



Council

Thursday, December 3, 2015 at 9:00 a.m.

Minutes

Present

N. Sears, Chair
L. Asheri
J. Attwood
C. Beemer
Y. Blackwood
D. Burger
S. Corkey
R. Davidson
C. Egerton

C. Evans
G. Fox
A. Fox
D. Graystone
M. Hogard
A. Jewell
R. MacKay
M. MacMillan-Gilkinson
C. Manning
D. Mattina

S. McGeachy
A. Plumton
D. A. Prillo
G. Rudanycz
L. Sanderson
M. Sloan
M. Tuomi
D. Walia
C. Ward
H. Whittle

Regrets

C. Balcolm
C. Barnet
J. Jamieson

A. Molloy
N. Osbourne James

J. Pretti
C. Williams

Staff

J. Anderson
A. Coghlan

J. Hofbauer, Recorder
K. McGovern

S. Mills
C. Stanford

Agenda

The agenda had been circulated.

Motion 1

Moved by M. Hogard, seconded by R. MacKay,

That the agenda for the December 3, 2015 Council meeting be approved as circulated.

CARRIED

Minutes

Minutes of the Council meeting of September 10, 2015 had been circulated. Due to a number of typographical errors, a corrected version had been posted on the Council portal.

Motion 2

Moved by G. Fox, seconded by L. Sanderson,

That the minutes of the Council meeting September 10, 2015 be approved as corrected.

CARRIED

Notes of the Council/Leadership Team Governance Workshop had been circulated.

Motion 3

Moved by D.A. Prillo, seconded by H. Whittle,

That the notes of the Council/Leadership Team Governance Workshop of September 10, 2015 be approved.

CARRIED

Finance Committee

M. Sloan presented the report of the Finance Committee meeting of November 12, 2015.

Financial statements

M. Sloan informed Council that the Finance Committee had reviewed the financial statements in depth. S. Mills explained the impact of the cancellation of a contract related to the development of the College's new information system. He reviewed the accounting adjustments related to the software development and informed Council that the work on business process redesign remains of value to the College.

Motion 4

Moved by M. Sloan, seconded by J. Attwood,

That the unaudited Financial Statements for the nine months ended September 30, 2015 be approved as circulated.

CARRIED

It was noted that, while the timeframes for implementing the new system have been impacted, the College is now pursuing a collaborative solution with another regulator. Council will receive an update in *What's Hot*.

Compensation principles

The Compensation Principles, approved by Council, are the foundation of the College's compensation program. As set out in the Sub-Committee on Compensation's Terms of Reference, the principles are reviewed biennially and any changes are recommended to the Finance Committee. Based on the input of the Sub-Committee, the Finance Committee is recommending a small change to clarify the principle related to fiscal responsibility.

Motion 5

Moved by M. Sloan, seconded by M. Hogard,

That the proposed revised Compensation Principles, as they appear in attachment 3 to the briefing note be approved.

CARRIED

President's Honorarium

N. Sears declared a conflict of interest, requested that M. Sloan take the Chair and left the room. Based on a recommendation from the Sub-Committee on Compensation, the Finance Committee is recommending an increase to the President's honorarium and a method to determine the increase going forward.

Motion 6

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

That:

- Effective January 1, 2016, the President's honorarium be increased to \$5,500;
- Every five years, the Bank of Canada Inflation Calculator be used to calculate the proposed increase to the President's honorarium, such proposed increase to be adjusted up to the next \$100; and
- Council will review and make a decision about the recommended increase.

CARRIED

N. Sears returned to the meeting and assumed the Chair.

Budget

S. Mills highlighted the budget. He noted that with the new approach to development of the information system, capital costs will be lower because the College is sharing in development costs. The budget and projections include the anticipated costs for the new system.

He flagged that due to the decreasing accumulated surplus, the Finance Committee will be exploring options for fee increases and will bring a recommendation to Council in March. M. Sloan noted that the College has met the commitment it made to hold the fee for five years when it was last increased.

Motion 7

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

That the 2016 operating and capital budgets be approved.

CARRIED

In Camera Session

N. Sears requested a motion to move to an in-camera session.

Motion 8

Moved by R. Davidson, seconded by H. Whittle

That, in accordance with Section 7(2)(b), Council hold an in-camera session to discuss a financial matter.

CARRIED

Minutes of the in-camera session are in a confidential appendix to the meeting minutes.

Sexual abuse prevention – the limits of the relationship

N. Sears noted that the legislative framework for health professions is zero tolerance of sexual abuse of patients. She reminded Council that sexual abuse of patients has become a high profile issue again and the report of the Task Force on the Prevention of Sexual Abuse of Patients and the *Regulated Health Professions Act* is due shortly.

Dr. Ruth Gallop presented on *Sexual Abuse Prevention – the limits of the relationship*. She addressed the nature of abuse, the impact of sexual abuse, boundary violations and the risks posed by social media. She noted how complex the issues are and how easy it is to cross appropriate boundary in the nurse-patient relationship.

Following the presentation, there was discussion about social media, the need to recognize the power nurses have in the nurse/patient relationship, the recent changes in legislation related to spousal exemptions, and how to prevent a provider's innate kindness from resulting in a boundary violation.

N. Sears thanked Dr. Gallop.

Transparency

N. Sears highlighted the history of the transparency issue. She noted that, in June, Council had selected a preferred approach to removal from options and in September, Council had approved draft by-laws for circulation.

Council needs to decide whether to approve:

- an editorial change to previously approved by-law; and
- the published articles related to removal of cautions in person and specified continuing education and remediation programs.

Editorial Change

An editorial change is proposed to article 44.1.06 8.2 to make the wording congruent with the legislation. N. Sears reminded Council that a final decision regarding a by-law requires a 2/3 majority.

Motion 9

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

That Council approve the following editorial amendments to Article 44.1.06:

- 8.2 If an application to the Discipline Committee for reinstatement has been ~~scheduled~~ **referred to the Discipline Committee and the hearing date has been set**,
- a. the date of the hearing ~~if the hearing date has been set~~;
 - b. if the hearing has commenced but not yet completed, the next scheduled date for the continuation of the hearing, if the hearing was adjourned to a specific date, or, if the hearing was adjourned without a specific date, a notation to that effect; and
 - c. if the hearing of evidence and arguments is completed and the parties are awaiting a decision of the panel of the Discipline Committee, a statement of that fact.

CARRIED

Removal of cautions in person and specified continuing education and remediation programs

N. Sears reminded Council that the proposed by-laws reflect the option for removal selected in June.

There was some discussion about the wording and it was suggested it could be clearer if the word *since* in the stem was replaced with *after*. It was noted that the wording of by-laws is legal and is chosen for consistency with the legislation and internal consistency within the by-law. A plain language explanation of the process will be prepared.

It was agreed to approve the by-law as proposed and to check with legal counsel about changing the wording, in order to be clearer.

Motion 10

Moved by Plumton, seconded by G. Fox,

That Council approve, to come into effect on December 15, 2015, the proposed additions for removing cautions in person and specified continuing education or remediation programs from the register, as they appear in articles 44.1.08 and 44.1.09 of *By-law No. 1: General*, shown in Attachment 2 to the briefing note.

CARRIED

In Ontario – Declaration of Practice

E. Tilley presented background on the issues related to the requirement for recent practice to be in Ontario. Three options had been developed based on the discussion at the Council meeting and congruent with approaches taken by other regulators. Staff are recommending removal of “in Ontario”. There is no evidence that additional regulatory requirements are needed to mitigate risk. Council identified that in the future it would be helpful to have briefing materials include ‘pros and cons’ analyses for options.

There was discussion about how the College might monitor for risk caused by removing “in Ontario”. The College is exploring how to capture data according to risk and this input will be helpful.

Motion 11

Moved by H. Whittle, seconded by C. Evans,

That Council supports removing “in Ontario” from the declaration of practice requirements set out in Part II of Regulation 275/94 under the *Nursing Act, 1991*.

CARRIED

Nurse Practitioner Program Approval

It was noted that Nurse Practitioner program approvals are expiring. There is no evidence that the programs are not meeting standards.

There was discussion about the implementation of the new program approval framework and standards. An update will be provided to Council in March.

There was also discussion about the entry to practice programs for Nurse Practitioners. Council was informed that the national Nurse Practitioner practice analysis undertaken by the Canadian Council of RN Regulators has been completed and will contribute to consistent entry to practice

competencies. It is the role of educators to determine the education required to meet the competencies.

Motion 12

Moved by G. Fox, seconded by R. MacKay,

That the approved statuses of the following Nurse Practitioner Programs be extended until Council issues a new approval status, or December 2018, whichever comes first:

- a) University of Toronto
 - Nurse-Practitioner Field Program (Adult Stream)
 - Nurse-Practitioner Field Program (Paediatric Stream)
 - Nurse-Practitioner Field Program (Primary Health Care – Global Health Stream)
- b) McMaster University
 - Advanced Neonatal Nursing Program
- c) Council of Ontario University Programs in Nursing (COUPN)
 - Ontario Primary Health Care Nurse Practitioner Program, as outlined in Attachment 1 to the briefing note.

CARRIED

Reporting on the Strategic Plan

B. Knowles presented key performance indicators developed by staff to measure outcomes related to achieving the strategic objectives. He noted that there are both quantitative and qualitative key performance indicators.

There was discussion of the Council's role in the development of key performance indicators. At the time the plan was developed, Council delegated the development of indicators to staff.

Council reviewed each of the key performance indicators and provided feedback.

It was noted that the key performance indicators will be the foundation of the report on the Strategic Plan for 2015. The report will be presented to Council in March of 2016 and it will include a graphic dashboard.

A question was raised about a key performance indicator on the financial health of the College. The current key performance indicators measure achievement of the strategic plan. The College is exploring operational indicators.

Regulatory governance

N. Sears reviewed the history of the governance project. She noted that in September, Council discussed the culture it wants and identified some “quick wins” that could be considered for early implementation to begin the culture shift.

She noted that some of the quick wins have already been implemented and an implementation timetable is recommended for the remaining quick wins. The quick wins were individually reviewed and feedback provided.

There was discussion about whether it was appropriate to make any change before a final report is presented by the Task Force. It was identified that the quick wins are not part of a governance structure – whatever model is selected these are changes that Council will want. These proposed changes were identified by this Council and it was identified as important that this Council move them forward. It was identified that the nimbleness, flexibility, and ability of the Task Force to act on feedback from Council is helpful.

Executive Director Update

NCLEX

B. Knowles noted that the College has been monitoring the results of the NCLEX exam and exercising due diligence that all aspects of the contract has been met. An update on some of the NCLEX-RN pass/fail statistics was provided to Council.

It was noted that there is a letter writing campaign about the examination. If Council members receive letters, they should be sent to the Council Affairs Coordinator for response.

Transparency

The government has started an initiative to modernize the regulation of health professionals. At this time, the only thing that is certain is the establishment of a transparency working group. The College is participating on the working group. The government plans to build on the work done by the AGRE colleges. Council will be updated as this initiative progresses.

RN Prescribing

Council was informed that the government has made a decision to introduce RN prescribing and asked the Health Professions Regulatory Advisory Council (HPRAC) to recommend a model of prescribing. HPRAC will begin its consultation in mid-December. Depending on the timeframe for response, a response may need to be approved by the Executive and sent with the caveat that Council will have the opportunity for further comment in March.

Public information Campaign

Council was informed that the college’s new public information campaign was about to be launched with the theme of focusing on your safety. There was discussion about the choice of newspaper for advertising. A change was adopted this year to reach a different audience.

Staffing

The new Manager of Practice Standards, Nancy Peroff-Johnston was introduced.

Executive Committee

Minutes of the Executive Committee meetings of September 24, 2015 and November 12, 2015 were shared with Council.

Committee Appointment

Due to a resignation of a public member serving on the Inquiries, Complaints and Reports Committee, the Executive appointed N. Osbourne James to the committee.

Motion 13

Moved by C. Ward, seconded by D. Burger,

That the appointment of Nicole Osbourne James to the Inquiries, Complaints and Reports Committee until June 2016 be confirmed.

CARRIED

Next Meeting

Council will meet again on March 10, 2016. A Council workshop will be held the afternoon of March 9, 2016.

Conclusion

At 4:50 p.m., on conclusion of the agenda, it was

Motion 14

Moved by R. MacKay, seconded by L. Sanderson,

That Council conclude.

CARRIED

Chair