

	College of Kinesiologists of Ontario					
	Discipline Committee Meeting					
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	Day 1					
Date/Time of	Tuesday, December 2, 2014 9:00 am					
Meeting	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1					
Chair	Steve Anderson					
Timekeeper	Steve Anderson					
Notetaker	None- Training Session					
Present	Steve Anderson (SA), Lori-Anne Beckford (LAB), Elizabeth Chapman (EC), Daniel Crete (DC), Jonathan Dubberley (JD), John Gray (JG), Don Halpert (DH), Kalen Johnson (KJ), Lynn Kabaroff (LK), Chad McCleave (CMc), Michelle Meghie (MM), Mary Pat Moore (MPM), Fergal O'Hagan (FO), Kathie Sharkey (KS), Gennady Vaserbakh (GV)					
Regrets	Rosario Colomba (RC), Robert Ross (RR)					
Staff in Attendance/ Guests	Guests: Conny Glenn (CG), Chris Serran (CS), Bonni Ellis (BE), Rebecca Durcan (RD)					
	Discipline Committee Training					
	Facilitator: Bonni Ellis- Independent Legal Counsel					
	College of Kinesiologists of Ontario					
	Council Training Session on Conflict of Interest					
Timekeeper	Lynn Kabaroff					
Notetaker	None- Training Session					
Present	Steve Anderson (SA), Lori-Anne Beckford (LAB), Elizabeth Chapman (EC), Daniel Crete (DC), Jonathan Dubberley (JD), John Gray (JG), Don Halpert (DH), Kalen Johnson (KJ), Lynn Kabaroff (LK), Chad McCleave (CMc), Michelle Meghie (MM), Mary Pat Moore (MPM), Fergal O'Hagan (FO), Kathie Sharkey (KS), Gennady Vaserbakh (GV)					
Regrets	Rosario Colomba (RC), Robert Ross (RR)					
Staff in Attendance/ Guests	Staff: Brenda Kritzer (BK), Stamatis Kefalianos (SK), Cara Moroney (CM), Magdalena Reder (MR), Ryan Pestana (RP), Lara Thacker (LT), Nancy Leris (NL), Angelica Ronquillo (AR)					
	Guest: Rebecca Durcan					
	Conflict of Interest Training					
	Facilitator: RD Rebecca Durcan, a partner from Steinecke Maciura LeBlanc, facilitated the conflict of interest training for members of Council.					
Adjournment	Motion to adjourn for the day at 5:13 pm made by DC.					

	College of Kinesiologists of Ontario				
	Council Meeting Minutes				
	Council Mocking Militares				
	Day 2				
Date/Time of	Tuesday, September 23, 2014 9:00 am				
Meeting					
Chair	Lynn Kabaroff				
Timekeeper	Ryan Pestana				
Notetaker	Angelica Ronquillo				
Present	Lori-Anne Beckford (LAB), Elizabeth Chapman (EC), Rosario Colomba (RC), Daniel Crete (DC), Jonathan Dubberley (JD), John Gray (JG), Don Halpert (DH), Kalen Johnson (KJ), Lynn Kabaroff (LK), Chad McCleave (CMc), Michelle Meghie (MM), Mary Pat Moore (MPM), Kathie Sharkey (KS), Gennady Vaserbakh (GV) Teleconference: Steve Anderson (SA), Fergal O'Hagan (FO)				
Dograta	Dehort Dogg (DD)				
Regrets Staff in Attendance/	Robert Ross (RR) Staff: Brenda Kritzer (BK), Stamatis Kefalianos (SK), Cara Moroney (CM), Magdalena				
Guests	Reder (MR), Ryan Pestana (RP), Lara Thacker (LT), Nancy Leris (NL), Angelica Ronquillo (AR)				
Constitution of the Meeting	As a notice of the meeting had been duly given in accordance with the by-laws of the College of Kinesiologists of Ontario and a quorum was present, the meeting was duly constituted for the transaction of business.				
Conflict of Interest	Facilitator: LK				
	No conflict of interest declared.				
Approval of Agenda	UPON A MOTION duly made by EC and seconded by FO, it was resolved that the agenda be approved as amended. CARRIED.				
Approval of Minutes	Facilitator: LK				
	Approval of September 22 and 23 Minutes:				
	UPON A MOTION duly made by RC and seconded by FO, it was resolved that the minutes of September 22 and 23, 2014 be approved. CARRIED.				
	Approval of November 20 Minutes				
	UPON A MOTION duly made by GV and seconded by MM, it was resolved that the minutes of November 20, 2014 be approved. CARRIED.				
	There were 3 abstentions: MPM, JG, EC.				
	Business Arising from the Minutes				
	Investigation of investment instruments that would meet the approved investment policy				
	NL and BK informed Council that the College has had a few meetings with investment advisors from the Royal Bank of Canada (RBC) and that based on our investment goals, the financial advisors did not recommend Laddered GICs. Rather, RBC advisors suggested that the College move funds to an RBC Premium Investment Account.				
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2. Investment of up to \$70,000 into reserve fund account.

NL and BK informed Council that this task has already been completed. \$70,000 has been deposited into the College's *RBC Premium Investment Account*. In addition, other funds have been moved to this interest bearing account.

Appointment of Members at-Large to the Discipline Committee

Facilitator: LK

The by-laws and Terms of Reference for the Discipline Committee call for the appointment of a minimum of two members-at-large to be members of the Discipline Committee. Additional members from the profession may be appointed as required. The Discipline Committee membership is larger than other committees in order to provide a large enough membership from which to draw a panel whose members would have no conflict of interest.

LK informed Council that following a call for nominees published on the College website, four applications were received, two from former members of Council and two from other members of the College. The Executive Committee considered the value of having new people and also the value of having people experienced with the business and mandate of the College and appointed one new member and one former member of Council.

Resolution: Appointment of members-at-large to the Discipline Committee

WHEREAS Council is required by the College By-Laws to appoint members of the College who are not members of Council to statutory committees; and

WHEREAS the College By-Laws require that the Discipline Committee be composed of every member of Council and at least two members of the College who are not Council members; and

WHEREAS the College has received four applications from qualified, interested members; and

WHEREAS Executive Committee has reviewed the applications and has considered the background, skills, and experience of the interested applicants;

Therefore, be it resolved that Council appoint Conny Glenn and Chris Serran as members-at-large to the Discipline Committee for a period of one year with the potential for re-appointment.

Moved by DH, seconded by EC. CARRIED.

Facilitator: NL

LK noted that Council appreciates the show of interest from members of the College in taking on such work as participation in Committees and working groups. There are many opportunities for engagement by members and the College has always been fortunate enough to have the support of our membership for our work. More opportunities will arise in the coming year and members of Council hope that the CKO membership will continue to step forward to volunteer for this important work.

Council is pleased to welcome Conny and Chris to the Discipline Committee.

Finance Report		
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NL presented to Council an interim report of the College's Statement of Cash Flow at mid-year. NL also presented to Council projected revenue and expense amounts for Q3 and Q4.

There was brief discussion about whether the College would be eligible for any grants from government. BK described the support received from the Ministry towards translation of materials on the website. She also discussed federal funds that have been made available to some professions to support the development of exams, Competency Profiles etc. In this latter case she noted that federal funds are allocated where a profession is able to develop materials required in more than one province. Since Ontario is the only jurisdiction regulating kinesiology at this time, we would not be able to seek funds to support our exam development or QA, for example, we are not eligible. The MOHLTC has supported the development of the College and its transition to full operations by providing a grant in each year since 2010. This grant money is expected to terminate at the end of the Transfer Payment Agreement on March 31, 2015.

Further inquiries about translation were posed, particularly as it relates to translating the discipline rules that were adopted from the College of Pharmacists. The Discipline Committee is looking to get the rules drafted in March and will proceed to ask for consultation from members and the public. Members of Council suggested that the College translate the discipline rules prior to sending it out for public consultation.

There was also a brief discussion regarding costs relating to the QA program. NL explained that expenditures reflect the costs of consulting services used in the development of the PPA, and the Essential Competencies, Performance Indicators and Practice Illustrations. On a go-forward basis, once these consulting services are finished future costs will relate tot eh costs of PPA (travel and per diem for assessors), software licensing and hosting, and training of new assessors.

President's Report and Report of the Executive Committee Report

Facilitator: LK

LK informed Council that she and BK had a teleconference meeting with Dr. Julie Alleyne, Chief Medical Officer of the Pan Am Games and her staff to discuss the qualifications of kinesiologists to volunteer for the medical staff at the games. During the meeting, LK and BK elaborated on the important role that kinesiologists play in health and sports medicine. At the time of the meeting there had been about 17 applications from kinesiologists to volunteer. Dr. Alleyne has also extended seats for kinesiologists to participate in meetings regarding future sporting events.

Council inquired about the training that kinesiologists have as it pertains to First Responder or Emergency Medicine. LK mentioned that this type of training is not generally part of the Kinesiology curriculum at the University and College level. Often this type of training is taken as extra-curricular, or is sponsored by the workplace

Council had an extensive discussion regarding First Aid Responder training. Some members of Council enquired whether professional associations such as the Ontario Kinesiology Association (OKA) provide emergency training to its members.

LK announced the resignation of Dianne Aziz from her position as Vice-President (VP) and a public member of Council. Council was saddened to receive Dianne's resignation. Dianne has been a great member of Council, of Executive, the Patient Relations Committee and in leading the Examination Appeals Committee. The College has been fortunate in having Dianne on Council and the College wishes Dianne all the very best.

In light of this event, LK proposed the following:

- Council elect a public member to be a part of the Executive Committee
- Council elect a Vice-President from the members of the Executive Committee to fill the VP vacancy.

LK clarified that the VP position does not have be filled by a public member. SA and DH both expressed interest in joining the Executive Committee.

LK updated Council on the two separate meetings of the Executive Committee that took place since the September Council meeting. The first of the two meetings occurred on the 13^{th} of November. This meeting considered the correspondence regarding transparency, from the Minister and from Suzanne McGurn and the proposed response from the College.

The Committee also considered the draft summary report on the Salaries and Benefits survey conducted by the Hay Group. Following this meeting, the Committee met again on the 18th of November. The Committee invited DH to attend to provide further comment to the Executive on approaches to determining compensation for the Registrar. At present, work is underway on a Compensation Philosophy and Framework for the College which Council will look at in the New Year.

Moreover, the Executive Committee also considered the Minister's concern regarding reporting to police of regulated health professionals <u>suspected</u> to be engaged in criminal activities.

Inquiries, Complaints, and Reports Committee (ICRC) Report

Facilitator: CM

CM presented to Council the amendments to the Record Keeping Standard which had been approved for circulation. The highlighted changes are in yellow. CM also informed Council that MR underwent a three-day National Certified Investigator and Inspector Training (NCIT) on November 17-19, 2014.

Resolution: Adoption and Posting of the Revised Record Keeping Practice Standard

WHEREAS the existing standard provided substantial detail of information now contained in other College resources such as the Record-keeping Guideline; and

WHEREAS standards are comprehensive, yet high level documents; and

WHEREAS it is important to have clear and concise language to ensure they lay out the minimum performance expectations; and

WHEREAS the College has been a part of a project to ensure standards among the 6 related Colleges (COTO, CPO, CASLPO, CMTO, and CCO) are interpreted collaboratively by professionals; and

WHEREAS the revisions have been made consistent with the format of the newly revised Professional Boundaries Practice Standard; and

WHEREAS the consultation period of 60 days lapsed on November 28, 2014 and the College received two comments which required only minor edits; and

WHEREAS one comment noted that the word "significant" with respect to consent could be confusing and in consultation with the other 5 colleges whose members include those providing rehabilitation services, this word was deleted;

Therefore, be it resolved that the Council of the College of Kinesiologists adopts and posts the revised Practice Standard – Record Keeping.

Moved by KJ, seconded by GV. CARRIED.

Patient Relations Committee Report

Facilitator: KS

KS informed Council that the Committee met on November 7 to discuss the issue of whether essentially, treating one's spouse should be considered sexual abuse under the Health Professions Procedural Code.

The sexual abuse provisions in the *Health Professions Procedural Code* (the Code) of the *Regulated Health Professions Act*, 1991 (RHPA) are strong and reflect a zero-tolerance policy:

1.1 The purpose of the provisions of this Code with respect to sexual abuse of patients by members is to encourage the reporting of such abuse, to provide funding for therapy and counselling for patients who have been sexually abused by members and, ultimately, to eradicate the sexual abuse of patients by members

This provision reflects the reasoning behind many other provisions, like the broad definition of sexual abuse, mandatory reporting, and most notably the mandatory 5-year revocation of a license for explicit sexual acts enumerated in the code.

Many of these provisions have been in place since 1994 after a major task force report was published on the sexual abuse of patients. This report did not contemplate the issue of whether treating spouses would also be sexual abuse. In the intervening years, there have been several cases that have highlighted this issue.

The Committee discussed that while the Code reflects a zero-tolerance policy against sexual abuse, prosecuting members for sexual abuse when they have been found to be treating their spouses may be unfair and may not actually be combatting the sexual abuse contemplated in the Code. This was a very lengthy discussion on the pros and cons on maintaining the status quo or passing the regulation. The committee also agreed that there are many other reasons why treatment of spouses is problematic (Conflict of interest, fraud, unethical practice), but using the blunt tool of mandatory revocation to deal with them, may not be appropriate or right.

The committee agreed that more work is required on establishing guidelines and parameters on the treatment of spouses (and family members) before a final decision on the regulation is made. Further, a regulation would not be pursued without Council's agreement on a recommendation from the PRC.

Resolution: Strike a working group for the development of guidelines and/ or standards on the treatment of spouses and family members

WHEREAS the Ministry of Health and Long-Term Care has provided the discretion to Colleges to pass a regulation exempting the treatment of spouses from the definition of sexual abuse; and

WHEREAS the Patient Relations Committee (PRC) met on November 7 to discuss whether the College should pursue such a regulation; and

WHEREAS the PRC had a fulsome discussion on the implications of the current approach to the treatment of spouses in legislation and case law as well as the

implications of passing the regulation; and WHEREAS the PRC generally agreed that to make an automatic conclusion that the treatment of spouses equals sexual abuse and subjecting members to a mandatory 5 year revocation is, in many cases, unfair, unduly damaging to a practitioner's name and ability to practice, and is, therefore, not in the spirit of combating sexual abuse; and WHEREAS the PRC agreed that there are many other reasons (not related to sexual abuse) why the treatment of spouses can be problematic and, in some cases, unsafe and/ or unethical: and WHEREAS the PRC agreed that before recommending a regulation that further work should be completed to establish clear guidelines on the treatment of spouses; and WHEREAS the PRC considered the diversity of practice settings within kinesiology and that the culture within these various areas of practice should be examined and reviewed to determine the appropriate limits on the treatment of spouses and family members: Therefore, be it resolved that the Council approve striking of a working group with representatives from various practice areas to assist in the development of a Practice Standard and/ or guidelines concerning the treatment of family members and particularly spouses. Moved by LAB, seconded by DC. CARRIED. **Quality Assurance Committee** Facilitator: EC EC informed Council that since the September Council meeting, the QA Committee finished reviewing the Peer and Practice Assessor (PPA) applications. The Committee selected five assessors and orientation and training has been completed by the selected assessors. MPM, KS, and EC attended the PPA training. EC also informed Council that Self- Assessment for members began on December 1st, 2014. Registration Report Facilitator: SK SK presented to Council summary reports on the College's membership composition to date. In his report, SK covered detailed analyses of the membership's registration status, gender, age, electoral district, educational background, etc. In his presentation, SK informed Council that the topic on Standards and Guidelines was determined to be the weakest section in the exam for a majority of test-takers. In light of this information, BK mentioned that some universities have considered enhancing their curriculum and creating programs in an effort to better bridge students from school to practice. Registrar's Report Facilitator: BK BK informed Council that performance reviews have been completed for all staff. Members of staff have been busy this fall attending conferences and various professional development training opportunities (i.e. CLEAR conference, CNNAR, etc).

The College of Kinesiologists has also been participating in inter-professional collaborative initiatives. The College of Physiotherapists has sent an invitation to the CKO to take part in a *Clinic Regulation Project*. The CPTO plans on developing a joint proposal to government for the regulation of clinics where physiotherapists and other health professionals like kinesiologists work.

FO expressed interest in participating. BK recommended to Council that the CKO write back *expressing* the College's interest in participating in this endeavour. LK made the following motion:

To agree in principle to be a partner with the College of Physiotherapists of Ontario in their Clinic Regulation Project Planning Initiative.

Moved by EC, seconded by DC. CARRIED.

BK updated Council on the College's developments on the topic of strategic planning. Beginning in January, a working group will be established to develop strategic planning issues that will be the focus of the strategic planning meeting. A request for proposals will also be developed to hire a professional facilitator for the meeting. Furthermore, the College will be developing a more refined operational plan for the February 2015 meeting, which will take into account the coming initiatives and projects that the College is interested in pursuing.

BK informed Council that she and SK had a meeting with representatives from Assessment Strategies Inc, the company that facilitates the College's *entry-to-practice* exam. The College has a five-year contract with ASI. During this conversation, ASI wanted to gauge whether the College was interested in conducting the exam in a computer-based format. There are advantages and disadvantages to facilitating a Computer-Based Test (CBT) and the College has asked to be kept in the loop about ASI's developments in being able to offer this format in the future.

BK informed Council about the Minister's keen concern regarding where regulators stand when a member is suspected of criminal activity. The Minister is looking at Colleges to report the criminal activity of a member. BK noted that regulators investigate alleged professional misconduct.

New Business

Facilitator: LK

A) Client Service Policies

In the College's Transparency Report, the College described an approach which included three types of standards that would be published on our website. These were:

- 1. Transparency Standards
- 2. Client Service Standards and
- 3. Accessibility Standards

These are the policies that provide the framework for both client service and accessibility standards.

There was brief discussion on accessibility and how the College can identify if an individual has a need that to be accommodated. The College relies on individuals to self-identify in order for the College to be able to provide accommodation. However, if there is an individual with a need that the CKO cannot accommodate, there are various organizations that the College can approach for help in this matter.

The first resolution concerns a policy on Accessibility for Persons with Disabilities and is

intended to ensure that the College is in compliance with the requirements of the Accessibility for Ontarians with Disabilities Act. BK also informed Council that staff underwent AODA Training on November 19, 2014.

Resolution: Adoption of Accessibility for Persons with Disabilities Policy

WHEREAS Council recognizes that College services must be accessible to all persons; and

WHEREAS Council recognizes that it must accommodate the needs of persons with disabilities to a reasonable extent; and

WHEREAS client service standards must be in place to accommodate persons with disabilities; and

WHEREAS the College of Kinesiologists is committed to complying with the requirements of the Access for Ontarians with Disabilities Acts;

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario adopts the Accessibility for Persons with Disabilities Policy with immediate posting to the College website.

Moved by EC, seconded by JD. CARRIED.

The second resolution sets out the Client Service Policy of the College. The policy sets in place standards relating to telephone calls, correspondence with members, reasonable turn over time.

Resolution: Adoption of Client Service Policy

WHEREAS Council recognizes that College services must be accessible to all persons; and

WHEREAS Council recognizes that standards must be in place so that College members, prospective members and members of the public understand how College staff will interact with them; and

WHEREAS Council recognizes that it must be transparent in communicating its client service standards:

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario adopts the Client Service Policy with immediate posting to the College website.

Moved by MM, seconded by CMc. CARRIED.

B) Election of Committee Chairs

LK reminded Council that during the meeting in September, Executive Committee brought forward a recommended slate for appointment of members to Committees and appointment of Chairs for the statutory Committees. The process of proposing a slate of membership and Committee Chairs, while allowed for in the bylaws, differed from the process that had been previously used which was to have each Committee elect its own Chair and Council ratify that by appointment. However, since the item occurred very late in the agenda, there was not much time available for a fulsome discussion.

LK informed Council that the truncated process at Council in September was reviewed by Executive Committee at its meeting on November 13. Executive Committee has recommended that the process for appointment to committees and determination of Chairs be discussed further as part of the governance discussion at the Strategic Planning meeting planned for April.

Some members of Council expressed that they are comfortable with having the Executive Committee select Chairs for statutory committees. JG suggested that when Council members submit their *Declaration of Interest* forms, there should be a section on the form that allows for members to indicate their interest in a Chair position.

Publication of Council Documents

Facilitator: LK

At the special meeting of Council on November 20, 2014 to discuss the response to the Minister on Transparency, Council touched upon a number of matters which are presented in the response as under consideration or future consideration. One of those maters was the publication on the CKO website of Council documents.

LK reports that currently, CKO publishes on the website the dates for Council meetings and agendas for meetings. Immediately following meetings of Council a summary of the meeting is published. Once the minutes are approved at the next meeting of Council the full Minutes are published. At present, the College does not publish documents prepared for Council's consideration.

Staff have reviewed the websites of other Colleges and found that the majority do not publish as much as the CKO does. Many matters are posted on the College website for discussion and input from members and the public. When such matters are posted, there is fulsome description about the matter and why Council is seeking input. Furthermore, Council meetings are open to the public and when matters are known to be of particular interest to a group, that group is often informed of the agenda item.

Publication of documents which have no official standing and which are intended as advice or information to Council would not be of benefit to the public and therefore, staff is recommending that further consideration of this be tabled until after the Strategic Planning Meeting when transparency initiatives will be considered.

Resolution: Posting of Council Materials to the College Website

WHEREAS the College recently submitted its report to the Minister of Health and Long-Term Care, detailing current measures in place regarding transparency and measures to be considered which would further assist the public through increased transparency; and

WHEREAS documents brought to Council by Committees or by staff are provided as advice or as information and do not represent the decisions of Council; and

WHEREAS Council meetings are open to the public and immediately following Council meetings a summary of the meeting is posted on the website followed by approved Minutes;

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario will continue its current practice of posting Agendas, meeting summaries, and meeting Minutes, and will give further consideration to initiatives which improve transparency of Council's deliberations in a meaningful way, at the Strategic Planning meeting in April 2015.

Moved by DH, seconded by EC. CARRIED.

Election of Public Members into Executive Committee and

Election of Vice-President

BK asked RP and CM to scruitneer the election.

Resolution: Appointment of Scrutineers for Election of a Public Member into the Executive Committee

WHEREAS Council is required to conduct election of officers to fill a vacancy; and

WHEREAS the College By-Laws permit the Registrar to be assisted by scrutineers;

Therefore, be it resolved that Ryan Pestana and Cara Moroney be appointed scrutineers.

Moved by MPM, seconded by JD. CARRIED.

The President made a call to publicly appointed members of Council interested in filling in the vacancy in the Executive Committee. This committee is composed of both professional members and public members. However, since this call was made following the resignation of Dianne Aziz, a publicly appointed member of Council, the call is limited to public members only. DH and SA expressed their interest. The results were tabulated by RP and CM, and SA was elected to join the Executive Committee by a majority of Council members present and voting.

DH and SA both expressed their interest in becoming a member of the Executive Committee. Selection by ballots elected SA as a member of the Executive Committee.

Resolution: Appointment of Scrutineers for Election of Vice-President

BK asked RP and CM to scrutineer the election.

WHEREAS Council is required to conduct election of officers to fill a vacancy; and

WHEREAS the College By-Laws permit the Registrar to be assisted by scrutineers;

Therefore, be it resolved that Ryan Pestana and Cara Moroney be appointed scrutineers.

Moved by EC, seconded by MM. CARRIED.

The President made a call to members of the Executive Committee interested in seeking the position of vice-president. The vice-president is elected by Council from among members of the Executive Committee. RC and SA expressed their interest. The results were tabulated by RP and CM, and SA was elected Vice-President by a majority of Council members present and voting.

Review of Action Items

- Send out letters to both successful and unsuccessful candidates who applied to the Discipline Committee (Completed by Ryan)
- 2. Translate the Rules and Procedures for Discipline Committee before sending the document out for public consultation
- 3. Prepare a Glossary of Terms for Council members for the next Council meeting
- 4. Explore the possibility of using iMIS or QA software to track training for Staff, Council, and Committee members.
- 5. Edit the *Declaration of Interest* form in order to make room for individuals to indicate whether or not they are interested in a Chair position for a particular committee.

	 6. Post Council meeting dates (Completed by Ryan) 7. Send out Doodle poll to Council members to determine Strategic Planning meeting dates.
Adjournment	Motion to adjourn for the day at made by MPM 3:08pm