

Minutes

Present

C. Evans, Chair	J. Jamieson (Wednesday)	M. Sheculski
P. Andrade	A. Jewell	N. Thick
C. Barnet	D. Lafontaine	A. Vidovic
F. Cardile	M. MacMillan-Gilkinson	K. Wagg
D. Cutler	C. Manning	D. Walia
R. Davidson	K. Patterson	C. Ward
C. Egerton	T. Perlin	T. White
A. Fox	J. Petersen	H. Whittle
G. Fox	D. A. Prillo	C. Williams
D. Graystone	S. Robinson	I. Wiltshire-Stoby
T. Holland	G. Rudanycz	

Regrets

T. Dion	N. Osbourne James	C. Woodbury
J. Jamieson (Thursday)		

Guests

Pat Mandy	John Risk
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Staff

J. Anderson	D. Jones	S. Mills
A. Coghlan	B. Knowles	C. Stanford
J. Hofbauer, Recorder	K. McCarthy	

Agenda

The agenda had been circulated. C. Evans informed Council that there will no longer be a closed session.

Motion 1

Moved by R. Davidson, seconded by N. Thick,

That the agenda for the December 2018 Council meeting be approved as revised.

CARRIED

Minutes

Minutes of the Council meeting of September 12 and 13, 2018 had been circulated.

Motion 2

Moved by D. Cutler, seconded by T. Holland,

That the minutes of the Council meeting of September 12 and 13, 2018 be approved as circulated.

CARRIED

Governance Work Group

C. Evans introduced the report of the Governance Work Group. She provided an update on the competency based committee appointments and the integration of the competencies into the 2019 Council elections.

Legislative Submission

P. Andrade introduced the Work Group's recommendation for the College's legislative submission. It was noted that the proposed submission is high level and that any legislative change will be determined by government.

A. Coghlan updated Council on engagement with the government. She informed Council that the Deputy Minister was complimentary of Council's vision, particularly its grounding in evidence and focus on meeting public expectations.

There was some discussion about the possibility of including a range for the number of members on the future board. That way, if it became apparent during the future evaluation of the governance changes that additional board members were necessary, legislative change would not be required. It was noted that this government is supportive of the principle of being able to make changes without opening legislation. It was also pointed out that needed expertise can be brought to the board in ways that do not impact on the size of the board, including advisory groups and contracting for specific expertise.

There was discussion about whether the legislative changes would be limited to CNO or would apply to other health regulators. A. Coghlan noted that this will be discussed with government. A number of regulators have expressed interest in Council's vision.

Motion 3

Moved by P. Andrade, seconded by J. Petersen,

That Council approve the table, as it appears in attachment 1 to the Work Group's report, as the basis for CNO's Vision 2020 legislative submission to the Ontario government.

CARRIED

Chair/Vice-Chair profile

A. Jewell highlighted the changes to the Chair and Vice-Chair profiles made as a result of Council's discussion in September.

Motion 4

Moved by A. Jewell, seconded by M. Sheculski,

That Council approve the Chair/Vice-Chair profile, as it appears in attachment 2 to the Work Group's report, for future candidates of those positions.

CARRIED

Statutory chair profile

The Governance Work Group recommended using the chair profile to support appointment of the 2019 statutory committee chairs.

Motion 5

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

That Council approve the use of the Statutory Committee Chair profile, as it appears in attachment 3 to the Governance Work Group's report, for the 2019 appointments to statutory committee chair positions.

CARRIED

Evaluation

G. Fox highlighted the plans for evaluation of the 2018 activities.

2019 Activities

G. Fox highlighted the 2019 implementation activities. She noted that the implementation is divided into two parts – changes that can take place without legislative change and those that are dependent on legislative change. The focus for 2019 is on the process for appointment of the new board and the standing committees.

It was noted that the Nominating Committee has a critical role to play in recommending members of the Board of Directors. There needs to be a transparent, bias free process to

promote public confidence. The Governance Work Group is recommending that Council consult its public advisory group.

Motion 6

Moved by G. Fox, seconded by C. Williams,

That Council approve a consultation with the public advisory group to inform development of the future Nominating Committee.

CARRIED

It was flagged that it will be important to ensure that there is succession planning for statutory committees for the future with the planned removal of members of the board from those committees.

Follow-up Action

Submit legislative proposals to Minister of Health and Long-Term Care.
Implement competency based appointment of statutory committee chairs.
Consult public advisory group about Nominating Committee.
Executive Director and CEO

By-Laws

E. Tilley, Strategy Consultant, highlighted proposed changes to the Register and Fees By-Laws to increase the information about nurses available on CNO's register. She highlighted the evidence supporting the parameters around the information that will be made available.

In response to questions, it was noted that the College collects information on all employers during annual renewal, but requires the by-law change to authorize sharing the information.

There are legislative requirements for nurses to self-report and update information. The College will be undertaking a communications strategy so that nurses understand this accountability and also recognize that there will be financial implications if the obligation is not acted on.

The College is working to engage employers as partners in public safety. It was noted that this change can be used as an opportunity to educate employers regarding the value to the public of the employer information on Find a Nurse.

Motion 7

Moved by R. Davidson, seconded by S. Robinson,

That Council approve, for notice and circulation, the amendment of the College's By-law No. 1: General by revoking paragraph 2 of Article 44.1.06 and substituting the following:

2. Where a member is or has been engaged in nursing practice during the previous three calendar years, the name and address of all persons and businesses for whom or through which the member engages or engaged in nursing practice during those years, whether in Ontario or any other jurisdiction, including the year on which the member

commenced practice and the year on which the member ceased practice, if applicable, for each of those persons or businesses.

CARRIED

Motion 8

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

That Council approve, for notice and circulation, the amendment of the College's By-law No. 2: Fees to add a new fee under the heading "OTHER FEES" as article 9.1.03 as follows:

9.1.03 Where the member fails to comply with Article 44.2.06 of the College's By-law No. 1: General and the College subsequently is required to revise its register to reflect information thereafter provided by the member, the member shall pay an administrative fee of \$100.00.

CARRIED

Follow-up Action

Publish proposed amendments to Register and Fees by-laws.
Executive Director and CEO

Key Regulatory Function - Entry to Practice

S. Vogler demonstrated how the new applicant portal works and highlighted the process from application to registration of three applicants: an Ontario graduate, an applicant from another province and an international applicant. The presentation highlighted the portions of the process that the College controls and the parts of the process that are outside of the College's control.

In response to a question about how the College assesses education, it was noted that applicants from other provinces meet the education requirement because they are registered with another province. For applicants from outside of Canada, their education is assessed by the National Nursing Assessment Service.

Future QA

A. Tong, Strategy Consultant and Y. Ismail, Evaluation Consultant provided an update on the plans for development and evaluation of the College's future QA program.

A. Tong highlighted the six-year project to integrate new components into the College's current Quality Assurance Program. She noted that the College will build its self-assessment tool on the framework developed by the British Columbia College of Nursing Professionals. She provided examples of what the tool might look like in the future. It was noted that the plan is for the new tool to be part of the renewal process in 2021.

Y. Ismail noted that evaluation of the new program will be based on the outcomes identified and approved by Council in December 2017. He identified that the evaluation will be both quantitative and qualitative. The College is partnering with McMaster Health Forum on the evaluation and the project has received a government grant.

There was discussion about the frustrations that the Quality Assurance Committee faces in addressing individuals who refuse to participate in the self and peer assessment processes. A. Coghlan noted that the College is aware of the issue and is working to resolve it before implementation of the new program. The College is exploring a variety of potential approaches and whether this requires legislative change.

A. Coghlan noted that it is not only CNO that faces the issues with non-compliance. She identified that the Ministry is considering modernizing the regulatory framework but it is not clear whether addressing this issue with the QA program is being considered as part of that initiative. She also noted that communicating and socializing the new program is a big part of its development. This may result in less misunderstanding and greater participation.

RN Prescribing

C. Evans reminded Council that the draft amendments to the Controlled Acts and Delegation regulations reflect its previous decisions regarding RN prescribing. J. Risk, Legal Counsel, joined Council.

There was a question about whether the regulation should refer to a specific schedule of over-the-counter medications so it is very clear what an RN can and cannot prescribe. It was clarified that the Ministry will not include references to documents in regulation.

A member suggested that given the focus on public safety, anti-virals for prevention following exposure to HIV should be considered for inclusion as drugs that RNs can prescribe. Another member suggested that, if RN prescribing is expanded to include anti-virals, it should also include anti-virals for treatment of shingles.

It was noted that Council developed the regulation based on the limitations of the current legislation and on evidence, including extensive consultation with health care practitioners and the public. If Council wishes to make a change to the regulation at this time, it will need to be deferred and further research and consultation undertaken.

Motion 9

Moved by P. Andrade, seconded by C. Williams,

That consideration of the amendments to the Controlled Acts and Delegation regulations be deferred for the purpose of reviewing the addition of anti-retroviral medication for prophylaxis purposes and shingles treatment.

DEFEATED

It was identified that as Council addressed this issue over the past year, it was recognized that this is a major change and that RN prescribing may evolve in the future.

Motion 10

Moved by G. Fox, seconded by H. Whittle,

That Council approve for notice and circulation proposed changes, as shown in Attachment 1 to the briefing note, to Part III (Controlled Acts) and Part V (Delegation) of Ontario Regulation 275/94 General under the *Nursing Act, 1991*.

CARRIED

Follow-up Action

Publish proposed amendments to controlled acts and delegation regulations to authorize RN prescribing.
Executive Director and CEO

Recess

At 5:00 p.m., and on consent, Council deferred decisions about the Controlled Act of Psychotherapy and approval of Nurse Practitioner programs to December 6, 2018.

Council recessed, to reconvene at 9:00 a.m. on Thursday, December 6, 2018.

Thursday, December 6, 2018

Controlled Act of Psychotherapy

J. Risk, Legal Counsel joined the meeting. Council had received draft amendments to the Controlled Acts Regulation to allow RNs and RPNs to continue to perform the controlled act of psychotherapy once the controlled act comes into effect. Public safety is ensured through provision of conditions that apply to performance of all controlled acts without an order. It was noted that the *Public Hospitals Act* requires that RNs and RPNs have an order to perform any procedure, including psychotherapy.

Motion 11

Moved by S. Robinson, seconded by D. Cutler,

That Council approve, for notice and circulation, proposed changes, as shown in Attachment 1 to the briefing note, to Part III, Controlled Acts of Ontario Regulation 275/94: General, as amended, made under the *Nursing Act, 1991*.

CARRIED

Follow-up Action

Publish proposed amendments to controlled acts regulation to authorize RNs and RPNs to perform the controlled act of psychotherapy without an order.
Executive Director and CEO

NP Program approval

A. M. Shin, Manager of Education Program and N. Peladeau, Education Consultant highlighted the new program approval process.

C. Evans noted that she has a conflict of interest and has asked C. Manning to chair Council's discussion and decision about the approval of NP Programs. C. Evans left Council. H. Whittle and A. Vidovic also declared conflicts and left the meeting. C. Manning chaired the discussion.

Motion 12

Moved by G. Fox, seconded by N. Thick,

That the approval status of the following nursing education programs be: Approved

Institution Name	Program
Nurse Practitioner Programs Includes masters and post-masters programs, as well as French programs as relevant.	
Lakehead University	Primary Healthcare Nurse Practitioner
Laurentian University	Primary Healthcare Nurse Practitioner

McMaster University	Primary Healthcare Nurse Practitioner
University of Ottawa	Primary Healthcare Nurse Practitioner
Ryerson University	Primary Healthcare Nurse Practitioner
University of Toronto	Primary Healthcare Nurse Practitioner - Global Health
University of Toronto	Primary Healthcare Nurse Practitioner - Adult
University of Toronto	Primary Healthcare Nurse Practitioner - Paediatrics
Western University	Primary Healthcare Nurse Practitioner
York University	Primary Healthcare Nurse Practitioner

CARRIED

C. Evans, A. Vidovic and H. Whittle returned to chambers. C. Evans assumed the chair.

Follow-up Action

Inform programs of their program approval status.
Update program approval status on cno.org.
Executive Director and CEO

Finance Committee Report

H. Whittle introduced the report of the Finance Committee's meeting of November 13, 2018.

2019 Budget

S. Mills highlighted the 2019 budget and projections for 2020 and 2021. He informed Council that, barring any unforeseen changes, the current fee is expected to meet the College's financial needs at least until the end of 2021.

It was noted that some members do not understand the rationale for the fee increase. CNO will continue to communicate with nurses about the reasons for the fee increase.

There was discussion about the implications of the move to teleworking, particularly regarding liability. S. Mills noted that teleworking is voluntary and CNO assumes no liability. Employees are aware of the standards needed to work from home.

Motion 13

Moved by J. Petersen, seconded by T. White,

That the 2019 operating and capital budgets be approved.

CARRIED

Financial Statements

Council had received the unaudited financial statements.

Motion 14

Moved by H. Whittle, seconded by G. Fox,

That the unaudited financial statements for the nine-months ended September 30, 2018 be approved.

CARRIED

H. Whittle reported on the Finance Committee's discussion about recruitment of a new member of the Sub-Committee on Compensation. She invited members of Council to refer potential candidates to the College.

Fees By-Laws

Changes in processes have created challenges and opportunities. The College is proposing new fees. There was discussion about charging an administrative fee when someone requests an immediate refund. It was confirmed that the College will use discretion in applying the fee.

Motion 15

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

That Council approve the following additions to By-Law No. 2: Fees:

9.1 Other Fees

9.1.01 An administrative fee of \$50.00 shall be payable by a person who purports to make a payment to the College by credit card for each time that the payment is refused by the credit card provider.

9.1.02 An administrative fee of \$25.00 shall be payable for the issuance of any refund by the College and shall be automatically deducted from that refund.

CARRIED

Follow-up Action

Update By-Laws.
Implement new fees.
Executive Director and CEO

Stipend policies

C. Evans declared a conflict of interest. She informed Council that she has asked H. Whittle to chair the discussion and left the meeting.

Changes are proposed to the President's honorarium and the payment to the President's employer. A three year timeframe is proposed for the review of both policies. Inflation is the mechanism for review because it is objective and the information is publicly available. The importance of employer support to the President's role was confirmed.

Motion 16

Moved by M. Sheculski, seconded by F. Cardile,

That the proposed changes to the stipend policies, as highlighted in attachment 1 to the briefing note, be approved to come into effect January 1, 2019.

CARRIED

C. Evans returned to the meeting and assumed the chair.

Expense policies

H. Whittle noted that the Finance Committee is recommending a number of changes to the expense policies. Changes to overnight accommodation are designed to address the shortage of hotel rooms in Toronto and give members added flexibility.

Changes to the travel policies are proposed to add clarity. Council supported that the paragraph providing guidance for members who are asked to change personal travel to participate in CNO activity be clarified by changing the word "incremental" to the phrase "the difference in the costs in making the change."

In discussion, it was clarified that stipend claimed under the expense policies can only be claimed when the member loses salary.

Motion 17

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

That the proposed changes to the stipend policies, as highlighted in attachment 1 to the briefing note and with the amendment supported by Council, be approved to come into effect January 1, 2019.

CARRIED

Follow-up Action

Update and implement stipend and expense policies.
Executive Director and CEO

Vacancies

Council received the recommendation of the Election and Appointments Committee regarding a Council vacancy.

Motion 18

Moved by K. Patterson, seconded by C. Williamson,

That the RN Council member position from the Toronto District remain vacant until the newly elected member takes office in June 2019.

CARRIED

The Executive is recommending two public members to join the Governance Work Group.

Motion 19

Moved by R. Davidson, seconded by T. Holland,

That T. Perlin and J. Petersen be appointed as members of Council's Governance Work Group.

CARRIED

Based on feedback from committee chairs that the vacancies on committees were not impacting committee effectiveness, the Executive is recommending that the vacancies be filled with committee changeover in June.

Executive Director Update

A. Coghlan provided a brief update on the The Public Inquiry into the Safety and Security of Residents in the Long-Term Care Homes System. She noted that the policy phase, in which the

inquiry consults with stakeholders, is underway and the College is participating. It is anticipated that the policy phase will conclude in January and a report will be issued in July.

A. Coghlan informed Council that the College is not waiting for the report. CNO has reviewed the evidence tabled at the inquiry and identified where processes and communication can be strengthened. Some changes have been made immediately and some will be implemented over 2019.

F. Ismail provided an update for Council on the work being done to address reports. She noted that growing awareness resulting from the inquiry has resulted in approximately 40 reports a week coming to the College. She highlighted the work being done to implement a tool to assess risk.

The College is working to support employers in understanding what they are required to report to the College, what they might report to the College that is not mandatory and what they might address internally. CNO and the BC College of Nursing Professionals are working together on piloting a tool to support employers in making these decisions.

S. Mills provided information to Council on the launch of the Nurses' Health Program. It is an alternative to the enforcement process for nurses who have a mental health or substance use disorder which may impact on their ability to practice safety.

A. Coghlan reported on the continuing influence of Vision 2020. She noted that some colleges are ready to partner with CNO in the request for legislative change. Others are using Vision 2020 as a framework for reviewing governance and making changes that do not require legislative change.

Council was informed that the College is seeking to increase its profile on social media to improve access to and engagement with stakeholders, including the public. CNO is developing guidelines to support Council, committee members and staff on how they can assist in sharing the College's work on social media.

A. Coghlan introduced L. Yue, Manager of Prosecutions and Monitoring.

The Journey to Truth and Reconciliation

C. Evans welcomed Pat Mandy, indigenous leader, nurse leader and former Council President for a dialogue with Council.

Ms Mandy spoke about the need for indigenous patients to feel safe and empowered by health care professionals. She shared her thoughts on how CNO can play a role in effecting the health care-related calls to action in the Truth and Reconciliation report.

Council dialogued with Ms Mandy about initiatives in the community to support indigenous patients. There was also discussion about the potential to apply native justice approaches such as restorative justice if an indigenous nurse comes before Discipline. C. Evans thanked Ms Mandy on behalf of Council.

Code of Conduct

Council received a final draft Code of Conduct. It was noted that the Code was developed with extensive consultation with the public including Council's public advisory group and indigenous communities.

It was noted that the term patient is being used in the Code based on feedback from the public. There was a strong feeling that the term patient was empathetic while the term client implied that the recipient of care was a commodity or customer.

It was confirmed that the Codewill be a practice standard. It is an overarching standard but many of the concepts are included in other practice standards and guidelines. It was confirmed that the Code of Conduct is a standard that can be used in the enforcement processes – for example a caution could reference an expectation from the Code.

Council was informed that, if the Code of Conduct is approved, it is proposed that it come into effect on Feb. 4. That will allow for development of resources to support nurses in practising in accordance with the Code. The Code will be translated into multiple languages for the public. Since the Code is designed to inform the public as well as nurses, an extensive public awareness campaign is planned.

Motion 20

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

That Council approve the Code of Conduct, as it appears in attachment 1 to the briefing note, as a standard of practice of the profession of nursing, effective February 4, 2019.

CARRIED

Follow-up Action

Launch Code of Conduct.
Executive Director and CEO

Agenda

Council was informed that the discussion of risk-based regulation will be deferred to March. At that time there will be additional information available for Council.

Retirement of Practice Standards

C. Tancioco, Advanced Practice Consultant, provided an overview of the rationale for the proposed retirement of the *Infection Prevention and Control* and *Restraints* practice standards. It was identified that these standards overlap with existing standards and guidelines and that there are better resources, including legislation, that the College will share with nurses.

Motion 21

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

That Council approve the retirement of the *Infection Prevention and Control* practice standard.

CARRIED

Motion 22

Moved by H. Whittle, seconded by D. Walia,

That Council approve the retirement of the *Restraints* practice standard.

CARRIED

Follow-up Action

Retire *Infection Prevention and Control* and *Restraints* practice standards.
Add resources on infection prevention and restraints to cno.org.
Executive Director and CEO

Executive Committee

Council received draft minutes of the Executive Committee meeting of November 13, 2018. Council was informed that the Executive also had a teleconference on November 23 to address vacancies on the Governance Work Group and statutory committees.

Reflections

It was noted that Council had robust debate about complex issues. In the case of one issue that had been discussed over successive meetings and Councils, there was intense deliberation. It was identified that full member participation in constructive dialogue and decision-making is important and useful. It was confirmed that despite difficult discussions, Council remained collegial and respectful.

Conclusion

At 3:40 p.m. Council concluded on completion of the agenda and consent.

Signature