



March Council Meeting Minutes

Date/Time of Meeting:	Monday, March 20, 2023 – 9:25 a.m.
Council present:	Jennifer Pereira, Corby Anderson, Teresa Bendo, Matthew Daher, Susan Garfat, Brad Markis, Ben Matthe, Chad McCleave, Victoria Nicholson, Jana Smith, Leanne Smith, Jotvinder Sodhi, Heather Westaway, Ryan Wight
Regrets:	Sara Gottlieb
Staff members:	Nancy Leris, Michelle Bianchi, Lynn Butler; Brian Fehst, Colleen Foster, Arifa Gafur, Magdalena Reder, Fiona Teape
Guest presenter:	Deborah Adams, Registrar and CEO, CRPO

1. Call to order, roll call, welcome

Jennifer Pereira, Chair and Council President, called the meeting to order at 9:21 a.m. and welcomed Council, staff members and guests.

The Chair shared a Land Acknowledgement.

As the notice of the meeting had been duly given in accordance with the by-laws of the College of Kinesiologists of Ontario (CKO) and a quorum was present, the meeting was duly constituted for the transaction of business.

2. Introductions

Jennifer Pereira welcomed the following guest to Council:

- Deborah Adams, Registrar and CEO, College of Registered Psychotherapists of Ontario (CRPO)

The Chair reminded meeting attendees that all Council members, committee chairs and committee members should respond to meeting requests by the due date, as late responses delay timely decision-making and project timelines. If members are unable to attend a meeting, they should advise CKO as soon as possible so that alternative plans can be made.

3. Conflict of Interest Declarations

The Chair asked whether any Council members present wished to declare a conflict of interest. There were no declarations.

The completed forms are required under CKO's By-law 16.05 – Conflicts of Interest/Declaration Forms. Council members must sign them before each meeting.

4. Approval of Agenda

UPON A MOTION duly made by Heather Westaway and seconded by Victoria Nicholson, it was resolved that the agenda be approved. Carried.

5. Approval of Minutes from the December 5, 2022 Council Meeting

UPON A MOTION duly made by Teresa Bendo and seconded by Corby Anderson, it was resolved that the minutes of the December 5, 2022 Council meeting be approved. Carried.

Approval of Minutes from the February 13, 2023 Council Meeting

UPON A MOTION duly made by Teresa Bendo and seconded by Susan Garfat, it was resolved that the minutes of the February 13, 2023 Council meeting be approved. Carried.

6. Action Items from the December 5, 2022 Council Meeting

- 1) Investigate the costs of holding in-person meetings and report back to Council. This will be taken into consideration when determining the frequency of in-person and/or hybrid meetings.
(Completed)

Michelle Bianchi, Director of Operations and Financial Services, reported back to Council on the costs of holding in-person meetings. The average for a one-day in-person meeting is approximately \$7,500. This amount includes boardroom and audio/visual equipment rental, meals, travel and hotel costs.

- 2) Correct two incorrect date ranges in the draft Request for Proposal (RFP) for Strategic Planning.
(Completed)

Nancy Leris, Registrar/CEO, provided an update that she had made the corrections.

- 3) Determine if recordings from the Canadian Network of Agencies of Regulation (CNAR) conference can be shared with all Council members. If so, then share the links with Council members.
(Completed)

Brian Fehst, Manager of Professional Practice, provided an update that the recordings from the CNAR conference cannot be shared with all Council members. Brian advised that only those who attended the conference can access the recordings.

- 4) Undertake 60-day public consultations on the following:
 - By-law 6 Election of Officers amendments **(Completed)**
 - By-law 10 Election of Council Members amendments **(Completed)**
 - By-law 12 Committees amendments **(Completed)**
 - By-law 19 Fees amendments **(in-progress)**
 - Business Case Fees **(in-progress)**

Brian Fehst provided the status updates of the 60-day public consultations, as noted. The consultations on By-laws 6, 10 and 12 are complete. The consultation on By-law 19 and the Business Case Fees are underway.

- 5) The CKO team will conduct further research regarding By-law 13 – Amendments for the Selection of Committees: **(Completed)**

Brian Fehst noted that a status update on the consultation would be provided later in the meeting.

Action Item from the February 13 special Council meeting:

- Undertake 60-day public consultation on the draft emergency class regulation **(in-progress)**

Fiona Teape, Director of Regulation, noted that a status update on the consultation would be provided later in the meeting.

7. Presentation – Building Council Competence

Jennifer Pereira introduced Deborah Adams, Registrar and CEO of CRPO, who provided a presentation on Building Council Competence.

CRPO's Competency Framework includes a Competency Matrix for both Council and committees, as well as the Discipline and Fitness to Practise Hearing Panel, and a Committee Composition Matrix. Deborah explained how a competency framework allows CRPO to be effective and efficient by directing that qualified individuals are elected, appointed and recruited and that appropriate training and professional development is provided to ensure continued competence across all regulatory and governance functions.

Deborah also spoke about assessing Council effectiveness – how CRPO developed the Council evaluations, their learnings and next steps.

CKO Council members appreciated the presentation and engaged in an informative Q&A session with Deborah following the formal presentation.

8. Committee Reports

Reports were provided in the Council package, highlighting committee meetings, activities, changes and discussions that took place since the December Council meeting. A Q2 financial report and dashboard were also included.

Ben Matthie, chair of the Planning and Finance Committee, provided an update that, as of the end of Q2, CKO was on track to meet the projected revenue numbers. He also noted that there were over 170 applicants scheduled to write the entry-to-practice examination on April 19, 2023.

Ben indicated that there were no unexpected expenditures in Q2. During the next two quarters there will be expenses for ongoing projects as planned, including a review of the Kinesiology Core Competency Profile and updates to e-learning modules and CKO's database.

The Planning and Finance committee is aware that the College's lease will be expiring in June 2024. Currently the office space is on the sublease market but there has been no interest to date. The College is investigating different options to reduce its rental fees including sharing space with another College or finding a smaller office space.

CKO has a total of five investments with CIBC and Wood Gundy. We use a ladder approach to investing in GICs, which provides us with flexibility and liquidity of funds if needed.

9. Registrar's Report

Nancy Leris, Registrar/CEO, presented the Registrar's Report.

The Registrar began with an introduction of CKO's newest staff member, Arifa Gafur, Professional Conduct Coordinator.

The Registrar then provided updates on the following items:

Online exam - CKO's spring 2023 online entry-to-practice exam will be held on April 19. As of the first week of March, a total of 172 applicants registered for the exam, although the final registration numbers are anticipated to increase. Four of the candidates who have registered require special accommodations. A webinar for exam applicants was held on March 16.

As of Right Rules Legislation - In February, CKO participated with HRPO (Health Profession Regulators of Ontario) in providing feedback to the Ministry of Health (MOH) on a proposal to allow practitioners registered in other Canadian jurisdictions to practise in Ontario, without being registered in Ontario.

HRPO identified a number of areas for consideration. These include:

- authority of regulators over registrants who practise outside their jurisdictions;
- team-based health care and differing scopes of practice between jurisdictions;
- regulatory history that goes beyond the public portion of a regulator's register;
- liability insurance that may not cover the registrant in a different jurisdiction;
- use of a registration number for managing compensation in different jurisdictions; and
- timing for someone to practise without being registered.

HRPO feels that the MOH's proposal may introduce additional risks to the public and have indicated that they are willing to discuss further options with the MOH.

HRPO Anti-Racism in Health Regulation Project - Since November 2022, CKO has participated as a member of the Steering Committee for this project. Progress includes an environmental scan, consultations and engagement of the regulatory Colleges, an overview of project deliverables, an EDI

Toolkit (including a self-assessment and Equity Impact Assessment) and an action plan. Next steps include finalizing the draft materials and guidance to colleges for implementation. Training sessions will also be provided for staff of colleges.

Dr. Jordan Peterson vs. College of Psychologists of Ontario - This case is a judicial review of a decision of the Inquiries, Complaints and Report Committee of the College of Psychologists of Ontario, where the committee ordered Dr. Peterson to enter a Specified Continuing Education and Remediation Program (SCERP) regarding professionalism in public statements.

The order was made after several individuals reported concern with public statements made by Dr. Peterson on social media. The appropriate parameters of the regulation of the use of social media by regulated professionals is an issue currently facing all regulators. Public statements that are supported by health professionals with credentials inevitably reflect on the profession itself.

While HPRO was prepared to support all colleges on this case in the court, the College of Physicians and Surgeons of Ontario is providing their support on behalf of all HPRO colleges as they already have similar matters before the courts.

Dr. B. Hardick vs. College of Chiropractors of Ontario - This is another case that is under discussion by regulated health professions. The key issue was a by-law change that would disqualify a person for running for Council within six years of their being found to have committed an act of professional misconduct. The previous by-law requirement was three years.

In 2018, Dr. Hardick was the subject of professional discipline by the College of Chiropractors of Ontario (CCO)'s Discipline Committee. Dr. Hardick claimed that the by-law change was targeting him specifically and that the change was made in bad faith. In October 2022, he requested a stay of the by-law pending a more formal judicial appeal. This would allow him to run for CCO Council, with an undertaking to resign if he lost the judicial appeal. However, the judge ruled that CCO Council acted in the public interest and did not act in bad faith. In February 2023, the motion was dismissed, and Dr. Hardick was ordered to pay \$20,000 in costs to CCO.

This case highlights the importance of regulatory colleges acting in the public interest to enhance public confidence in the College, by members of the public who might be concerned about Council members who had been found to have committed professional misconduct or incompetence. It also stresses the importance of fully vetting potential Council members against College processes, guided by the goals of the College Performance Management Framework.

Council/Staff Training - The College's four new Council members and some staff are attending the Council on Licensure, Enforcement and Regulation (CLEAR) - 2023 Introduction to Regulatory Governance online webinars series.

CKO is planning our spring staff team-building event to build and encourage team collaboration and cohesiveness. Staff will also be returning to the office in a hybrid work model this spring.

Office Space - CKO is continuing its planning for office relocation once its lease expires at the end of June 2024. In the meantime, CKO signed an agreement with property management, giving them the right to negotiate a sublease of our office space until the end of the lease.

Conclusion - The Registrar concluded by thanking CKO staff for their commitment and hard work for this last quarter.

10. President's Report

Jennifer Pereira, Chair and Council President, opened by discussing the role of CKO, followed by her President's Report.

The President provided the following summary of activities that she has been involved with in her role as President:

- Attended various committee meetings;
- Been in constant communications with the Registrar/CEO;
- Been in contact with staff (with the Registrar's knowledge);
- Managed stakeholder communications;
- Participation in Council orientation; and
- Working on Council development and succession planning.

The President also noted that this year is a very special year for CKO, as it is the 10th anniversary of our inception in 2013. This milestone provides an opportunity to commemorate and celebrate the last decade.

Jennifer noted that there are many different fiscally responsible ideas on how to celebrate, from designing a 10th anniversary logo to creating a special section on the website that looks back in time and highlights the "then and now." She also suggested that CKO can recognize key people and their accomplishments over the past 10 years. There is also an opportunity to celebrate in person at the September Council meeting.

Jennifer concluded by asking Council members to send their ideas about celebrating to her or the Registrar.

11. Registration Updates

Fiona Teape, Director of Registration, provided an update on registration items noting that the Registration Committee has met once since the last report to Council. On February 10, 2023, the Committee met to review and recommend for Council approval draft amendments to the *Kinesiology Act, 2007*, for an emergency class certificate of registration, as well as to review and recommend updates to the Language Proficiency Policy.

Language Proficiency Policy

The requirement for language proficiency (English or French) is required for entry-level kinesiologists to practise safely and effectively. With the new Registration Requirements (Ontario Regulation 508/22) under the *Regulated Health Professions Act, 1991*, health regulators are required to accept a satisfied English or French proficiency testing result, if the applicant demonstrates English or French language proficiency satisfactory to the College on a test that is approved under the *Immigration and Refugee Protection Act (IRPA)* for assessing language proficiency. The language proficiency assessment must be completed within two years before the date of making the application.

The recommended revisions to CKO's Language Proficiency Policy reflect the language proficiency examinations approved under the IRPA and establish benchmarks for these additional language proficiency examinations.

The Registration Committee has recommended that the amended Language Proficiency Policy be submitted to Council for final review and approval.

Resolution – Revisions to the Language Proficiency Policy

UPON A MOTION duly made by Teresa Bendo and seconded by Vicki Nicholson, it was resolved that Council approves the revised Language Proficiency Policy as presented. Carried.

Emergency Class Certificate of Registration

At the February Council meeting, CKO Council approved the draft proposed amendments to the General Regulation of the *Kinesiology Act, 2007*, and directed staff to circulate the draft amendments to CKO members for comment for at least sixty (60) days. To be completed on April 17, 2023.

Registration Database Management System Updates

CKO is moving forward with updates to the IMIS Document Management System (DMS), to address security recommendations and improve the system's functionality and reporting. The project will begin mid-March 2023 and continue over nine weeks. The registration team will be involved throughout the planning, development and testing phases.

12. Practice Standard and Guideline Update: Complementary and Alternative Therapy Guidelines

Brian Fehst presented the Quality Assurance Committee's proposed practice guideline on the use of complementary and alternative therapies in kinesiology practice. The guideline was developed in response to enquiries regarding members' ability to offer complementary and alternative therapies in addition to conventional kinesiology treatment.

The publication of this guideline will reinforce CKO's mandate to protect the public by ensuring that that the expectations of the College are clear regarding how complementary and alternative therapies may be used by kinesiologists in Ontario. Patients and clients will be able to expect that kinesiologists, following this guideline, will apply the same rigorous and objective approach to complementary and alternative therapies as they would to conventional kinesiology treatment, care and services.

Resolution - Practice Standard – Complementary and Alternative Therapy Guidelines

UPON A MOTION duly made by Heather Westaway and seconded by Leanne Smith, it was resolved that the Council approves the Practice Standard – Complementary Alternative Therapies for publication by the College as presented. Carried.

13. Communications - Changes to Fees and By-law 19 Consultations

Lynn Butler, Manager of Communications, presented an update on the communications rollout and tactics planned for the proposed changes to fees and By-law 19, including the 60-day consultation period.

Prior to Council meeting, the communications rollout was shared with the Planning and Finance Committee on February 27, 2023, and the Patient Relations Committee on March 2, 2023, for their feedback. Suggestions and changes were incorporated into the communications.

All materials will be posted following the Council meeting, and the 60-day consultation period for the proposed changes to fees and By-law 19 will be underway. The consultation period will last from March 24 to May 22. If the changes to fees and By-law 19 are approved, all materials will be updated and posted before the anticipated implementation on September 1, 2023.

14. By-law Updates Consultations (By-laws 6, 10, 12) and Review (By-law 13)

Brian Fehst presented by-law updates to Council. The government of Ontario has proposed a series of reforms and modernization initiatives that will impact the governance of health professional regulatory colleges in Ontario. In response, CKO has undertaken a review of our by-laws including By-laws 6, 10, 12 and 13, which were presented to Council on December 5, 2022.

The review included an environmental scan focused on two key areas relevant to governance reforms and current best practices:

- Council and committee terms (including maximum term limits and cooling-off periods); and
- Election processes (including eligibility and nominations).

The information from the environmental scan informed proposed amendments to each of the by-laws, and the following motions were brought forward to Council for approval for a 60-day external consultation on each by-law.

In December, By-laws 6, 10 and 12 were approved by Council to go for a 60-day consultation. Council also requested additional review of By-law 13 before going for consultation.

The consultation and review results were presented to Council with the following recommendations for approval.

Resolution – Amendments to By-law 6 – Election of Officers

UPON A MOTION duly made by Ben Matthie and seconded by Vicki Nicholson, it was resolved that Council accepts and approves the amendments to By-law 6, as presented. Carried.

Resolution – Amendments to By-law 10 – Election of Council Members

UPON A MOTION duly made by Susan Garfat and seconded by Teresa Bendo, it was resolved that Council accepts and approves the amendments to By-law 10, as presented. Carried.

Resolution – Amendments to By-law 12 – Committees - General

UPON A MOTION duly made by Teresa Bendo and seconded by Susan Garfat, it was resolved that Council accepts and approves the amendments to By-law 12, as presented. Carried.

Resolution – Amendments to By-law 13 – Specific Composition and Selection of Committee Members

UPON A MOTION duly made by Corby Anderson and seconded by Teresa Bendo, it was resolved that Council accepts and approves the amendments to By-law 13 for a 60-day consultation, as presented. Carried.

15. Kinesiologists Core Competency Profile - Update

CKO's Steering Committee for the Review of the Kinesiology Core Competency Profile held its first meeting on March 6, 2023. The six-person group was appointed from volunteer members of Council at the December 2022 Council meeting.

This initial Steering Committee met to select the remaining four to six Steering Committee members and other subject matter experts from the volunteer applications received by CKO. In total, 21 volunteer applications were received between December 2022 and January 2023.

Recommendations for selection were made by the senior psychometrician leading the project prior to the Committee's meeting. The next stage of the project will involve the senior psychometrician meeting for one-on-one interviews with the selected subject matter experts and scheduling a two-day virtual meeting with the Steering Committee.

16. College Performance Measurement Framework (CPMF)

Brian Fehst, Manager of Professional Practice, presented the third annual CPMF submission to the Ministry of Health (MOH) that provides updates on the College's performance improvement commitments in seven different areas.

This year's report shows how CKO meets the requirements for all CPMF evidence that the MOH has identified as benchmarks, including fully meeting 44 items, partially meeting three items and not meeting one item.

The College's action plan is to address items 10.2.a.i and 10.2.a.ii, both of which are related to how the assessment components of Quality Assurance incorporate "right-touch" regulation practices. Overall, this year's CPMF report demonstrates and supports the CKO's commitments to process improvement and operational adherence to regulatory best practices.

Resolution – Approval of College Performance Management Framework

UPON A MOTION duly made by Vicki Nicholson and seconded by Susan Garfat, it was resolved that Council approve the College Performance Management Framework for submission to the Ministry of Health and for posting to the College website on March 31, 2023 and as presented. Carried.

There was one abstention: Matthew Daher

17. Communications Update

Lynn Butler, Manager of Communications, provided an update on the CKO's communications and outreach activities.

University Visits - University visits resumed this year and were held for graduating students at 18 universities with kinesiology programs. The visits were conducted virtually with a CKO presentation, followed by an interactive Q&A session.

Pre-meetings were scheduled with each university contact to discuss what the presentation includes, and to learn more about the information their students were looking for.

Response to the virtual nature of the visits was good. Universities indicated that the logistics were easier to arrange and that virtual presentations also allowed more of their students to attend the presentations.

Visits will be followed up with surveys to gather more information about the visits and the best way to provide kinesiology students with the information about CKO and our mandate to protect the public. A recorded version of the presentation will also be forwarded to the universities for posting on their classroom websites.

University Liaison Committee Meeting - The College facilitated the annual CKO-Universities Liaison Committee Meeting on December 12, 2022. The meeting was well attended by representatives from Ontario's academic institutions with kinesiology undergraduate programs.

The professional associations also attended. The meeting is designed to facilitate collaboration among the regulatory body, the academic institutions and the professional associations to improve the practice of kinesiology.

CKO presented an update on the outlook for 2023, including the MOH's Performance Management Framework, our new strategic planning process for 2023 – 2026 and modernization of the governance regulatory framework.

CKO also provided a registration and examination update, including registration statistics and provided an overview of the results of the first two online entry-to-practice examinations.

Additional meeting highlights included an update on the Quality Assurance Program, changes to standards and guidelines and an interactive session on EDI-B.

Ongoing Communications - CKO also continued with our ongoing communications in support of the following: Core Competency Profile Update project, online entry-to-practice examination, consultations, surveys, renewals, e-Learning modules, Peer and Practice Assessments (PPA) and the website. CKO also supported communications for Council, including upcoming elections in July and orientation for new Council members.

18. Risk Management Plan Review

Nancy Leris, Registrar and CEO, presented a review of CKO's risk management process and review cycle.

The Registrar outlined some of the driving forces that have resulted in changes to the risk occurrence scores and risk mitigation strategies, including:

- Clarity on how CKO's consideration of our financial situation is incorporated into the plan;
- An overview of how information (including electronic records) is securely stored by CKO and protected against unauthorized access; and
- Ensuring that the plan does not contain unnecessary details and accurately identifies who may be responsible for specific items.

The Registrar outlined the key risks affecting the organization, particularly those that could significantly impact the achievement of objectives. She also detailed the proposed amendments that have been reviewed by the Planning and Finance Committee and are being recommended to Council for approval.

Resolution – Approval of Risk Management Plan

UPON A MOTION duly made by Chad McCleave and seconded by Ben Matthie, it was resolved that Council approves the Risk Management Plan for 2022-2023 as presented. Carried.

19. Insurance Update

Michelle Bianchi, Director of Operations and Financial Services, provided an overview of the insurance carried by CKO. The insurance provider offers a full spectrum of insurance products and works with their partners to increase safety.

CKO is insured in the following areas:

- Liability and Crime;
- Cyber Liability;
- ADD or Death for Council members and volunteers;
- Directors and Officer Liability; and
- Errors and Omissions

The insurance protects directors, officers and committee members for wrongful acts, although Council members are expected to act in good faith and in the best interest of CKO.

20. Revised Committee Slate

Since the Council meeting on December 5, 2022, there have been the following changes to the Committee slate.

Planning & Finance Committee:

- Chad McCleave to become Chair
- Teresa Bendo to become Vice-Chair
- Jotvinder Sodhi to be added to the Planning and Finance Committee

Examination Appeals Committee

- Removal of Jennifer Periera
- Removal of Leanne Smith
- Appointment of Jotvinder Sodhi

Quality Assurance Committee

- Appointment of Jotvinder Sodhi

ICRC Committee

- Appointment of Jotvinder Sodhi

Governance and Nominations Committee appointments of:

- Jennifer Pereira
- Chad McCleave
- Victoria Nicholson
- Claude Balthazard
- Melanie Jones-Drost

Resolution – Revised Committee Slate for 2022/2023

UPON A MOTION duly made by Susan Garfat and seconded by Corby Anderson, it was resolved that Council approves the revised 2022/2023 Committee Slate as presented. **Carried.**
There was one abstention: Matthew Daher

21. Five-year Council Meeting Schedule

Jennifer Pereira shared the proposed five-year schedule of Council meetings.

The draft calendar was developed using similar time periods as have been used previously. While considering dates for Council meetings, the CKO team reviewed days of significant and religious holidays to avoid scheduling meetings on those days. CKO is committed to ensuring that the schedule is equitable and inclusive.

Jennifer asked Council members if they have or know of any conflicts with the proposed dates. She also noted that this is a living calendar and Council members are welcome to reach out to the President or the Registrar with any updates.

Proposed Five-year Schedule of Council Meetings				
2024	2025	2026	2027	2028
March 25	March 31	March 30	March 22	March 27
June 24	June 30	June 29	June 28	June 26
September 9	September 8	September 14	September 27	September 25
December 2	December 1	December 7 or 8	December 6	December 4

22. Review of Action Items

- Review the proposed five-year schedule of Council meetings and incorporate any changes to dates.
- Undertake 60-day consultations on the following:
 - By-law 13 – Specific Composition and Selection of Committee Members amendments
 - By-law 19 – Fee amendments
- Collect ideas and develop plans for the College’s 10th Anniversary celebrations.

24. 2023 Council Meeting Dates

Council will hold their next meet on **June 26, 2023.**

Adjournment

The Chair thanked Council, committee members and staff for their work to fulfill CKO’s legislated mandate – to serve and protect the public interest.

UPON A MOTION duly made by Chad McCleave, the Council meeting of March 20, 2023 was terminated at 2:12 p.m.

DRAFT