



**College of Optometrists of Ontario
Council Meeting
April 9, 2018
APPROVED**

April 9, 2018

Attendance:

Dr. Pooya Hemami, President
Dr. Richard Kniaziew, Vice President
Dr. Patrick Quaid, Treasurer
Dr. Linda Chan
Ms. Maureen Chesney
Dr. Bill Chisholm
Dr. Patricia Hrynchak
Mr. Bashar Kassir
Mr. Hsien Ping (Albert) Liang

Dr. Dino Mastronardi
Ms. Irene Moore
Dr. Kamy Morcos
Ms. Luisa Morrone
Dr. Christopher Nicol
Dr. Areef Nurani
Mr. Brian Rivait
Mr. John Van Bastelaar

Regrets:

Ms. Ellen Pekilis

Staff:

Dr. Paula Garshowitz, Registrar
Ms. Hanan Jibry
Ms. Mina Kavanagh

Mr. Justin Rafton
Mr. David Whitton
Ms. Bonny Wong

1 **1. Call to Order:** Dr. Hemami called the meeting to order at 9:03 a.m. Dr. Hemami welcomed everyone
2 in attendance, including guests, to the meeting. All present were reminded that recording of the
3 meeting is not allowed.
4

5 **2. Adoption of the Agenda:** A draft agenda was circulated prior to the meeting. One item was added to
6 the agenda: item number 5.3, consisting of two Registration Committee motions.
7

8 Moved by Dr. Quaid and seconded by Ms. Moore **to adopt the agenda as amended.**

9 **Motion carried**

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11 **a. Conflicts of Interest:** Dr. Hemami asked Council members if anyone had a conflict of interest with any
12 item on the day's agenda; no conflicts of interest were declared.
13

14 **3. Adoption of the Consent Agenda:** A draft consent agenda was circulated prior to the meeting. After
15 having confirmed that all councillors had read the consent agenda materials, one item was removed for
16 further discussion. The following items were included in the consent agenda:
17

18 3.1. Minutes of Prior Council Meetings
19 3.1.1. January 15, 2018

- 20 3.1.2. January 31, 2018 Teleconference
- 21 3.1.3. Motions and Actions Items Arising from the Minutes
- 22 3.2. Reports
- 23 3.2.1. Committee Reports
- 24 3.2.1.1. Executive Committee
- 25 3.2.1.2. Patient Relations
- 26 3.2.1.3. Quality Assurance
- 27 3.2.1.3.1. QA Panel
- 28 3.2.1.3.2. CP Panel
- 29 3.2.1.3.3. QA Subcommittee
- 30 3.2.1.4. ICRC
- 31 3.2.1.5. Registration
- 32 3.2.1.6. Fitness to Practise
- 33 3.2.1.7. Discipline
- 34 3.2.1.8. Governance Committee
- 35 3.2.2. Registrar's Report
- 36

37 Moved by Dr. Kniaziew and seconded by Dr. Chan **to adopt the consent agenda.**

Motion carried

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40 **Items removed from the consent agenda**

- 41
- 42 a) ICRC: A report was circulated prior to the meeting. The chair of the Inquiries, Complaints and
 - 43 Reports Committee, Dr. Annie Micucci, spoke to Council about some recommendations the
 - 44 Committee has regarding the College's conflict-of-interest provisions, which came into force
 - 45 with the 2014 Professional Misconduct Regulation. The ICRC has consistently fielded complaints
 - 46 that relate, in particular, to the independent contractor provisions. It seems clear that members
 - 47 for whom these provisions apply are not well informed of their requirements. To avoid future
 - 48 complaints of this nature, the Committee believes the College should communicate more
 - 49 explicitly with members about conflict of interest, in particular about when an independent
 - 50 contractor agreement is needed and how it applies. Council considered how best to educate any
 - 51 concerned members; possibilities include presentations, webinars, email blasts, and print
 - 52 communications.
 - 53

54 **Action Item:** Staff will work with ICRC to produce a plain language communication for members with
55 respect to independent contractor and conflict of interest.

56

57 The draft minutes of the January 15, 2018 in camera session were circulated during the meeting. A typo
58 was identified in the attendance portion of the minutes.

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60 Moved by Dr. Kniaziew and seconded by Dr. Quaid **to approve the in camera minutes of the January 15,**
61 **2018 Council meeting.**

62 **Motion carried**

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64 Dr. Hemami advised councillors that, following the meeting, they would receive a survey asking for a
65 self-assessment. The College wants to know where meetings could be strengthened, and what types of
66 training might be offered.

67

68 **4. Financial Matters:**

69 **4.1 Treasurer’s Report:** Dr. Patrick Quaid presented his first report as College Treasurer. Dr. Quaid
70 thanked Ms. Moore, Dr. Hemami, and College staff for their supervision of the College’s finances. Dr.
71 Quaid outlined the plans for his tenure, which include enhancing dashboard metrics, reducing merchant
72 fees, and securing government rates for activities related to Council and committee work. Dr. Quaid
73 expressed his commitment to ensuring that the public and members of the College have a transparent
74 view of how the College’s funding is being used.

75

76 **4.2 Financial Dashboard:** The financial dashboard was circulated prior to the meeting. It has been
77 updated to include the January 2018 financial information, including the College’s investment funds, and
78 indicates that the College’s financial position continues to be strong.

79

80 **4.3 Balance Sheet and Income and Expenditure Report – to January 31, 2018:** Both Discipline legal and
81 ICRC legal line items remain high, reflecting an increase in complex cases before ICRC that require legal
82 advice, and a higher number of referrals to the Discipline Committee by ICRC.

83

84 *Ms. Ildiko Jurina Cleary and Mr. Terry Lee, of Tapp & Company LLP, College auditors, joined the*
85 *meeting.*

86

87 **4.4 Financial Statements:** Ms. Jurina Cleary presented an overview of the 2017 draft audited financial
88 statements. The 2017 audited financial report shows that the College ended the year with an operating
89 surplus of \$359,797.

90

91 *Ms. Jurina Cleary and Mr. Lee left the meeting.*

92

93 Moved by Dr. Kniaziew and seconded by Dr. Chisholm **to approve the 2017 financial statements.**

94

Motion carried

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96 Council is required annually to authorize a second individual on College staff to sign banking documents
97 and instruments.

98

99 Moved by Dr. Quaid and seconded by Dr. Kniaziew **to authorize, by resolution, Ms. Hanan Jibry,**
100 **Assistant Registrar, as signing officer for the College with respect to banking documents and**
101 **documents and instruments requiring the signature of the College.**

102

Motion carried

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104 Council is required annually to authorize the Registrar to provide direction to the College’s investment
105 advisor.

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107 Moved by Dr. Quaid and seconded by Dr. Kniaziew **to authorize, by resolution, the Registrar to provide**
108 **direction to the College’s investment advisor.**

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Motion carried

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5. Motions Brought Forward From Committees:

5.1 Quality Assurance

5.1.1 Clinical Practice Panel: The proposed motion was circulated prior to the meeting. The Panel proposed minor edits to two standards of practice. Once approved by Council, the OPR will be updated and members notified of the changes. For OPR 4.2 Required Clinical Information, a minor wording change was proposed to confirm that government-issued photo identification is required for patient verification when filling out third-party forms. OPR 6.5 Contact Lens Therapy was amended to require assessment of corneal topography when indicated.

Moved by Dr. Kniaziew and seconded by Dr. Quaid **to approve the publication of amendments to the following sections of the Optometric Practice Reference (OPR):**

- **4.2 Required Clinical Information**
- **6.5 Contact Lens Therapy**

Council discussed the proposed amended wording of 6.5 Contact Lens Therapy, specifically whether “when indicated” was appropriate as it relates to corneal topography in the continuing care of contact lens patients.

Amendment to the motion: Moved by Dr. Nurani and seconded by Dr. Mastronardi **to remove 6.5 Contact Lens Therapy from the main motion and send back to the Panel for further discussion.**

Motion carried

Vote on amended main motion

Motion carried

5.2 Governance: The proposed motion was circulated prior to the meeting. The College recently submitted to a third-party governance review, after which several recommendations were presented to the committee, including suggestions for the evolution of its financial governance. Currently, the College relies on a treasurer position on Council for the custody of its funds and securities and for the accounting of all receipts and disbursements, as well as its books and financial records, among other duties. The Governance Committee has recommended that the function of treasurer be transferred to a qualified staff member, with Council maintaining financial oversight via an appropriately constituted committee. This would bring Council in line with best practices for how oversight boards should function. Council discussed the benefits of such a restructuring.

Moved by Dr. Hemami and seconded by Dr. Kniaziew **that Council consider transitioning the function of treasurer, in principle, to a qualified staff member and maintain financial oversight via an appropriately constituted committee.**

Motion carried

5.3 Registration: The proposed motions were added to the agenda at the opening of the meeting. Applicants for registration to the College are required to complete a jurisprudence exam set or approved by the College. This exam is reviewed periodically by College staff and is approved by Council annually.

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157 Moved by Dr. Quaid and seconded by Dr. Kniaziew **that Council approve the College jurisprudence**
158 **exam for 2018 while proposals are still under review for an online jurisprudence seminar and exam.**
159 **Motion carried**
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161 Applicants for registration to the College are required to complete a standards assessment examination
162 set or approved by the College. The standards assessment exam is reviewed by the Registration
163 Committee and is approved by Council annually. Council considered issues surrounding the exam, such
164 as oversight and transparency, and debated the value of a potential alternative national exam.
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166 Moved by Dr. Quaid and seconded by Dr. Mastronardi **that Council approve the May 2018 Optometric**
167 **Examining Board of Canada (OEBC) written exam and OSCE as the standards assessment examination**
168 **set or approved by the College for registration purposes.**
169

170 **Amendment to the Motion:** Moved by Dr. Kniaziew and seconded by Dr. Nurani **to accept the National**
171 **Board of Examiners in Optometry (NBEO) exam as a standards assessment set or approved by the**
172 **College for registration purposes.**
173

174 Council discussed this amendment and decided that it did not possess any information on which to base
175 a decision on this motion. Accordingly, Dr. Kniaziew and Dr. Nurani agreed to withdraw the amendment.
176 **Motion to amend the motion withdrawn**
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178 **Vote on the original motion**

Motion carried

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181 The Registration Committee will continue to review available options for standards assessment for the
182 purposes of registration and will bring its recommendations to Council.
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184 **6. Presenting the “Virtual Boardroom”:** Two members of College staff, Ms. Bonny Wong, Coordinator,
185 Quality Programs, and Mr. Justin Rafton, Policy Analyst, introduced a new communications tool for
186 Council and committee members to use when engaging in College work. They explained its many
187 features and demonstrated to Council how the tool should be accessed and navigated.
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189 **7. Injunction Application – Update:** Dr. Garshowitz updated Council on the application by the College of
190 Optometrists of Ontario and the College of Opticians of Ontario to seek an injunction preventing
191 Essilor/Clearly from unlawfully dispensing prescription eyewear over the internet. In January 2018, the
192 Ontario Superior Court issued a decision in favour of the colleges. Essilor appealed the decision, and a
193 stay of the injunction was granted by the courts until the appeal is heard. The date of the appeal has yet
194 to be determined.
195

196 **8. Legislative Updates:**

197 **8.1 Spousal Exemption:** These provisions have been submitted to the Ministry of Health and Long-Term
198 Care; College staff has had recent discussions with the Ministry, but there are no developments yet to
199 report.
200

201 **8.2 QA Regulation:** This regulation amendment has been submitted to the Ministry of Health and Long-
202 Term Care; the College has yet to hear any feedback. The QA Subcommittee is discussing the practice
203 assessment process, which might result in further changes.

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205 **8.3 Designated Drugs Regulation:** This regulation amendment has been submitted to the Ministry of
206 Health and Long-Term Care; the College has yet to hear any feedback.

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208 **8.4 Proposal for New Regulations under the RHPA:** In March of this year, the College submitted its
209 feedback to the Ministry on the new regulations under the RHPA. The College addressed the following
210 issues: patient criteria under subsection 1(6) of the *Health Professions Procedural Code*; specifying
211 additional information required for posting on the register; and setting out the criminal offences that
212 result in mandatory revocation of a member's certificate of registration.

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214 **8.5. Health Sector Transparency Act:** The Ministry's proposal for a new regulation under the HSTA was
215 circulated prior to the meeting. The College did not submit a response to this proposal, however it
216 supports all transparency initiatives.

217

218 **9. List of Acronyms**

219

220 **10. Dates of Upcoming Council Meetings**

- 221 • Thursday, June 21, 2018

222

223 **11. Proposed Dates for Council Meetings (2018–2019)**

224 11.1. Tuesday, September 25, 2018

225 11.2. Friday, January 18, 2018

226 11.3. Wednesday, April 24, 2019

227 11.4. Monday, June 24, 2019

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229 **12. Adjournment:** Moved by Dr. Kniaziew and seconded by Dr. Quaid **to adjourn the meeting at 2:05**
230 **p.m.**

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Motion carried