



COUNCIL

Wednesday and Thursday, December 1 and 2, 2010

MINUTES

Present:

G. Fieber, Chair	B. Dowson	
A. Bianchi	L. Duffield	A. Patel
J. Bald	M. Fletcher	J. Powell
F. Bari	N. Florent	W. Pride
Y. Blackwood	C. Genereux	Y. Ramlall
D. Bockman	L. Harrington	C. Ritchie
L. Bracken	G. Isgro-Topping	N. Sears
A. Cheese	E. Kerr	M. Seawright
J. Coutts	D. Kimberley	M. Tuomi
G. Cucchi	J. King	A. Verrier
D. Curry	J. Leznoff	K. Voycey
J. Dobie	M. Lim-Serrano	A. Wills

Regrets:

J. Gajasan	C. McMaster
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Staff:

H. Campbell	J. Hofbauer, Recorder	P. Reinhart
A. Coghlan	K. McGovern	C. Stanford

AGENDA The agenda had been circulated.

MOTION 1 Moved by J. Powell, seconded by B. Dowson,

That the agenda be approved.

CARRIED

CLOSURE The Executive Committee is recommending closure of the meeting to discuss personnel matters.

MOTION 2 Moved by D. Bockman, seconded by N. Florent,

That the Council meeting be closed for agenda item 6.3.1, to discuss personnel matters in accordance with Section 7(2)(d) of the Procedural Code.

CARRIED

MINUTES Minutes of the Council meeting of September 16, 2010 had been circulated.

COUNCIL MINUTES – December 1 and 2, 2010**MOTION 3**

Moved by J. Coutts, seconded by A. Verrier,

That the minutes of the Council meeting of September 16, 2010 be approved as circulated.

CARRIED

EVALUATION

Council members had received the summary of evaluations of the September Council meeting.

**REGISTRATION
REGULATION**

A. Bromstein, legal counsel, joined Council for the discussion about the registration regulation and related By-Law amendments.

G. Fieber noted that Council, based on its belief that the regulation is in the public interest, approved it for circulation in September. He noted that Council's role at this meeting is to review the feedback and determine if it still believes that the regulation is in the public interest or if some aspect of the regulation requires change.

Council members had received a report on feedback on the proposed regulation and related By-Laws. T. Bardell highlighted the main themes in the feedback and provided a detailed update on responses that had been received after the report had been sent to Council.

Council was informed that responses had been received from:

- 563 members, which included a similar letter related to professional liability protection submitted by 413 members;
- 4 professional associations and unions;
- 2 health regulatory colleges;
- an insurance provider;
- Creating Access to Regulated Employment (CARE); and
- 2 government offices.

It was identified that much of the feedback was specific to particular areas in the proposed regulation and By-Laws, with the greatest amount of feedback relating to professional liability protection – particularly the requirements in the proposed new Article 44.4 of By-Law 1: General.

Council was informed of the concerns raised by members regarding professional liability protection. Council was also informed that, while CNO's regulation and the proposed By-Law article were drafted to meet the requirements of the amendments to the legislation included in the *Regulated Health Professions Statute Law Amendment Act* (Bill 179), those legislative amendments have yet to be proclaimed.

It was noted that there are differing interpretations of the legislative requirements regarding professional liability protection and that there are ongoing discussions between stakeholders and government.

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Given that the legislative authority for the liability protection by-law has not been proclaimed, it was identified that Council has the option to defer decision on the Article related to professional liability protection until more information is available.

Council was offered the opportunity to ask general questions, after which there was a section-by-section discussion of the regulation and feedback.

It was identified that the College will not respond individually to issues raised by members but is collating questions and will be including key questions and answers on the web site.

A. Bromstein noted that there were no changes from the legislative drafting perspective as a result of the feedback.

In the detailed discussion, Council was reminded of the public interest rationale for shifting the practice requirement from five to three years. The rationale for differentiating between clinical and non-clinical members of the General Class was reviewed. It was identified that the framework for the regulation is intentionally broad and that the College will be doing more work in clarifying issues related to the differentiation between clinical and non-clinical practice.

It was clarified that members in the non-practising class will be able to use the titles RN, non-practising and RPN, non-practising. This class will be open to a wider group of members than the current retired class. The public interest rationale for the adoption of a non-practising class was highlighted.

There was some discussion about the suitability to practice provisions in the regulation, particularly the terms used and the breadth of the required information. The public interest rationale for these provisions was reviewed. It was also clarified that, after Council decision on the regulation, it will be reviewed by policy and legal staff in government. If there is concern about the clarity of the language from a legal perspective, the government will propose edits.

Prior to decision regarding the regulation, proposed edits to the regulation were highlighted.

The President reminded Council that the issue for consideration in making a decision about the regulation is whether any of the feedback has changed its perspective that the proposed regulation is in the public interest.

COUNCIL MINUTES – December 1 and 2, 2010**MOTION 4**

Moved by L. Duffield, seconded by A. Verrier,

That Council approve the proposed amendments to Part I (Definitions) and Part II (Registration) of Ontario Regulation 275/94 (General), as they appear in Attachment 1 to the Briefing Note, with the following changes:

- deletion of “or (2)” in the definition of “specialty in the Extended Class” in section 1
- addition of the words “in a province or territory in Canada” in section 14(1)1.iii
- substitution of the word “hold” instead of “held” in section 14(10)

for forwarding to the Ministry of Health and Long-Term Care for approval.

CARRIED

**BY-LAW
AMENDMENTS**

Amendments to Article 44 of the General By-Law (information from members and liability protection) and the Fees By-Law (administrative suspension), had been circulated. Responses to these by-laws were included in the report on the report of feedback to the registration regulation and related By-Laws.

During discussion of the registration regulation, it was suggested that Council consider deferring decision on the proposed Article 44.4 regarding professional liability protection.

MOTION 5

Moved by J. King, seconded by Y. Blackwood,

That decision regarding approval of Article 44.4 re. professional liability protection be deferred.

CARRIED

Amendments were also proposed to Article 44.2 regarding information from members.

The President reminded Council that By-Law amendments require a 2/3 majority to pass.

MOTION 6

Moved by G. Isgro-Topping, seconded by M. Lim-Serrano,

That Council approve the proposed amendments to Article 44.2 of By-Law 1: General regarding information from members, as they appear in Attachment 2 to the Briefing Note, to come into effect on such date as the proposed amendments to the registration regulation come into effect.

CARRIED

COUNCIL MINUTES – December 1 and 2, 2010

Amendments to By-Law 2: Fees, regarding Administrative Suspension, had been circulated.

MOTION 7

Moved by J. Powell, seconded by J. Coutts,

That Council approve the proposed amendments to By-Law 2: Fees regarding administrative suspension, as they appear in attachment 2 to the briefing note, to come into effect on such date as the proposed amendments to the registration regulation come into effect.

CARRIED

**CONTROLLED
ACTS
REGULATION**

E. Tilley highlighted the process for development of the revised controlled acts regulation and the changes included in the regulation. It was noted that the proposed regulation includes limitations and conditions to ensure safe practice. Practice standards will also be revised to provide further guidance regarding the safe performance of controlled acts.

Council was reminded that its decision is in relation to approving the regulation for circulation. A report on feedback will be prepared for Council in March and at that time a final decision will be made regarding approving the regulation for forwarding to government.

E. Tilley highlighted a change in the wording and numbering of the draft regulation.

MOTION 8

Moved by A. Verrier, seconded by J. Bald,

That the proposed amendments to Part III (Controlled Acts) of Ontario Regulation 275/94 (General), as they appear in attachment 1 to the briefing note, with the removal of sub-section 20. (2)(b) and re-numbering of subsequent sub-sections, be approved for notice and circulation to members and stakeholders.

CARRIED

STRATEGIC PLAN

G. Fieber noted that over the past year, Council and the Leadership Team have been developing a new Strategic Plan. The proposed 2011-2020 Strategic Plan will provide a strong direction for the future. A. Coghlan noted that once Council makes a decision about the plan, a communications strategy will be developed.

MOTION 9

Moved by D. Bockman, seconded by J. King,

That the 2011-2020 Strategic Plan, attachment 1 to the briefing note, be approved.

CARRIED

COUNCIL MINUTES – December 1 and 2, 2010**STATUTORY
COMMITTEE
STRUCTURE**

In September, Council agreed in principle to provide membership ranges for all statutory committees and asked that By-Law amendments be prepared to establish the ranges.

MOTION 10

Moved by N. Sears, seconded by E. Kerr,

That the amendments to By-Law 1: General related to the membership of statutory committees, as shown in Column 2 of attachment 1 to the briefing note, be approved to come into effect at the first meeting of the 2011-2012 Council held in June of 2011.

CARRIED

**PN PROGRAM
APPROVAL**

The following Council members declared a conflict of interest and left the meeting prior to discussion and decision-making regarding approval of Practical Nurse Programs: J. Coutts, L. Duffield, G. Fieber, J. Powell, W. Pride, M. Seawright and K. Voycey.

At the request of the President and in the absence of the officers, C. Genereux chaired the meeting. She noted that a review of the approval process is planned for 2011, and therefore Council is required to extend the approval of programs to ensure that graduates are eligible for registration. It was identified that the College is satisfied that all programs being extended prepare students to meet the College's entry to practice competencies.

MOTION 11

Moved by A. Verrier, seconded by D. Curry,

That the following Practical Nursing Programs be granted Category 1 Approval until December 2015:

- Cambrian College;
- Canadore College;
- Niagara College; and
- Northern College.

CARRIED

MOTION 12

Moved by A. Wills, seconded by A. Cheese,

That the approval for the following Practical Nursing Programs due to expire on December 31, 2010, be extended until Council issues a new approval or December 2012, whichever is sooner:

- Collège Boréal;
- Conestoga College;
- Confederation College;
- Sault College; and
- Seneca College.

CARRIED

COUNCIL MINUTES – December 1 and 2, 2010**MOTION 13**

Moved by D. Bockman, seconded by E. Kerr,

That the review of the following Practical Nursing Programs scheduled for review in 2011 be deferred and that the expiry of the approval for these Programs be extended until Council issues a new approval or December 2012, whichever is sooner:

- Fanshawe College
- Georgian College
- La Cite Collegiale
- St. Clair College
- Sheridan College

CARRIED

It was identified that recommendations for the approach to Practical Nurse Program Approval will be addressed by Council on or before December 2011.

J. Coutts, L. Duffield, G. Fieber, J. Powell, W. Pride, M. Seawright and K. Voycey rejoined the meeting. G. Fieber assumed the Chair.

EXECUTIVE
DIRECTOR
UPDATE

K. McGovern provided an update on the activities related to processing complaints and reports. She noted the increase in the number of mandatory reports, including a doubling of reports of incapacity.

It was identified that reports are high-risk matters related to public safety and include reports of terminations, criminal findings of guilt or incapacity. The College has focused intake resources on the high risk matters.

The strategies that are being put into place to address the cases in the Complaints queue were highlighted.

A. Coghlan provided an update on annual renewal. She noted that the College has experienced a 45.3% increase in the number of members who have renewed as compared with the same time in 2010.

Council was informed that the College is undertaking a consultation on descriptors for the practice of RN and RPN categories. The goal is to develop evidence to support decision making and better understand public protection elements of College practice documents.

Council was informed that all Canadian RN regulators have met to review draft by-laws for the Canadian Council of RN Regulators. All regulators have indicated an interest in pursuing development of the organization.

EXECUTIVE
COMMITTEE

Draft minutes of the Executive Committee meeting of November 11, 2010, had been circulated for information.

COUNCIL MINUTES – December 1 and 2, 2010**VACANCY**

The death of B. Etmanski has created a vacancy on Council, the Registration Committee and the position of Registration Committee Chair.

Council received a recommendation from the Election and Appointments Committee regarding the filling of the RPN Council vacancy in the Northeastern District.

MOTION 14

Moved by C. Ritchie, seconded by J. King,

That the RPN Council member position from the Northeastern district remain vacant until filled through the 2011 election of Council members.

CARRIED

In accordance with the By-Laws, the Executive Committee recommendations regarding the filling of committee vacancies were reviewed.

MOTION 15

Moved by L. Bracken, seconded by G. Isgro-Topping,

That Laura Duffield be appointed as the Chair of the Registration Committee until June, 2011.

CARRIED

The Executive Committee had recommended that the RPN Council member position on the Registration Committee be filled when the Council vacancy is addressed through the June 2011 elections.

A concern was expressed about the ability to have a quorum if the position was not filled. The Executive's rationale for its recommendation was reviewed. Council referred the recommendation that the vacancy remain unfilled back to the Executive Committee for reconsideration. A. Verrier volunteered to fill the vacancy, if required.

RECESS

Council recessed at 3:10 p.m., to reconvene in a closed session at 9:00 a.m. on December 2nd.

CLOSED SESSION

The proceedings of the closed session are recorded in a confidential appendix to the minutes.

COUNCIL MINUTES – December 1 and 2, 2010

FINANCE K. Voycey highlighted the report of the Finance Committee meeting of
COMMITTEE November 10, 2010.

Financial Statements

Council members had received the Financial Statements for the nine months ended September 30, 2010. It was noted that the year to date operating deficit of \$1.11 million is \$690,000 less than the budgeted deficit of \$1.8 million.

MOTION 16

Moved by K. Voycey, seconded by Y. Blackwood,

That the unaudited financial statements for the nine months ended September 30, 2010 be accepted.

CARRIED

2011 Operating and Capital Budgets

P. Reinhart highlighted the proposed 2011 Operating and Capital budgets. He noted the major impacts on the budget including increasing volumes and legislative change.

The budget includes three-year projections, which show the College moving from an accumulated surplus to an accumulated deficit in 2013. For that reason, the College requires a fee increase in 2012.

There was some discussion of the fiscal impact of the move to mandatory on-line renewal. It is anticipated that two years will be required to recover the costs of development and the collection of additional information.

MOTION 17

Moved by K. Voycey, seconded by A. Verrier,

That the 2011 operating and capital budgets be approved.

CARRIED

Fee Increase Proposal

The Finance Committee is recommending a fee increase in 2012 to address the increasing deficits. Council's direction is being sought to guide the drafting of By-Law amendments.

It was identified that increased fees are needed to address both inflation and changes in the College's role. The Finance Committee also considered the anticipated loss of revenue with implementation of the non-practising class in the future. The committee is proposing fees that will maintain the College's fiscal integrity when the non-practising class is implemented.

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It was clarified that the proposed fees are exclusive of taxes. It is anticipated that the proposed fees will meet the College's financial requirements for five years.

MOTION 18

Moved by K. Voycey, seconded by L. Duffield,

That, effective the 2012 annual membership renewal, the annual membership fee be increased from \$116.82 to \$155.00.

CARRIED

MOTION 19

Moved by K. Voycey, seconded by A. Wills,

That, effective January 1, 2012, the late fee be increased from \$46.73 to \$100.00.

CARRIED

In addition to proposing new fees to come into effect with the 2012 renewal, the Finance Committee is recommending fees for the non-practising class that will come into effect when the registration regulation is filed.

MOTION 20

Moved by K. Voycey, seconded by L. Bracken,

That the annual membership fee for the non-practising class be \$50.00 and that the late fee for the non-practising class be \$25.00.

CARRIED

NEXT MEETING

Council will meet again on March 2, 2011.

CONCLUSION

At 2:30 p.m., it was,

MOTION 21

Moved by A. Verrier, seconded by J. Powell,

That Council conclude.

CARRIED

Chair