



## Special Council Meeting Minutes

<b>Date/Time of Meeting:</b>	Monday, April 24, 2023 / 7:00 p.m.
<b>Council present:</b>	Jennifer Pereira, Teresa Bendo, Matthew Daher, Susan Garfat, Sara Gottlieb, Benjamin Matthie, Chad McCleave, Victoria Nicholson, Jotvinder Sodhi, Heather Westaway, Ryan Wight
<b>Regrets:</b>	Corby Anderson, Bradley Markis, Jana Smith, Leanne Smith
<b>Staff members:</b>	Nancy Leris, Michelle Bianchi, Brian Fehst, Arifa Gafur, Magdalena Reder, Fiona Teape
<b>Guests/observers:</b>	Rebecca Durcan, Legal Counsel

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### 1. Call to order, roll call, welcome

Jennifer Pereira, Chair and Council President, called the meeting to order at 7:01 p.m. and welcomed Council, staff members, and guests.

As the 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.

Jennifer welcomed Rebecca Durcan of Steinecke Maciura LeBlanc as College legal counsel.

### 2. Conflict of Interest Declarations

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

### 3. Approval of Agenda

*UPON A MOTION duly made by Teresa Bendo and seconded by Benjamin Matthie, it was resolved that the agenda be approved. Carried.*

#### 4. Proposed Amendments to the General Regulation for Registration (Emergency Class) - review results from the public consultation

Jennifer Pereira invited Fiona Teape, Director of Registration, to provide the results of the public consultation regarding the proposed amendments.

Fiona provided a high-level summary of the proposed amendments required under the *Regulated Health Professions Act, 1991* and noted that Council had approved, in principle, the proposed amendments during the February 13, 2023 Special Council Meeting.

A 60-day consultation period commenced on February 17 and ended on April 17, 2023. The Ministry also posted the College's draft proposed amendments for feedback between February 23 and April 11, 2023. The College received 39 responses.

While a majority (72%) of the respondents were in support of the regulation, the following themes emerged:

- what would constitute an emergency and who would be eligible for the Emergency Class;
- more information is needed about the supervision of Emergency Class registrants;
- there is a perceived need for safeguards with respect to Council having the authority to declare an "emergency circumstance";
- while acknowledging that this falls outside the scope of the College, there was interest and concern regarding how the Emergency Class will function with the "As of Right" initiatives announced by the Government of Ontario, and questions as to whether these should be developed in concert;
- and a fair amount of concern regarding the entry-to-practice exam not being required for Emergency Class registrants, as well as the removal of the exam requirement for certain registrants to move from the Emergency Class to the General Class.

Lastly, it was highlighted that the Lieutenant Governor in Council, when considering the College's submission, could potentially change wording/language of the final draft without additional consultation with the College.

Jennifer thanked Fiona for her summary of the feedback obtained and opened the floor for questions.

Council discussed if new graduates could apply to the Emergency Class during a public health emergency, even if the entry-to-practice exam for the General Class was still being administered. It was clarified the candidate could and may want to, depending on the timing of the next exam sitting and their personal willingness to assist during the public health crisis. However, in the long term the candidate would likely prefer to challenge the exam to be able to practice without the restriction of a supervisor.

It was noted that criteria and standards will need to be developed around supervision, the determinants of a 'satisfactory practice', and the assessment of clinical and non-clinical practices for registrants who apply to transition to the General Class. Consideration was also given to the potential time commitment and availability of supervisors during an emergency circumstance. Legal counsel indicated that supervision has historically been accepted by the Ministry as an appropriate and proportional public protection model. Counsel was of the opinion that the supervision piece was unlikely to be perceived as a barrier to registration, but rather as a public safety measure.

Examples were sought and provided regarding who would seek registration under the Emergency Class under the prior practice requirements of section 9.1 (1)3(ii) of the proposed regulation. Kinesiologists in another province or returning from retirement were identified as most likely. Moreover, Legal counsel clarified that non-registered practitioners within Ontario could also potentially demonstrate, to the College's satisfaction, that they have met this requirement. In view of the consultation feedback, Council discussed potential alternatives to the removal of the entry-to-practice examination requirement for the transfer from the Emergency Class to the General Class. Council carefully considered the approach taken by other regulators and the structure and limits of the current General Regulation. Council also reflected on the Ministry's suggested consideration of factors such as the length of time of an applicant's practice and the demonstrated ability to practice safely. Council concluded that the safeguards of currency of practice, supervision, and a peer and practice assessment could provide assurances of competency and public safety, while meeting the emergency class requirements set out under Ontario Regulation 508/22 of the RHPA.

Finally, legal counsel clarified that in accordance with the wording of the proposed amendments, Council could open the Emergency Class without direction from the Ministry. However, if directed by the Ministry, the College must act on that direction.

*UPON A MOTION duly made by Heather Westaway and seconded by Susan Garfat, it was resolved that the Council of the College of Kinesiologists of Ontario approves the draft proposed amendments to the General Regulation of the Kinesiology Act, 2007, as appended to this resolution, and directs staff to submit the final document to the Ministry by the deadline of May 1, 2023.*  
**Carried unanimously.**

## **Adjournment**

Jennifer thanked Rebecca Durcan for attending and the Council and staff for their continued dedication and wished everyone well.

*UPON A MOTION duly made by Benjamin Matthie the Council meeting of April 24, 2023 was terminated at 7:58 p.m. **Carried.***