



**College of Optometrists of Ontario
Council Meeting
January 18, 2019
APPROVED**

January 18, 2019

Attendance:

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

Dr. Annie Micucci
Dr. Kamy Morcos
Ms. Luisa Morrone
Dr. Christopher Nicol
Dr. Areef Nurani
Ms. Ellen Pekilis
Mr. Brian Rivait
Mr. John Van Bastelaar

Staff:

Dr. Paula Garshowitz, Registrar
Ms. Hanan Jibry
Ms. Mina Kavanagh
Mr. Nektarios Kikonyogo

Mr. Sean Knight
Mr. Justin Rafton
Dr. David Wilkinson

1 **1. Call to Order:** Dr. Garshowitz called the meeting to order at 9:12 a.m. and welcomed everyone in
2 attendance, including guests, to the meeting.

3
4 **2. Election of Officers for 2019 Council Year:** A call for nominations had been sent prior to the meeting.
5 Council members interested in running for a position on Executive had been asked to indicate their
6 intention, in writing, to the Registrar by January 17th, 2019. Dr. Garshowitz announced that the three
7 College officers' positions and two public member positions were acclaimed. Council was reminded that
8 the Executive Committee composition was reduced from seven down to five members for 2019.

9
10 **Officers:**

11
12 Dr. Pooya Hemami, President
13 Dr. Richard Kniaziew, Vice President
14 Dr. Patrick Quaid, Treasurer
15

16 **Executive Committee Members-at-Large:**

17
18 Mr. Brian Rivait
19 Mr. John Van Bastelaar
20

21 Dr. Hemami congratulated the members of the Executive Committee. Dr. Hemami welcomed to Council
22 a new professional member, Dr. Annie Micucci. All present were reminded that recording of the meeting
23 is not allowed.

24

25 **3. Adoption of the Agenda:** A draft agenda was circulated prior to the meeting. No new items were
26 added to the agenda.

27

28 Moved by Dr. Chisholm and seconded by Dr. Quaid **to adopt the agenda.**

29

Motion carried

30

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

33

34 **4. Orientation for Council members:** Dr. Garshowitz delivered a brief orientation for Council members.
35 The presentation outlined, among other matters, the model of self-regulation as outlined in the
36 *Regulated Health Professions Act (RHPA)*; the duties of College, Council, volunteers, and staff; effective
37 governance; the organization of the College; confidentiality and indemnity; conflict of interest; and the
38 process by which Council meetings and motion voting are conducted.

39

40 **5. Adoption of the Consent Agenda:** A draft consent agenda was circulated prior to the meeting. After
41 having confirmed that all Council members had read the consent agenda materials, the following items
42 were included in the consent agenda:

43

44 PART 1 - Minutes of Prior Council Meetings

45 a. September 25, 2018

46 b. November 5, 2018 – Teleconference

47 c. Motions and Actions Items Arising from the Minutes

48 PART 2 - Reports

49 d. Committee Reports

50 i. Executive Committee

51 ii. Patient Relations

52 iii. Quality Assurance

53 A. QA Panel

54 B. CP Panel

55 C. QA Subcommittee

56 iv. ICRC

57 v. Registration

58 vi. Fitness to Practise

59 vii. Discipline

60 viii. Governance Committee

61 ix. Strategic Planning Committee

62 e. Registrar's Report

63

64 Minor typos and grammatical corrections were made to the minutes of September 25, 2018.

65

66 Moved by Dr. Kniaziew and seconded by Mr. Rivait **to adopt the consent agenda.**

67

Motion carried

68
69 The draft minutes of the September 25, 2018 in-camera session were circulated during the meeting.

70
71 Moved by Dr. Quaid and seconded by Dr. Kniaziew **to approve the in-camera minutes of the September**
72 **25, 2018 Council meeting.**

73 **Motion carried**

74
75 The draft minutes of the November 5, 2018 in-camera session were circulated during the meeting.

76
77 Moved by Dr. Kniaziew and seconded by Mr. Rivait **to approve the in-camera minutes of the November**
78 **5, 2018 Council teleconference.**

79 **Motion carried**

80
81 **6. National Board of Examiners in Optometry (NBEO):** Council heard a presentation by the National
82 Board of Examiners in Optometry (NBEO) Executive Director, Dr. Jill Bryant on the standards assessment
83 examination the organisation administers. For the presentation, Dr. Bryant was joined by Mr. Rick
84 Present, Part I- Applied Basic Science (ABS); Dr. Nicole Jerge, (Part II-Patient Assessment and
85 Management/Treatment and Management of Ocular Disease (PAM/TMOD), Dr. Mandy Sallach, (Part III-
86 Clinical Skills Exam (CSE), and Dr. Brett Foley (psychometrician at Alpine). The presentation provided an
87 overview of each exam part (Parts I, II and III), the development process, standard setting and exam
88 security protocol. Following the presentation, Council was given the opportunity to ask specific
89 questions about the exam and its development, specifically enquiring about the Part III Clinical Skills
90 exam.

91
92 **7. Motions Brought Forward From Committees:**

93
94 **a. Executive Committee:** The proposed motion to approve the NBEO as an alternate standards
95 assessment examination for registration was circulated prior to the meeting. Council heard that
96 approving an alternate exam would provide applicants with the choice to take either the OEBC
97 examination or the NBEO examination to fulfill this registration requirement. Applicants would be able
98 to choose the assessment that suits their own personal situation and timetable. Dr. Hemami explained
99 that approving NBEO at the meeting would mean that a candidate must have successfully challenged all
100 three parts of the NBEO examination after January 18, 2019 in order to have fulfilled this registration
101 requirement.

102
103 Council had preliminary discussions on this recommendation on November 5, 2018 by teleconference. It
104 was decided, at that meeting, that Council would table its discussion and consult with members and
105 stakeholders, giving them an opportunity to send in their feedback and comments on the proposed
106 motion prior to Council making a final decision on the matter.

107
108 The College posted the consultation materials on its website and circulated them to members and
109 stakeholders on November 7, 2018 with a deadline for submissions of January 4, 2019. The College
110 received 73 responses from individual members, and 21 responses from stakeholders. The College also
111 heard from optometrists in other jurisdictions as well as optometric students. The College received
112 submissions both opposed to and in support of the motion to approve NBEO. Council members
113 received and reviewed all submissions in preparation for the meeting.

114

115 In consideration of the motion, Council had to be satisfied that the NBEO examination was valid, reliable
116 and defensible and that it assesses entry level competence to ensure that applicants who have
117 successfully challenged the exam will provide safe, quality optometric care to the public of Ontario. The
118 Council also reviewed a memo from the Registration Committee to this effect.
119

120 Following on from the presentation by NBEO representatives, Council discussed the NBEO examination
121 and implications if the examination was approved as an alternate standards assessment examination.
122

123 Moved by Dr. Kniaziew and seconded by Mr. Rivait **to approve the National Board of Examiners in**
124 **Optometry (NBEO) examination for registration purposes as a standard assessment exam approved by**
125 **the College, effective immediately.**
126

127 **Amendment to the Motion:** Moved by Ms. Pekilis and seconded by Dr. Chan **to amend the motion by**
128 **removing “effective immediately” and replacing it with “only if sufficient oversight for the Optometry**
129 **Examining Board of Canada (OEBC) examination, that is acceptable to Council, is not established by**
130 **April 24, 2019”.**
131

132 Council discussed the proposed amendment, specifically what form of sufficient oversight would be
133 acceptable to Council and the date this would need to be instated by the OEBC.
134

Motion defeated

135
136 **Vote on the original motion**

Motion carried

137
138
139 **b. Quality Assurance**

140 **i. Clinical Practice Panel:** The proposed motions were circulated prior to the meeting. The Panel
141 proposed minor edits to seven OPR standards of practice documents. Once approved by Council, the
142 OPR will be updated and members notified of the changes.
143

144 For OPR 4.3 Delegation and Assignment, it was proposed to add an exception under the subtitle
145 ‘Research Conducted by a University’, that reads: “An exception exists for delegation and assignment
146 where medical direction is delegated with indirect supervision, with the informed consent of the
147 subject, and where the research has received research ethics board approval from an accredited
148 university”.
149

150 Moved by Dr. Hrynychak and seconded by Dr. Quaid **to approve the publication of amendments to the**
151 **following section of the Optometric Practice Reference (OPR):**
152

- 153 • **4.3 Delegation and Assignment**

Motion carried

154
155
156 For OPR 5.2 The Prescription, it was proposed to divide the standard into two parts, dealing with optical
157 prescriptions and prescriptions for drugs separately. The wording ‘therapeutic directive’ was changed to
158 ‘order’, as to be consistent with medical terminology of other health care professionals. The reference
159 to the Clinical Guideline with respect to expiry dates was also struck.
160

161 Moved by Dr. Hrynchak and seconded by Dr. Quaid **to approve the publication of amendments to the**
162 **following section of the Optometric Practice Reference (OPR):**

163

164 • **5.2 The Prescription**

165

Motion carried

166

167 For OPR 6.7 Binocular Vision Assessment and Therapy, it was proposed to strike the reference to the
168 initial optometric examination yielding enough information to reach a diagnosis. The management of
169 binocular vision disorders was also expanded.

170

171 Moved by Dr. Hrynchak and seconded by Dr. Micucci **to approve the publication of amendments to the**
172 **following section of the Optometric Practice Reference (OPR):**

173

174 • **6.7 Binocular Vision Assessment and Therapy**

175

Motion carried

176

177 For OPR 6.8 Visual Field Assessment, it was proposed to strike the reference to ‘the accuracy of’
178 performance of testing. Further edits were made to clarify the responsibility of optometrists who
179 receive requisitions for visual field assessments.

180

181 Moved by Dr. Hrynchak and seconded by Dr. Quaid **to approve the publication of amendments to the**
182 **following section of the Optometric Practice Reference (OPR):**

183

184 • **6.8 Visual Field Assessment**

185

Motion carried

186

187 For OPR 7.4 Patients with Diabetes, it was proposed that the standard specify abnormalities to the
188 retina as well as simplify the language around neuropathies that may affect the cranial nerves.

189

190 Moved by Dr. Hrynchak and seconded by Dr. Morcos **to approve the publication of amendments to the**
191 **following section of the Optometric Practice Reference (OPR):**

192

193 • **7.4 Patients with Diabetes**

194

Motion carried

195

196 For OPR 7.5 Patients with Hypertension, it was proposed to amend the standard’s title to include
197 “systemic hypertension”. The last paragraph would also be struck regarding optometrists’ familiarity
198 with fundus signs characteristics of hypertensive retinopathy as statement is not necessary. Council
199 discussed the amended wording proposed for the description section and recommended a grammatical
200 edit before publication.

201

202 Moved by Dr. Hrynchak and seconded by Dr. Morcos **to approve the publication of amendments to the**
203 **following section of the Optometric Practice Reference (OPR):**

204

205 • **7.5 Patients with Hypertension**

206

Motion carried

207

208 For OPR 7.6 Cycloplegic Refraction, it was proposed that the standard specify that cycloplegic refraction
209 is indicated in the initial assessment of children and adults who meet any of the listed criteria.

210
211 Moved by Dr. Hrynychak and seconded by Dr. Morcos **to approve the publication of amendments to the**
212 **following section of the Optometric Practice Reference (OPR):**

213
214 • **7.6 Cycloplegic Refraction**
215 **Motion carried**

216
217 The Panel also proposed that the Clinical Guidelines section be removed from the Optometric Practice
218 Reference (OPR). At a recent joint meeting of the two panels of the Quality Assurance Committee, the
219 relevancy of the College continuing to maintain clinical guidelines for the profession was discussed. The
220 Panel has realized over recent years the breadth of such an undertaking to develop well thought,
221 evidence-based and defensible guidelines and have them appraised. In addition, the QA Panel noted
222 that its program did not refer to the Clinical Guideline section for any of its current processes and it
223 found, at times, that QA assessors were inadvertently referring to guidelines when reviewing member
224 patient charts as part of a practice assessment.

225
226 Clinical guidelines are a result of exhaustive review of literature, academic research and public opinion
227 and are multi-disciplinary in nature. The Panel understands that its mandate, under the *Health*
228 *Professions Procedural Code (HPPC)*, and the main focus of their work should be on articulating and
229 reviewing professional standards. However, the development of guidelines/best practices has proven to
230 be time-consuming, require constant update and may fall outside the College's regulatory mandate. The
231 development of clinical practice guidelines may be best suited for other related organizations who have
232 the resources and can articulate the profession's view of evidence-based best practices through proper
233 review and research. The Clinical Guidelines document would be removed from the College website as
234 it would no longer be maintained and would soon be outdated.

235
236 Moved by Dr. Hrynychak and seconded by Dr. Morcos **to remove the Clinical Guidelines section from the**
237 **Optometric Practice Reference (OPR).**

238 **Motion carried**
239

240 **ii. Quality Assurance Panel:** The proposed motions were circulated prior to the meeting. The QA Panel
241 recommended an amendment to College-bylaws and the Continuing Education policy.

242
243 The Panel proposed that a by-law amendment be circulated to increase the fee of a Practice Assessment
244 (CRA) for cost recovery purposes. The Schedule of Fees and Penalties sets out the cost to members
245 payable to the College in the event of a Registrar or member-initiated participation in the Quality
246 Assurance (QA) Program (i.e. referral for direct patient care hour deficiency, continuing education
247 deficiency, and reassessments following remediation). Fees are established on a cost-recovery basis to
248 provide reimbursement for assessors, panel per diems, College staff time, and courier costs.

249 In a review of the fees presented to the Quality Assurance Panel, staff reported that the Quality
250 Assurance Assessment Fee does not support cost recovery, as the College currently subsidizes Registrar
251 or member-initiated assessments. The Panel recommended that Council approve circulation, as required
252 by the *HPPC*, of a by-law amendment to change the cost of a Practice Assessment (CRA) from \$1733.00
253 plus HST to \$2400.00 plus HST. Council further recommended that the cost be increased in the interim
254 by the amount allowed for by inflation, stipulated in the by-laws.

255
256 Moved by Mr. Van Bastelaar and seconded by Dr. Chan **to approve circulation of a by-law amendment**
257 **to set the cost of a Practice Assessment (CRA) to \$2400.00 plus HST.**

258 **Motion carried**

259
260 It was recognized that additional amendments to the by-laws regarding governance are pending. All by-
261 law changes will be circulated together once Council approves governance amendments for circulation.

262
263 The Panel also proposed an amendment to the 2018-2020 Continuing Education (CE) Policy. Under the
264 current policy, the Quality Assurance Committee can approve not-for-profit organisations as Category A
265 Providers. The Panel concluded that it is not an accreditation body, and as such does not possess the
266 expertise or available time to accredit individual CE providers or courses. CE providers seeking approval
267 have been informed that as no pre-approval process exists, approval as a Category A provider cannot be
268 granted at this time. Council also discussed the distinction of the Vision Institute as a Category A
269 provider for the remainder of the current CE cycle. The policy for the next CE cycle would require
270 Category A Providers that do not fall under the category of regulatory college, optometric association or
271 educational institution as detailed in the policy, to be COPE approved.

272
273 Moved by Mr. Van Bastelaar and seconded by Dr. Morcos **to amend the 2018-2020 Continuing**
274 **Education (CE) Policy to remove the Quality Assurance Committee’s (QAC) ability to preapprove not-**
275 **for-profit optometric organizations, where the primary goal of the organization is to provide or**
276 **promote optometric educational opportunities or provide clinical care.**

277 **Motion carried**

278
279 **c. Patient Relations Committee:** The proposed motion was circulated prior to the meeting.
280 The Committee proposed the development of an e-learning module based on a presentation given by
281 the College Registrar at the April 2018 OAO Symposium, entitled “Eye Consent – The Optometrist’s
282 Guide to Consent”. The presentation addressed the requirements of all health care providers, including
283 optometrists, to obtain informed consent from patients, including consent to treatment, collection of
284 personal health information, and fees related to services. The presentation also provided practical
285 information and examples about the definition of informed consent, why it is important, and when and
286 how to document it. The Committee strongly believes that making this information available to all
287 College members, to complete on a voluntary basis, would benefit both optometrists and the public.
288 Council discussed providing continuing education credit for those that completed the course at a cost-
289 recovery charge, to be determined at a later date.

290
291 Moved by Mr. Rivait and seconded by Dr. Kniaziew **to approve the amount of \$19,900 (before HST) for**
292 **the purpose of developing the “Eye Consent – the Optometrist’s Guide to Informed Consent” e-**
293 **Learning module to be offered, on a voluntary basis, to all members of the College.**

294 **Motion carried**

295
296 **8. Financial Matters:**

297 **a. Treasurer’s Report:** Dr. Patrick Quaid presented the report. The College recorded a year-to-date
298 surplus of \$388K as of November 30, 2018. This surplus represents a positive variance to budget of \$1M
299 (per dashboard). The full year results are expected to reflect a positive surplus of over \$400K.
300 The \$190K revenue budget surplus is caused by favourability in almost all sources of revenue, including
301 Professional Corporations as well as recognition of deferred membership revenue from last year.

302 The overall surplus in the expense section is caused by under spending/no spending to date in some
303 budget areas, including exceptional investments.

304

305 **b. Financial Dashboard:** The financial dashboard was circulated prior to the meeting. It was updated to
306 include the November 30, 2018 financial information, including the College's investment funds. The
307 dashboard indicated that the College's financial position continues to be strong with high liquidity for
308 future purposes.

309

310 **c. Balance Sheet and Income and Expenditure Report – to November 30, 2018:** An increase was noted
311 due to the recent influx of Cash during membership renewal period.

312

313 In 2018, \$250K was allocated for research for entry-to-practice exam under exceptional investments but
314 was not spent. The Executive Committee, in consultation with external auditors, recommended that
315 these funds be appropriated (restricted) until such a time as they may be needed.

316

317 Moved by Dr. Quaid and seconded by Dr. Kniaziew **to approve the addition of \$250K to the existing**
318 **Research reserve fund in the 2018 fiscal year.**

319

Motion carried

320

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

323

324 Moved by Dr. Quaid and seconded by Mr. Rivait **to authorize, by resolution, Ms. Hanan Jibry, Assistant**
325 **Registrar, as signing officer for the College with respect to banking documents and instruments**
326 **requiring the signature of the College.**

327

Motion carried

328

329 Council is required annually to authorize the Registrar to provide direction to the College's investment
330 advisor.

331

332 Moved by Dr. Quaid and seconded by Dr. Kniaziew **to authorize, by resolution, the Registrar to provide**
333 **direction to the College's investment advisor.**

334

Motion carried

335

336 **d. Proposed 2019 Budget:** The proposed 2019 budget was circulated prior to the meeting. Budget lines
337 have been proposed by staff and reviewed by the Treasurer, and the Executive Committee to produce a
338 budget that reflects increases where needed and savings where efficiencies have been realized.

339 Rationale for the proposed changes to individual line items was included in the budget document. The
340 2019 budget projects an operating loss of \$338K before exceptional investments which is similar to the
341 2018 budgeted operating loss. Budget projections are based on historical data, however for some areas,
342 in particular ICRC and Discipline, it can be difficult to predict what expenses may be incurred in a given
343 timeframe. The ultimate goal is to work towards achieving a balanced budget in the future. No increase
344 in membership fees is proposed.

345

346 Moved by Dr. Quaid and seconded by Dr. Kniaziew **to approve the proposed 2019 budget.**

347

Motion carried

348

349 **9. Appointment of Committee Chairs and Committee Members for 2019:** Dr. Hemami presented the
350 proposed statutory, standing and ad-hoc committee chairs and members for 2019. The proposed names
351 are:

352
353 Governance/HR Committee: Mr. John Van Bastelaar
354 Audit/Finance/Risk Committee: Dr. Patrick Quaid
355 Registration Committee: Dr. Patrick Quaid
356 Inquiries Complaints and Reports Committee: Dr. Areef Nurani
357 Quality Assurance Committee
358 i. Quality Assurance Panel: Dr. Linda Chan
359 ii. Clinical Practice Panel: Dr. Bill Chisholm
360 iii. Quality Assurance Subcommittee: Ms. Ellen Pekilis
361 Discipline Committee: Dr. Jim Hoover
362 Fitness to Practise Committee: Mr. Albert Liang
363 Patient Relations Committee: Mr. Brian Rivait
364 Strategic Planning Committee: Ms. Ellen Pekilis

365
366 Moved by Dr. Kniaziew and seconded by Dr. Quaid **to approve the appointment of the proposed**
367 **chairpersons of College committees as presented.**

Motion carried

368
369
370 Moved by Mr. Rivait and seconded by Dr. Chisholm **to approve the appointment of the proposed**
371 **College committee composition as presented.**

Motion carried

372
373
374 **9. Injunction Appeal – Update:** Dr. Garshowitz updated Council on the application by the College of
375 Optometrists of Ontario and the College of Opticians of Ontario to seek an injunction preventing
376 Essilor/Clearly from unlawfully dispensing prescription eyewear over the internet. In January 2018, the
377 Ontario Superior Court issued a decision upholding the principles of the RHPA. Essilor appealed the
378 decision, and a stay of the injunction was granted by the courts until the appeal was heard. The appeal
379 was heard on September 21, but a decision has not, as of the January 18, 2019, been released.

380
381 **11. List of Acronyms**

382
383 **12. Dates of Upcoming Council Meetings**

- 384 a. Wednesday, April 24, 2019
385 b. Monday, June 24, 2019 & Tuesday June 25, 2019

386
387 **13. Adjournment:** Moved by Mr. Rivait and seconded by Dr. Nicol **to adjourn the meeting at 3:09 p.m.**

Motion carried

388