

COUNCIL MINUTES

March 12, 2015 at 9:00 a.m.

Present

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

Regrets

J. Attwood	A. Vidovic	K. Voycey
D. Mattina		

Staff

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

REMINDER

The President reminded Council members that the College communicates Council decisions through its website and social media outlets. Council members were advised not to discuss Council on social media.

AGENDA

The agenda had been circulated.

MOTION 1

Moved by C. Barnet, seconded by S. Steele,

That the agenda for the Council meeting of March 12, 2015 be accepted as circulated.

CARRIED

MINUTES

Minutes of the meeting of December 4, 2014 had been circulated.

MOTION 2

Moved by N. Sears, seconded by G. Fox,

That the minutes of the Council meeting of December 4, 2014 be approved as circulated.

CARRIED

CORRESPONDENCE ON SEXUAL ABUSE OF PATIENTS

Council received the following correspondence with government regarding sexual abuse of patients:

- a letter from Minister Hoskins about the College's patient relations program as it relates to preventing sexual abuse;
- the College's response to the letter from Minister Hoskins; and
- a letter from the Task Force on the Prevention of Sexual Abuse of Patients and the *Regulated Health Professions Act*.

Due to time constraints, Council did not have an opportunity to comment on the response to Minister Hoskins' letter. Council was provided with an opportunity to identify if anything significant was not included in the College's response. No concerns were identified.

The letter from the Task Force has been sent to all Colleges. Detailed information about complaints and reports was requested. The Executive discussed the letter in February.

A. Coghlan reported that staff are in the process of retrieving data requested by the Task Force. While some data is available electronically, some has to be retrieved manually. The Task Force is being updated on the College's progress.

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Council was informed that the President and relevant College staff will be meeting with the Task Force on March 23rd. Council will be kept updated as the College's involvement with the Task Force continues.

LEADING IN REGULATORY GOVERNANCE TASK FORCE

Council received a briefing note outlining the background of the individuals being recommended by the Executive as members of the governance Task Force. It was noted that all have significant governance experience and have agreed to serve if appointed.

Council was reminded that, in addition to the appointed members, the serving Council President and Executive Director and CEO will be members of the Task Force,

MOTION 3

Moved by M. Tuomi, seconded by C. Williams,

That the following be the external members of the Task Force on Leading in Regulatory Governance:

- Evelyn Kerr, Chair
- Ella Ferris,
- Don McCreesh, and
- Robert Lapper.

CARRIED

STRATEGIC PLAN REPORT

The President noted that under the College's current governance framework, it is a joint accountability of Council and staff to develop and monitor the strategic plan. T. Olanrewagu, Corporate Planning Consultant, highlighted the changes in the strategic plan update report and key achievements in 2014.

There was discussion about the call wait times for the customer service centre. The College's strategy to address wait times is to reduce the number of calls by providing more online information and processes. For example, the implementation of the National Nursing Assessment Service has resulted in a drop in calls. The impact should be seen in the 2015 data.

There was discussion about provision of a direct call-in line for members of the public. It was noted that there is a separate intake line for complaints – members of the public who have a concern can call this dedicated line.

Telephone is not the only communication option. Direct e-mail links are provided on the College's website. The College receives a high volume of e-mail.

There was also discussion about whether the number of members selected to participate in the practice review and peer assessment components of the Quality Assurance Program are sufficient to assess the competence of the profession. It was noted that the numbers selected have increased over the past three years.

A. Coghlan informed Council that the College is looking at how to address the potential harm associated with nursing care in administering all regulatory processes. One aspect is the direction for the Quality Assurance Program. The College's challenge in this area is the size of its membership. This discussion is in the early stages and a full discussion about the program will come to Council in the future, with the opportunity for Council to generate ideas about the program's direction.

TRANSPARENCY

Because the transparency project is a multi-year activity, and Council members have joined over time, an overview of the project was presented.

K. McCarthy reviewed the history of the collaborative transparency project and noted the societal pressures for increased transparency by health profession regulators. The project is not just about providing more information but is also about providing accessible and clear context for any publicly available information.

Transparency: Phase 1 By-Laws

A. Verrier noted that Council approved the Phase 1 Transparency By-Laws for publication in December. The changes included in the Phase 1 By-Laws reflect information that the public identified they need to make decisions about providers. Council received a report of the feedback.

Council was informed that the College sent a survey to public complainants and employer reporters about the proposed changes and they were supported.

In response to questions raised at the December Council meeting when the Phase 1 By-Laws were first discussed, it was identified that the notice of hearing and summary of allegations are very different and serve different purposes. The summary is a clear language, user friendly document while the full notice is long and written in legal language. The full notice will be posted for transparency, so there is no perception by the public that anything is being hidden.

It was noted that there is an editorial change proposed to one paragraph, to provide consistency in the wording and align with language in the Phase 2 draft.

The proposed implementation dates for the changes to the information from members and register articles are different. It is proposed that the information from members article come into effect on September 15, 2015 and that the new information be posted beginning on December 15, 2015. This gives the College three months receive and assess the new information from members.

There was discussion about the posting of criminal convictions and whether mitigating actions from the members might result in removal of a posting or additional information being provided. It was noted that the public has made it clear that they want information about criminal convictions. The legislation already requires members to inform regulators about convictions. The College's information postings will be related to its regulatory role.

The process used at the College to support the Executive Director and CEO in determining whether bail conditions are related to the member's practice was highlighted.

It was noted by a Council member that self-regulation is an act of trust and the standards for the behaviour of professionals are higher than those of general members of the public. It was identified that public trust requires an over-emphasis on disclosure.

Council was reminded that final by-law amendments are being considered and a 2/3 majority is needed for approval.

MOTION 4

Moved by G. Fox, seconded by C. Egerton

That Council approve, to come into effect on December 15, 2015, the proposed amendments to article 44.1.06 of By-law No. 1: General regarding Additional Register Information, as shown in Attachment 3 to the briefing note, with paragraph 20.1 revised as follows:

- 20.1 A summary of any finding of guilt made by a court or other lawful authority against a member, of which the College is aware, in respect of
- i) any offence under the Criminal Code of Canada,**
 - ii) any offence under the Controlled Drugs and Substances Act, (Canada), or
 - iii) any other offence *which in the opinion of the Executive Director is relevant to the member's suitability to practise nursing*, including,**
 - a. the date of and a brief summary of the finding;
 - b. the date of and the sentence imposed, if any; and
 - c. where the finding is under appeal, a notation to that effect.

CARRIED

MOTION 5

Moved by A. Patel, seconded by M. Tuomi,

That Council approve, to come into effect on September 15, 2015, the proposed amendments to article 44.2.02 of By-law No. 1: General regarding Information from Members as shown in Attachment 3 to the briefing note.

CARRIED

Transparency: Phase 2 by-laws

Council was informed that, based on discussion at the last Council meeting and subsequent research, it is proposed that publication of criminal and drug charges be limited to those that are relevant to a member's suitability to practise nursing.

Council was reminded that the information proposed for inclusion in the second phase of the transparency project is information the public has identified that it wants through the Pollara poll.

The regulator is supposed to be the one trusted source of information about its members. Given the current by-laws, the College has information about members that it does not make available to the public.

It was noted that all of the Colleges participating in the collaborative transparency project have agreed to use oral cautions and specified continuing education and remediation programs (SCERPS) for moderate risk matters and publish those decisions on the register.

The implementation of phase 2 by-laws will also occur in stages. Members will be required to send the College information three months before the information will be published on the register. This will allow the College time to receive and assess the new information.

The President reminded Council that the key question to consider is "what is the public interest rationale for not sharing information?" Council was reminded that the proposed by-laws are being considered for publication. A final decision will be made in June.

MOTION 6

Moved by M. Hogard, seconded by J. Pretti,

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

CARRIED

PRACTICAL NURSE PROGRAM APPROVAL

D. Burger, A. Jewell, N. Sears and M. Sloan declared a conflict of interest and left the meeting.

Council was reminded that the approach used for practical nurse program approval was approved by Council and includes periodic reviews of programs with annual screening of all programs against specific criteria.

MOTION 7

Moved by S. Steele, seconded by C. Barnet,

That the approval statuses of the following programs remain Category 2 Approved with Conditions:

- Centennial College, George Brown College, LaCite College, Seneca College; and

That the approval statuses of the following programs be changed from Category 2 Approved with Conditions to Category 1 Approved:

- Centennial College (Specified Diploma for IENs), Humber College, Mohawk College, Niagara College, Sheridan College.

That the approval statuses of the following programs remain Category 1 Approved:

- Algonquin College, Boreal College, Cambrian College, Canadore College, Conestoga College, Confederation College, Durham Collage, Fanshawe College, Fleming College, Georgian College, Lambton College, Loyalist College, Northern College, Sault College, St. Clair College, St. Lawrence College;

CARRIED

D. Burger, A. Jewell, N. Sears and M. Sloan returned to the meeting.

MEDICATION PRACTICE STANDARD

A. Halloran, Outreach Coordinator provided a presentation on the process for revision of the standard and the major changes in the document. She noted that an extensive consultation approach was used in revising the standard. The proposed standard is principle based, supports evolving practice and is applicable to a wide range of settings.

It was noted that a delayed implementation date is requested to allow for time to inform and educate members about this significantly different standard.

MOTION 8

Moved by L. Sanderson, seconded by C. Williams,

That Council approve the draft *Medication* practice standard, Attachment 1 to the briefing note, to replace the existing *Medication* practice standard, effective May 5, 2015.

CARRIED

FEES BYLAW

In December, Council had agreed to circulate a proposal to increase the evaluation fee for international applicants seeking registration as a registered nurse in the general class. Council received a report on the feedback to the proposal.

Council was reminded that the evaluation is provided by a third party. Due to changes in funding, the third party is increasing its fees. While the fee is set out in the College's Fees By-Law, it is paid directly to the third party provider.

The President reminded Council that a final by-law amendment is being considered and a 2/3 majority is required to approve the change.

MOTION 9

Moved by A. Plumton, seconded by S. Corkey,

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

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

COMMITTEE REPORTS

A. Verrier noted that the work of statutory committees is critical to the College's regulatory mandate. The committee reports are an important accountability mechanism. She identified that it is a requirement of Section 11 of the *Health Professions Procedural Code* that statutory committees present reports to Council each year.

Inquires, Complaints and Reports Committee

A. Verrier noted that there were 134 complaint resolutions in 2014. This is the highest number ever. Resolutions provide a meaningful response to concerns of public and support nurses in reflecting on their accountability. She noted that there has been an overall decrease in health matters.

Client/Patient Relations Committee

A. Verrier highlighted the report on abuse. She highlighted statistics related to the number of reports and complaints about abuse received at the College. She noted that some action was taken in 66% of matters, with about 1/3 being referred to the Discipline Committee for a hearing.

Discipline Committee

N. Sears presented the report of the Discipline Committee. Over the past year, the Committee concentrated on developing processes to improve transparency and predictability of the discipline process. She noted that a group of strong and experienced decision-writers has been developed. She pointed out that cases are growing in complexity. The support of Independent Legal Counsel is vital in those complex cases.

Fitness to Practise Committee

M. Hogard noted that the Committee addressed 94 cases in 2014, a 7% increase over 2013. 18 of the cases were complex with intervener participation and oral evidence from multiple parties. The Committee reviewed three requests to remove information from the register.

Quality Assurance

C. Barnet highlighted the role of the committee. She noted that members who have competency gaps are reviewed several times until they demonstrate the competencies. Over 1,000 members were reviewed in 2014, and 975 were successful. Changes in success rate were:

- General class: 85% in 2014 compared with 60% in 2013; and
- Extended class: 92% in 2014 compared with 84% in 2013.

There was discussion about the reason for the increasing success of members. Council was informed that the increase was largely the result of changes in the peer assessor model allowing members to move through assessments more quickly.

The College continues to identify ways it can support members in understanding and moving through the Quality Assurance process.

Registration Committee

C. Egerton highlighted the report of the Registration Committee. She noted the importance of language proficiency to public safety. The Registration Committee reviewed 1,723 applicants; 31% were related to language proficiency. She highlighted the ways that applicants can demonstrate language proficiency to the committee.

A. Verrier thanked the committee chairs for their reports, noting the vital contribution the statutory committees make to public protection.

EXECUTIVE DIRECTOR UPDATE

P. Reinhart highlighted the renewal process. He reviewed all of the communications that the College undertakes to support members in renewing and highlighted renewal statistics.

A. Coghlan informed Council that P. Reinhart is retiring at the end of April. She acknowledged his significant contribution to the College and noted he is leaving the College in a strong financial position for the future.

Leading in Regulatory Governance

In December, Council committed to undertaking a governance review, learning about good governance and applying good practices. In December, Ruth Armstrong, who will facilitate the governance review, attended Council for discussion about governance.

Council had made a commitment to an evidence based review and to an expert assessment of Council's processes as compared with trends in good governance. A. Coghlan informed Council that Dr. Cathy Trower has been commissioned to undertake the assessment of current College governance. Dr. Trower was attending the meeting and was introduced.

All Council members will be sent a link to a survey that will provide the opportunity to share their perspectives on governance. The survey responses will go directly to Dr. Trower and only aggregate data will be shared with the College.

Council was informed of the preliminary plans for a governance workshop. The evening of June 10th there will be a Council/Leadership Team dinner and Dr. Trower will speak about good governance. The morning of June 11th, Council will have the opportunity to hear about and discuss Dr. Trower's preliminary assessment.

Privacy of Personal Health Information

A. Coghlan informed Council that she was invited by the Office of the Privacy Commissioner to make a presentation at an event marking the 10th anniversary of the *Personal Health*

Information Protection Act. She noted that this was an opportunity to share the College's expertise and the perspective that we need to talk more about the harm that is done when health records are accessed inappropriately.

The invitation to present at this event is an acknowledgement of CNO's leadership in addressing privacy matters, including our prosecution of members who breach standards.

Registration Regulation

A. Coghlan noted that the Registration Regulation revisions in 2010 were massive and that the project was a significant Council/staff collaboration.

The College is reviewing the regulation and its impact to determine if the original objectives were met or if further change is necessary.

Some of the issues that have been raised by members and stakeholders since the regulation came into effect were highlighted. Some can be addressed internally – for example the regulation identifies that members who do not pay fees, are suspended and do not take action to lift the suspension within a month are revoked. The language “revoked” has significant negative connotation with members. There is nothing requiring the College to use the word “revoked” on the register in these instances. The College is exploring alternative language.

Other issues could be addressed with regulation amendments. Members have raised concern with the requirements:

- for members in the non-practising class to sign “non-practising”; and
- that members maintain current practice (3 years) *in Ontario* in order to be a member of the general or extended class.

The College is exploring these issues to determine whether changes to address the concerns can be made without compromising the public interest intent of those requirements.

A. Coghlan highlighted changes in the members of the College's Leadership Team.

EXECUTIVE COMMITTEE

A. Verrier reported that the Executive Committee met three times since the December 2014 Council meeting. Members of Council received copies of the minutes of the meetings.

Two conference call meetings were held to identify potential members of the Task Force on Leading in Regulatory Governance. On February 19, 2015, the Executive Committee focused on plans for the March Council meeting.

FINANCE COMMITTEE

M. Sloan highlighted the report of the Finance Committee's meeting of February 19, 2015. She noted that the committee reviewed the unaudited 2014 year-end financial statements, which are attached to the Finance Committee report. She pointed out that the surplus of \$2.2 million is \$1.6 million more than budget.

MOTION 10

Moved by M. Sloan, seconded by A. Patel,

That the unaudited financial statements for the year ended December 31, 2014 be accepted.

CARRIED

There was a question about how salaries are budgeted. It was noted that the Sub-Committee on Compensation advises the Executive Director and CEO and the Finance Committee on compensation. When the budget is presented, information on changes in the salary budget is included.

A member noted that the variance analysis provided to Council is more extensive than what most other boards receive.

ELECTION OF COUNCIL OFFICERS

Scrutineers

In accordance with the process approved by Council A. Plumton, Chair of the Election and Appointments Committee drew one RN, one RPN and one public member to serve as scrutineers for the election of Council officers.

Chair:

A. Plumton chaired the election of Council officers.

Nominations:

A. Plumton highlighted the following nominations:

President:

- C. Beemer
- N. Sears

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Vice-President – RN

- C. Barnet

Vice-President, RPN

- M. Sloan

A. Plumton called for nominations from the floor. No nominations were presented.

MOTION 11

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

That nominations for the 2015-2016 Council officers be closed.

CARRIED

A. Plumton declared the following candidates elected by acclamation:

Vice-President – RN

- C. Barnet

Vice-President, RPN

- M. Sloan

Election of the Council President

A. Plumton highlighted the process for the election of Council officers. Candidates for President each made a short speech and answered questions.

At the request of the Chair, ballots were distributed to all Council members. After a pause and at the request of the Chair, the scrutineers collected the ballots in the ballot box.

Council broke to allow time to count the ballots.

Election results

After Council reconvened, A. Plumton informed Council that N. Sears was elected President. Her term of office will take effect at the June meeting of Council.

A comment was raised about providing public members with an opportunity to volunteer to serve on other committees. It was suggested that public members may have particular strengths that would be assets to another committee. It was agreed to refer this to the governance Task Force.

MOTION 14

Moved by L. Duffield, seconded by C. Barnet,

That the Council and committee members be appointed to statutory committees and the Finance Committee, effective June 11, 2015, in accordance with the list of committee appointments presented by the Election and Appointments Committee (attachment 1 to the minutes).

CARRIED

ELECTION AND APPOINTMENTS COMMITTEE AND CHAIR

The Executive is recommending appointment of the 2015-2016 Election and Appointments Committee and its chair.

MOTION 15

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

That, effective June 11, 2015, the following be the 2015-2016 Election and Appointments Committee:

S. McGeachy, Chair, C. Balcom, M. Hogard, L. Sanderson, M. Tuomi and D. Walia.

CARRIED

SUB-COMMITTEE ON COMPENSATION

The Sub-Committee on Compensation is an expert committee that advises the Executive Director and CEO and the Finance Committee on staff compensation and Council and committee expenses. The Chair is a member of the Finance Committee.

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A question was raised about whether it might be a perceived conflict for a member of the Sub-Committee on Compensation to also be a member of the Leading in Regulatory Governance Task Force. A Council member noted that the Task Force addressing governance and not operations. It was also noted that both committees are advisory and have no decision making authority.

A. Verrier highlighted the Executive Committee's rationale for its recommendations.

MOTION 16

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

That, effective June 11, 2015, Ella Ferris, Pam Hubley and Dennis Stapinski be the members of the 2015-2016 Sub-Committee on Compensation; and

That, effective June 11, 2015, Pam Hubley be appointed as the Chair of the 2015-2016 Sub-Committee on Compensation.

CARRIED

NEXT MEETING

Council members were reminded that there will be a workshop on governance which will begin the evening of June 10, 2015 and continue the morning of June 11, 2015. The President noted that this is an important Council activity and participation is an accountability of all Council members.

The business portion of the June Council meeting will begin at 1:00 p.m. on June 11, 2015.

CONCLUSION

At 3:15 p.m., it was,

Moved by L. Duffield, seconded by A. Plumton,

That Council conclude.

CARRIED

Chair

APPENDIX 1 **2015-2016 Committee Members**

(Term begins June 11, 2015)

Executive Committee

Nancy Sears, RN, President
Cheryl Barnet, RN Vice-President
Yvonne Blackwood, PM
Debra Mattina, PM
Megan Sloan, RPN Vice-President

Inquiries, Complaints and Reports Committee:

Nancy Sears, RN, Chair
Loy Asheri, RN
Carl Balcom, RN
Cheryl Barnet, NP
Laura Black, RPN*
Yvonne Blackwood, PM
Dalton Burger, PM
David Head, RPN*
Kanji Jain, PM
Joel Kuper, RN*
Debra Mattina, PM
Diana Miles, PM
John Pretti, PM
Katharina Skrzypek, RN*
Megan Sloan, RPN
Shannon Wright, RN*

Discipline Committee

Michael Hogard, RPN, Chair
Jim Attwood, RN
Sarah Corkey, RN
Renate Davidson, PM
Samantha Diceman, RPN*
Spencer Dickson, RN*
Catherine Egerton, PM
Cheryl Evans, RN
Grace Fox, NP
Tammy Hedge, RPN*
Zahir Hirji, RN*
Lindsay Hyslop, NP*
Shiraz Irani, RN*
Lina Kiskunas, RN*
Karen LaForet, RN*
Susannah McGeachy, NP
Mary MacMillan-Gilkinson, PM
Abdul Patel, PM
Winsome Plummer, RN*
April Plumton, RPN
Susan Roger, RN*
Donna Rothwell, RN*
George Rudanycz, RN
Laura Sanderson, RPN
Carleen Shipley, RPN*
Barbara Titley, RPN*
Margaret Tuomi, PM
Devinder Walia, PM
Cathy Ward, PM
Chuck Williams, PM
1 PM vacancy

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Fitness to Practise Committee

Margaret Tuomi, PM, Chair
Candace Bretzer, RPN*
Renate Davidson, PM
Cathy Egerton, PM
Barbara Frayne, RN*
Ashley Friest, RPN
Fotyne Georgopoulos, RPN*
Deborah Graystone, NP
Michael Hogard, RPN
Mary MacMillan-Gilkinson, PM
Christine Noels, RN*
Archana Patel, RN*
David Remy, RN*
Sheelagh Rutherford, RN*
Sarah Schell, RPN*
Fern Tarzia, RN*
Chuck Williams, PM

Finance Committee

Cheryl Barnet, NP Vice President, Co-Chair
Megan Sloan, RPN Vice-President, Co-Chair
Nancy Sears, RN, President
Catherine Egerton, PM
Pam Hubley, RN*
Andrea Jewell, RN
Laura Sanderson, RPN
Cathy Ward, PM

Quality Assurance Committee

Andrea Jewell, RN, Chair
Kevin Boake, RPN*
Kanji Jain, PM
Joe Jamieson, PM
Debra Mattina, PM
Janice McCallum, RN*
Desiree-Ann Prillo, RPN
Debbie Rickeard, RN*
Devinder Walia, PM
Heather Whittle, NP

Registration Committee

Cathy Egerton, PM, Chair
Cheryl Beemer, RN
Dalton Burger, PM
Sabrina Cestola, RPN*
Carrie Heer, NP*
Connie Manning, RPN
Debra Mattina, PM
Maureen Ralph, RN*
Sarah Salah, RN*
Cathy Ward, PM

* Appointed committee member