

Agenda

The agenda had been circulated.

Motion 1

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

That the agenda for the Council meeting of September 22, 2016 be approved as circulated.

CARRIED

Minutes

Minutes of the Council meeting of June 9, 2016 had been circulated.

Motion 2

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

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

CARRIED

The confidential appendix to the minutes of the Council meeting of June 9, 2016 had been circulated.

Motion 3

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

That the confidential appendix to the minutes of the Council meeting of June 9, 2016 be approved as circulated

CARRIED

Minutes of the Council teleconference meeting of July 28, 2016 had been circulated. This was a special meeting at approve the amendments to the registration regulation after its circulation.

Motion 4

Moved by C. Egerton, seconded by G. Rudanycz,

That the minutes of the Council meeting of July 28, 2016 be approved as circulated.

CARRIED

Fees By-law

M. Sloan noted that:

- in March, Council selected the approach to the fee increase from among options; and
- in June, Council approved draft by-law amendments for circulation based on the selected option.

Council had decided on a stepped increase which met the College's fiscal needs while avoiding large increases. The approach defers increasing fees until the funds are needed.

Council received a report of the feedback to the circulation of the by-law. It was noted that there was considerable positive feedback to the stepped increase.

On an enquiry from a Council member, it was confirmed that the fee increase includes provisions for enhancements to the College's quality assurance program.

M. Sloan noted that the question for Council's consideration is whether there was anything in the feedback that led Council to believe the increase is not in the public interest.

Before voting, the President reminded Council that a 2/3 majority is required to approve a by-law amendment.

Motion 5

Moved by C. Manning, seconded by M. McMillan-Gilkinson,

That Council approve the proposed amendments to Article 5.06 of By-Law No. 2: Fees, as it appears in attachment 1 to the briefing note.

CARRIED

Follow-up Action

Update by-laws

Collect new fees with 2017 renewal

Executive Director and CEO

Cross-College Psychotherapy Document

M. Sloan reminded Council that the *Regulated Health Professions Act* was amended in 2007 to include the controlled act of psychotherapy. That section has never been proclaimed and therefore is not in effect.

Since its passage, the six Colleges whose members will have access to the controlled act, including the College of Nurses, have been working together to prepare for its proclamation. One of the impediments to proclaiming the controlled act was its lack of clarity. In 2015, the Ministry asked the Colleges involved to develop a document that would assist in clarifying what the controlled act is.

M. Sloan noted that the document Council is considering was prepared by those colleges. Council was informed that the Ministry has asked that the Councils of all the Colleges involved approve the clarification document in principle, to support further consultation and education.

There was some discussion about the appropriateness of allowing nurses to have access to the controlled act of psychotherapy because it is not included in the basic nursing program. It was noted that nurses perform other acts not included in the basic program. It is each nurse's accountability to know their competence and, where required, to seek the needed education to be competent to perform any act.

Council was reminded that it has put in place an added protection. RNs and RPNs can only perform the controlled act of psychotherapy if there is an order. That will ensure that a health care practitioner with the needed diagnostic expertise will determine when the patient requires the controlled act of psychotherapy.

Motion 6

Moved by R. MacKay, seconded by D. Cutler,

That the proposed cross-College document entitled *The Controlled Act of Psychotherapy: A Clarification*, as it appears in attachment 1 to the briefing note, be approved in principle.

CARRIED

Follow-up Action

Inform government and collaborating colleges of Council's approval
Executive Director and CEO

Governance Principles

The Governance Task Force is recommending approval of the governance principles. M. Sloan noted that Council had the opportunity to provide input into the principles at the culture

workshop in September 2015 and the June 2016 governance workshop. M. Sloan informed Council that the Task Force has carefully considered the feedback from Council in finalizing the principles.

The principles are intended to be a crisp, clear and accessible commitment to what the public can expect of Council in governing.

M. Sloan identified that Council needs to consider if the principles will guide and support it and future Councils in effective governance.

Motion 7

Moved by C. Williams, seconded by D. A. Prillo,

That Council adopt the governance principles, as they appear in attachment 1 to the briefing note.

CARRIED

There was discussion about the proposed model for governance and particularly the size of the Council. It was noted that the final decision about the changes to the governance of health regulatory colleges rests with government, and the government is watching the work of the Council as it considers modernizing of the governance of health regulators.

In December, Council will be considering the expert advice of the Task Force, which will include a future vision for governance. Council will also explore what will need to be done over time bring the vision to life. It was noted that will likely be the work of Council over the next few years.

It was confirmed that the government will be a key stakeholder. The government has signalled that they want engagement with the College in determining how regulatory governance can best serve the needs of the public of Ontario.

Follow-up Action

Final recommendations of the Governance Task Force to Council in December
Executive Director and CEO

Quality Assurance follow up

M. Sloan noted that over the last few years, some Council members have expressed concerns about the College's quality assurance program and whether the College is meeting its commitment to the public that nurses are engaged in continuous improvement.

In March of this year, Council had an opportunity to consider possible futures for the program. Council members received the notes of the workshop and highlights of the current program.

Changing the quality assurance program is a major project. Over the coming year, staff will undertake a literature review and will explore best practices in regulatory quality assurance in both nursing and other professions, in Canada and abroad. The thinking from the workshop will inform and guide staff.

Council will receive this information at Council meetings. This will support Council to meet its commitment to evidence and best practice informed decisions when discussing options for future directions for the College's quality assurance program. An update will be brought to Council in December.

Interest was expressed in whether there is potential to enhance the quality assurance program as part of the collaboration with nursing regulators in British Columbia. It was also suggested that the College explore whether there are quick wins that can be implemented in the short term.

Follow-up Action

Quality assurance project update to Council in December
Executive Director and CEO

Assessment of International applicants

D. Graystone requested that this issue be added to the agenda. She raised a concern that the new assessment process has had unintended consequences which have adversely affected some applicants. She pointed out that fewer applicants are successful going through the new process and that this could impact the availability of nursing services in some communities.

K. McGovern and S. Vogler provided background on the issues related to the assessment of international applicants.

Council was reminded that the National Nursing Assessment Service (the Service) is a national collaboration involving most nursing regulators from across Canada. The Service's assessment tool is new and it took time to develop confidence in its validity. Among the inputs to the evaluation of the Service's process were several complaints the College received from applicants about the negative impact of the Service on their application for registration.

At the beginning, regulators were cautious and it was agreed nationally to use the reports generated as a result of the tool as advisory. The College has come to the determination that the tool is valid and is the most fair and consistent way of assessing applicants as a first step in the assessment process.

Staff are proposing a new process which they believe will provide a rigorous assessment and enhance the opportunities for international applicants to provide evidence that they meet the entry to practice competencies. If approved, the College will review the assessments from all international applicants who had been assessed as not meeting requirements since the National Service began providing the College with reports.

The changes in the process were highlighted:

- accepting programs that are assessed by the national service as meeting the threshold for equivalence to a Canadian program; and
- adding an assessment of past and current practice for those applicants whose program is assessed as not equivalent by the National Service.

The College will be exploring how it will address the impact of the change on applicants.

It was clarified that there is no change in the assessment of Nurse Practitioners. The National Service addresses the general class.

Motion 8

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

That Council approve, effective February 1, 2015, in accordance with clause 1(iii.)(B.) of subsection 2(1) of Ontario Regulation 275/94, the following evaluations for the purpose of determining whether an applicant applying for Registered Nurse (RN) registration possesses the equivalent knowledge, skill and judgment of a current Canadian graduate:

- Content analysis of the curriculum of the nursing education completed by the applicant compared to the curriculum of a representative sample of current Canadian nursing programs
- Assessment of the applicant's past and current nursing practice
- Objective clinical assessment

CARRIED

There was discussion about whether the motion should specifically refer to the National Nursing Service. It was identified that ultimately the decision rests with the College and flexibility is included in the wording.

Motion 9

Moved by A. Molloy, seconded by H. Whittle,

That Council approve, effective February 1, 2015, in accordance with clause 1(iii.) (B.) and (v.) of subsection 3(1) of Ontario Regulation 275/94, the following evaluations for the purpose of determining whether an applicant applying for Registered Practical Nurse (RPN) registration possesses the equivalent knowledge, skill and judgment of a current Canadian graduate:

- Content analysis of the curriculum of the nursing education completed by the applicant compared to the curriculum of a representative sample of current Canadian nursing programs
- Assessment of applicant's past and current nursing practice
- Assessment of applicant self-report of practice experience

CARRIED

It was clarified that the final step in the assessment process is different for applicants seeking to become RPNs than those seeking to become RNs because currently there is not an objective structural clinical examination available for applicants to become RPNs.

Once the new process has been fully implemented, there will be a reassessment and report back to Council.

Follow-up Action

Review international applicants who have been assessed as not meeting equivalence and determine status based on new process.

Executive Director and CEO

Financial acumen

S. Mills presented on financial acumen for board members. He noted the things that Council members should watch for, such as unexplained variances and declining cash during periods of surplus. He noted the importance of maintaining the surplus within the guidelines set by the Canada Revenue Agency.

Finance Committee Report

L. Sanderson presented the report of the Finance Committee meeting of September 1, 2016. She highlighted the unaudited financial statements for the six months ended June 30, 2016. She pointed out that the six-month surplus of \$1.37 million is \$.9 million more than budgeted. She noted that as the result of advice from the auditors, the College has changed how it is presenting the expenditures for the new computer system in the financial statements.

Motion 10

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

That Council accept the unaudited financial statements for the six-months ended June 30, 2016.

CARRIED

C. Stanford provided an update on the development of the College's new information system. In response to a question, S. Mills noted that the College is spending more on the information system than planned. He noted that some of the overages will be offset by other variances in the College's expenses. Some of the College's investment will be recoverable from the rest of the consortium because the College is working on developing functionality that will be shared.

S. Mills explained the change in accounting for the new information system. He noted that the costs of the system had been included in the capital budget. Advice from the auditors is that, because the system is not something the College can lease out or sell, the expenditure needs to be included in the operating budget. A small portion that covered the cost of hardware will remain in the capital budget, but the rest has been moved to the operating budget. S. Mills noted that variances through the year may cover the added operating expenses.

In response to a question, it was identified that when the new system goes live the College does not plan to run the old system as well. The College will keep the old system available. However, the College is confident in the rigor of the development and testing process and that the new system will work.

What's Hot

Council was informed that the registration regulation that it approved in July has been submitted to government. Once a final version has been prepared by the government, the College will sign and it will go through the final government approval process. Council will be informed when the regulation is approved by government. An issue of *The Standard* will be sent to members so that they are informed about the changes.

The annual renewal for 2017 will go live on November 7th. Notice of the start date will be included in *The Standard* in September and October.

The Minister released the recommendations of the Sexual Abuse Task Force on September 9th. The Ministry sent a request to all health regulatory colleges for more information. The Ministry has indicated that they require this information to draft legislative amendments.

The Minister's comments about the recommendations flagged two changes that will impact the College including:

- legislation to add to the acts that result in mandatory revocation; and
- increasing transparency by adding to register and website.

Council was reminded that a year ago it accepted by-laws to increase the information on the register. It is not clear whether there will be additional changes.

Council was informed that the College has established an academic reference group. It is part of an overall strategy to enhance the College's relationship with educators. The goals of the reference group include improving the success of implementation of regulatory changes, understanding the impact of programs and initiatives and increasing awareness of educational issues that may impact the College.

Council members were informed that new requirements under the Accessibility for Ontarians with Disabilities Act mean that not only all staff but all volunteers must have training on how to provide accessible customer service. The training will be provided through CNO's on-line education centre. The College is required to report to government at year end on how it is meeting the requirements.

A question was raised about how whether the sexual abuse legislation changes will impact unregulated care providers. A. Coghlan noted that it is unclear at this time. On several occasions both the Deputy and Assistant Deputy Ministers have indicated that they are exploring how to address unregulated care providers. They have acknowledged that the same regulatory mechanisms are not appropriate for every care provider. The Ministry has signalled its intent to move forward with regulatory reform, which may include considering different regulatory mechanisms for different providers.

Executive Committee

Council members had received the draft minutes of the Executive Committee meeting of September 1, 2016. M. Sloan noted that the Council briefing notes have been changed to include both the public interest and public safety rationale for recommendations.

Code of Conduct – approach to development

In June, Council asked the Executive to identify a process for revision of the Code of Conduct. The Executive is recommending the establishment of a small working group to develop revisions to the Code. Council received proposed terms of reference of the group, which included a proposed structure, timeframe and terms of reference.

The Executive had recommended the workgroup be five members, including two members of the Executive and three other members of Council. In discussion, Council identified that it wanted the membership to be more open, with the only restriction being that there be at least one nurse and one public member.

Motion 11

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

That a Council workgroup be established to develop a revised Code of Conduct, in accordance with the terms of reference identified in attachment 1 to the briefing note, with the membership of five Council members, at least one nurse and 1 public member.

CARRIED

Council identified the following criteria for membership on the work group:

- Experience useful in developing the Code – e.g. policy making, governance experience
- Good grasp of clear language principles – easy and accessible to understand, minimum of legalese
- Time to perform the task
- Interest
- Strong experience in facilitating, project management and negotiation skills

The Executive had identified the following options for how members of the work group would be selected from among volunteers:

- election
- appointment

The results of a straw vote showed a preference for an election. A call for volunteers will be sent out shortly. Following closure of the call for volunteers, all Council members will receive an electronic ballot. Council will be informed of the results of the election.

Follow-up Action

Call for volunteers to serve on the workgroup and circulation of electronic ballot.

Reports of the workgroup will be added to the December 2016, March 2017 and June 2017 Council meeting agendas.

Executive Director and CEO

How public members join the Executive

In March, some Council members identified concerns about how the public members of the Executive were selected. The issue was referred to the Executive Committee for consideration.

The Executive presented two options to Council:

- an enhanced appointment process or
- election.

A number of members spoke in support of election. It was identified as transparent, equitable and fair. It was noted that in order to move forward with an election process, by-law amendments are required.

Motion 12

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

That by-laws be prepared for review by Council in December 2016 to implement election of the members of the Executive who are not officers, beginning in March of 2017.

CARRIED

Follow-up Action

Prepare by-law amendments for Council in December.
Add to agenda for December 2016 Council meeting.
Executive Director and CEO

Committee appointments

The Executive had made a number of committee appointments to address vacancies.

Motion 13

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

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

- Maria Sheculski, public member to the Inquiries, Complaints and Reports Committee until June 2017,
- Sherry Simo, RPN as an appointed committee member on the Inquiries, Complaints and Reports Committee until June of 2018; and
- Janna Schroder, RPN as an appointed committee member on the Quality Assurance Committee until June of 2017.

CARRIED

Dates of Council meetings

In response to Council's interest in more opportunities for education and for generative discussion, the 2017 budget will include the resources for two-day Council meetings. The exact length of the meetings will be determined once an agenda is prepared.

M. Sloan noted that the Executive is suggesting a shift in the timing of the December 2016 meeting to allow Council to address the two complex issues in the morning – the budget on

Wednesday, December 7th and the final report and recommendations of the Governance Task Force on Thursday December 8th.

Motion 14

Moved by D. Walia, seconded by N. Osbourne James,

That the following be dates for Council meetings:

- Wednesday, December 7 (all day) and Thursday, December 8 (until 1:00 p.m.), 2016
- Wednesday and Thursday, March 8 and 9, 2017
- Wednesday and Thursday, June 7 and 8, 2017
- Tuesday and Wednesday, September 19 and 20, 2017
- Wednesday and Thursday, December 6 and 7, 2017.

CARRIED

Evaluation

Council discussed how the Council meeting reflected the governance principles and whether there were any improvements for future meetings.

Next meetings

Council will meet next all day on December 7, 2016 and the morning of December 8, 2016.

Conclusion

At 3:00 p.m. it was

Motion 15

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

That Council conclude.

CARRIED

Chair