

COUNCIL MINUTES

December 5, 2013

Present:

E. Kerr, Chair	O. Farouk	A. Patel
J. Attwood	G. Fox	A. Plumton
J. Balcom	S. Handley	N. Sears
C. Barnet	M. Hogard	M. Seawright
C. Beemer	D. Kimberley	M. Sloan
Y. Blackwood	S. Leduc	S. Steele
D. Bockman	J. Leznoff	M. Tuomi
L. Bracken	M. Lim-Serrano	A. Verrier
S. Corkey	J. MacKnight	A. Vidovic
R. Davidson	M. Marques	K. Voycey
L. Duffield	D. Mattina	A. Wills
C. Egerton		

Regrets:

J. Bald	M. MacMillan-Gilkinson	C. Williams
J. Jamieson		

Staff:

J. Anderson	J. Hofbauer, Recorder	P. Reinhart
A. Coghlan	K. McGovern	C. Stanford

AGENDA

The agenda had been circulated. The Finance Committee report will be addressed following approval of the minutes of the last Council meeting.

MOTION 1

Moved by C. Egerton, seconded by J. MacKnight,

That the agenda for the Council meeting of December 5, 2013 be approved.

CARRIED

MINUTES

Minutes of the Council meeting of September 19, 2013 had been circulated.

MOTION 2

Moved by D. Mattina, seconded by L. Bracken

That the minutes of the Council meeting of September 19, 2013 be approved as circulated.

CARRIED

FINANCE REPORT

A. Verrier presented the report and recommendations of the Finance Committee meeting of November 19, 2013.

Council members had received the unaudited financial statements for the nine months ended September 30, 2013. Council was informed that the surplus of \$4,083,889 is \$475,421 more than budget. The Finance Committee recommended approval of the statements.

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There was discussion about the rate of staff vacancies. It was noted that the vacancy rate is similar to previous years. One quarter of vacancies are the result of internal movement. When a current staff member fills a vacancy it creates another vacancy, thus increasing the vacancy rate.

MOTION 3

Moved by A. Verrier, seconded by M. Hogard,

That the unaudited financial statements for the nine month period ended September 30, 2013 be accepted.

CARRIED

COMPENSATION PRINCIPLES

A. Verrier highlighted the Finance Committee's recommendations for changes to the Compensation Principles. They were based on recommendations from the Sub-Committee on Compensation's biennial review of the Principles.

MOTION 4

Moved by A. Verrier, seconded by R. Davidson,

That the draft revised Compensation Principles be approved.

CARRIED

BUDGET

Council members had received the draft 2014 operating and capital budgets along with three year projections. P. Reinhart highlighted the budgets.

There was a discussion about the projected growth in the surplus over the coming years, which may take the surplus close to the maximum surplus guideline by 2017. There are areas in the College which may require additional resources and these types of needs are not included in long-term projections.

Concern was expressed about the planned future shift to electronic background packages for Council and committee members, particularly given the extent of the written materials.

It was noted that there are tools and technology to support the provision of lengthy materials electronically. All Colleges are either already providing materials to Council and committee members electronically or exploring the possibilities. The College will be assessing and identifying the best tools and providing the needed training to facilitate a smooth transition.

There was discussion about the funding of the defined benefit component of the College's pension plan. It was clarified that the College is making a one-time significant payment to address the underfunding of the plan and that amount will not be included in ongoing budgets. The College will continue to make annual payments to address the underfunding as has been done in previous years.

It was noted that the budget projections are not identical to the projections on which the fee increase was based. Unknown factors – for example instituting the non-practising class – have an impact. The College will meet its commitment to members to hold the fee stable through 2017, and perhaps longer.

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MOTION 5

Moved by A. Verrier, seconded by D. Bockman,

That the 2014 operating budget with a proposed surplus of \$558,085 and the 2014 capital budget of \$487,845 be approved.

CARRIED

**ASSESSMENT AND
REGISTRATION OF
INTERNATIONAL
APPLICANTS**

E. Kerr reminded Council that entry-to-practice is a key regulatory function that is critical to the College meeting its obligation to protect the public interest. It is also a regulatory function that is often under scrutiny – either from oversight organizations such as the Ontario Fairness Commission or from the media.

J. Anderson and S. Vogler highlighted a presentation on the College's registration processes, including how the processes meet the legislative requirements to be transparent, objective, impartial and fair. The presentation included information on how the College is working to improve processes and shorten timeframes.

In response to questions, it was noted that the College meets with the Office of the Fairness Commissioner to discuss assessments. The College will be meeting with the Office in January and sharing a presentation similar to that shared with Council. When the Office of the Fairness Commissioner has specific recommendations, the College follows up and implements change. The College is very committed to continuous improvement in its assessment and registration processes.

One of the unique challenges for the College is the volume of applicants. It is difficult to compare the College's timeframes to those of other professions or provinces because of volume.

A. Coghlan noted that implementation of the National Nursing Assessment Service will result in a national database of nursing programs. The service agreement with the third party provider has specified timeframes which will expedite the initial assessment of documents.

**EVALUATION OF
RN APPLICANTS**

In December 2012, Council approved an evaluation process using an external provider. Volumes of international applicants have resulted in significant wait times for assessment. Staff have identified that some applicants can be assessed at the College. The proposed revised process is designed to match the applicant with the right assessment process.

There was some discussion about why the proposed change was not discussed at the Registration Committee before presentation to Council. The determination of an evaluation process is part of Council's governance accountability. In 2009, Council participated in a workshop on committee mandates that clarified the roles of committees and the governance accountability of Council.

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There are policies which the Registration Committee approves and discussion of these policies is within the role of the committee. There is opportunity for members of the Registration Committee to share their expertise with Council when decisions related to entry-to-practice issues arise.

It was identified that there are committee members who are members of the Registration Committee who might also have interesting perspectives to share.

The Executive was asked to consider the role of committees and committee members in governance policy decisions that are related to the role of a statutory committee.

MOTION 6

Moved by D. Mattina, seconded by O. Farouk,

That Council approve that, effective immediately, for the purpose of the evaluation under clause 2(1)1iiiB of Ontario Regulation 275/94:

- The RN Evaluation – Stream A, as it appears in Attachment 1 to the briefing note, be used for applicants who do not have any nursing education or nursing practice in addition to their RN program.
- The RN Evaluation – Stream B, as it appears in Attachment 2 to the briefing note, be used for applicants who have nursing education and/or nursing practice in addition to their RN program.

CARRIED

EVALUATION OF
RPN AND NP
APPLICANTS

Since Council has made changes to the Registered Nurse evaluation, it is necessary to change the evaluation for Registered Practical Nurses and Nurse Practitioners to be congruent with the process for RNs.

In discussing the issue, concern was expressed about a confusing example. It was noted that the College is reviewing how information is provided to Council and the feedback is helpful.

MOTION 7

Moved by L. Duffield, seconded by M. Hogard,

That Council approve that, effective immediately, for the purpose of the evaluation of applicants under sections 3(1)1.iii.B, 3(1)1.v, or 4(1)2.iv.B of Ontario Regulation 275/94, the Paper-based Competency Evaluation with the modifications as they appear in *Attachment 1* to the briefing note, be used for applicants for registration as a Registered Practical Nurse or Nurse Practitioner.

CARRIED

NCLEX EXAM

The purpose of an entry-to-practice exam is to determine safety to begin professional practice at a point in time. It is one of a number of requirements that an applicant must meet. It is the totality of the requirements that assures a regulator that an individual is safe to enter practice.

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A. Coghlan noted that all participating regulators, following a review of the NCLEX exam and development process, have confidence in the process for exam development which is based on a practice analysis every three years and in the exam's strong psychometric foundation.

All jurisdictions have identified the value of reaching a national consensus. It is, however; the role of individual Council's and boards to make the final decision.

The College's Council is the first to review this issue and has an opportunity to contribute to the discussion of other boards and councils across the country. At this time, Council is being asked to "signal its intent to approve"; a final decision will be brought to Council closer to the date of implementation of the CNELX-RN (January 1, 2015).

There was a question about the public interest rationale for recognizing the NCLEX examination back to 1982. It was noted that the way the examination is developed gives the College confidence that it appropriately assesses safe practice for an entry level nurse. A member of the Registration Committee noted that the fact that an applicant would need to meet a range of other requirements ensures that there is an appropriate screening mechanism and the only change is not requiring the nurse to take an examination she or he took 20 years ago.

It was noted that the recognition of the NCLEX RN examination as proposed would support access and be fair to applicants while still, together with other requirements, protecting the public.

MOTION 8

Moved by D. Mattina, seconded by A. Patel,

That Council signal its intent to recognize the *National Council Licensure Examination for Registered Nurses* (NCLEX-RN) from 1982 to the end of 2014 as an examination for the purpose of registration as a Registered Nurse (RN) in the General Class.

CARRIED

TERMS OF REFERENCE

The Executive Committee is recommending changes to the Terms of Reference of the Executive and Finance Committees and Council, to allow the Executive to approve audited financial statements on behalf of Council. P. Reinhart highlighted the change in auditing standards that made this necessary.

There was considerable discussion about the proposed changes to terms of reference. Council members articulated a strong commitment to Council's fiduciary responsibility and expressed concern about Council delegating its authority to approve the audited financial statements.

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MOTION 9

Moved by M. Tuomi, seconded by M. Lim-Serrano,

That the Executive Committee, Finance Committee and Council Terms of Reference be amended in accordance with attachments 1, 2 and 3 to the briefing note, to support the Executive Committee approval of the audited financial statements.

DEFEATED

A. Coghlan indicated that there is time to explore other options to support Council's governance accountability in this matter. The Executive was asked to consider Council's feedback and bring a recommendation to Council in March.

APPOINTMENTS

In accordance with the By-Laws, the Executive filled committee vacancies in October. Council confirmation is required.

MOTION 10

Moved by M. Seawright, seconded by S. Steele,

That the following statutory committee appointments be confirmed:

- Renate Davidson to the Fitness to Practise Committee until June 2014; and
- Chuck Williams to the Discipline Committee until June 2014.

CARRIED

**MEMBERSHIP
STATISTICS**

B. Knowles highlighted, for information, *50 Years of Nursing Statistics*, reporting on how the nursing population has changed over the 50 years of the College's existence. In addition, he highlighted key data from the 2013 membership report.

**EXECUTIVE
DIRECTOR
UPDATE**

K. McGovern provided Council with highlights of the result of the College's Complaints Survey which is sent to public complainants and nurses who are the subjects of complaints. She reported that resolutions have a higher satisfaction rate for both the public and nurses than do matters that are investigated.

A. Coghlan updated Council on two new bills. Bill 70, the *Regulated Health Professions Amendment Act (Spousal Abuse)* has passed and been proclaimed. Council members received copies of the amended RHPA in the information materials for the meeting.

Council was informed that Bill 117 – *Enhancing Patient Care and Pharmacy Safety (Statute Law Amendment Act)* is currently in second reading debate. In addition to addressing pharmacy safety, changes are also proposed to address some issues with the legislation.

A. Coghlan shared with Council some of the governance changes being implemented by the Nursing and Midwifery Board of Ireland. She highlighted the structural changes to the Board's Council, which now includes a majority of public members. Council was also updated on the work of the International Regulatory Collaborative and on the International Council of Nurses

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Credentialing and Regulators Forum. It was noted that issues facing regulators are common across the world and there are advantages to addressing these issues proactively and collaboratively.

Council was informed of work being undertaken by the Canadian Council of Registered Nurse Regulators. A nurse practitioner practice analysis is being undertaken with government funding to support interprovincial mobility and inform future decisions about registration examinations for nurse practitioners. Work is also being done both nationally and provincially to address the federal removal of restrictions on Nurse Practitioner prescribing of narcotics and controlled substances.

Council was updated on activities to implement Council decisions related to:

- the NCLEX – RN examination;
- professional liability protection;
- transparency; and
- dispensing.

EXECUTIVE
COMMITTEE

Council received for information the notes of the Executive Committee meetings of October 9, 2013 and November 12, 2013. E. Kerr briefly highlighted the activities of the Executive Committee.

ACCOUNTABILITY
IN ACTION
FOLLOW UP

E. Kerr noted that there are some immediate outcomes of the Council *Accountability in Action* workshop and some that are works in progress.

Council members had received checklists prepared to share their knowledge on preparation and participation with new Council members.

It was noted that initial changes have been made to Council briefing materials. Staff and the Executive Committee will continue to work on changes to the briefing notes to meet the needs of Council members. Council members were invited to provide feedback.

E. Kerr noted that Council has made an ongoing and strong commitment to enhancing governance. In March, Council will implement changes to the timing of the election of officers and appointment of chairs. This timing will allow the decisions to be made by the experienced members of Council who know the candidates and understand the roles. It allows time to transition new leaders into the leadership role.

The Executive will continue to explore the opportunities for governance enhancements that have arisen out of Council's input in the *Accountability in Action* workshop. The Executive will also discuss what further, strategic long-term governance work might flow from the feedback from the workshop and international and national trends in regulation and governance.

NEXT MEETING

The next meeting of Council will be March 6, 2014.

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CONCLUSION At 3:30 p.m., it was

MOTION Moved by A. Patel, seconded by D. Bockman,
That Council conclude.

CARRIED

Chair

Draft