

BOARD MEETING MINUTES
Monday October 2, 2023
9:30 AM to 3:55 PM
by zoom

Attendees: Mr. Derick Summers, Vice Chair, RO, Elected Member
Ms. Diana Bristow, Public Member
Mr. Kevin Cloutier, RO, Elected Member
Mr. Omar Farouk, Public Member
Ms. Peggy Judge, Public Member
Ms. Elsa Lee, RO, Elected Member (present until 12:00)
Ms. Alicia Munian, Government Appointee
Mr. Samir Modhera, RO, Elected Member
Ms. Neda Mohammadzadeh, RO, Elected Member
Ms. Tonya Nahmabin, RO, Elected Member
Ms. Dorina Reiz, RO, Elected Member
Mr. Henry Wiersema, Public 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, Human Resources and Accounting Specialist

Regrets: Mr. Stephen Kinsella, Chair, Public Member
Mr. Rob Vezina, RO, Elected Member
Mr. Paul Wilk, Public Member

1.1 Introductions and Announcements

D. Summers introduced himself, the Board Members, and the Administration. D. Summers then opened the meeting with the Land Acknowledgement.

1.2 Conflict of Interest Declaration

No conflicts of interest were declared.

1.3 Adoption of the Agenda

F. Khan asked that that monitoring report ***5.0 Role of the Board Officers Policy***, which would be presented by Board Member, E. Lee, be moved to after the Financial Reports.

MOTION: TO APPROVE THE AGENDA, AS AMENDED

MOVED: A. MUNIAN
SECONDED: T. NAHMABIN

FOR: 12
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

2.0 Minutes of the June 6, 2023, Board Meeting

MOTION: TO APPROVE THE JUNE 6, 2023, MINUTES

MOVED: K. CLOUTIER
SECONDED: N. MOHAMMADZADEH

FOR: 12
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

2.0 Minutes of the July 11, 2023, Board Meeting

MOTION: TO APPROVE THE JULY 11, 2023, MINUTES

MOVED: S. MODHERA
SECONDED: T. NAHMABIN

FOR: 12
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

3.0 Financial Report

3.1 Financial Variance Report to August 31, 2023

F. Asad presented the year-to-date variance report to the Board. F. Asad noted trends relating to revenue and expenses, including that exam revenue was returning to more normal levels now that a backlog created by the pandemic has been cleared.

The floor was then opened to questions, and it was noted that there was a decline in miscellaneous revenue compared to last year because the COO is no longer entitled to further government subsidies related to COVID-19. This was reflected in the amount that was budgeted for.

MOTION: THAT THE BOARD APPROVE THE FINANCIAL VARIANCE REPORT TO AUGUST 31, 2023.

MOVED: D. BRISTOW

SECONDED: K. CLOUTIER

FOR: 12

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

5.0 Role of the Board Officers Policy Monitoring Report *(note: this was moved up on the agenda from after 4.0)*

E. Lee presented The Role of the Board Officers Policy Monitoring Report. The report demonstrated, based on policy criteria, that the board is on track and meeting the targets set out in policy. No new policies or policy updates were suggested.

The Board's response was positive, and the board did not come forward with any recommended steps for the future and no concerns were identified.

This was shared for information only.

4.0 Board Policy Review and Update

At each meeting the Governance Committee brings forward policies that are scheduled for content review. D. Bristow presented the Posting of Board Materials Policy noting that no changes were proposed to the policy.

The Public Interest Rationale: The public interest consideration identified by the committee is that the Board has a duty to make decisions that are consistent with the College's public interest mandate. It is incumbent on the Committee to consider this mandate when proposing updated policies.

The floor was then opened to questions.

The timeline for posting board and committee documents for meetings was discussed.

The board was asked if they had any other public interest considerations they would like to put forward and it was confirmed that the board was in agreement with the public interest consideration determined by the committee.

Diversity, Equity, and Inclusion Considerations: It is incumbent on the board to consider whether the proposed policy is consistent with the COO's organizational values relating to diversity, equity and inclusion.

The Board also affirmed the Diversity, Equity and inclusion consideration put forward by the committee.

MOTION: THAT THE BOARD APPROVE THE POSTING OF BOARD MATERIALS POLICY AS RECOMMENDED BY THE GOVERNANCE COMMITTEE.

MOVED: O. FAROUK
SECONDED: H. WIERSEMA

FOR: 12
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

4.2 Executive Election process

D. Bristow presented a proposal from the Governance Committee to amend the current process in the by-laws for electing members to the Executive Committee. The amendments, if approved, would allow incoming board members to vote for the Executive Committee. Conversely, outgoing board members would not be eligible to vote. The proposal aims to make the election process more fair and transparent by aligning voting eligibility with board membership for the year in question.

Diversity, Equity and Inclusion Considerations: The proposed updates to the Executive election process would be more inclusive for incoming board members who have a direct interest in the results of the election.

The Public Interest Rationale: The Executive Committee serves an important statutory function by making decisions as the board on urgent matters in between meetings. It is therefore important that the process for selecting the Executive Committee is fair and transparent.

The Board agreed with the Diversity, Equity and Inclusion Considerations, and public interest considerations put forward by the committee.

MOTION: THAT THE BOARD APPROVE THE PROPOSED CHANGES TO THE EXECUTIVE ELECTION PROCESS AS RECOMMENDED BY THE GOVERNANCE COMMITTEE

MOVED: N. MOHAMMADZADEH
SECONDED: A. MUNIAN

FOR: 12
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

The Board then took a 15-minute break and resumed at 10:35.

6.0 Monitoring Reports

6.1 Communications and Support to the Board Policy Report

F. Khan presented the Communication and Support to the Board Policy Monitoring Report. The report covers the period from September 2021 to September 2023 and included information on the administration's communication with the Board.

F. Khan highlighted the information provided to the Board from external stakeholders, including focus groups held as part of an environmental scan to gain insight into the potential impact on industry if Standard 8 was retired as well as other surveys seeking stakeholder feedback. It was also noted that the College engaged Leger to complete a patient survey.

The number of monitoring reports the board received, the number of times legal updates were provided, and staff updates to the board were also covered. The floor was open to questions.

No questions, concerns or issues were identified by the Board.

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

MOVED: T. NAHMABIN

SECONDED: H. WIERSEMA

FOR: 12

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

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

MOVED: A. MUNIAN

SECONDED: K. CLOUTIER

FOR: 12

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

6.2 Strategic Outcomes Monitoring Report

F. Khan presented the Strategic Plan Policy Monitoring Report to the Board including reviewing the detailed chart outlining the strategies for achieving the strategic plan. F. Khan noted that the Board would be hearing from the conduct department on an initiative they are working on including information for the public and opticians about unauthorized practice.

It was also noted that Counsel Public Affairs would be providing a presentation on a plan to engage equity deserving stakeholder groups. The goal is to eventually develop standards for Indigenous stakeholders; however, a consultation process will be the first step. The COO will also be helping facilitate a project in Durham Region to assist low-income families access vision care.

The floor was opened to questions.

No concerns or issues were identified by the Board with regard to the report.

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

MOVED: K. CLOUTIER
SECONDED: H. WIERSEMA

FOR: 12
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

MOTION: THAT THE BOARD AGREES THAT THE REGISTRAR COMPLIED WITH THE POLICY.

MOVED: O. FAROUK
SECOND: D. BRISTOW

FOR: 12
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

6.2a Presentation from Counsel

F. Khan introduced Counsel Public Affairs, Caroline Pinto, Managing Principal and Founding Partner and Devan Sommerville, Vice-President, Ontario Government relations. D. Sommerville and C. Pinto provided an update to the board on the government relations work they are doing, including focusing on the College's outstanding regulatory proposals.

The Board took a lunch break from 12:05 to 1:05. E. Lee, Board Member left the meeting at 12:05

6.2b Presentation by the Conduct Department

F. Khan introduced the Conduct Department, Manager, Raj Bhatti, Investigator, Mario Bigos and Coordinator, Tertia Jaarsveld. The Conduct Department presented the work they have been doing to launch an updated Unauthorized Practice program, including updates to the website and a new form for reporting.

7.0 Registration Policies

7.1 Reinstatement Policies

D. Celi presented proposed changes to the Reinstatement Policy. The proposed changes would correct an inaccuracy noted in the current reinstatement policy which suggests that opticians can dispense under the supervision of an ophthalmologist or optometrist while suspended.

Public Interest Considerations: The Reinstatement Policy sets out steps for opticians wishing to return to active practice and accounts for the fact that skills may decline after a prolonged absence from the profession. The proposed policy amendment protects the public by ensuring that opticians will practice safely and in accordance with the Standards of Practice.

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

The floor was open to questions.

MOTION: THAT THE BOARD APPROVE THE PROPOSED AMENDMENT TO THE REINSTATEMENT POLICY AS SET OUT IN APPENDIX A.

MOVED: T. NAHMABIN
SECONDED: H. WIERSEMA

FOR: 11
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

7.2 Language Proficiency Policy

D. Celi presented the Language Proficiency Policy. On January 1, 2023, a new regulation, Registration Requirements, made under the Regulated Health Professions act, 1991 (RHPA), came into effect. The

new regulation sets out requirements relating to the language proficiency tests that colleges will accept for the purposes of meeting entry-to-practice requirements.

The Registration Committee reviewed the Language Proficiency Policy to ensure that it aligned with the requirements under the Registration Requirements Regulation and proposed some amendments.

Public Interest Considerations: Language proficiency assessment contributes to public protection by ensuring that registrants can communicate effectively with patients, other members of the health care team, and the College. The ability to understand and respond to registration, quality assurance, and complaints/discipline-related matters is an essential part of an optician's accountability to the College as a regulated health professional.

Diversity, Equity, and Inclusion Considerations: Expanding the range of accepted language proficiency tests will provide flexibility for applicants to select from a wide array of tests with multiple modes of delivery and availability worldwide as well as will eliminate the necessity to retest for the purpose of applying for professional licensure.

The Board agreed with the Diversity, Equity and Inclusion Considerations and Public Interest Considerations put forward by the committee.

The floor was open to questions.

MOTION: THAT THE BOARD APPROVE THE PROPOSED AMENDMENTS TO THE LANGUAGE PROFICIENCY REQUIREMENTS POLICY.

MOVED: K. CLOUTIER

SECONDED: O. FAROUK

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

8.0 COVID Guidelines

D. O'Hagan presented the briefing note to the Board. The Clinical Practice Committee is recommending that the COVID-19 Practice Guidelines be retired. The Committee is also recommending updates to *Standard 4: Safety and Infection Control in the Practice Environment* to incorporate additional guidance around infection control in the practice environment and cleaning and disinfecting practices.

Public Interest Considerations: Having criteria related to infectious disease outbreaks and guidelines specific to safety and infection control will provide opticians with additional guidance to ensure they are practicing safely.

Diversity, Equity, and Inclusion Considerations: The Board should consider whether the updates to the standard and guidelines are accessible to all opticians and patients and whether they account for the needs of different patients.

The floor was open to questions.

MOTION: THAT THE BOARD RETIRE THE COVID-19 PRACTICE GUIDELINES

MOVED: T. NAHMABIN

SECONDED: H. WIERSEMA

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

MOTION: THE BOARD APPROVE PROPOSED UPDATES TO STANDARD 4: SAFETY AND INFECTION CONTROL IN THE PRACTICE ENVIRONMENT.

MOVED: K. CLOUTIER

SECONDED: A. MUNIAN

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

9.0 Refraction

D. O'Hagan presented the briefing note. The Clinical Practice Committee reviewed stakeholder feedback on the Board's proposal to eliminate Refraction Designations and rescind *Standard 8: Refraction*. D. O'Hagan noted that 70% of respondents were in favour of eliminating the standard and the refracting designation. The Committee also addressed various concerns raised by stakeholders. Taking all of the information into account, the Committee recommended that the Board move forward with their proposal.

The floor was open to questions. It was confirmed that the designation will be retired. However, Opticians will still be able to perform refractions under delegation from an optometrist, or in the context of completing a manifest over refraction (MOR) when fitting eyeglasses/contact lenses.

Public Interest Considerations: Having criteria related to infectious disease outbreaks and guidelines specific to safety and infection control will provide opticians with additional guidance to ensure they are practicing safely.

Diversity, Equity, and Inclusion Considerations: The Board should consider whether the updates to the standard and guidelines are accessible to all opticians and patients and whether they account for the needs of different patients.

The Board confirmed that they were in agreement with the Public Interest and Diversity, Equity and Inclusion Considerations put forward by the committee.

MOTION: THAT THE BOARD APPROVE ELIMINATION STANDARD 8 REFRACTION AND THE REFRACTING DESIGNATION.

MOVED: K. CLOUTIER
SECONDED: H. WIERSEMA

FOR: 11
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

10.0 Committee Changes

A. Stein presented several proposed changes to committee compositions to the Board, noting that D. Bristow's term will end November 30, 2023. It was proposed that the Board appoint D. Summers to the Governance committee and appoint H. Wiersema to the Registration Appeal Panel to fill the spaces that D. Bristow is currently occupying.

A. Stein also identified a need to add additional government appointees to the Screening Committee in order to have enough panel members to conduct interviews for appointed member positions in November, as the majority of current panel members will be reapplying for appointed positions and will therefore be unable to sit on the panel due to a conflict of interest. Accordingly, it was proposed to add D. Bristow, S. Kinsella, and O. Farouk to the Screening Committee for the balance of the year.

MOTION: THAT THE BOARD APPOINT DERICK SUMMERS TO THE GOVERNANCE COMMITTEE

MOVED: T. NAHMABIN
SECONDED: H. WIERSEMA

FOR: 11
AGAINST: 0
ABSTAINED: 0

VOTE: CARRIED

MOTION: THAT THE BOARD APPOINT HENRY WIERSEMA TO THE REGISTRATION APPEAL PANEL

MOVED: K. CLOUTIER

SECONDED: A. MUNIAN

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

MOTION: THAT THE BOARD APPOINT DIANA BRISTOW, OMAR FAROUK, AND STEPHEN KINSELLA TO THE SCREENING COMMITTEE

MOVED: K. CLOUTIER

SECONDED: O. FAROUK

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

11.0 Department spotlight

F. Khan introduced the Professional Practice Program department, Peggy Dreyer, Manager, Professional Practice and Julie Borst, Professional Practice, Coordinator. The team provided a high-level overview of the day-to-day work of the department.

12.0 Registrar's Report

F. Khan presented the Registrar's Report to the Board, including updates on government relations, pending regulations, external relations, and space planning initiatives. The report also covered collaborations taking place at a province level with optometry to engage Indigenous stakeholders with the intention of developing standards around Cultural Safety and Humility. Nationally, the College is working with other regulators to conduct a survey of Canadian Patients to assess their ability to access care.

13.0 Examinations Report, Committee Reports, and Communications Report

D. Summer brought forward the package of Board reports to be approved as a consent agenda item. No issues were identified with any of the reports.

MOTION: TO APPROVE THE COMMITTEE REPORTS, THE EXAMS REPORT AND COMMUNICATIONS REPORT AS PRESENTED.

MOVED: N. MOHAMMADZADEH

SECONDED: H. WIERSEMA

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

16.0 In Camera Session

MOTION: TO GO IN-CAMERA UNDER S. 7(2)(D)(E) OF THE HEALTH PROFESSIONS PROCEDURAL CODE TO DISCUSS A PERSONNEL MATTER.

MOVED: H. WIERSEMA

SECOND: O. FAROUK

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

The board ended the in-camera session and approved the policies discussed in camera.

MOTION: TO APPROVE THE PROPOSED AMENDMENTS TO FOLLOWING POLICIES, AS RECOMMENDED BY THE GOVERNANCE COMMITTEE:

- 3-05 REGISTRAR, CEO JOB PRODUCTS POLICY
- 3-06 REGISTRAR, CEO POSITION DESCRIPTION POLICY
- 3-07 REGISTRAR, CEO PERFORMANCE EVALUATION PROCESS POLICY
- 3-09 REGISTRAR, CEO ENGAGEMENT & COMPENSATION POLICY

MOVED: K. CLOUTIER

SECONDED: T. NAHMABIN

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

17.0 Adjournment

MOTION: TO ADJOURN THE BOARD MEETING

MOVED: H. WIERSEMA

SECONDED: D. BRISTOW

FOR: 11

AGAINST: 0

ABSTAINED: 0

VOTE: CARRIED

DRAFT