



**College of Optometrists of Ontario  
Council Meeting  
June 21, 2018  
APPROVED**

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**June 21, 2018**

**Attendance:**

Dr. Pooya Hemami, President	Mr. Hsien Ping (Albert) Liang
Dr. Richard Kniaziew, Vice President	Ms. Irene Moore
Dr. Patrick Quaid, Treasurer	Dr. Kamy Morcos
Dr. Linda Chan	Ms. Luisa Morrone
Ms. Maureen Chesney	Ms. Ellen Pekilis
Dr. Bill Chisholm	Mr. Brian Rivait
Dr. Patricia Hrynchak	Mr. John Van Bastelaar
Mr. Bashar Kassir	

**Regrets:**

Dr. Dino Mastronardi  
Dr. Christopher Nicol  
Dr. Areef Nurani

**Staff:**

Dr. Paula Garshowitz, Registrar	Mr. Justin Rafton
Ms. Hanan Jibry	Mr. David Whitton
Ms. Mina Kavanagh	Ms. Bonny Wong
Mr. Nektarios Kikonyogo	Legal Counsel – Ms. Julia Martin

- 1 **1. Call to Order:** Dr. Hemami called the meeting to order at 9:00 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 On behalf of Council, Dr. Hemami presented a certificate of recognition to a departing Council member,  
6 Ms. Irene Moore, for her exceptional contributions to public protection. Ms. Moore has come to the end  
7 of her ten-year term.  
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9 **2. Adoption of the Agenda:** A draft agenda was circulated prior to the meeting. No new items were  
10 added to the agenda.  
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12 Moved by Mr. Rivait and seconded by Dr. Quaid **to adopt the agenda.**  
13 **Motion carried**  
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15 **a. Conflicts of Interest:** Dr. Hemami asked Council members if anyone had a conflict of interest with any  
16 item on the day's agenda; no conflicts of interest were declared.

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

- 3.1. Minutes of Prior Council Meetings
  - 3.1.1. April 9, 2018
  - 3.1.2. Motions and Actions Items Arising from the Minutes
- 3.2. Reports
  - 3.2.1. Committee Reports
    - 3.2.1.1. Executive Committee
    - 3.2.1.2. Patient Relations
    - 3.2.1.3. Quality Assurance
      - 3.2.1.3.1. QA Panel
      - 3.2.1.3.2. CP Panel
      - 3.2.1.3.3. QA Subcommittee
    - 3.2.1.4. ICRC
    - 3.2.1.5. Registration
    - 3.2.1.6. Fitness to Practise
    - 3.2.1.7. Discipline
    - 3.2.1.8. Governance Committee
  - 3.2.2. Registrar’s Report

Moved by Dr. Morcos and seconded by Dr. Chisholm **to adopt the consent agenda.**

**Motion carried**

**Items removed from the consent agenda**

Registration: A report was circulated prior to the meeting. Dr. Hemami updated Council on a recent meeting with representatives of the University of Waterloo School of Optometry and Vision Science (WOVS). The two parties discussed WOVS priorities and initiatives, including the evaluating exam and externships. Dr. Hemami also spoke about recent changes to the Optometry Examining Board of Canada (OEBC), whose board of directors is now composed of the registrars of all Canadian provincial regulators.

**4. Financial Matters:**

**4.1 Treasurer’s Report:** Dr. Patrick Quaid presented the report. At its May meeting, the Executive Committee heard updates from the College’s investment managers on the status of the investment accounts, as well as current trends in markets and investments, with comparable returns within our set performance tolerances between the investment firms.

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

62 **4.3 Balance Sheet and Income and Expenditure Report – to April 30, 2018:** Both Discipline legal and  
63 ICRC legal line items remain high, reflecting an increase in complex cases before ICRC that require legal  
64 advice, and a higher number of referrals to the Discipline Committee by ICRC.

65  
66 Council must annually appoint the College’s auditor. Currently the auditor is Tapp & Co. The Treasurer  
67 recommends that Council approve reappointment for the fiscal year 2018, with a view to reassessing  
68 the auditor for the 2019 fiscal year, in accordance with best practices.

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70 Moved by Dr. Quaid and seconded by Ms. Moore **to approve Tapp & Co. as auditors for the College for**  
71 **the financial year 2018.**

72 **Motion carried**

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74 **5. Election of Executive Committee Member:** With Ms. Moore’s departure from Council, an opening has  
75 emerged for the remaining public member position on the Executive Committee. Dr. Garshowitz and  
76 Ms. Jibry conducted an election for this position. Prior to voting, the candidates were given a few  
77 minutes to describe their platforms to Council. The result of the election was:

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79 Member appointed by the Lieutenant Governor in Council: Mr. Hsien Ping (Albert) Liang, whose term  
80 begins August 12, 2018.

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82 Dr. Hemami congratulated the new member of the Executive Committee.

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84 **6. Motions Brought Forward From Committees:**

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86 **6.1 Quality Assurance**

87 **6.1.1 Clinical Practice Panel:** The proposed motion was circulated prior to the meeting. The Panel  
88 proposed a minor edit to the OPR (Standards of Practice). Once approved by Council, the OPR will be  
89 updated and members notified of the changes. The revision to 6.5 Standards of Practice – Contact Lens  
90 Therapy removes the express requirement to ensure stable corneal curvature, where the standard  
91 already requires assessment of ensuring corneal integrity.

92  
93 Moved by Dr. Hrynchak and seconded by Mr. Rivait **to approve the publication of amendments to the**  
94 **following section of the Optometric Practice Reference (OPR):**

- 95  
96
  - **6.5 Contact Lens Therapy**

97 **Motion carried**

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99 **6.1.2 Quality Assurance Subcommittee:** The proposed motion was circulated prior to the meeting. In  
100 January, Council approved striking a Quality Assurance Subcommittee whose mandate would include an  
101 independent appraisal of the College’s Quality Assurance program. Council agreed to fund the project,  
102 which would allow a consultant to be hired to conduct the review. There was no cost estimate available  
103 at that time. The College recently issued an RFP for the project. After a jurisdictional survey of regulatory  
104 colleges that have performed similar reviews, and given cost estimates offered by the RFP respondents,  
105 the Subcommittee expects it will need approximately \$70,000.

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108 Moved by Ms. Pekilis and seconded by Mr. Van Bastelaar **that Council approve the addition of \$70,000**  
109 **for a new “Exceptional Investments” line to undertake a Quality Assurance Program Review.**

110 **Motion carried**

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112 **6.2 Governance:** The proposed motion was circulated prior to the meeting. Research in governance  
113 benchmarking and best practices of councils/boards shows a drop in the use of Executive committees  
114 and a rise in Finance/Audit and Governance committees. Although the RHPA requires regulatory  
115 colleges to have an Executive, their only legislated function is to act on behalf of Council between  
116 meetings. Currently, Executive performs other tasks such as financial oversight and HR. The Governance  
117 Committee has determined that the finance/audit and HR roles should be assigned to two new standing  
118 committees (Governance/HR and Audit/Finance/Risk), and new terms of reference should be drafted.  
119 Executive would still act for Council between meetings, but would focus on a coordination role with  
120 stakeholders.

121  
122 Council discussed the implications for staff workload, potential budget effects, and a possible reduction  
123 of Executive Committee members.

124  
125 Moved by Dr. Hemami and seconded by Dr. Kniaziew **that Council strike an Audit/Finance/Risk**  
126 **Committee and introduce the role of Human Resources to the restructured Governance Committee, to**  
127 **commence in January 2019.**

128 **Motion carried**

129  
130 Five Council members attended CLEAR Advanced Governance Training, which was held in Toronto in  
131 May. Council heard feedback from those councillors who attended and agreed that this type of training  
132 is a worthwhile endeavour.

133  
134 **6.3 Executive**  
135 **6.3.1. Statutory Committee Appointments:** The proposed motions were circulated prior to the meeting.  
136 On August 11, 2018, the appointment of Ms. Irene Moore will conclude. Vacancies will be created on  
137 Council and on committees to which she has been appointed. Executive proposes to appoint Ms. Luisa  
138 Morrone to the Inquiries Complaints, and Reports Committee and Ms. Maureen Chesney to the Patient  
139 Relations Committee. Both of these councillors have agreed to put their names forward for these  
140 appointments.

141  
142 Moved by Dr. Hemami and seconded by Dr. Kniaziew **to appoint, effective August 12, 2018, Ms. Luisa**  
143 **Morrone to the Inquiries, Complaints and Reports Committee and Ms. Maureen Chesney to the**  
144 **Patient Relations Committee.**

145 **Motion carried**

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147 **6.3.2. By-law Amendments under Protecting Patients Act:**  
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149 Ms. Julia Martin, the College’s General Legal Counsel, advised Council of amendments to the College by-  
150 laws that were necessitated by last year’s *Protecting Patients Act, 2017*. Ms. Martin offered her insight  
151 into consequences of the amendments on College members and potential implications for College staff  
152 workflow.

153

154 The Act, which received Royal Assent on May 31, 2017, amends the *Health Professions Procedural Code*  
155 (HPPC) in a number of ways. Some of its amendments came into force on May 1 of this year. To be  
156 compliant with these changes, Executive proposed amendments to the current College by-laws. The by-  
157 laws now require that: members must report licences or registration in another profession inside or  
158 outside of Ontario, and information related to offences, charges, or bail conditions; a person may apply  
159 for funding once an allegation of sexual abuse has been made; the College is required to post on the  
160 public register any findings of guilt, conditions of release, or outstanding charges under the *Criminal*  
161 *Code (Canada)* or the *Controlled Drugs and Substances Act*.

162  
163 Moved by Ms. Morrone and seconded by Dr. Hrynychak **to approve amendments to the College By-laws**  
164 **to ensure consistency with the May 1, 2018 amendments to the RHPA and its regulations.**

165  
166 Council discussed the new mandatory reporting requirements and agreed that a communication to  
167 members could help in assuring compliance. It was pointed out that Section 18.03 needed further minor  
168 edits to clarify the requirements now called for under the Code and those that are in addition to those  
169 required under the Code.

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171 **Action item:** Staff will work with legal counsel to draft a communication to members regarding their  
172 reporting obligations to the College.

173

174 Amendment to the main motion: Moved by Mr. Rivait and seconded by Dr. Morcos **to amend the main**  
175 **motion to include the clarifications to Part 18.03, paragraphs 11, 12, 13.**

176 **Motion carried**

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178 **Vote on amended main motion**

179 **Motion carried**

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181 Council considered whether there might exist a tool or process that would allow mandatory ongoing  
182 criminal record checks for registrants. The College could look into the utility or necessity of such a check,  
183 and how it might be implemented.

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185 **Action item:** Registration Committee to discuss and research evidence for criminal background checks.

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187 **6.3.3. Patient Relations Fund:** Recent amendments to the *Health Professions Procedural Code* changed  
188 the criteria required for a patient to apply for funding for therapy and counselling. As of May 1, 2018, a  
189 person is eligible for funding if there is an allegation that the person was sexually abused by a health  
190 care professional while the person was a patient. The Patient Relations Committee advised Executive of  
191 these changes. While the PRC cannot know how many future applications for funding it might receive, it  
192 suggested the amount set aside in the Patient Relations Fund be increased from the current amount of  
193 \$30,000. Because the PRC will not be meeting again until after the Council meeting, Executive  
194 recommends on its behalf that the amount be raised to \$100,000.

195

196 Moved by Mr. Rivait and seconded by Dr. Quaid **to approve an increase in the Special Reserve Fund for**  
197 **Patient Relations to \$100,000.**

198 **Motion carried**

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200 **7. Injunction Appeal – Update:** Dr. Garshowitz updated Council on the application by the College of  
201 Optometrists of Ontario and the College of Opticians of Ontario to seek an injunction preventing  
202 Essilor/Clearly from unlawfully dispensing prescription eyewear in Ontario. In January 2018, the Ontario  
203 Superior Court issued a decision in favour of the colleges. Essilor appealed the decision, and a stay of the  
204 injunction was granted by the courts until the appeal is heard. The appeal date has been set for  
205 September, but a decision will not be issued in time for September’s Council meeting.

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207 **8. Legislative Updates**

208 **8.1 Spousal Exemption:** These provisions have been submitted to the Ministry of Health and Long-Term  
209 Care; there are no developments yet to report.

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211 **8.2 QA Regulation:** This regulation amendment has been submitted to the Ministry of Health and Long-  
212 Term Care; the College has yet to hear any feedback.

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214 **8.3 Designated Drugs Regulation:** This regulation amendment has been submitted to the Ministry of  
215 Health and Long-Term Care; the College has yet to hear any feedback.

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217 **9. Governance Recommendation – Strategic Planning:** Dr. Hemami advised Council that in coming  
218 months the Governance Committee will undertake a strategic planning review. The last review took  
219 place in 2015, but it is important that the College remain responsive to the current and future climate of  
220 technology, scope of practice, and other factors. Council agreed to undertake a Strategic Planning  
221 process in 2019.

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223 **10. Correspondence**

224 10.1. Memo to Colleges – Proclamation of certain sections of the *Protecting Patients Act* and new  
225 regulations under the RHPA, dated April 20, 2018

226 10.2. Letter from OEBC, dated May 3, 2018: Council reviewed a letter it received from (now former)  
227 OEBC Chair Dr. Carolyn Acorn, dated May 3, 2018, regarding her concern about the minutes of the  
228 January 31 Council teleconference. Dr. Acorn requested that Council be given the correct information  
229 and that the correct information be noted in the next Council meeting minutes. Council noted that the  
230 minutes reflected the discussion at the time and it was recognized that there has been a change in  
231 Board direction since the letter was sent. Council looks forward to a productive relationship with OEBC  
232 that includes transparent discussions.

233 10.3. FHRCO 2017–2018 Highlights

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235 **11. List of Acronyms**

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237 **12. Dates of Upcoming Council Meetings (2018–2019)**

238 12.1. Tuesday, September 25, 2018

239 12.2. Friday, January 18, 2019

240 12.3. Wednesday, April 24, 2019

241 12.4. Monday, June 24, 2019

242  
243 **13. Adjournment:** Moved by Dr. Morcos and seconded by Ms. Moore **to adjourn the meeting at 1:14**  
244 **p.m.**

245 **Motion carried**