

## COUNCIL MINUTES

Thursday, December 4, 2014 at 9:00 a.m.

### Present

A. Verrier, Chair	D. Graystone	L. Sanderson
C. Barnet	M. Hogard	N. Sears
C. Beemer	K. Jain	M. Seawright
Y. Blackwood	A. Jewell	M. Sloan
D. Burger	S. McGeachy	S. Steele
R. Davidson	M. MacMillan-Gilkinson	M. Tuomi
L. Duffield	D. Miles	K. Voycey
C. Egerton	A. Patel	D. Walia
G. Fox	J. Pretti	C. Walsh

### Regrets

J. Attwood	J. Jamieson	A. Vidovic
C. Balcom	D. Mattina	C. Williams
S. Corkey	A. Plumton	

### Staff

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

### Guest

R. Armstrong

### AGENDA

The agenda had been circulated. The President noted that the Finance Committee report, including the 2015 budget, will be addressed immediately following approval of the agenda and review of the minutes of the September 2014 Council meeting.

### **MOTION 1**

Moved by N. Sears, seconded by L. Duffield,

That the agenda for the December 4, 2014 Council meeting be approved.

CARRIED

### **MINUTES**

Minutes of the Council meeting of September 18, 2014 had been circulated.

### **MOTION 2**

Moved by C. Ward, seconded by A. Patel,

That the minutes of the Council meeting of September 18, 2014 be approved as circulated.

CARRIED

### **FINANCE REPORT**

The Finance Committee met on November 4<sup>th</sup>. C. Beemer chaired the meeting and presented the report.

#### **Unaudited Financial Statements**

C. Beemer noted that the Finance Committee reviewed the unaudited financial statements for the nine months ended September 30, 2014 in detail. She reported that the surplus on September 30 was \$3.4 million.

### **MOTION 3**

Moved by C. Beemer, seconded by M. Hogard,

That Council accept the unaudited nine-month financial statements as at September 30, 2014.

CARRIED

## **Stipend and expense policies**

Changes in the stipend and expense policies were recommended by the Compensation Sub-Committee. C. Beemer reminded Council that this is an objective committee whose members are not on Council or statutory committees. The following increases are recommended:

- Daily stipend to \$260 from \$250;
- Car allowance to 50 cents/km from 45 cents/km; and
- Maximum daily meal allowance to \$65 from \$55.

## **MOTION 4**

Moved by C. Beemer, seconded by C. Voycey,

That the proposed revised Stipend and Expense Policies, as they appear in attachment 3 to the Finance Committee report, be approved to come into effect on January 1, 2015.

CARRIED

## **2015 Budget**

C. Beemer reported that the Finance Committee reviewed the 2015 operating and capital budgets in detail.

P. Reinhart highlighted the budget, including the key projects with significant financial implications. K. McGovern provided Council with an introduction to the nurse health initiative. At this time, the College has included funds in the budget for the development of a project plan and review of funding options.

P. Reinhart noted that the 2015 expense budget is based on plans for significant change at the College. While the expense budget is ambitious, the revenues are budgeted conservatively. The 2015 budget estimates an annual operating deficit of \$910,000 and a capital budget of \$4.3 million. The bulk of the capital budget is for implementation of the College's new information system, which will begin in 2015.

The impact of the change to the NCLEX – RN on revenues and expenses was highlighted.

P. Reinhart reviewed the 3-year budget projections. Barring significant changes, it is expected that the College's accumulated surplus will be reduced to the minimum guideline set by the Finance Committee by 2018. If that does occur, a fee increase will be required at that time.

There was discussion about the nurse health initiative and why it is focused on addressing nurses with mental health and substance abuse issues and does not address other circumstances that nurses may experience, such as burn-out.

It was noted that substance use and mental health disorders are chronic, relapsing conditions that affect brain function. Without proper treatment and restrictions, otherwise competent nurses can have impaired insight and judgment and be a significant risk to the public. The College's regulatory public protection role is to address this risk to patients.

A nurse health program is a best practice in addressing incapacity. Council was informed that the Ontario colleges of dentistry, medicine and pharmacy have similar programs.

The proposal for a nurse health program first came to Council in 2011 and was strongly supported. The College has had recent discussions with Ontario Nurses' Association, the Registered Nurses' Association of Ontario and the Registered Practical Nurses Association of Ontario and all are committed to moving forward with discussions about building a Nurse Health Program.

There was discussion about the extent of the College's involvement in the program. It was identified that it is not clear at this time.

## **MOTION 5**

Moved by C. Beemer, seconded by K. Voycey,

That the 2015 operating budget with a proposed deficit of \$910,013 and the 2015 capital budget of \$4,272,500 be approved.

CARRIED

## **LEADING IN REGULATORY GOVERNANCE**

R. Armstrong joined the meeting. A. Verrier noted that in September, Council confirmed its willingness to undertake a governance review and asked the Executive to bring a project design and terms of reference for a governance task force. Council members received a briefing which included project goals, scope and terms of reference for a proposed governance task force. The Executive is suggesting that the review take place over a two-year timeframe to allow for dialogue between the task force, Executive Committee and Council. A largely external task force is recommended to bring objectivity and a fresh perspective to the review of best practices in governance.

A. Verrier noted that two experts will be involved in the review. One will carry out an assessment of current College governance against best practices and provide a report identifying opportunities for improvement. The other, R. Armstrong, will facilitate discussions at the task force, Executive and Council. On invitation from the Executive, R. Armstrong joined Council to provide perspectives on governance and to hear Council's suggestions for the governance review process.

R. Armstrong noted that the academic focus on governance is recent. She identified that as a stable, mature and well-developed organization, the College has an opportunity to contribute to the knowledge about best practices in regulatory governance.

R. Armstrong asked that Council members think about the governance questions they might want a review to answer. She shared information about current best practices in governance and highlighted the proposed approach that the Executive is recommending.

It was noted that the independent review will explore current governance, including the existing strengths that can be built on, best practices in regulatory governance and will identify opportunities for improvement. A neutral and objective task force will allow for unbiased discussion and exploration of governance options

R. Armstrong suggested that Council member accountability includes being open to new ideas, participating fully in the review process, and collaborating to reach the goal of leading in regulatory governance.

There was discussion about the process. An interest was expressed in having available a range of options for final decision making. It was identified that there is a two-year time frame to allow for a highly interactive and iterative process, which will include significant opportunities for input from Council.

The College will access its networks to identify potential Task Force members. Recommendations will go to the Executive for discussion. The Executive will make recommendations to Council in March.

## **MOTION 6**

Moved by M. Tuomi, seconded by R. Davidson,

That Council approve the proposed goal, purpose, scope, terms of reference and structure for the Leading in Regulatory Governance initiative, as they appear in attachment 1 to the briefing note.

CARRIED

## **TRANSPARENCY**

A. Verrier noted that Council has been discussing the collaborative transparency project since 2013.

### **Phase 1: By-law Changes**

In June, Council supported the Phase 1 transparency recommendations. Draft by-laws were prepared to implement some of the changes that were approved. The drafts included changes to Articles 44.1.06 regarding additional information on the register and 44.2.02 regarding information from members.

There was a question about the rationale for the inclusion of both a summary of the allegations referred to Discipline along with the full notice of hearing. It was agreed to circulate the draft for feedback and to review the feedback along with the rationale for publishing both the summary and the full notice of hearing in March.

## **MOTION 7**

Moved by L. Duffield, seconded by S. Steele,

That Council approve, for notice and circulation, the proposed by-law amendments related to phase 1 of the transparency project as they appear in column 2 of attachment 1 to the briefing note.

CARRIED

### **Phase 2: Recommendations**

K. McCarthy highlighted the phase 2 recommendations, which focus on making new information available to the public. He noted that all of the recommendations are built on the transparency principles that were approved by Council in September, 2013.

Council was reminded that this is a collaborative project. The recommendations are being considered by the Councils of all of the Advisory Group for Regulatory Excellence (AGRE) Colleges. The recommendations have also been shared with all other Ontario health regulatory colleges, to assist them in meeting the expectations set out in the letter from the Minister of Health and Long-Term Care.

The risk assessment framework was highlighted. It has served as the foundation for recommending that in person cautions, specified continuing education and remediation programs (SCERPs) and undertakings with the Inquiries, Complaints and Reports Committee be included on the register.

There was discussion about whether the public would know the difference between a caution from the Inquiries, Complaints and Reports Committee and a Discipline finding. Council was informed that the College is providing leadership to the AGRE communications working group. That group is exploring how to communicate with members and the public about what the new information on the register means. While this is separate from the legal by-laws, it is an important part of the transparency project.

There was a question about the timeframe that information might stay on the register. This is being discussed collaboratively and recommendations will be integrated into the Phase 2 By-Laws when they are presented to Council.

There was discussion about two recommendations:

**1. Discipline decisions when there is no finding:**

There was concern expressed that, following a rigorous Discipline hearing, it would unfairly tarnish the nurses' reputation if the "no finding" decision was posted. It might also seem that the College does not trust its own processes if, following a hearing, a no finding was published.

It was noted that the rationale for this recommendation was that at the time of referral, the Inquiries, Complaints and Reports Committee assessed this matter as more serious than those for which it issues cautions or requires that a member complete a SCERP and these decisions are proposed for inclusion in the register.

It was noted that the Transparency principles require a very good reason to keep something private.

Another member of Council identified that once a Notice of Hearing is published; publication of a "no finding" closes the loop and makes transparent the outcome of the hearing.

It was noted that this recommendation requires legislative change and cannot be addressed at this time. It will not be included in draft phase 2 by-laws.

**2. Criminal/drug charges:**

A number of members expressed concern with the proposed inclusion of the publication of criminal charges on the register prior to a finding of guilt. It was thought this might cause reputational harm to a member who is ultimately found not guilty.

It was noted that all AGRE Colleges have agreed to go forward with by-laws for phase 2 recommendations. Other Colleges in the Federation of Health Regulatory Colleges are accessing the work of AGRE to develop their by-laws related to transparency.

Rather than fall behind on the College's transparency commitments, phase 2 by-laws will be drafted. The by-laws will be brought back for Council's consideration with additional rationale and the opportunity for further Council discussion.

## **Transparency Correspondence**

Council received the College's report to government outlining its commitments related to transparency. Due to the tight timeframe for response set by the Minister of Health and Long-Term Care, the Executive had approved the report for submission. A. Verrier noted that the Executive was pleased that, as a member of AGRE, the College was well positioned to respond.

## **PROGRAM APPROVAL**

A. Verrier noted that it is in the public's interest to ensure that nursing education programs in Ontario are designed to prepare graduates who are qualified to provide competent care. As part of this role, Council is accountable for approving nursing programs.

A new framework has been developed to support the Council in meeting its accountability. H. Siu outlined the framework, which will apply across all nursing programs. It was clarified that while some assessments will be provided by third party reviewers, they will be based on the College's framework.

## **MOTION 8**

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

That Council approve the proposed Program Approval Standards & Framework as they appear in Appendix 1 to the briefing note:

- To be the principles and model by which Council will approve nursing education programs in Ontario; and
- To be implemented in phased stages for RN, RPN, and NP education programs in Ontario starting in 2017.

CARRIED

## **FEES BY-LAW AMENDMENT**

A. Verrier introduced the proposed amendment to the Fees By-Law. She noted that the increase is needed to address a fee increase from the Centre for the Evaluation of Health Professionals Educated Abroad. The Centre assesses international applicants seeking to be registered as RNs in Ontario. The change is needed to comply with the principle that application processes are self-funding.

## **MOTION 9**

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

That the following amendment to Article 2.06i of *By-Law No. 2: Fees* regarding evaluation fees for RN applicants be approved for circulation and notice:

The fee for an evaluation under

i) sub-subparagraph 1 iii B of subsection 2(1) of the Registration Regulation is:

- a) \$200.00 for an evaluation conducted on or before October 31, 2015; and
- b) \$400.00 for an evaluation conducted after October 31, 2015.

CARRIED

## **EXECUTIVE DIRECTOR UPDATE**

A. Coghlan informed Council members that the slides for Council presentations are available on the Council portal.

As an active participant in the Canadian Council of Registered Nurse Regulators, the College is participating in a national analysis of nurse practitioner practice. The analysis is designed to provide a comprehensive description of entry level competencies in the three nurse practitioner specialties: Primary Health Care, Adult, and Paediatrics. The ultimate goal is to get as close as possible to a harmonized approach to regulation of nurse practitioners across Canada.

The shift to the NCLEX-RN examination is the result of extensive national collaboration and working closely with the exam provider – the National Council of State Boards of Nursing. Council was informed that the Canadian examination centres will start offering exams on January 5<sup>th</sup>. It was noted that the public is best protected when the same standard of care can be expected regardless of where the care is received. A common entry exam for Canada and the United States is a step towards common standards.

The College is a founding member of the International Nurse Regulator Collaborative. The Collaborative held a nurse regulator symposium in October. Most Canadian and American nurse regulators attended.

College staff regularly share knowledge about practice expectations. In the fall, College staff attended the annual meeting of the Nurse Practitioners' Association of Ontario and shared information about the prescribing of controlled substances.

A. Coghlan reminded Council that, at this time, Ontario Nurse Practitioners are not authorized to prescribe controlled substances. She updated Council on the status of a regulation to authorize Nurse Practitioner prescribing. The College has met with the Ministry of Health and Long-Term Care and is awaiting an update from the Ministry on its policy direction.

A. Coghlan noted that the College participates in a number of strategic collaborations, allowing it to share information and benefit from the knowledge of others. The College is a member of the Council for Licensure, Enforcement and Regulation. Council was informed that College staff presented on an evaluation of employer reports and complaints processes. Feedback from employers who report, complainants and nurses was analyzed. The feedback supports process improvement, particularly in relation to communication. There was considerable interest among regulators in this innovative approach.

As an associate member of the National Council of State Boards of Nursing, the College has an opportunity for staff to participate in the Institute for Regulatory Excellence. An article, authored by a College staff member based on her work in the research program of the Institute was shared with Council members.

A. Coghlan informed Council that due to a request from the Quality Management Partnership, the College posted information about opportunities for input from Ontario nurses on its web site and Facebook page.

## **EXECUTIVE COMMITTEE MEETINGS**

Executive minutes of the meetings of October 17, 2014 and November 13, 2014 had been circulated, for information.

## **MEMBERSHIP STATISTICS**

B. Knowles provided highlights from 2014 membership statistics report. He noted that accurate College data is important to health human resource planning. He highlighted the changes that were made to the College's registration regulation and how they have enhanced the accuracy of College data. For example, the shift of individuals who have not practised nursing in Ontario in three years to the non-practising class gives a more accurate picture of those nurses available to participate in the Ontario workforce.

## **COMMITTEE CHAIR**

Council was informed that, due to a vacancy, the Executive Committee appointed C. Barnet as interim chair of the Quality Assurance Committee.

## **MOTION 10**

Moved by N. Sears, seconded by D. Graystone,

That Council appoint C. Barnet as Chair of the Quality Assurance Committee.

CARRIED

## **COUNCIL VACANCY**

J. Balcom's resignation has created a vacancy on Council. The Election and Appointments Committee recommended the appointment of the first runner-up – Loy Asheri.

## **MOTION 11**

Moved by G. Fox, seconded by S. Barnet,

That Loy Asheri be appointed as an RN Council member from the Toronto district until June 2016.

CARRIED

## **COMMITTEE APPOINTMENTS:**

Due to resignations and new appointments, a number of committee appointments are required.

## **MOTION 12**

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

That the following Council member committee appointments be confirmed:

- John Pretti, public member, to the 2014-2015 Inquiries, Complaints and Reports Committee;
- Devinder Walia, public member, to the 2014-2015 Quality Assurance Committee; and
- Loy Asheri, RN, to the 2014-2015 Inquiries, Complaints and Reports Committee; and

That the following appointed committee member appointment be confirmed:

- Donna Rothwell, RN, to the Discipline Committee until 2017.

CARRIED

**MOTION TO CONCLUDE**

On completion of the agenda, at 3:50 p.m., it was

**MOTION 13**

Moved by S. Steele, seconded by C. Egerton

That Council conclude.

CARRIED

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Chair