

DRAFT BOARD MEETING MINUTES
September 23, 2024
9:45 AM to 2:20 PM
by zoom

Attendees: Mr. Derick Summers, RO, Chair, Elected Member
Mr. Kevin Cloutier, RO, Elected Member
Mr. Omar Farouk, Government Appointee
Mr. Paul Imola, RO, Elected Member
Ms. Peggy Judge, Government Appointee
Mr. Stephen Kinsella, Government Appointee
Ms. Alicia Munian, Government Appointee
Ms. Tonya Nahmabin, RO, Elected Member
Ms. Grazyna Sepczynska, RO, Elected Member
Mr. Rob Vezina, RO, Elected Member

Administration: Mr. Fazal Khan, RO, Registrar, CEO
Ms. Amy Stein, Deputy Registrar and General Counsel
Ms. Carolyn Robertson, Manager, Communications and Executive Office
Ms. Fizza Asad, Manager, Human Resources and Finance
Ms. Blessing Adebimpe, Staff Accountant

Regrets: Mr. Paul Wilk, Government Appointee
Mr. Samir Modhera, RO, Elected Member
Mr. Carlos Pacheco, RO, Elected Member

1.0 Introduction

D. Summers introduced himself, the board members, and the administration, and then opened the meeting with a land acknowledgment.

K. Elkin reviewed the meeting norms and high-five with the participants.

1.1 Conflict of Interest Declaration

No conflicts of interest were declared.

1.2 Adoption of the Agenda

MOTION: TO APPROVE THE AGENDA

MOVED: T. NAHMABIN

SECONDED: S. KINSELLA

FOR: 10

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

2.0 Minutes of the June 3 and 4 2024 Board Meeting

MOTION: TO APPROVE THE JUNE 3 AND 4 2023 MINUTES

MOVED: G. SEPCZYNSKA

SECONDED: K. CLOUTIER

FOR: 10

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

3.0 Financial Reports

3.1 Financial Variance Report to June 30, 2024.

F. Asad presented the year-to-date variance report to the Board covering the period ending June 30, 2024. Total revenue is \$3,581, 250, a variance of -1% to the budget. Optician revenue is slightly higher than expected. Student and intern revenue is down 50% over last year which was attributed to the timing of exams.

Board and committee expenses are lower than expected, however, accounting is still receiving expenses from Q2.

Under operational costs, it was noted that database costs are currently under budget but are projected to be over the budgeted amount before the end of the year. This discrepancy results from additional requirements to support the implementation of the new registration regulation.

The board requested that an additional row be added to the variance report that gives a total for all expenses (lines 7 to 32) this request will go to the Finance Committee for discussion.

MOTION: THAT THE BOARD APPROVE THE FINANCIAL VARIANCE REPORT TO JUNE 30, 2024.

MOVED: G. SEPCZYNSKA

SECONDED: K. CLOUTIER

FOR: 10

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

4.0 Appointment of the Auditor

F. Asad presented the briefing note on the Appointment of the Auditor for 2024, noting that the Executive Committee completed the annual auditor evaluation and recommended that the board approve Grewal Guyatt for 2024. The Board was invited to ask questions and a conversation about the possibility of approving the auditor for more than one year at a time followed.

MOTION: TO APPROVE GREWAL GUYATT AS AUDITOR FOR THE 2024 FISCAL YEAR.

MOVED: G. SEPCZYNSKA

SECONDED: S. KINSELLA

FOR: 10

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

The meeting was running ahead of schedule. The Board asked T. Nahmabin to present the Board Member Terms of Reference Policy Monitoring Report.

6.0 Board Member Terms of Reference Policy Monitoring Report

T. Nahmabin presented the Board Member Terms of Reference Policy Monitoring Report. The report indicated that the criteria had been fully achieved in all 12 sections. No action items were identified for this monitoring report.

5.0 Quarterly Policy Review and Updates

5.1 Board Policy Review and Updates.

E. Borins presented the briefing note on the Board Policy Review and Updates. This quarter, four policies were up for review:

- Asset Protection Policy

- Patient Relations Terms of Reference and Mandate Policy
- ICRC Terms of Reference and Mandate Policy
- Pre-election Training Module Policy

E. Borins reviewed the Asset Protection Policy changes with the board, noting that the proposed amendments are minor and ensure consistency with existing board policies. References to the Intellectual Property Policy (4-28) have been removed, as the reference is no longer relevant. The proposed amendments do not change the substantive content of the policy.

E. Borins presented the Patient Relations Terms of Reference and Mandate Policy. Minor grammatical changes were made to align with the language in other board policies. These changes do not change the substantive content of the policy.

E. Borins then moved on to the Inquires Complaints and Report Committee Terms of Reference Mandate and Policy, noting that the changes were minor and grammatical. The policy outlines the ICRCs composition, authority, accountability, and responsibilities.

Finally, E. Borins presented the Pre-Election Training Module Policy. No changes to this policy were recommended.

The Board was invited to ask questions.

Risk management consideration: Regularly reviewing the content of governance policies to ensure that they remain relevant and continue to serve the board's needs and strategic objectives aligns with the COO's Strategic Plan and helps to mitigate organizational risk.

The committee did not identify any concerns from a DEI standpoint relating to these policies.

The public interest considerations: The board recognized the importance of strong governance to carry out its object of regulating the profession in the public interest and has invested significant time and resources into updating its governance policies and processes. Reviewing the content of these policies ensures that they remain consistent, and effective, and that the College is up to date with regulations, technology, and regulatory best practices.

The board affirmed the risk management and public interest considerations put forward by the committee. The board did not identify any concerns from a DEI perspective.

MOTION: THAT THE BOARD APPROVE THE PROPOSED AMENDMENTS TO THE ASSET PROTECTION POLICY AS RECOMMENDED BY THE GOVERNANCE COMMITTEE.

MOVED: T. NAHMABIN

SECONDED: P. IMOLA

FOR: 10

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

MOTION: THE BOARD APPROVES AMENDMENTS TO THE PATIENT RELATIONS TERMS OF REFERENCE AND MANDATE POLICY AS RECOMMENDED BY THE GOVERNANCE COMMITTEE.

MOVED: O. FAROUK
SECONDED: G. SEPCZYNSKA

FOR: 10
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

MOTION: THAT THE BOARD APPROVE THE PROPOSED AMENDMENTS TO THE ICRC TERMS OF REFERENCE AS RECOMMENDED BY THE GOVERNANCE COMMITTEE.

MOVED: A. MUNIAN
SECONDED: K. CLOUTIER

FOR: 10
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

MOTION: TO APPROVE THE STATUS QUO FOR THE PRE-ELECTION TRAINING MODULE POLICY AS RECOMMENDED BY THE GOVERNANCE COMMITTEE.

MOVED: T. NAHMABIN
SECONDED: A. MUNIAN

FOR: 10
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

5.5 Inactive Class Eligibility

E. Borins presented the briefing note on eligibility for registrants in the new Inactive class to vote in board elections, to be appointed to committees, and to run for election to the board of directors.

Since the last meeting, registrants and other system partners were invited to provide feedback on the committee's proposal to exclude inactive opticians from eligibility for election and appointment. On review of the feedback, the Committee recommended that inactive opticians be:

- ineligible for election to the board
- eligible to vote in board elections
- ineligible to serve as appointed committee members.

Although a majority of respondents to the feedback survey expressed that inactive opticians should be eligible to run for election and/or be appointed as committee members, the committee noted that there did not appear to be a strong public interest rationale for doing so. By contrast, the feedback received did not alleviate the committee's concern that inactive opticians may not have enough current knowledge to participate in a way that would best serve the Ontario public.

However, in the Committee's view, there was no significant risk to making inactive opticians eligible to vote in board elections, as they would not be the decision makers.

The board agreed with the recommendation put forward by the Committee and requested that the policy be reviewed every three years.

Diversity, Equity, and Inclusion Considerations: The board was of the view that excluding inactive members from eligibility for election and appointment was reasonable to ensure that those governing the profession are actively practicing and aware of the issues that will impact the public interest. The board was of the view that this outweighed concerns about excluding a group of individuals from eligibility.

Public Interest Considerations: The board agreed with the rationale identified by the Committee for specifying that the profession should be governed by those who are actively practicing as they will be in a better position to identify issues and concerns that could impact the public. However, allowing members to vote would not significantly impact the public interest as they would not be the decision-makers themselves.

Risk Management Considerations: The board was of the view that those who are actively practicing are in a better position to identify issues and concerns that could impact the safe and ethical delivery of opticianry services to the public.

MOTION: TO APPROVE THE PROPOSED AMENDMENTS TO THE BY-LAWS

MOVED: S. KINSELLA

SECONDED: G. SEPCZYNSKA

FOR: 10

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

7.0 Monitoring Reports

7.1 Strategic Outcomes Policy Monitoring Report

F. Khan presented the Strategic Outcomes Policy Monitoring Report to the board. The report provides a detailed progress report on achievement of strategies identified under the board's 2023-2025 Strategic Plan.

F. Khan outlined a number of ongoing strategic initiatives, including:

- Development of resources to support registrants in areas of diversity, equity and inclusion.
- Initiatives to engage with and support equity deserving communities
- Strategies to increase awareness of the Prior Learning Assessment and Recognition process for internationally trained opticians.

The floor was open to questions. No concerns or action items were identified.

MOTION: THAT THE BOARD APPROVE THAT THE REGISTRAR'S INTERPRETATION OF THE POLICY WAS REASONABLE.

MOVED: G. SEPCZYNSKA
SECONDED: P. IMOLA

FOR: 10
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

MOTION 2: THAT THE BOARD AGREES THAT THE REGISTRAR, CEO COMPLIED WITH THE POLICY.

MOVED: P. IMOLA
SECONDED: A. MUNIAN
FOR: 10
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

8.2 Technology and Cyber Security Policy Monitoring Report

F. Khan presented the Technology and Cyber Security policy monitoring report to the Board. The report covered the period from December 2023 to September 2024. The report noted that the College regularly replaces laptops and other equipment. Regular meetings are held with the IT strategist to determine if there is anything we are not currently doing that should be implemented.

A plan is in place to safeguard the information technology infrastructure, and it includes staff training around cyber security. In addition, the College is financially protected from the impacts of data loss, damage, theft, or unauthorized collection, use, or disclosure by an encompassing insurance policy. Steps have also been taken to ensure that space sharing with CRO does not compromise COO data or existing IT structure.

The floor was open to questions. No concerns or action items were identified.

MOTION: THAT THE BOARD APPROVE THAT THE REGISTRAR'S INTERPRETATION OF THE POLICY WAS REASONABLE.

MOVED: K. CLOUTIER

SECONDED: O. FAROUK

FOR: 10

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

MOTION 2: THAT THE BOARD AGREES THAT THE REGISTRAR, CEO COMPLIED WITH THE POLICY.

MOVED: P. IMOLA

SECONDED: S. KINSELLA

FOR: 10

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

7.3 Asset Protection Policy Monitoring Report

F. Khan presented the Asset Protection Policy Monitoring report to the Board. The report covered the period from January 2022 to September 2024.

F. Khan reviewed steps taken by the College to protect physical assets and data, including insurance, security measures, policies relating to vendor relations and procurement and steps taken to protect the College's public image.

The floor was open to questions. No concerns or action items were identified.

MOTION: THAT THE BOARD APPROVE THAT THE REGISTRAR'S INTERPRETATION OF THE POLICY WAS REASONABLE.

MOVED: P. IMOLA
SECONDED: R. VEZINA

FOR: 10
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

MOTION 2: THAT THE BOARD AGREES THAT THE REGISTRAR, CEO COMPLIED WITH THE POLICY.

MOVED: G. SEPCZYNSKA
SECONDED: K. CLOUTIER

FOR: 10
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

Following the monitoring reports, the board took a 90-minute lunch break, from 11:30 to 1:00.

10.0 Registration Policies

8.1 Labour Mobility Policy

R. Vezina presented the Labour Mobility Policy briefing note to the board. The registration committee proposed that the current Mutual Recognition Policy be replaced by the new Labour Mobility Policy. The updated policy aligns with the college's new Registration Regulation and has been streamlined to enhance clarity around existing requirements.

No changes were proposed to the existing Mutual Recognition Agreement (MRA) between the COO and its national counterparts. However, the new Labour Mobility Policy included three changes to how the MRA will apply in Ontario:

- Reference to Student Optician was removed to reflect the elimination of that class under the new Registration Regulation
- Reference to the inactive class was added to ensure clarity around how labour mobility applies to this new class.
- Referent to the opticianry programs approved under the old regulation was removed to ensure candidates have access to any available accredited program.

Public Interest Consideration: The updated Labour Mobility Policy will ensure that a threshold level of competence and safety is maintained to protect the public.

The Board affirmed that it agrees with the public interest consideration identified by the committee.

Diversity, Equity, and Inclusion considerations: Ensuring that opticians licensed to practice in one province and territory in Canada have access to employment opportunities in that occupation in all provinces and territories in Canada aligns with the COO's organizational values relating to Diversity, Equity, and Inclusion.

The board affirmed that it agrees with the committee's Diversity, Equity, and Inclusion considerations.

Risk Management considerations: Each of the signatory provinces and territories of the agreement recognizes and respects that there is more than one path to achieving competence and each takes the responsibility of setting standards reasonably and in good faith.

The Board affirmed that it agrees with the Risk Management consideration identified by the committee.

The board was invited to ask questions.

MOTION: THAT THE BOARD APPROVE THE PROPOSED LABOUR MOBILITY POLICY

MOVED: G. SEPCZYNSKA

SECONDED: T. NAHMABIN

FOR: 10

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

8.2 Examination and Upgrading Policy

R. Vezina presented the Examination and Upgrading Policy briefing note to the board. The policy outlines the eligibility requirements for candidates to sit the national examination. The policy also includes the upgrading proposal guidelines for the examination candidates.

The proposed updates sought to align the policy with the new Registration Regulation, including removing reference to registered student opticians, and updating the requirements for candidates following a 4th unsuccessful exam attempt.

The board was invited to ask questions and a discussion around the details of the process followed.

Public Interest Consideration: The proposed revisions to the policy ensure that the policy complies with the requirements of the new Registration Regulation and that the process for meeting the examination eligibility requirements is transparent and set out clearly in the policy. The revisions also provide public protection by enhancing the mechanism through which the Registration Committee can evaluate and address intern opticians who have failed the examination three or four times and may have deficits that require attention.

Diversity, Equity, and Inclusion Considerations: The Registration Committee did not identify any concerns from a diversity, equity, or inclusion perspective relating to the proposed changes to the policy.

Risk Management Considerations: Continually monitoring registration policies and ensuring their alignment with the regulatory requirements helps to identify, analyze, and address potential organizational risks before they negatively impact the College.

The Board agreed with the public interest considerations and the Diversity, Equity, and Inclusion, and risk management considerations the committee identified.

The board was invited to ask questions, and a conversation followed around updating the language to reflect that the registration committee can approve programs on an ongoing basis. The cycle of program review for each school was also discussed.

MOTION: THAT THE BOARD APPROVE THE PROPOSED EXAMINATIONS AND UPGRADING POLICY.

MOVED: T. NAHMABIN

SECONDED: K. CLOUTIER

FOR: 10

AGAINST: 0

ABSTAINED: 1 P. JUDGE ABSTAINED (Reason: Did not feel informed enough to make a decision)

VOTE: CARRIED

8.3 Non-Practicing Status for Registered Opticians Policy

R. Vezina presented proposed updates to the Non-practicing Status for Registered Opticians Policy. The policy applies to registered opticians who renew their certificate of registration but sign an undertaking not to practice because they do not hold professional liability insurance.

Updates to the policy were proposed to align it with the new Registration Regulation, including adding reference to new ongoing currency requirements.

Public Interest Consideration: The Non-Practising Status for Registered Opticians policy protects the public interest by setting out terms for uninsured registrants that accurately reflect their non-practice of

the profession and by providing transparency to the public regarding the optician's non-practising status. The requirement to maintain ongoing currency offers assurance to the public that opticians will engage in safe and competent practice once they resume active practising and will not be eligible to renew their certificate of registration unless they meet the currency threshold.

The board agreed with the public interest consideration put forward by the committee.

Risk Management Considerations: The transparency of the policy in setting the terms of the non-practising status mitigates potential legal risks to the College if/when an optician fails to comply with the conditions of their undertaking and engages in unauthorized practice. By amending the policy to address the non-practising status in a manner that is more consistent with the new regulation, we make things more transparent for both registrants and the public.

The board agrees with the risk management considerations put forward by the committee.

DEI Consideration: The proposed changes to the policy consider the needs of Registered Opticians in different life circumstances, namely facing a situation where they are unemployed and do not have insurance coverage. The Registration Committee recognizes that, when making a decision, the obligation to uphold professional standards must be balanced against its ethical obligations to avoid practices and policies that directly or indirectly discriminate against registrants.

The Board agrees with the DEI considerations put forward by the committee.

The Board was invited to ask questions.

MOTION: THAT THE BOARD APPROVE THE AMENDMENTS TO THE NON-PRACTISING STATUS FOR REGISTERED OPTICIANS

MOVED: G. SEPCZYNSKA

SECONDED: S. KINSELLA

FOR: 10

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

8.4 Policy on Acceptance of Quality Assurance Program Compliance from other Canadian Provinces

R. Vezina presented a proposal to rescind the Policy on Acceptance of Quality Assurance Program Compliance from other Canadian Provinces. The policy was originally implemented in 2009. The new Registration Regulation that came into force on July 1, 2024 no longer requires evidence of Quality

Assurance compliance as a condition for reinstatement of a certificate of registration as a Registered Optician. Accordingly, the Committee was of the view that the policy was no longer required.

Public Interest Consideration: It is in the public interest for opticians to comply with their ongoing obligations under the Quality Assurance program and to not use administrative suspension as a mechanism to avoid these obligations. However, the new Registration Regulation and related policies have put in place several other checks and balances to make sure registrants are maintaining current knowledge and keeping up with their professional responsibilities.

These include:

- Suspended opticians must satisfy the registrar that they will comply with any outstanding orders or requirements of the QA committee before being reinstated
- The new ongoing currency requirement, which is not “paused” during periods of administrative suspension
- Opticians seeking to change to the new Inactive class must not be subject to any outstanding requirements of the quality assurance program
- Inactive opticians who apply to return to active status will be required to demonstrate currency or complete a refresher

Diversity, Equity, and Inclusion Considerations: There does not appear to be any rationale from a DEI perspective for retaining this policy.

Risk Management Considerations: It is recommended that the outdated policy be rescinded to avoid confusion.

The board agreed with the public interest considerations, risk management, and diversity, equity, and Inclusion considerations identified by the committee.

The board was invited to ask questions.

MOTION: TO RESCIND THE POLICY ON ACCEPTANCE OF QUALITY ASSURANCE PROGRAM COMPLIANCE FROM OTHER CANADIAN PROVINCES.

MOVED: G. SEPCZYNSKA

SECONDED: T. NAHAMABIN

FOR: 10

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

9.0 Remote Peer and Practice Assessment Fees

T. Nahmabin presented a proposal to lower fees for remote Peer and Practice Assessments (PPAs) from \$850 to \$450. The lower fee reflects the reduced cost associated with carrying out PPAs remotely. No change was proposed to the fee for on-site PPAs.

It was noted that the fee is only charged where a registrant is ordered to undergo a PPA for non-compliance with the Quality Assurance Program. The fee does not apply to registrants randomly selected to undergo a PPA.

The changes have been circulated for system partner feedback. The survey was emailed to registrants, and posted on the stakeholder feedback page, on the College website, and on social media. A majority of respondents were in favour of the fee change.

Public Interest Considerations: The goal is to ensure that registrants are practicing safely, competently, and ethically. A PPA assesses ongoing practice competence.

Diversity, Equity, and Inclusion Considerations: When reviewing the feedback, the Committee considered that only those registrants who are ordered to undergo a PPA are required to pay a fee, those registrants who are randomly selected for a PPA are not required to pay a fee.

Risk Management Considerations: The proposed fee applies to registrants required to participate in a PPA due to non-compliance with the QA program or as ordered by another Committee of the College or the Registrar. The proposed fees are cost recovery and will therefore reduce financial risk.

The board affirmed the DEI considerations, risk management considerations, and public interest considerations put forward by the committee.

The board was invited to ask questions.

MOTION: THAT THE BOARD APPROVE THE PROPOSED AMENDMENTS TO THE REMOTE PEER AND PRACTICE ASSESSMENT FEES

MOVED: R. VEZINA

SECONDED: O. FAROUK

FOR: 10

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

10.0 Department Spotlight: Policy and Governance

S. Scott presented to the board, providing an overview of her role in supporting Governance Committee, Patient Relations Committee, and the Screening Committee. The Board was invited to ask questions.

11.0 Registrar's Report

F. Khan presented the Registrar's Report to the board. The report covered government relations, an update on the Ministry of Health reporting requirements, and staffing. The report also touched on ongoing collaboration and space-sharing efforts.

11.1 Committee Reports and Communications Report

D. Summers invited the Board to ask questions about the committee reports.

A. Munian left the meeting at 2:32 and returned at 3:00.

The board then took a 15-minute break.

12.0 In Camera Session

MOTION: TO GO IN CAMERA UNDER S. 7(2)(e) OF THE HEALTH PROFESSIONS PROCEDURAL CODE TO DISCUSS PERSONNEL MATTERS.

MOVED: S. KINSELLA

SECONDED: A. MUNIAN

FOR: 10

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

13.0 Adjournment

MOTION: TO ADJOURN THE MEETING

MOVED: G. SEPCZYNSKA

SECONDED: S. KINSELLA