

Minutes

Present

N. Sears, Chair
L. Asheri
C. Barnet
C. Beemer
Y. Blackwood
D. Burger
S. Corkey
R. Davidson
C. Egerton
C. Evans
G. Fox

D. Graystone
M. Hogard
J. Jamieson
A. Jewell
R. MacKay
M. MacMillan-Gilkinson
C. Manning
D. Mattina
S. McGeachy
A. Plumton

D. A. Prillo
J. Pretti
G. Rudanycz
L. Sanderson
M. Sloan
M. Tuomi
D. Walia
C. Ward
H. Whittle
C. Williams

Regrets

J. Attwood
C. Balcom

A. Friest
K. Jain

D. Miles

Guest

B. MacKenzie, Hilborn LLP

Staff

J. Anderson
A. Coghlan

J. Hofbauer, Recorder
K. McGovern

C. Stanford

President's Goals and commitments

N. Sears welcomed members to the first meeting of the 2015-2016 Council. She highlighted her goals and her commitments for the coming year. She informed Council that she will be sending an e-mail to all members and that she is interested in staying in touch with members between meetings.

Agenda

The agenda had been distributed in advance. N. Sears pointed out that the auditor will be joining Council at 2:00 p.m. to present the 2014 audited financial statements. For that reason, the Finance Committee report will be addressed out of order.

Motion 1

Moved by C. Egerton, seconded by R. MacKay,

That the agenda for the June 11, 2015 Council meeting be approved.

CARRIED

Minutes

Minutes of the Council meeting of March 12, 2015 had been circulated.

Motion 2

Moved by C. Williams, seconded by J. Pretti,

That the minutes of the Council meeting of March 12, 2015 be approved as circulated.

CARRIED

Task Force on sexual abuse of patients

Council members had received copies of correspondence with the Task Force on Sexual Abuse of Patients, including a recent letter. Another letter from the Task Force was received recently. It is requesting clarification of information submitted previously. The letters were sent to all health regulators. Once complete, Council members will be sent the College's responses, for information.

Annual Report

Council members received a printed copy of the content that will be included in the College's on-line Annual Report.

A. Coghlan noted that the Annual Report meets the College's statutory requirement to provide an annual report to the Minister of Health and Long-Term Care and provides a summary of College accomplishments for members, the public and stakeholders.

She noted that 2014 was a foundational year for the College and much of the work done was supporting results expected in 2015. For example, the College's new information system will launch in the fall of 2015 with online applications.

The videos that accompany the Annual Report and will appear on YouTube were screened.

There was a question about the difference in the quality assurance program's approach to assessing members of the general class (RNs and RPNs) compared to the assessment processes for Nurse Practitioners (NPs). It was noted that for NPs there is an additional component where peer assessors come to the workplace to assess competencies for some of the selected Nurse Practitioners. The College implemented the workplace peer assessments with Nurse Practitioners because they have an extended scope of practice and the risk to the public is greatest. The College is exploring how a similar process might enhance the quality assurance program for general class nurses in the future.

In response to a question about quality assurance programs in other North American jurisdictions, A. Coghlan noted that this is probably the area most discussed when regulators meet. Different approaches are used by different professions. Nursing is particularly challenged because of large numbers of members. Many nursing regulators have followed the College's model. Nursing regulators in the United States have been reluctant to implement a continuing competence programs because there has not been sufficient evidence of the benefits to the public.

A. Coghlan noted that the College has begun exploring the application of risk factors to regulatory decision making. This will be discussed with Council in the future. With 160,000 members, a risk based approach may support an enhanced quality assurance program.

Another member asked if the start-up of the National Nursing Assessment Service has reduced the time it takes for international applicants to be registered. It was noted that the College has just started receiving files from the service and cannot make a determination since no applicants have yet completed the process. The College expects to have more data in the future.

A member asked how the College engages with employers and if the role of outreach includes ensuring that facilities have the staff needed to provide safe care and have appropriate staffing models. The College does not address staffing models. Within the regulatory mandate, the focus of the outreach program is to support the ongoing application of College standards in facilities. The program is designed to support sustainable change.

The College is also engaging with employers to assist them in understanding their role in monitoring members with terms, limits and conditions on their certificates of registration. The College will be developing a tool to help employers who are involved in the monitoring process.

There was a question about the initial feedback to the NCLEX-RN examination. A. Coghlan noted that while there is no data at this time, the anecdotal reports are positive. It is hoped that

by August there will be enough data that an analysis can be prepared and shared nationally. When that information is available, it will be shared with Council.

The President noted that about 150 students from the program where she teaches are taking the examination. They have been receiving results within 4 days of writing the examination. She expressed an interest in seeing if this has an impact on the time needed to become registered in Ontario.

A. Coghlan informed Council that regulatory bodies that use the NCLEX-RN exam have an opportunity to review questions under the same conditions that applicants would have when taking the examination. The purpose is to see if there are any questions that are inappropriate given the regulatory legislation. She and J. Anderson participated in a review and did not identify any concerns with the exam questions.

Motion 3

Moved by G. Fox, seconded by A. Plumton,

That the 2014 Annual Report be approved.

CARRIED

Fees by-law amendment

The President noted that the by-law changes are being approved for notice and circulation and will return to Council in September with a report of the feedback.

Two changes are proposed to maintain the principle of application fees being self-funding.

It was confirmed that while the College's fee for the RPN examination is decreasing, the addition of an administrative fee from the examination provider means that the overall costs for applicants will be increasing. This is to support a change in the national entry to practice exam from paper-based to computer-based examination.

Motion 4

Moved by C. Egerton, seconded by D. Mattina,

That Council approve the proposed amendments to By-Law No. 2: Fees, as shown in column 2 of attachment 1, for notice and circulation.

CARRIED

Finance Committee Report

M. Sloan presented the report of the Finance Committee meeting of May 21, 2015.

M. Sloan introduced Blair MacKenzie from Hilborn LLP. She reported that he had met with the Finance Committee without staff present and neither the committee nor the auditors had concerns about the financial operations of the College.

2014 Audited Financial Statements

Council members had received the audited financial statements as at December 31, 2014.

B. MacKenzie reviewed the roles of the three parties that participate in an audit. He noted that Council's role is oversight and that College management prepares the financial statements. The auditor adds third party credibility to the statements and confirms whether the statements fairly present the financial situation of the College.

He reviewed the three phases of the audit – the pre-audit where there is a dialogue with the Finance Committee about the plan and strategy for the audit, the field audit and the post audit.

He explained that the auditors review accounting policies, internal controls and also have discussions with outside service providers such as bankers, lawyers and actuaries, to confirm information provided by staff. He informed Council that the College has strong internal controls and that the College's accounting policies reflect best practice.

The College is now in the post-audit phase. B. MacKenzie reported that he met with the Finance Committee and reviewed the statements in detail. He pointed out that the auditor's report confirms the auditor's independence and provides the auditor's opinion on the statements. The report confirms that the statements are an accurate reflection of the College's financial well-being.

There was a question about the level of the surplus and whether the College should be concerned about impacts with the Canada Revenue Agency. B. MacKenzie noted that the Agency has been reviewing the surplus status of not-for-profit organizations. Organizations with surpluses that the Canada Revenue Agency assesses as inappropriate risk losing their tax free and charitable status.

B. MacKenzie informed Council that the College's current surplus falls within the College's benchmark of between 3 to 6 months of annual expenses. He informed Council that he thinks the Canada Revenue Agency would find the College's current surplus acceptable.

Motion 5

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

That the audited financial statements for the year ended December 31, 2014 be approved.

CARRIED

Pension Plan Trust Fund audited statements

Council members had received the audited financial statements of the College's Pension Plan Trust Fund for the year ended December 31, 2014.

B. MacKenzie noted that the same audit process is used for the trust fund as for the College's statements. He explained that these statements address only the assets of the trust fund and do not include the liabilities. That is because the statements are prepared to meet the requirements for filing statements with the Financial Services Commission.

Again, he confirmed for Council that, within the limitations of the statement, they are an accurate reflection of the Trust Fund's assets.

Motion 6

Moved by R. Davidson, seconded by H. Whittle,

That the audited pension plan trust fund statements for the year ended December 31, 2014 be approved.

CARRIED

B. MacKenzie left the meeting

Unaudited Financial Statements

Council members had received the unaudited financial statements as at March 31, 2015, including detailed notes regarding variances. M. Sloan reported that the Finance Committee reviewed the statements in detail. She noted that the surplus of approximately \$2.1 million is \$1.1 million more than budgeted; the bulk of the variance being a positive expense variance of approximately \$843,000.

In accordance with changes in accounting standards, the statements now include pension plan liabilities and are a more accurate reflection of the College's financial well-being.

Motion 7

Moved by M. Sloan, seconded by M. Tuomi,

That the unaudited financial statements for the three months ended March 31, 2015 be approved.

CARRIED

Auditor Appointment

In accordance with the by-laws, Council appoints the auditor for the coming fiscal year. M. Sloan informed Council that the Finance Committee is recommending the reappointment of Hilborn LLP. She reported that the Committee is confident that Hilborn LLP bring added value to the College.

Motion 8

Moved by M. Sloan, seconded by D. Mattina,

That Hilborn LLP be appointed as College auditor for the 2015 fiscal year.

CARRIED

Transparency

N. Sears reminded Council that the discussion of transparency is a continuing issue. She noted that there are a number of by-law changes being recommended and proposed that Council discuss each of the proposals and make decisions separately.

To support a common understanding, K. McCarthy, Manager of Strategy presented an overview of the transparency project.

Council discussed the proposal to publish on the register when members are required to complete specified continuing education and remediation programs (SCERPs) or to attend cautions in person. Members and stakeholders had raised concerns about the potential for publishing these decisions, including issues related to procedural fairness.

Council members noted that without a defined process for removal, the register would list old, possibly decades old, cautions in person and SCERPs that are no longer relevant to current practice or the public interest. There was concern about how relevant and meaningful this information would be to the public and about fairness to members.

It was noted that, in her capacity as registrar, the Executive Director and CEO has the authority to remove information from the register when there are reasonable grounds to believe the information is “obsolete and no longer relevant to the member’s suitability to practise” [S23.(7)]. The processes in place to support the Registrar in making such decisions were outlined.

It was noted that there was reference in the feedback to the potential for a legal challenge to the publication of outcomes from the Inquiries, Complaints and Reports Committee (ICRC). Council was reminded that the College’s Legal Counsel drafted the by-laws and other colleges will be posting the same information.

It was acknowledged that ultimately the courts may need to weigh in on whether the by-laws contravene the confidentiality provisions of the *Regulated Health Professions Act*. The previous Minister of Health and Long-Term Care declined to amend the legislation and told the Colleges that they could address transparency through by-law. If the courts determine the by-laws to be contrary to the legislation, the Colleges could request that the legislation be amended.

The potential to approve the by-laws at this time with recommendations for timelines and other conditions for removal of information from the public register to come forward at the next meeting was not supported. Council preferred deferral of the by-laws related to outcomes of the Inquiries, Complaints and Reports Committee until the next meeting so that the decisions could be made with all of the required information.

It was identified that Council members had the information needed for decision-making about the proposed by-law amendments related to criminal charges, discipline findings in other jurisdictions/professions, registration in other jurisdictions and nurse practitioner privileges.

A member noted that the proposed register context for criminal charges clearly identifying that the member had not been found guilty of the offence addressed previous concerns that the public and employers might misinterpret this information.

The President suggested that Council first address the Phase 2 by-laws exclusive of those related to the decisions of the Inquiries, Complaints and Reports Committee and then make a decision about the ICRC by-laws.

Motion 9

Moved by C. Beemer, seconded by R. MacKay,

That Council approve the recommended by-law changes regarding criminal charges, discipline findings in other jurisdictions/professions, registration in other jurisdictions and Nurse Practitioner privileges as outlined in the briefing note.

CARRIED

Council then returned to discussing cautions in person and SCERPs.

Motion 10

Moved by G. Rudanycz, seconded by D. Mattina,

That decision on the proposed by-laws related to cautions in person and specified continuing education and remediation programs, as outlined in the briefing note, be deferred until the September Council meeting with direction that staff bring forward considerations for removal of cautions in person and SCERP information from the register.

CARRIED

Council members asked to receive the following information in September:

- More information about the ICRC risk assessment framework, and how the ICRC would apply the framework in its work;
- Clarification of the process and criteria the Executive Director and CEO, in her capacity as Registrar, would use to determine whether to remove cautions in person and SCERPs from the register;
- The approach other AGRE colleges are taking to removal of cautions in person and SCERPs from the register; and
- Options and recommendations regarding processes, timeframes and considerations for removal.

A member queried how the decision of Council was in the public interest. It was identified that delay of the decision until September will have no effect on the proposed December 15, 2015 start date for posting the new information on the register. Having Council do its due diligence up front and consider the by-laws with all of the contextual information will support making a decision in the public interest.

Executive Committee

Council received minutes of Executive Committee meetings of March 25, 2015 and May 21, 2015, for information.

Executive Director Update

J. Anderson, Director of Professional Practice highlighted recent approaches used by the outreach program to engage nurses in understanding and applying College standards. She noted that creative approaches, such as using photographs to interpret standards and regulation, are opening new opportunities for engagement with members.

A. Coghlan noted the importance of strategic collaborations to achieving the College's mission and vision.

She updated Council on the spring meeting of the International Nurse Regulator Collaborative. She reported that the group has had success with its first priority, a statement of social media, which is posted on the College's web site.

The Collaborative was interested in hearing about the work being done in Ontario on the issue of regulatory transparency.

A. Coghlan noted that the next area of focus for the Collaborative is nursing across jurisdictions. In an increasingly mobile and technological world, many health care providers are caring for patients in other jurisdictions.

The Collaborative has identified the following common client focused principles to support regulators in their deliberations about cross-border health care:

- The nurse must be regulated in the jurisdiction where the patient is cared for;
- The nurse must practice in accordance with laws of the jurisdiction where the patient is cared for;
- When practicing between countries, the nurse has an obligation to identify their registration status to the patient.

The Canadian Council of Registered Nurse Regulators has begun discussion about the same issue and will be guided by principles developed by the Collaborative.

The regulatory implications of changes in the way that practice is being delivered, such as cross border practice and tele-practice will be a future discussion for Council.

When nurses move between jurisdictions and seek registration, information is sought from other regulators. In the US, the National Council of State Boards of Nursing has developed Nursys®, which is a sophisticated platform that allows regulators and the public to access information on nurses licensed by members of the State Boards. As an associate member, the College has requested access to Nursys®.

The National Council has offered an innovative opportunity to work with Canadian regulators to develop a similar data base of Canadian nurses. The National Council will share its platform with Canadian regulators. The data would reside in Canada.

RN and LP regulators in Canada are working on a project plan and a funding request to the federal government.

The first policy issue that the Canadian regulators will need to address is establishing a unique identifier for each nurse in Canada. That is necessary to know if the Jane Doe in Ontario is the same person as the Jane Doe in Nova Scotia, Quebec and British Columbia.

The College's expertise in systems development and knowledge management is proving beneficial to this project.

Committee Appointments

In accordance with by-laws, the Executive filled mid-term committee vacancies and Council confirmation is required.

Motion 11

Moved by A. Plumton, seconded by G. Fox,

That Council confirm the appointments of:

- Rob MacKay, public member, to the Discipline Committee until June 2016; and
- Kyle Nielsen, RN to the Inquiries, Complaints and Reports Committee until June 2018.

CARRIED

Next meeting

Council will meet again on Thursday, September 10, 2015.

Conclusion

At 4:35 p.m., on the conclusion of all business, it was

Motion 12

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

That Council conclude.

CARRIED

Chair