

## Council Minutes

December 6 and 7, 2023

### Present

P. Sullivan, Chair	T. Hands	E. Mutia
H. Anyia	J. Hess	G. Oltmann
A. Arkell (Wed.)	M. Hogard	F. Osime
J. Armitage	C. Hourigan	L. Poonasamy
T. Crowder	R. Kaur (Thurs.)	M. E. Renwick
S. Douglas	S. Larmour (Thurs.)	D. Scott
R. Dunn	R. Lastimoso Jr.	M. Sheculski
J. Farag	S. Leduc	D. Thompson (Wed.)
G. Fox	D. May	K. Wagg
T. Fukushima		

### Regrets

A. Arkell (Thurs.)	R. Kaur (Wed.)	M. MacDougall
D. Edwards	M. Krauter	I. McKinnon
A. Jahangir	S. Larmour (Wed.)	D. Thompson (Thurs.)

### Guests

R. Durcan, SML Law	J. Maciura, SML Law	N. Thick, Chair Nominating Committee
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### Staff

V. Adetoye	C. Gora	S. Porteous
F. Garvey	E. Horlock	A. M. Shin
S. Crawford	B. Knowles	C. Timmings
J. Hofbauer, Recorder	S. Mills	

### Land Acknowledgement

P. Sullivan shared a Land Acknowledgement.

## Agenda

The agenda had been circulated and no amendments were identified.

## Motion 1

Moved by M. E. Renwick, seconded by G. Fox,

That the agenda for the Council meeting of December 6 and 7, 2023 be approved as circulated.

CARRIED

## Call for conflicts of interest

The President requested conflicts of interest related to the agenda. S. Leduc and M. E. Renwick identified conflicts with program approval on the consent agenda. P. Sullivan noted that she would be declaring a conflict of interest related to the stipend policy.

## CEO Remarks

S. Crawford shared opening remarks. She highlighted how the decisions to be made at the Council meeting related to the Registration Regulation and RN prescribing support achieving two outcomes on the Strategic Plan:

- Applicants for registration will experience processes that are evidence-informed, fair, inclusive and effective, contributing to improve public access to safe nursing care.
- Nurses' conduct will exemplify understanding and integration of CNO standards for safe practice

It was noted that the Minister's announcement of the government's passage of the regulations related to RN prescribing reflects the respectful and collaborative relationship between CNO and the Ministry. Council was informed that the opportunity was taken to meet with the Minister and shared with the Minister CNO's leadership in:

- data and analytics related to nursing registration and workforce statistics
- continuing to develop new pathways for internationally educated applicants to meet registration requirements
- making it easier for nurses from other parts of Canada to get registered in Ontario (interjurisdictional registration) and
- our key role in NURSYS Canada.

The importance of regulatory approval of nursing education programs was flagged. CNO's hosting of a wide range of stakeholders in the first Program Approval Roundtable was shared as an exemplar of CNO's approach to stakeholder engagement.

S. Crawford spotlighted how CNO shares its expertise, with other regulators at national and international conferences and meetings and with nurses at provincial conferences.

In discussion, interest was expressed in an evaluation of the impact of the new pathways for IEN registration.

### **Consent agenda**

P. Sullivan introduced the consent agenda. She noted that Program Approval has been removed from the consent agenda.

She confirmed that Council had received briefing materials on all items included in the consent agenda. No concerns were expressed about items on the consent agenda.

### **Motion 2**

Moved by F. Osime, seconded by R. Dunn,

That, through approval of the consent agenda, the following were approved:

Minutes of the Council meeting of September 27 and 28, 2023.

The RN Council member vacancy in the Central Western electoral district remain vacant pending the filling of the position on June 6, 2024 as a result of the 2024 election of Council members from that district.

Lisa Bliss Donnelly, RN be appointed to fill the RN Council member vacancy from the Central district until June 2025.

Lisa Bliss Donnelly be appointed to serve as member of the Quality Assurance Committee.

**CARRIED**

Draft minutes of the Executive Committee meeting of November 16, 2023 had been circulated for information.

## Strategic Plan update

Council received an update report on the Strategic Plan, including outcome and project dashboards. S. Crawford assured Council that work is done every day throughout the organization to support building the strategic plan pillars and achieving the outcomes. Council was informed that staff are reviewing and strategically analyzing the results of the survey regarding trust and awareness and have committed to updating the metrics by June 2024 at the latest.

There was discussion about the measures related to the Quality Assurance Program. It was confirmed that there are plans to gradually increase participation in the program and that increases in the number of participants may impact on the measures. It was confirmed that, going forward, the number of participants will be identified on the dashboard.

Council was informed that, in addition to the Strategic Plan outcome measures, there is data about professional conduct matters included in the statutory committee annual reports as well as the College Performance Measurement Framework report.

## Stakeholder engagement

Council received a briefing note on CNO's approach to stakeholder engagement. L. Mathias, Strategy Consultant and C. Mill, Manager, Practice Quality highlighted how purposeful, relevant and inclusive engagements with stakeholders inform decision-making.

The breadth of stakeholder engagement to support decision-making was highlighted. It was noted that CNO can be impactful and have impact on public safety through building formal and informal relationships and partnerships with stakeholders in the system.

It was flagged that insights from the trust survey will also further inform stakeholder engagement strategies.

## Registration regulation

P. Sullivan noted that Council has made a number of decisions to enhance access by qualified international applicants to registration. In June, based on evidence, Council approved in principle that revisions to the Registration Regulation be prepared to:

- amend the education requirement for registration in the General Class from education equivalent to Canadian education to relevant nursing education recognized or approved in any jurisdiction and

- add a requirement for General Class applicants to successfully complete a course to support the successful integration of applicants to the healthcare system in Canada.

In September, Council approved proposed changes to the Registration Regulation related to meeting the education requirement, for publication.

Council received a briefing note reporting on the diverse feedback to the proposed regulatory changes.

A. McNabb, Manager of Registration Modernization, highlighted the proposed changes and the evidence that was presented to Council in June when it approved moving forward with revision of the regulation.

E. Tilley, Manager of Regulatory Policy and Research highlighted the diverse feedback to the proposed regulation. She flagged the areas where the feedback reflected a lack of understanding of the safeguards in place.

It was noted that, given the diverse feedback, Council is not being asked to approve the regulation at this time. CNO will seek to build better understanding among stakeholders of how the proposed changes would support safe nursing practice and explore implementation steps (e.g., the new course requirements, making process changes and developing policies to support the implementation of the regulation). CNO will also continue to explore and assess evidence related to the proposed regulatory changes.

In discussing the proposed change, it was flagged that it will be important to have support from nurses and employers for new IENs to be successful. Council expressed an interest in more information about the required education course – what key competencies will be addressed.

It was identified that CNO is currently engaging with employers who are participating in the Supervised Practice Experience Partnership (SPEP) to identify the critical competencies needed in the proposed educational program.

S. Crawford confirmed that CNO will continue its engagement with stakeholders to build understanding of, and confidence in these regulatory changes.

P. Sullivan thanked Council for its engagement and its focus on public safety. She noted that Council will have the opportunity to discuss this further in March.

### **By-Law amendment: Article 44 re. Professional Liability**

Council was sent notice of this proposed amendment to By-Law No. 1: General on November 22, 2023. P. Sullivan noted that the amendment proposed is editorial, to align the by-law with current legislation. Council was reminded that a 2/3 majority vote is required to approve a by-law amendment.

### **Motion 3**

Moved by H. Anyia, seconded by D. May,

That Council approve an amendment to article 44.4.01 of [By-Law](#) No. 1: General, changing “Emergency Assignment” to “Emergency” to align with the current name of this class under the *Nursing Act, 1991*.

CARRIED

### **Nursing Education Program Approval**

Council had received a briefing note regarding program approval. S. Leduc and M.E. Renwick declared a conflict of interest and left the meeting.

### **Motion 4**

Moved by G. Fox, seconded by K. Wagg,

That the Comprehensive Review recommendation of the Laurentian University nursing program listed in Attachment 1 to the decision note be approved.

CARRIED

S. Leduc and M. E. Renwick rejoined the meeting.

### **RN Prescribing**

P. Sullivan noted that Council had been informed that the government had amended the *Nursing Act, 1991* and passed regulations approved by Council in March 2019 to expand the scope of practice for RNs to include prescribing.

Council was reminded that its work on RN prescribing began in 2017. Council received a briefing note providing an update on RN prescribing, including previous Council

engagement and decisions. R. Jabbour, Strategy Consultant, provided a brief overview of RN prescribing and set context for the two decisions before Council. In discussion, it was confirmed that this initiative was designed to enhance access to safe care.

### **RN Prescribing Standard**

P. Sullivan noted that when scopes of practice change, one of CNO's accountabilities as a regulator is to ensure that nurses are clear about the standards to which they will be held accountable. Council received a briefing note and draft standard to support safe prescribing by RNs.

### **Motion 5**

Moved by H. Anyia, seconded by A. Arkell,

That Council approve the Registered Nurse Prescribing practice standard, as it appears as Attachment 1 to the briefing note, as a standard of practice for RNs who are authorized to prescribe medications.

CARRIED

It was noted that the Standard comes into effect immediately, but only applies to RNs who are authorized to prescribe medications.

### **Approval of RN Prescribing Education Programs**

Council received a briefing note, outlining the programs being recommended for approval, and the indicators the programs needed to meet to be approved. P. Sullivan asked if any members of Council had a conflict of interest. H. Anyia, S. Leduc and G. Oltmann declared a conflict of interest and left the meeting.

### **Motion 6**

Moved by M. Sheculski, seconded by D. Scott,

That the RN Prescribing education programs, as listed in Attachment 1 to the briefing note, be approved.

CARRIED

H. Anyia, S. Leduc and G. Oltmann returned to the meeting.

### **Council and Committee Code of Conduct**

J. Maciura, Legal Counsel and A. Tong, Strategy Consultant, joined the meeting. P. Sullivan noted that Council had received notice of this proposed by-law change on November 22, 2023. Council received a briefing note, including the draft Council and Committee Code of Conduct (Code).

P. Sullivan noted that in September, Council had an opportunity for a preliminary discussion with Julie and gave guidance to support the drafting of the Code. Council asked for:

- clear language and expectations
- a principle based approach for most content – to provide broad guidance and
- very clear, prescriptive language for areas of high risk like conflict of interest.

P. Sullivan noted that the Executive reviewed the draft and is recommending its approval. She outlined the process for reviewing the draft Code, which will include an article by article section review for questions or clarification and a straw vote to determine if Council supports the article.

Due to the potential for the need for some members to leave for the discussion of positions that are prohibited (articles 6.10 through 6.13), the draft Code will be reviewed and a decision made with the exception of the positions that are prohibited.

Council reviewed and confirmed all of the provisions in the draft Code (absent articles 6.10 through 6.13). Areas for future education or support tools were flagged. It was confirmed that the articles related to conflict of interest provide clear and appropriate guidance to meet the high expectations set for members of the board of a health profession regulator.

There was discussion about the expectations regarding diversity, equity and inclusion included in Article 9. It was noted that CNO now has a Director of Diversity, Equity and Inclusion. With new leadership, there will be thoughtful and purposeful interaction with Council and committees regarding diversity, equity and inclusion will support meeting expectations in the Code.

P. Sullivan noted that Council had supported all of the articles being considered at this time. She reminded Council that a 2/3 majority is required to pass by-law amendments.

## **Motion 7**

Moved by E. Mutia, seconded by H. Anyia,

That Articles 1 to 4 of By-Law No. 3: Code of Conduct for Councillors and Committee members, be rescinded and replaced with the Council and Committee Code of Conduct, as it appears in Attachment 1 to the briefing note, with the exception of Articles 6.10 through 6.13.

CARRIED

Council was reminded that work still needs to be done to identify an approach to addressing breaches of the Code. In the interim, it is recommended that the article setting out the current approach be integrated into the new By-Law.

## **Motion 8**

Moved by J. Hess, seconded by T. Fukushima,

That Article 5 of By-Law No. 3: Conduct of Councillors and Committee Members become Article 16 of By-Law No 3: Council and Committee Code of Conduct.

CARRIED

## **Positions that are prohibited**

P. Sullivan noted that Council will be discussing positions that are prohibited set out in Articles 6.10 through 6.13. She asked anyone who holds a prohibited position or held once since June 2021 to declare a conflict of interest. K. Wagg declared a conflict of interest and left the meeting.

In reviewing the proposed articles, it was identified that the proposed wording of Article 6.11 was too broad and might exclude some individuals who we did not intend to exclude. It was agreed that legal counsel and staff would review Council's feedback and provide a new draft of Article 6.11 for Council to consider on Thursday, December 7.

## **Recess**

At 4:00 p.m., Council recessed to reconvene at 9:00 a.m. on Thursday, December 7, 2023.

## Thursday, December 7, 2023

### Land Acknowledgement

P. Sullivan shared a Land Acknowledgement.

### Finance Committee Report

Council had received the report of the Finance Committee meeting of November 16, 2023. S. Leduc chaired the meeting and highlighted the report.

### Unaudited Financial Statements

The unaudited financial statements for the nine months ended September 30, 2023 had been circulated. S. Leduc noted that the \$1.36M deficit for the period was \$5.31M less than the budgeted deficit of \$6.66M.

### Motion

Moved by S. Leduc, seconded by M. E. Renwick,

That Council approve the unaudited financial statements for the nine-months ended September 30, 2023.

CARRIED

### Terms of Reference - Sub-Committee on Compensation

The Finance Committee is recommending amendments to the Terms of Reference of the Sub-Committee on Compensation to support succession planning.

### Motion 9

Moved by S. Leduc, seconded by G. Oltmann,

That Council approve the proposed revised Terms of Reference for the Compensation Sub-Committee, as they appear in Attachment 3 to the Finance Committee Report.

CARRIED

### **Stipend and Expense policies**

Council was informed that to address changes in how Council and committees work and in the economic environment, CNO is modernizing its stipend and expense policies. Given that in person meetings are infrequent, the policies are being separated for clarity. With a show of hands, Council supported separation of the policies.

### **Expense Policy**

It was noted that changes to this policy include clarifying the policy for meals and addressing the impact of inflation on meals and the Incidental amount.

### **Stipend Policy**

Council discussed the Stipend Policy, other than the policy related to the President's honorarium.

It was confirmed that stipend is not meant to be salary replacement. It was noted that an increase to the stipend is being recommended to ensure that it remains a meaningful amount to recognize contribution.

It is being recommended that preparatory stipend for meetings, other than Council meetings, be claimed by individual members based on the time they spend preparing.

P. Sullivan declared a conflict of interest, asked S. Leduc to chair and left the meeting.

It was noted that the provision for payment to the President's employer was not aligned with the changing nature of employment relationships. The proposed revised policy increases the honorarium paid to the President and clarifies that any or all stipends received by the President can be paid to the individual or their employer, as specified by the President. It was confirmed that this provision is intended to recognize extra effort on the part of the President.

### **Motion 10**

Moved by S. Leduc, seconded by M. Sheculski,

That the revised Stipend Policy and Expense Policy, as they appear in Attachment 4 to the Finance Committee Report, be approved to come into effect on January 1, 2024.

CARRIED

P. Sullivan rejoined the meeting and assumed the Chair.

### 2024 Budget

Council had received the proposed 2024 Budget. S. Mills highlighted the budget, including the three year projections.

It was confirmed that the fee increase approved in 2022 to provides financial stability over the coming years. There was discussion about the additional staffing being provided in the 2024 budget.

### Motion 11

Moved by S. Leduc, seconded by R. Dunn,

That Council approve the 2024 budget as it appears in Attachment 5 to the Finance Committee Report.

CARRIED

### Competency-Based Council elections

Council had received a briefing note with a proposed approach to competency-based Council elections. I. Tirana, Strategy Consultant, highlighted the approach, grounded in the principles supported by Council in September.

The proposed approach includes a self-assessment by candidates prior to running for election and continuation of regional elections. The approach was designed to integrate DEI and to be transparent, fair, barrier free and achievable. The goal is to implement this approach for the 2025 Council elections, which launch in the fall of 2024.

Council supported moving forward with this approach, noting the importance of integrating DEI into all processes and the value of geographic diversity through regional elections. The importance of education for both candidates and voters was flagged.

### Motion 12

Moved by H. Anyia, seconded by D. May,

That Council approve the proposed approach to implement competency-based Council elections as set out in Attachment 1 to the briefing note.

CARRIED

## **Board Evaluation**

P. Sullivan highlighted the achievements in 2023 related to acting on the opportunities for improvement identified in the 2022 Board evaluation and also changes suggested through the meeting Pulse Check evaluations.

Council confirmed improvements in meeting planning, preparatory materials and meeting execution. It was confirmed that improvements in Council's effectiveness are the result of contributions by staff, the Executive Committee and Council members.

P. Sullivan noted that the Executive Committee is recommending an approach to move forward additional opportunities for improvement identified in the 2022 external evaluation, enhance Council's governance effectiveness and position Council to be ready for its next external evaluation in 2025.

## **Motion 13**

Moved by K. Wagg, seconded by S. Larmour,

That Council approve that the governance policies and documents listed in attachment 1 to the decision note be prioritized for implementation in 2024.

CARRIED

## **Council and Committee Code of Conduct**

P. Sullivan noted that on December 6, Council approved the Council and Committee Code of Conduct, with the exception Articles 6.10 through 6.13 which address positions which are prohibited.

J. Maciura, Legal Counsel, joined the meeting. K. Wagg declared a conflict of interest and left the meeting.

J. Maciura noted that, in discussion, it had been flagged that Article 6.11 did not clearly identify the nature of a prohibited position. Draft revised wording for Article 6.11 was shared with Council. It was confirmed that the revised wording was clear and identified the nature of positions that were a conflict. P. Sullivan reminded Council that a 2/3 majority is required to approve a by-law.

## Motion 14

Moved by T. Hands, seconded by G. Oltmann,

That the following articles be approved as part of the Council and Committee Code of Conduct:

### **Positions that are Prohibited**

6.10 A member must not:

- (a) currently be employed by, contracted with, or hold any elected or appointed position with any union, advocacy group, professional association or similar entity that advances the interests of nurses in any way. This Article comes into force on June 5, 2024; and
- (b) within the three years preceding their election, selection or appointment as member (excluding where the election, selection or appointment as member occurred prior to December 8, 2023), have been employed by, contracted with or have held any elected or appointed position with any union, advocacy group, professional association or similar entity that advances the interests of nurses in any way.

6.11 A member must not:

- (a) currently be employed by or contracted with, the federal public service or the Ontario public service in a role that involves advocating for nurses or the nursing profession, drafting or enacting legislation the focus of which is nurses or nursing, or is in any way inconsistent with being a member or with the mandate of the College. - This Article comes into force on June 5, 2024; and
- (b) within the three years preceding their election, selection or appointment as member (excluding where the election, selection or appointment as member occurred prior to December 8, 2023), have been employed by or contracted with, the federal public service or the Ontario public service in a role that involves advocating for nurses or the nursing profession, drafting or enacting legislation the focus of which is nurses or nursing, or is in any way inconsistent with being a member or with the mandate of the College.

6.12 A member must not currently hold, or within the three years preceding their election, selection or appointment as member have held, provincial public office and must not run for provincial public office while they are a member.

6.13 A member must not currently hold federal or municipal public office and must not run for federal or municipal public office while they are a member.

CARRIED

K. Wagg joined the meeting.

### **CEO Closing Remarks**

S. Crawford expressed appreciation to Council for their engagement. She highlighted the important regulatory decisions made by Council and noted the clear focus in making the decisions on CNO's public safety purpose.

She noted that staff continue to work to enhancing supports to Council. As flagged in September, the briefing materials for this meeting were developed using the new briefing note framework, which is designed to provide the right information to support informed discussion and decision-making. In discussion, Council confirmed that the briefing package provided the right information to support decision making in a timely manner supporting members' preparedness.

She noted that approving the new Council and Committee Code of Conduct, grounded in evidence and best practice, reflects Council's strong commitment to public trust.

She highlighted the plans for 2024, including ongoing regulatory decisions and work to support Council in its board governance role. She noted that Council can anticipate more information and discussion in the coming year about CNO's corporate diversity, equity and inclusion plan.

### **Next Meeting**

P. Sullivan noted that the next Council meeting will be the first meeting of the 2024-2025 Council. The meeting will be June 5 and 6, 2024.

### **Conclusion**

At 11:30 a.m., on conclusion of the agenda, and with consent, the Council meeting concluded.