



December Council Meeting Minutes

Date/Time of Meeting:	Monday, December 6, 2021/9:00a.m.
Council present:	Jennifer Pereira; Corby Anderson; Marie Cousineau; Susan Garfat; Candace Glowa; Ben Matthie; Benjamin Phalavong; Graydon Raymer; Ryan Wight; Mary Pat Moore; Teresa Bonda; Leslee Brown; Sara Gottlieb; Chad McCleave; Victoria Nicholson
Staff members:	Nancy Leris; Michelle Bianchi; Lara Thacker; Keisha Simpson; Melissa Campeau; Brian Fehst; Colleen Foster
Consultants:	Christine Forsyth; Daniel Roukema
Guests/Observers:	Jason Maurier; Lindsay Lyon; Stuart Moulton, Talia Rubin; Parker Holman; Kyle Scott

1. Call to order, roll call, welcome

Jennifer Pereira, Chair, called the meeting to order at 9:03 a.m., and welcomed Council, 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.

2. Introductions

Jennifer Pereira announced the resignation from Council of Elwin Lau. Resigning for personal reasons, the College of Kinesiologists of Ontario thanks Mr. Lau for his contributions.

New staff occupying the roles of Manager, Finance and Operations; Manager, Communications; and Practice Advisor were welcomed to the College

Jennifer Pereira also reminded meeting attendees that the College requires cameras to remain on during meetings to support and encourage engagement.

3. Conflict of Interest Declarations

Jennifer Pereira asked whether any Council members present wished to declare a conflict of interest.

Corby Anderson referred to agenda item 11 and declared that he is a Certified Athletic Therapist. As the agenda items were purely informational, he did not consider it a conflict. No members of Council objected to Mr. Anderson's statement.

4. Approval of Agenda

UPON A MOTION duly made by Mary Pat Moore and Seconded by Graydon Raymer, it was resolved that the agenda be approved. Carried.

5. Approval of Minutes from the September 27, 2021 Council Meeting

Benjamin Phalavong, Ben Matthie, and Corby Anderson cited typos in their names and requested they be corrected

UPON A MOTION duly made by Victoria Nicholson and Seconded by Benjamin Phalavong, it was resolved that the minutes be approved as amended. Carried.

6. Action Items from the September 27th Meeting

College staff to circulate proposed By-Law 13 amendments for external consultation, and present final amendments at December 2021 Council meeting – **Completed.**

College staff to circulate proposed By-Law 16 amendments for external consultation, and present final amendments at December 2021 Council meeting – **Completed.**

College staff to amend Governance and Nominations Committee Terms of Reference, and present final amendments to Executive Committee for approval – **Completed.**

7. Drafted Audited Financial Statements

Ben Matthie, chair of the Finance & Planning Committee, presented the Council's financial statements and the auditors representing Crowe Soberman, confirmed a clean audit for the 2020-2021 fiscal year.

Resolution and Motion:

Whereas Council requires that its operations undergo a financial audit annually,
and

Whereas the firm of Crowe Soberman was appointed to carry out this audit and did so during the month of October 2021; and

Whereas the auditor has now presented Council with draft financial statements as well as the auditor's opinion.

Resolution

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approve for circulation, and submission to the Minister of Health, the audited financial statements for 2020/2021.

UPON A MOTION duly made by Chad McCleave and Seconded by Susan Garfat, it was resolved that the financials for the 2021/2021 fiscal year be approved. Carried.

8. Committee Reports

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

9. Draft Annual Report

Nancy Leris, Registrar/CEO, presented the draft Annual Report to Council for its review and approval.

The theme of this year's Report is Renew. Engage. Re-energize, which is intended to not only reflect the pro-active approach the Council has taken to meet these challenges, but also to use the momentum to advance the regulatory agenda. CKO chose an emphasis on action verbs as also being evocative of the kinesiology profession's fundamental commitment to promoting healthy human movement.

The report highlights the progress made as the College moves forward with governance modernization, investments in new technological solutions and other practical measures that enhance its engagement with stakeholders throughout the healthcare system for the purpose of improving public service and protection.

The overall message of this year's Annual Report is intended to convey strength and resilience, acknowledging the realities of the current situation and demonstrating success through the concrete evidence throughout the report.

Resolution and Motion:

Whereas the College is required to prepare and submit an annual report to the Ministry of Health and post the report to the College website; and

Whereas Council was provided with a draft annual report for 2020/2021; and

Whereas the report as presented fairly represents the College's achievements throughout 2020/2021;

Resolution

Therefore, be it resolved that Council accept and approve the draft annual report for 2020/2021 for submission to the Ministry of Health and posting to the College website.

UPON A MOTION duly made by Teresa Bendo and Seconded by Sara Gottlieb, it was resolved that the 2020/2021 Annual Report be approved. Carried.

10. Registrar's Report

Nancy Leris presented the Registrar's Report as follows:

1. Recruitment process and outcome

In recent months, the recruitment of key positions at CKO has been successful. Since the last Council meeting, three out of four positions were filled.

The College welcomes:

- Michelle Bianchi, Director of Operations and Financial Services
- Melissa Campeau, Manager, Communications
- Brian Fehst, Practice Advisor.

Each new employee was invited to introduce themselves.

2. College Performance Management Framework

The College Performance Management Framework (CPMF) self-assessment document was launched a little over a year ago, to capture the state of each College's Performance for the year 2020 over a number of performance "domains." Each College was required to submit its response to the Ministry of Health (MOH) and to publicly post its submission on its own website.

In October this year, the Ministry released its report on the process and evaluated the outcomes. At the same time, the Ministry arranged a one-on-one meeting with each of the Colleges, who were provided with a list of questions pertaining to their experience with the process, and to provide information on how they were implementing and engaging in partnering arrangements with other stakeholders in the healthcare system during 2021 – a topic covered by Domain 3.

CKO had its CPMF meeting with MOH on November 16. Nancy Leris and Lara Thacker, Director of Quality Assurance, participated in the productive and positive discussions.

Earlier in November, MOH released what they called a "soft launch" of the 2021 CPMF exercise, to obtain feedback about clarity of the format and ease of use.

And more recently still, following the comments they received from the soft launch, the Ministry released the CPMF questionnaire for 2021 activities, with each College's submission due on or before March 31, 2022. Most of the 2021 Domain 3 partnering practices and initiatives have already been reported. College staff will begin assembling the required information soon, to be able to report fully and appropriately in March.

3. Review of IT Services and Support

CKO is reviewing its IT services to manage upcoming challenges. The College has met with service providers to become more proactive instead of reactive in challenging times. CKO is moving to an online exam model for applicants and is pivoting peer and practice assessments to the virtual environment. The College has signed a contract with a vendor for remote exam administration.

4. Staff Performance Appraisals

Appraisals are ongoing and will conclude in December.

5. Pre-Meeting Conflict of Interest Declaration

CKO launched its new Pre-Meeting Conflict of Interest Declaration, which Council received in advance of this meeting. This will be an ongoing requirement for all future Council and Committee meetings as the Ministry has established, as part of the College's governance performance. An Annual Conflict of Interest Declaration is currently nearing completion.

7. HPRO Anti-BIPOC Racism Working Group

The College continued to play an active leadership role in the Health Profession Regulators of Ontario's (HPRO)'s anti-racism initiatives, most recently resulting in an HPRO-commissioned external expert report, which provided advice and recommendations to acknowledge the diversity that exists in the communities of patients/clients, and health professionals, and that there is increasing sensitivity, with suggested actions to improve equity and inclusiveness by regulators and the broader healthcare system. The independent anti-racism study results and recommendations may be viewed on the HPRO website.

8. Online Orientation for New Council and Committee Members

CKO continues to partner and collaborate with other Colleges to develop an online orientation for new Council and Committee members, which will be rolled out in the new year. The College is currently collaborating with other Colleges on the content for the orientation module.

9. The Council and Committee Evaluation Process

A registrar from another College will be invited to CKO's March Council meeting to present on their experience and answer questions about that experience.

In November, CKO attended the College of Registered Psychotherapists of Ontario Registrar's presentation to the HPRO networking group.

10. External Member on the Governance and Nominations Committee

CKO intended to present a policy and selection process for the External Member on the Governance and Nominating Committee at this Council meeting. However, due to several other conflicting deadlines, it was determined to delay this until March.

11. Alternate Signatory

The Finance and Planning committee has reviewed the matter of signing authorities for cheques and is requesting the appointment of an alternate signing officer to replace Ben Mattheie. A resolution is included in the Council package to appoint Victoria Nicholson as the alternate signatory for the College bank account.

Resolution and Motion:

Whereas the College is required, as per the by-laws, to have a minimum of two signing officers in addition to the Registrar empowered to sign cheques and approve direct deposit payments; and

Whereas the financial checks and balances put in place by the College require two signatures on cheques and to release online payments; and

Whereas Ben Matthie was appointed as an alternate signing officer for the College's bank account as an additional approver; and

Whereas Ben Matthie was also appointed as chair of the Planning and Finance Committee at the September 27, 2021, Council meeting, and as chair of the Committee, he should be separated from these duties.

Whereas the Planning & Finance Committee discussed the addition of an alternate signing officer for the College's bank account and recommended Victoria Nicholson as the alternate.

Therefore, be it resolved that Council approve Victoria Nicholson as an alternate signatory for the College's bank account.

UPON A MOTION duly made by Leslee Brown and Seconded by Ryan Wight, it was resolved that Victoria Nicholson be approved as an alternate signatory for the College's bank account. Carried.

11. President's Report

Jennifer Pereira presented the following President's Report:

1. CNAR (Canadian Network of Agencies of Regulation)

Jennifer Pereira attended several sessions at the CNAR conference held virtually over six half-day sessions. Topics included:

- Governance, diversity and inclusion, hot topics, technology and testing, investigations, and discipline.
- The president also attended a pre-conference workshop on reputational crisis, responses, and communications, all of which play significant roles in planning and staying ahead of crises.

The president also:

- Attended various committee meetings.
- Responded to individual Council inquires including the resignation of former Council member Edwin Lau.
- Managed stakeholder communications, which included drafting a response letter to the OATA.
- Drafting the president's message in the Annual Report.
- Continuous communications with the Registrar.

12. Registration Report

Keisha Simpson, Director Registration Services, presented an overview of the 2020/2021 Annual Report's statistics on registrants' employment profile data as of August 31, 2021; provided current information on registration numbers since December 3, 2021; and provided results on the entry-to-practice exam, which took place on September 18, 2021:

1. Registration Numbers

As of Friday, December 3, 2021:

- CKO Membership stood at 2,735; with 2,350 active members; and 385 inactive members.
 - The numbers remain consistent from last year, though there's been a slight decrease in inactive registrants and an increase in active registrants, which is believed to be due to COVID-19 and the fact that the practice of kinesiology is considered an essential service.
 - There was a small uptick of new members.
 - CKO anticipates a significant increase in the number of new registrants by the end of the year.

2. Employment profile details:

- Aggregate data specific to the class, age and place of initial education of registrants as well as an overview of registrants' employment profile details as of August 31, 2021, and their renewal outcome was provided.

3. Results of entry-to-practice exam

- The spring sitting of the College's entry-to-practice examination which was scheduled to take place in April 2021 was rescheduled for September 18, 2021, across all writing centres. A total of 457 candidates registered for the fall exam, this includes 10 candidates who requested testing accommodations, one candidate who requested writing the exam in French, and 46 candidates who either withdrew from the exam or postponed writing after the exam roster was finalized. Prior to the final exam roster an additional 100 applicants postponed or withdrew from the exam.

In 2021, a total of 411 candidates wrote the exam. The number increased by 9.6% compared to the previous year.

13. Spousal Exception Guidelines

Brian Fehst, Practice Advisor, presented on the spousal exception guidelines for Council to consider and approve. The spousal exception relates to the Regulated Health Professions Act (RHPA) 2013, c. 9 s. 1(1) and RHPA s. 95 (1)(0.a).

The spousal exception has already been approved for several other regulatory colleges in Ontario.

The College remains committed to the prevention and elimination of sexual abuse of patients by Kinesiologists.

Spousal exception means that treatment of a spouse or common-law domestic partner is not automatically sexual abuse.

Treatment of spouse is permitted, but not encouraged.

Spousal Exception does NOT convey blanket immunity.

Resolution and Motion:

Whereas An amendment (O. Reg. 718/21, amending O. Reg. 401/12) to the *Kinesiology Act*, 2007 went into force upon filing with the Registrar of Regulations on October 22, 2021; and

Whereas the regulation, which takes effect on filing, allows kinesiologists to treat their spouses as patients without triggering the sexual abuse provisions of the *Regulated Health Professions Act, 1991*; and

Whereas the Patient Relations Committee has reviewed and provided comments on the draft guideline and recommends the guideline to Council for approval.

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approve of the Spousal Exception Guideline to the regulation for posting on our website and circulation to the members of the College, the public and other stakeholders; and

Therefore, be it also resolved that the Council of the College of Kinesiologists of Ontario approve of timely, incremental updates to College Practice Standards, Guidelines and other resources and materials to ensure that all such materials are consistent with O. Reg. 718/21.

<p><i>UPON A MOTION duly made by Susan Garfat and Seconded by Mary Pat Moore, it was resolved that the Motion be approved.</i></p> <p>Carried.</p>

Jurisprudence Handbook

Keisha Simpson presented proposed changes to the Jurisprudence Handbook.

The Jurisprudence Handbook serves to provide information on the ethical and legal framework within which kinesiologists practice in Ontario. The handbook discusses the concepts of professionalism and self-regulation, upon which the *Kinesiology Act* is based. The handbook also addresses how proper communication with patients and colleagues is fundamental to a professional practice and reviews the various laws applicable to kinesiologists in their practice.

The Jurisprudence handbook was approved by Council in 2012. Since then, minimal changes have been made to the document in keeping with legislative requirements and the College's Standards and Guidelines. The College embarked on a comprehensive internal review of the handbook beginning in 2019, and in October 2021 contracted legal counsel to review the proposed changes to ensure they were current with changes in legislation.

Ms. Simpson provided a high-level overview of the changes to the handbook. The proposed changes to the handbook are in keeping with the College's Standards and Guidelines and current legislation governing the practice of kinesiology in Ontario and other related legislation. The changes also aim to modernize the language used throughout, providing consistency and improved clarity.

A noted change in the handbook is consistent with O. Reg. 401/12 as it relates to the definition of sexual abuse with respect to Registered Kinesiologists in Ontario. On October 21, 2021, O. Reg. 718/21 amending O. Reg. 401/12 General Regulation under the *Kinesiology Act, 2007*, was filed

with the Registrar of Regulations. The amended regulation will permit kinesiologists to treat their spouses as patients without triggering the sexual abuse provisions under the *Regulated Health Professions Act, 1991*.

In light of the proposed revisions to the Jurisprudence handbook, a guide for registrants of the College is required. The Patient Relations Committee developed such a guide and has submitted this guide to Council for review and approval. The changes as they relate to the spousal exception to sexual abuse provisions are in keeping with the proposed guide.

Council discussed the wording of the handbook on page 11 and 69 and recommended that “psychiatrist” be changed to regulated health professional.

Resolution and Motion:

Whereas the College recognizes the public interest and protection importance of registrants having access to current regulatory information and direction that will guide their safe practice; and

Whereas Council has reviewed the Jurisprudence handbook and considered its fitness to achieve the public interest purpose it is intended to serve;

Therefore, be it resolved the Council approves the Jurisprudence handbook.

UPON A MOTION duly made by Corby Anderson and Seconded by Susan Garfat, it was resolved that the Motion be approved as amended. Carried.

14. By-law 13 Consultation

Lara Thacker presented the results of the consultation regarding the amendments to the College’s Bylaw 13.

Resolution and Motion:

Whereas the Ontario Ministry of Health has introduced a new requirement that all statutory committee candidates have met pre-defined competency/suitability criteria and attended an orientation training; and

Whereas in its 2019-2022 Strategic Plan, the College committed to strengthening its decision-making capacity through:

- i. Developing a profile of qualifications and expertise to use in the selection of Council and Committees;
- ii. developing training mechanisms for Council and Committees; and
- iii. increasing openness around processes to select Council and Committee members; and

Whereas many regulatory bodies are beginning to introduce changes to eligibility criteria for those seeking Committee appointments, to include criteria that registrants have successfully completed a qualification process as established by Council; and

Whereas the proposed amendments set out the eligibility requirements for Committee selection, including a provision that registrants have successfully completed a qualification process as established by Council; and

Whereas the proposed amendments were circulated externally for 60-day consultation;

UPON A MOTION duly made by Leslee Brown and Seconded by Sara Gottlieb, it was resolved that the proposed amendments to Bylaw 13 be approved. Carried.

15. By-law 16 Consultation

Lara Thacker presented the proposed amendments to By-law 16 regarding conflict of interest.

Council determined that CKO should seek legal counsel on Section 16.02, specifically subsections 1, 3 and 5. A motion was put forth to approve the by-law amendments in principle pending legal review.

Resolution and Motion:

Resolution – Amendments to By-law 16: Conflict of Interest

Whereas the provincial government has called for improved openness and transparency in licensing and professional regulation and has directed Ontario health regulators to implement strategies to improve the way they protect the public; and

Whereas the Ontario Ministry of Health has introduced new requirements for health regulatory college governance through the College Performance Measurement Framework (CPMF), specific to conflict of interest;

Whereas proposed amendments contain provisions to comply with the CPMF and sets out procedures to address situations when a Council or committee member believe that another member may have a conflict of interest; and

Whereas the proposed amendments were circulated externally for 60-day consultation;

UPON A MOTION duly made by Graydon Raymer and Seconded by Victoria Nicholson, it was resolved that the proposed amendments to Bylaw 16 be approved in principle pending legal review of subsection 16.02. Carried.

16. 2022 Council Meeting Dates

Council will meet in 2022 on the following dates:

- March 28
- June 27
- September 26
- December 5

17. Review of Action Items

- Minutes – Misspelled council members names to be corrected
- Wording change in jurisprudence handbook – psychiatrist to be updated to regulated health professional
- By-law 16, sections 1,3, 5 to be sent out for legal review

Adjournment

UPON A MOTION duly made by Chad McCleave and Seconded by Corby Anderson, the Council meeting of December 6, 2021 was terminated.