendments, which will be discussed along with that motion.

Two additional updates from Governance/HR: First, the Registrar Recruitment Subcommittee has an initial target date of January 1 for a new registrar to be in place. The committee requires a public member who is not on the Executive Committee; N. Shah agreed to Chair the committee. The subcommittee plans to meet shortly after the Sept. 30 deadline for request for proposals.

The second item: B. Kassir has raised the issue of potentially making Executive Committee meetings open to the public. Governance/HR Committee discussed the issue and felt it wasn't in the public's best interest to open these meetings. It is suggested that Council discuss the frequency with which Executive ought to report to Council.

B. Kassir explained that the Executive Committee may have been meeting on issues that are not urgent and on a frequent basis, which is not in line with the committee's purpose. B. Kassir felt that if Council is reviewing Executive minutes, they should be made available to the public as well. In addition, several of the Executive meetings over the summer appear to be undocumented. Regulation is moving in the direction of having Executive Committee meetings open - the College would be leading in this area if it did so.

It is noted that Executive is composed of Council members elected to their position. Council questions if Executive can make decisions without Council being informed. The question is also raised as to the frequency of communication and sharing Executive minutes – rather than a quarterly or ad hoc basis, the minutes should be shared in a timelier manner, within days of Executive meeting.

64
65 It was also noted that Council should be informed if the Executive Committee needs to vote on an item
66 on Council's behalf.

67
68 P. Quaid noted that for instances where meetings have no minutes, it is because the meeting addressed
69 confidential issues related to personnel and that Council received legal advice to that effect.

70
71 Council noted some committees require privacy as they handle public health information. If one
72 committee is made open, would that require a change in policy for all committees?

73
74 B. Kassir noted that if Council does not want to make the Executive Committee open, it should seek
75 interpretation from the Ministry.

76
77 The item is closed to further discussion.

78
79 P. Quaid raised a question about the QA report on page 17 of the briefing materials regarding the
80 deferral of practice assessments.

81
82 L. Chan noted that, while practitioners are back to practice, the Vision Institute is not interested in doing
83 practice assessments at this time. Practice assessments involve extended exposure to patients; not all
84 optometrists are comfortable with this during COVID-19. B. Wong is engaged in ongoing conversations
85 with the Vision Institute and will report back following the Oct. 9 meeting.

86
87 **4. Registrar | CEO Report**

88
89 I. Teich provided the Registrar's Report, in the form of a PowerPoint presentation, discussing
90 recommendations he will be making before leaving the College, including enhanced staff support of
91 committees, enhanced decision-making in Council and committees, and Council and committee training.
92 Staff representing operational departments were invited to present updates.

93
94 M. Kavanagh provided highlights from Inquiries and Complaints, including a snapshot of COVID-19-
95 related inquiries from the public between March and September 2020. The most prevalent inquiries
96 related to mandatory testing and fees, specifically OCT and retinal imaging.

97
98 Many people with COVID-related inquiries did not want to submit formal complaints as they wanted a
99 timelier resolution. The department has therefore engaged in early resolutions methods.

100
101 The emergency order that affected investigations was revoked on September 14, allowing investigations
102 to move forward.

103
104 H. Jibry provided an update on Registration, outlining processes during COVID-19, including remote
105 jurisprudence, online registration, and electronic candidate notifications.

106
107 C. Nicol asked about the issue of former member B. Wahab, whose licence was removed in July.

108

109 H. Jibry noted that registration processes have been updated to ensure the College confirms registration
110 with other jurisdictions and that documentation is not falsified.

111
112 E. Tsafaroff provided an update on the College’s return to work plan for College staff, which involves
113 both coordination with building management on issues such as ventilation adjustments, air quality
114 testing, and enhanced cleaning, as well as College measures such as screening and liability waivers, body
115 temperature checks, capacity on staffing numbers in the physical office environment, sneeze guards for
116 reception, and personal protective equipment.

117
118 B. Wong spoke to the Quality Assurance program, providing an overview of practise assessments in
119 2020. Although assessments were on hold under Directive #2, they resumed in June.

120
121 Few optometrists requested to delay the Continuing Education (CE) requirements; by July, most had met
122 the requirements for this CE period. The College will work with Association of Regulatory Boards of
123 Optometry for random audits and College staff will perform the deficiency audit.

124
125 D. McKeon provided an overview of changes to financial processes since starting with the College,
126 including the move to bring the accounting database and payroll in-house and online, to move accounts
127 payable online, and a revised budget process with input from all departments, among other changes.

128
129 I. Teich provided a brief overview of the Ministry of Health’s College Performance Management
130 Framework, which is in draft form and confidential.

131
132 I. Teich provided an update on the Strategic Plan, and areas where College activities are already
133 consistent with Strategic Plan goals.

134
135 I. Teich touched on the recent mandatory testing and fees communication that went out to the public
136 and optometrists, providing an overview of feedback received.

137
138 Council provided feedback on the mandatory testing communication, asking whether a Communications
139 Committee or communications panel could provide input.

140
141 Council took a break at 11:25 a.m. Returned to the meeting at 11:35 a.m.

142 **5. Presentation from OEBC**

143
144 Council was joined by guest Kim Allen, the new CEO of the Optometry Examination Board of Canada
145 (OEBC).

146
147 K. Allen presented to Council about the redesigned OEBC process to address COVID-19, as well as the
148 work OEBC is doing to address issues with stakeholders, such as the College.

149
150 Council noted the changes at OEBC since May have resulted in increased dialogue with students, and
151 areas of concern being addressed.

152

153 Council asked about differences between the OEBC and NBEO in terms of rigour, pass/fail rates. K. Allen
154 clarified that the exams measure their own jurisdictions. There are jurisdictional differences, and the
155 exams measure those differences.

156

157 Council also sought clarity about exam requirements for Canadian students. P. Quaid noted Council is
158 discussing the issue of reciprocity with FORAC.

159

160 **6. IN CAMERA SESSION: Auditor Selection**

161 In accordance with Section 7 (1.1) of the *Health Professions Procedural Code* (HPPC), Council will go
162 in camera under Section 7(2)(b) of the HPPC, whereby personnel matters or property acquisitions
163 will be discussed.

164

165 Council moved in camera at approximately 12:25 p.m.

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185 Council moved out of camera at 12:39 p.m.

186

187 **7. Motions Brought Forward from Committees:**

188 **a. AFR Auditor Selection**

189

190 B. Kassir presented the motion.

191

192 Moved by R. Kniaziew and seconded by H. Kennedy **to approve the selection of the new auditing firm**
193 **as selected by the Committee in its meeting on August 21, 2020.**

194

195 Show of hands. None against. None abstained.

196

Motion carried

197 **b. QA**

198 **i. CPP Return to Work**

199

200 C. Grewal outlined the proposed revisions to the *Return to Work: Infection Prevention and Control for*
201 *Optometric Practice*. Return to Work guidance. The Clinical Practice Panel is proposing to remove the list
202 of high-level disinfectants and replace it with a link to a government-provided list of disinfectants.

203

204 Moved by W. Hutchinson and seconded by R. Dhaliwal **to approve revisions to *Return to Work:***
205 ***Infection Prevention and Control for Optometric Practice* guidance.**

206

207 None against. None abstained.

Motion carried

208

209
210 Council revisited the previous motion re: auditor selection and noted that although the auditor motion
211 was required to be confidential in the public briefing materials, the auditor should be named as part of
212 the public motion.

213

214 B. Kassir read the motion again.

215

216 Moved by R. Kniaziew and seconded by C. Grewal **to approve BDO Canada LLP as the College's audit**
217 **and advisory firm beginning in the fiscal year 2020.**

218

Motion carried

219

220 **iii QAS – CE Policy**

221

222 B. Ulakovic presented on behalf of the subcommittee chair Ellen Pekilis, providing an overview of the
223 proposed changes to the CE Policy.

224

225 The next CE cycle will begin January 1, 2021. Through the consultation period, the College received
226 feedback from more than 100 individuals, which was included in the briefing materials.

227

228 The major change was not in terms of total hours but the elimination of category A and B credits. The
229 policy proposes moving to 50 COPE-approved hours (20 of those COPE hours must be related to ocular
230 disease and management or related systemic disease), and 20 non-COPE hours.

231

232 A second change in the policy pertains to the deficiency audit, which requires significant resources to
233 undertake.

234

235 Council questioned the reduction in non-COPE hours to 20 hours, as well as a discrepancy between how
236 hours are credited to clinical supervisors vs. those supervising in their practice for externships.

237

238 Council discussed whether the reduction in non-COPE hours may disincentivize optometrists who wish
239 to do clerkships.

240

241 P. Quaid asked for a show of hands who would like the policy to return to the committee for minor
242 adjustments. Ten members support this approach.

243

244 Council raised the concern that additional revisions to the policy may impede its release to members
245 prior to the new CE cycle commencing January 2021, and whether the suggested revisions are
246 worthwhile given they affect only affect a small percentage of optometrist.

247

248 P. Quaid noted Council could vote on revisions at the December Council meeting.

249

250 Three Council members raised their hands to show they did not want to send the policy back to the
251 committee for revisions. The policy was sent back to the committee, Council did not vote on the motion.

252

253 Council took a 20-minute break starting at 1:11 p.m.

254

255 **c. Registration Committee**

256

257 **i. Jurisprudence Exam**

258

259 W. Ulakovic presented the motion.

260

261 Moved by W. Hutchinson and seconded by L. Chan **to approve the 2020 jurisprudence exam for**
262 **registration purposes.**

263

264 **Motion carried**

265 **ii. OEBC Exam**

266

267 W. Ulakovic presented the motion.

268

269 Moved by S. Allen and seconded by A. Micucci **to approve the 2020 OEBC written exam and OSCE as**
270 **one of two standards assessment examinations set or approved by the College for registration**
271 **purposes.**

272

273 None against. None abstained.

274

Motion carried

275

276 **iii. NBEO Exam**

277

278 W. Ulakovic presented the motion.

279

280 Council asked about potential upcoming changes to Part III of the NBEO in response to the COVID-19
281 pandemic and whether Council would revisit its decision should the changes be significant.

282

283 P. Quaid confirmed that Council is approving the current form of the NBEO. Any significant changes to
284 the exam would signify a different exam and would be brought back to Council.

285

286 Moved by R. Kniaziew and seconded by W. Hutchinson **to approve the 2020 National Board of**
287 **Examiners in Optometry (NBEO) exam as an alternate standards assessment examination set or**
288 **approved by the College for registration purposes.**

289
290 One against. One abstained.

Motion carried

291
292
293 **iv. National Competency Profile**

294
295 W. Ulakovic presented the motion.

296
297 P. Quaid noted he is listed as a consultant in the briefing materials and clarified that he has been an
298 examiner for OEBC and Touchstone in the past and has not been involved since joining the Registration
299 Committee.

300
301 Council asked whether the competencies are listed. H. Jibry clarified that the competencies will be
302 governed by the agreement.

303
304 Moved by W. Hutchinson and seconded by H. Kennedy **to receive the National Competency Profile.**

305
306 None against. None abstained.

Motion carried

307
308
309 **d. Governance HR Committee**
310 **i. OEBC Board Appointment**

311
312 A. Micucci presented the motion.

313
314 P. Quaid recused himself from the vote.

315
316 Moved by R. Kniaziew and seconded by M. Witer **to appoint Dr. Patrick Quaid as the College’s**
317 **representative on the OEBC Board.**

318
319 One opposed.

Motion carried

320
321 **ii. By-law Amendments**

322
323 A. Micucci presented the motion, and provided additional clarity on motion vi – the intention is to have
324 the chairs of both Governance/HR and the Audit/Finance/Risk committees appointed to the Executive
325 Committee, which inherently results in these positions being appointed and not elected.

326
327 **Motion 1 – Moved by A. Micucci and seconded by B. Kassir to approve administrative changes (new**
328 **format with eight parts).**

329
330 Council asked why changes to the by-laws were being proposed at this time, and about the nature of
331 some of the changes, including moving responsibilities to different committees and removing words
332 such as “democratic.”

333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379

A. Micucci noted the governance review was an action item put to Governance/HR Committee two years previous; the by-law review is the next step in that review process. M. Witer provided additional context: the governance review found many responsibilities had been placed on the Executive Committee. The intention is to distribute responsibilities.

J. Martin confirmed that any responsibilities removed from Executive have been move to other committees. Proposed restructuring brings Executive Committee’s responsibilities in line with the *Regulated Health Professions Act*. Changes to wording (i.e., “democratic”) were to remove to reduce repetition and can be reinserted.

Council questioned moving responsibility of designating committee chairs from the Executive Committee, which is elected, to Governance/HR, which is appointed. The President must work with chairs, but no longer has input into chair selection, as it is now carried out by Governance/HR. It is clarified that the intention is to have the President on one committee and the Vice-President on the other (regarding Audit/Risk/Finance and Governance/HR).

Council discussed role of President and Vice-President chairing committees, as well as the nature of Executive Committee in reporting to or representing Council. Committees perform the work, which is still approved by Council.

Moved by M. Witer and seconded by K. Biondi **to approve administrative changes (new format with eight parts) keeping the word democratic.**

None opposed.

Motion carried

Motion 2 – To establish Council term limits.

R. Kniaziew indicated he felt the College’s lawyer led the discussion about this issue, rather than simply provide an opinion.

J. Martin noted she would respond, but that discussions about legal opinion must occur in camera.

IN CAMERA SESSION: In accordance with Section 7 (1.1) of the *Health Professions Procedural Code* (HPPC), Council will go in camera under Section 7(2)(e) of the HPPC, whereby personnel matters or property acquisitions will be discussed.

Moved by A. Micucci and seconded by L. Chan **to go in camera to discuss legal opinion.**

Council moved in camera at approximately 2:37 p.m.

380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425

Council moved out of camera at approximately 2:49 p.m.

H. Kennedy suggested that Governance/HR minutes be provided before a decision is made on this motion.

A. Micucci noted that minutes are not a requirement when deciding on motions. The briefing note provided is the written record for the motion on the table and provides clarity on the committee recommendation.

Council discussed the need for term limits, including whether the current system works and the election model representing what optometrists want. Council noted a bigger issue is encouraging optometrists to vote, and that discussions around succession planning should come before term limits.

A. Micucci noted the issue of voter turnout is being addressed.

It is noted that while several regulatory colleges have consecutive limits, only one has lifetime term limits.

Moved by L. Chan and seconded by K. Biondi **to approve recommendation to establish Council term limits (nine-year consecutive term, three-year waiting period following consecutive term limit, 18-year total).**

Eight in favour, eight opposed.

Motion defeated

Motion 3 – To establish committee term limits.

426 Moved by W. Hutchinson and seconded by K. Biondi **to establish committee term limits (nine-year**
427 **maximum for any one committee, 21-year total, exceptional appointment clause).**

428
429 Five in favour, 10 opposed.

Motion defeated

430
431
432 **Motion 4 - To establish officer term limits.**

433
434 The decision for four-year term limits was to encourage succession planning from Vice-President to
435 President role, to allow more continuity through leadership.

436
437 Move by L. Chan and seconded by K. Biondi **to establish officer term limits (four-year maximum for**
438 **each President and Vice-President position, exceptional circumstance clause).**

439
440 Seven in favour, eight opposed.

Motion defeated

441
442
443 **Motion 5 - Reduce Executive Committee duties to only legislated requirement.**

444
445 Council questioned the value of limiting roles to legislated requirement; several members noted they
446 are in favour of this move.

447
448 A. Micucci clarified that the duties of Executive are being moved to other committees and the Registrar.

449
450 Council noted that appointed positions remove democratic process; there is a desire to elect those
451 representing Council on the Executive Committee.

452
453 A. Micucci clarified that the Governance/HR Committee makes recommendations regarding committee
454 composition, however, Council ratifies and approves final decisions, and that the appointment model
455 speaks to a different motion.

456
457 Moved by L. Chan and seconded by L. Mackey **to reduce Executive Committee duties in by-laws to only**
458 **the legislative requirement.**

459
460 Eight in favour, seven opposed. One abstention.

Motion carried

461
462
463 **Motion 6 – Institute appointment model for non-officer positions on the Executive Committee.**

464
465 Several Council members noted they were unclear about the current process for committee
466 composition.

467
468 The motion intends provide the Governance/HR Committee with ability to address succession planning.
469 An election model will not allow for succession planning.

470

471 A. Micucci noted current rules state that a committee chair must be a member of Council. Some chairs
472 are appointed because they are the only Council member available, which is a limitation of the current
473 rules.

474
475 Several Council members noted wanting to know what the appointment process would be. K. Biondi
476 stated this motion does not provide a process, but rather allows for a process to be put in place.

477
478 Moved by S. Allen and seconded by B. Kassir **to institute an appointment model for non-officer**
479 **positions on the Executive Committee.**

480
481 Eight in favour, eight opposed.

Motion defeated

482
483
484 **Motion 7 - Remove explicit and prescriptive processes.**

485
486 A. Micucci clarified these processes are being moved into policies.

487
488 Move by W. Hutchinson and seconded by H. Kennedy **to remove/reduce explicit and prescriptive**
489 **processes (incl. obtaining volunteers and selecting committees, process for**
490 **disqualification/sanctioning, conflict of interest and code of ethics).**

491
492 Sixteen in favour.

Motion carried

493
494
495 **8. In Camera – Virtual Boardroom Security**

496 **IN CAMERA SESSION:** In accordance with Section 7 (1.1) of the *Health Professions Procedural Code*
497 (HPPC), Council will go in camera under Section 7(2)(b) of the HPPC, whereby personnel matters or
498 property acquisitions will be discussed.

499
500 Council moved in camera at approximately 4:20 p.m.

501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517

518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564

Council moved out of camera at approximately 4:48 p.m.

P. Quaid noted that A. Micucci, I. Teich and R. Kniaziew will meet in the coming week to discuss committee appointments.

A. Micucci suggested a public member join. W. Hutchinson is suggested; H. Kennedy volunteers. A. Micucci asked if it will be a committee or simply a group discussing the matter. Governance/HR Committee is scheduled to work on committee composition at its November meeting.

M. Witer clarified how Governance/HR goes about reviewing volunteer applications and competencies and tried to match those to committees.

P. Quaid noted that if Executive Committee is involved, it removes the question. The President should be involved in the selection of the slate of committee members.

It is noted the Vice-President is on Governance/HR – the question is whether the President should be part of the committee appointment process.

A. Micucci noted that, regarding the by-law vote, there was one motion where a conflict of interest should have been declared that was not. It does not change the outcome, but it should be recorded. As stated in the briefing note, R. Kniaziew should not have voted motion 4. As per the briefing note: that if anyone had passed the term limit for an officer position it was considered a conflict of interest and should not vote on that motion.

A. Micucci noted the College received a legal opinion on the matter that was in opposition to a legal opinion R. Kniaziew received.

B. Kassir requested adding an item to the agenda. P. Quaid noted materials and information should be prepared and sent to Council ahead of time for review.

9. List of Acronyms

10. Dates of Upcoming Council Meetings

- Friday December 4, 2020
- Friday March 26, 2021
- Friday June 18, 2021
- Friday September 17, 2021
- Friday December 10, 2021

11. Adjournment

565 Moved by S. Allen and A. Micucci **to adjourn the meeting at 5 p.m.**
566

Motion carried