

Minutes

Present

M. Sloan, Chair
P. Andrade
C. Barnett
C. Beemer
D. Burger
D. Cutler
R. Davidson
T. Dion
C. Egerton
C. Evans
A. Fox

G. Fox
J. Furletti
D. Graystone
M. Hogard
T. Holland
A. Jewell
R. MacKay
C. Manning
D. Mattina
A. Molloy
N. Osbourne James

D. A. Prillo
S. Robinson
L. Sanderson
M. Tuomi
D. Walia
C. Ward
C. Williams
H. Whittle
I. Wiltshire-Stoby

Regrets

Y. Blackwood
J. Jamieson

M. MacMillan-Gilkinson

G. Rudanycz

On Invitation

A. Bromstein

B. MacKenzie

Staff

J. Anderson
A. Coghlan

J. Hofbauer, Recorder
K. McGovern

S. Mills
C. Stanford

Agenda

The agenda had been circulated. The President flagged that some agenda items might be addressed out of order.

Motion 1

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

That the agenda for the June 9, 2016 meeting of Council be approved as circulated.

CARRIED

The Executive Committee had recommended closure of the meeting to receive advice from legal counsel.

Motion 2

Moved by A. Molloy, seconded by D. Walia,

That the public be excluded from Council at approximately 9:30 a.m. pursuant to clause 7(2)(e) of the *Health Professions Procedural Code* of the *Regulated Health Professions Act, 1991* because opinions will be received from the solicitor for the College.

CARRIED

Minutes

Minutes of the Council meeting of March 10, 2016 had been distributed. It was noted that these are the first Council minutes that include the actions arising from Council decisions.

Motion 3

Moved by N. Osbourne James, seconded by D.A. Prillo,

That the minutes of the Council meeting of March 10, 2016 be approved as circulated.

CARRIED

Minutes - Confidential Appendix

The confidential appendix to the minutes of the March 10, 2016 Council meeting had been distributed.

Motion 4

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

That the confidential appendix to the minutes of the March 10, 2016 Council meeting be approved as circulated.

CARRIED

Council members were reminded to return the confidential minutes.

Appointment of public members to the Executive

In March, Council members had expressed concern regarding the process for the selection of the public members being recommended by the Election and Appointments Committee for appointment to the Executive Committee. Council deferred appointment of the public members of the Executive Committee to the June Council meeting.

An outline of the Election and Appointments Committee's process for developing the recommendation and the rationale for the proposed members had been circulated.

Motion 5

Moved by A. Molloy, seconded by R. MacKay,

That D. Burger and D. Mattina be appointed as the public members of the 2016-2017 Executive Committee.

CARRIED

In-camera session

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

Registration Regulation

M. Sloan noted that recommendation of regulations to government is an accountability of Council. Council received the proposed amendments to the registration regulation and the rationale for the proposed changes.

A. Bromstein, legal counsel, attended Council to address questions about the legal drafting.

E. Tilley, Policy Analyst, outlined the policy rationale for the proposed changes. She noted that the registration regulation came into effect on January 1, 2013 and that the College recently reviewed the regulation to determine whether the provisions:

- facilitate timely evidence informed decisions; and

- keep the public safe while removing any unnecessary barriers to securing and maintaining registration.

Exam writes

E. Tilley noted that the current regulation limits applicants to three opportunities to write and pass the entry-to-practice examination. The proposed regulation will allow Council to determine the specific number of writes for any examination, based on the unique features of a particular examination. This will allow for more timely decisions as a change in regulation will not be required.

The proposed amendments recognize that each examination is a valid and reliable measure of an applicant's ability to meet entry to practice competencies. This means that if there is more than one approved examination, applicants would have three opportunities to successfully complete each examination.

Currently, while most applicants have a range of options to meet the program requirement, applicants who fail the examination three times are limited to one option. The proposed amendments remove the limitation so all applicants can meet the program requirement through any of the options available in the regulation.

Practice Declaration

Council was reminded that it had supported removing "in Ontario" from members' annual declaration of practice in December of 2015.

E. Tilley outlined how the regulatory landscape has changed since Council decided to require that current practice be "in Ontario". The recent practice requirement for members is inconsistent with the requirement for applicants who can meet the requirement with evidence of recent practice from outside Ontario.

There was discussion about the systems in place to ensure that the public is protected. It was noted that the College is working with regulatory colleagues to enhance the cross-jurisdictional sharing of information about members.

Editorial changes

E. Tilley noted that there are several editorial changes in the regulation. Some of the proposed changes will align the recent practice requirements of the temporary class to those of other classes.

It was confirmed that the limitations around the temporary class will continue: the certificate is valid for six months and is automatically revoked if a member of the temporary class fails the entry-to-practice examination.

M. Sloan reminded Council that the regulation is being approved for notice and circulation.

Motion 6

Moved by A. Molloy, seconded by D. Cutler,

That the proposed amendments to Part II (Registration) of Ontario Regulation 275/94 (General) under the *Nursing Act, 1991*, as shown in Attachment 3 to the briefing note, be approved for notice and circulation to members and stakeholders.

CARRIED

In March, at the request of the government, Council had requested an abridgement of the circulation timeframe for the proposed regulation amendments from 60 to 45 days. Council received copies of a letter from the Minister of Health and Long-Term Care granting a 30-day abridgement and encouraging Council to expedite decision-making on the regulation.

Motion 7

Moved by M. Hogard, seconded by G. Fox,

That, in accordance with subsection 95(1.6) of the *Health Professions Procedural Code of the Regulated Health Professions Act* and the approval from the Minister of Health and Long-Term Care in his letter of June 7, 2016, Council abridge the 60-day consultation period referred to in subsection 95(1.4) to 30 days for the proposed amendments to the registration regulation (Part II of Ontario Regulation 275/94, made under the *Nursing Act, 1991*, as amended), approved for circulation on June 9, 2016.

CARRIED

The consultation will end on July 11th. There will be a special teleconference Council meeting to make a final decision about the regulation. In accordance with the College's by-laws, the meeting date will be set by the President and members will be notified of the date and time.

Alan Bromstein left the meeting

Follow-up Action

Circulate proposed amendments to the registration regulation for 30 days
Prepare report of the feedback to the proposed amendments
Executive Director and CEO

Schedule special Council meeting to make a final decision about the proposed registration regulation
President

NCLEX – RN

Council received results of a collaborative review of the NCLEX-RN undertaken by the Canadian Council of RN Regulators. Evidence was presented that, due to the unique nature of the NCLEX-RN, every writing of the examination is a valid test of an applicant's readiness to enter practice.

It was noted that removal of the limitation on the number of writes for the NCLEX-RN is being reviewed across Canada.

Council was reminded that change will only be possible if and when the proposed changes to the registration regulation are approved by Council and the provincial government. Council's consideration at this time will support the national collaboration and also assist staff in planning for implementation.

It was identified that it will be important to assist members of the public in understanding how the public is protected when a candidate passes the examination after multiple attempts.

It was also suggested that there be a communication plan so that RPNs who will be writing a computerized examination understand the reason for continuing limitations on writes for their examination.

Motion 8

Moved by C. Egerton, seconded by C. Manning,

That Council approve the removal of a limit on the number of attempts for the National Council Licensure Examination for Registered Nurses (NCLEX-RN), subject to approval by Council and the government of changes to Part II (Registration) of Ontario Regulation 275/94 (General) under the Nursing Act, 1991, approved for circulation and notice on June 9, 2016, such changes to allow Council to determine the number of writes for the NCLEX-RN.

CARRIED

Follow-up Action

Develop implementation and communication plans
Executive Director and CEO

Celebrate Success

M. Sloan noted that one of the quick wins suggested by Cathy Trower and adopted by Council was to take time to reflect on success. M. Sloan presented an overview of the major achievements of the 2015-2016 Council related to governance, transparency and monitoring the strategic plan.

Annual report of the College

M. Sloan noted that the Annual Report is a report of operations and is the accountability of staff. It is submitted to the Minister of Health and Long-Term Care to fulfill the requirements of Section 6 of the *Regulated Health Professions Act*. It is Council's role to approve the report for forwarding to the Minister.

A. Coghlan noted that this Annual Report has been written for the public, with clear language and focusing on issues most relevant to the public. The concept of public safety is threaded throughout.

While the report is written for the public, it includes the information needed to report to the Minister about meeting the College's regulatory mandate.

A. Coghlan highlighted the main themes and initiatives in the report, many of which reflect the work of Council.

There was discussion about the Nurse Health Program. It was noted that regulatory nurse health programs are considered best-practice in addressing nurses with health issues while supporting public safety. One goal is to reduce the number of nurses with health issues going through the adjudicative process. Council observed that the implementation of this program will likely affect the workload of the Fitness to Practise Committee. Council will be updated as the program development continues.

There was discussion about the changes related to program approval and the quality assurance program.

Council has approved a consistent framework for approval of all nursing programs. At this time, the College reviews RPN programs. In future the approval will be expanded to include RN and NP programs.

At the March Quality Assurance workshop, it was clear that one of Council's goals is to involve a larger number of members in the quality assurance program.

Motion 9

Moved by A. Molloy, seconded by C. Evans,

That Council approve the 2015 Annual Report of the College of Nurses of Ontario for submission to the Minister of Health and Long-Term Care as required by Section 6 of the *Regulated Health Professions Act*.

CARRIED

Follow-up Action

Forward Annual Report to Minister of Health and Long-Term Care
Publish the Annual Report on the College's website and send it to stakeholders
Executive Director and CEO

Audited Financial Statements

Blair MacKenzie from Hilborn LLP joined Council to present the audited financial statements. He reviewed the process by which the College and the auditors collaboratively identify and correct any financially material misstatements in the statements. He highlighted the roles of College staff, the Finance Committee and the auditors in the preparation and approval of the statements. He noted that the College has strong internal controls.

B. MacKenzie reported that the auditor's auditors believe the financial statements present fairly the College's financial position on December 31, 2015.

He highlighted the statements. There was discussion about the reason for the increase in cash and decrease in investments. It was noted that, at the end of 2015, the College's unrestricted net assets or accumulated surplus was \$13 million. This is within the Canada Revenue Agency's surplus guidelines for not-for-profit organizations.

Motion 10

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

That the audited financial statements of the College of Nurses of Ontario for the year ended December 31, 2015 be approved.

CARRIED

Follow-up Action

Include the audited financial statements in the Annual Report
Executive Director and CEO

Audited Financial Statements of the Pension Plan Trust Fund

B. MacKenzie noted that the audited financial statements of the pension plan trust fund are specific in nature and required for filing with the Financial Services Commission of Ontario. The statements only address the assets of the College's pension plan and do not address the liabilities.

He provided an overview of the College's pension plan and highlighted the statements, noting that the year-end liabilities are slightly greater than the assets. He reported that the net liability is represented on the College's Audited Financial Statements.

Motion 11

Moved by A. Molloy, seconded by T. Holland,

That the audited financial statements of the College of Nurses of Ontario's Pension Plan Trust Fund for the year ended December 31, 2015 be approved.

CARRIED

M. Sloan expressed appreciation to Blair MacKenzie, who left the meeting.

Follow-up Action

Forward the approved Financial Statements to the Financial Services Commission of Ontario Executive Director and CEO

By-Law amendment re. fee increase

Council was reminded that a fundamental principle of self-regulation is that it is self-funding. Recent deficits have been eroding the accumulated surplus.

In March, Council reviewed three options for increases to the annual fee and selected an increase staggered over four years. Council members had received a draft by-law amendment to implement this approach. Council was reminded that it is approving the by-law for notice and circulation.

Motion 12

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

That the proposed amendments to Article 5.06 of By-Law No. 2: Fees, as it appears in attachment 1 to the briefing note, be approved for notice and circulation.

CARRIED

If it is approved in September, the fee increase will take place with the 2017 renewal which begins in the fall of 2016.

Follow-up Action

Circulate proposed amendments to the Fees By-Law
Prepare report of the feedback to the proposed amendments
Include final decision on the by-laws on the agenda for the September 2016 Council meeting
Executive Director and CEO

Medical Assistance in Dying

Council was informed that the federal legislation related to medical assistance in dying did not pass before the June 6th deadline set by the Supreme Court of Canada. This means that the Supreme Court decision is in effect and nurses can only participate in medical assistance in dying if they are named in a court order.

The College is collaborating with the Colleges of Pharmacy and Physicians and Surgeons on consistent messaging.

The College is also monitoring the status of the legislation and is ready to provide updated guidance to nurses if there are any changes. The College will keep members updated through the website and Facebook.

It was noted that there are guidelines in the College's standards to support nurses who do not want to participate in medical assistance in dying due to their beliefs.

The College continues to wait for the Ministry of Health and Long-Term Care's policy direction regarding Nurse Practitioner prescribing of controlled drugs. Council was informed that there may be protocols that can be used for medical assistance in dying that do not include controlled drugs. Should the proposed legislation pass and nurse practitioners be able to provide medical assistance in dying, this information will be included in the College's communication to members.

Nurse Practitioner Practice Standard

In order to align with the revised national competencies for Nurse Practitioners, the Nurse Practitioner Practice Standard is being revised. Council was informed that the proposed revision is risk based and that the College is engaging the public, in particular clients of Nurse Practitioners, in consultation on the proposed revisions. Council had no suggestions for addition to the identified risks.

Executive Director Update – What’s Hot

A. Coghlan informed Council that she has been considering a new organizational structure in light of the College’s current business realities as well as the College’s vision of leading in regulatory excellence. The new structure will provide the College with the agility it needs to address the current realities and challenges.

The new structure will be posted on the Council portal. Now that Council has been informed of the changes, it will also be posted on the website and shared with stakeholders.

Executive Committee

Members of Council received the draft minutes of the Executive Committee meeting of May 25, 2016.

M. Sloan noted that the 2015-2016 Executive asked the current Executive to review the process for the selection of the public members of the Executive. The 2016-2017 Executive Committee will be considering whether to recommend that Council continue with the appointment process or shift to an election.

It was noted that the process may change in the long term depending on the outcome of the governance review. The Executive will explore an interim process.

A number of members suggested that an election would allow for more transparency, especially since questions can be asked of interested candidates. It was also identified that having a committee recommend the appointments puts a lot of responsibility on a small group of Council members.

One member queried why a different process would apply to the Executive than to other committee appointments.

Follow-up Action

Executive to consider approach to selecting public members of the Executive
Proposal to September Council
Executive Director and CEO
President

Agenda

C. Beemer requested that the Code of Ethical Conduct for Council and Committee members be added to the agenda.

Motion 13

Moved by C. Beemer, seconded by D. Graystone,

That the Code of Ethical Conduct for Council and Committee Members be added to the agenda as item 7.2

CARRIED

The item was added to the agenda for discussion. A Council member pointed out that, without notice and background, no decision can be made other than to refer the issue for further work.

Finance Committee

C. Barnet presented the report of the Finance Committee meeting of May 25, 2016. She noted that a number of the recommendations arising from the meeting have already been addressed.

C. Barnet informed Council that the Finance Committee met with the auditors without staff. This allows for frank discussion if there are any concerns about management.

Council members had received the unaudited financial statements for the three months ended March 31, 2016. C. Barnet noted that the surplus for the period of \$1.8 million was \$800,000 more than budget. Approximately \$300,000 of the surplus resulted from staff vacancies. These are one time savings and it is anticipated that a portion will remain at year end.

Motion 14

Moved by C. Barnet, seconded by A. Jewell,

That the unaudited financial statements for the three months ended March 31, 2016 be approved as circulated.

CARRIED

Auditor

The Finance Committee recommends appointment of the auditor each year. C. Barnet reported that the Finance Committee is satisfied with the services and with its relationship with the current auditors.

Motion 15

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

That Hilborn LLP be appointed as College auditors for the 2016 fiscal year.

CARRIED

Appointments

In accordance with the College's by-laws and its terms of reference, the Executive Committee had made interim committee appointments. By-laws require that these appointments be confirmed by Council at its next meeting.

Motion 16

Moved by A. Molloy, seconded by C. Williams,

That Council confirm the following committee appointments made by the 2015-2016 Executive Committee:

- Carly Gilchrist, RPN as an appointed committee member on the Discipline Committee until June of 2019;
- Jennifer Mitton, RN as an appointed committee member on the Fitness to Practise Committee until June of 2019; and
- Joanne Furletti, RN as a Council member on the Registration Committee until June of 2017.

CARRIED

Follow-up Action

Contact newly appointed committee members
Executive Director and CEO

Code of Ethical Conduct for Council and Committee Members

C. Beemer noted that the Code of Ethical Conduct for Council and Committee Members was prepared in 2003. She proposed that a review of the Code would be timely. She suggested that Council strike an independent committee, separate from the Governance Task Force and from the Executive Committee, to propose revisions.

It was confirmed that, given the absence of notice and of background, no decisions will be made at this meeting. Council asked if staff can provide support to this work.

A. Coghlan noted that the Code is a Council document. Staff can provide background for Council – for example information on how other boards develop their Codes of Conduct and background on the contents of the Council/board Codes of Conduct for other regulators.

The Executive Committee was asked to look at options for development of the Code and bring a proposal to Council in September.

There was some support that this be addressed by a special committee struck solely for this purpose. It was suggested if that was the approach recommended, the skills needed among the members be identified.

Follow-up Action

Conduct research re. Codes of Conduct and how developed
Add to September Executive and September Council agendas
Executive Committee to develop recommendation for Council
Executive Director and CEO
President

Next Meeting

Council will meet again on Thursday, September 22, 2016. A governance workshop will be held the afternoon of Wednesday, September 21, 2016.

Conclusion

On conclusion of the agenda, at 3:00 p.m., it was,

Motion 17

Moved by A. Jewell, seconded by N. Osbourne James,

That Council conclude.

CARRIED

Chair