

	College of Kinesiologists of Ontario Council Meeting Minutes
Date/time of meeting	Monday, April 15, 2018 at 9:00 a.m.
Chair	Ken Alger
Note Taker	Danae Theakston
Present	Derek DeBono, Mary Pat Moore, Michelle Meghie, Stephanie Moser, Michelle Young (Teleconference), Elwin Lau, Ryan Wight, Ken Alger, Chad McCleave, Jenn Bushell, Kalen Johnson, Graydon Raymer, Nelson Amaral, Nicole DiFilippo
Regrets	Jennifer Pereira, Lori-Anne Beckford, Marilyn Bartlett
Staff/guests in Attendance	Staff: Brenda Kritzer, Nancy Leris, Danae Theakston, Eric Bruce, Tracey Scott, Sue Behari, Keisha Simpson Guests: Samia Shaheen (MOHLTC), Don Gracey (OATA), Stuart Moulton (OKA) (Teleconference), Tyler Quennell (CATA), Sandy Jespersen (CATA)
Conflict of Interest	President Ken Alger provided an overview on the importance of declaring conflicts of interest and how Council's role is to make decisions in the public interest. Ken Alger asked members to declare any conflict of interest on agenda items excluding item 13 on the agenda. He reminded Council members that in view of the potential sensitivity of item 13, Rebecca Durcan of our law firm Steinecke, Maciura LeBlanc, would attend to assist Council on the matter of conflict of interest relating to the selection of a committee to review a proposal on specialties, submitted by the Ontario Athletic Therapist Association No conflicts of interest were declared for items 6 through 12 on the agenda.
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.
Approval of Agenda	President Ken Alger, asked to amend item 13 on the agenda, Specialties OATA Framework to be divided into four topics. The amended agenda for item 13 would read as: Specialties Proposal – OATA <ul style="list-style-type: none"> i) A. Conflict of Interest Conversation and Discussion w/ Rebecca Durcan ii) B. Process for Selection of Committee on Specialties iii) C. Declarations of Conflict of Interest iv) D. Selection of Committee <p>UPON A MOTION duly made by Nelson Amaral and seconded by Graydon Raymer, it was resolved that the agenda be approved as amended. Carried.</p>

<p>Approval of Minutes</p>	<p>UPON A MOTION duly made by Nelson Amaral and seconded by Jennifer Bushell, it was resolved that the Minutes of December 3-4, 2018 be approved. Carried.</p>
	<p style="text-align: center;">Action Items Review</p> <ul style="list-style-type: none"> • Add the fee breakdown to the College’s website, perhaps under the membership portal – in progress • Add information to the website regarding the benefits of being a regulated health professional – in progress • Schedule a facilitated discussion regarding Core Competencies • Addition of specific areas to the Renewal Form to better target collection of data for the College and members – in progress
	<p style="text-align: center;">Committee Reports Discussion</p> <p>Reports were provided by the ICRC, Quality Assurance, Registration and Planning and Finance Chairs regarding their Committees, which highlighted committee meetings, activities, changes and discussions that took place since the December Council meeting. The reports were posted with the Council package.</p> <p>Chad McCleave, Chair of Finance and Planning Committee brought Council’s attention, two important initiatives by the College to save money in the operating budget. Specifically, the College has moved to a new service provider for the purchase of the employee health benefits package and for this purpose, has joined a buying group originated by the College of Physicians and Surgeons of Ontario.</p> <p>Secondly the College has also joined a separate buying group for fees processing and expects to realize substantial savings in transactions. This will be shown in the line on Banking charges.</p>
	<p style="text-align: center;">Competency Development and Implementation – Phase 1</p> <p>Danae Theakston, Communications Officer, presented on a proposed phased approach for appointing members to non-statutory committees to ensure candidates applying for the positions meet the requirements necessary to compose a diverse, knowledgeable committee. The approach involves combining the current considerations that are used to select members with core governance competencies to ensure a broad range of diversity, knowledge, skills and background could be brought to the table.</p>
	<p style="text-align: center;">2019 Election Dates</p> <p>A schedule for the 2019 Council Election was brought forward to Council to approve the proposed election period for districts 1, 4, 5 and 7.</p> <p>Upon a motion duly made by Nicole DiFilippo and seconded by Michelle Meghie, it was resolved that Council approve the proposed election dates of July 9-16, 2019 and publish immediately as the election dates for districts 1, 4, 5 and 7. Carried.</p>

	<p style="text-align: center;">Complementary/Alternative Therapies Guideline</p> <p>Eric Bruce, Director of Professional Conduct, presented a new guideline that was developed to address enquiries surrounding the ability to offer complementary/alternative therapies. The draft guideline sets out general principles applicable to both conventional and complementary/alternative therapies, as well as specific requirements for members who intend to offer such therapies or who deal with patients who request or receive such therapies from another source.</p> <p>Members of Council noted that where kinesiologists do not have the necessary competencies/certifications to offer complementary therapies, Kinesiologists should respond to patients' requests by making appropriate referrals or advising patients where they can get information about practitioners. Amendments were made by Council to the Guideline to reflect the recommendations of Council.</p> <p>Upon a motion duly made by Kalen Johnson and seconded by Stefanie Moser, it was resolved that Council approves in principle the draft Practice Guideline on Complementary and Alternative Therapies as per the amended changes made in Council, and directs staff to circulate the draft Practice Guideline to the membership and to the public for comment for a period of at least sixty (60) days. Carried.</p>
	<p style="text-align: center;">BREAK</p>
	<p style="text-align: center;">Strategic Planning Review</p> <p>Christine Forsyth provided an overview of materials which will form the basis of the Strategic Plan for the College for 2019-2022. The materials provided reflect the two-day planning workshop that the Council participated in on March 25-26 with Christine Forsyth as the facilitator. She highlighted the specific goals and initiatives that came out of the two day strategic planning workshop, and how these outcomes will shape the College's strategic plan for the next three years.</p> <p>Council members were provided the opportunity to ask questions and provide further input to the Draft Summary Report.</p> <p>In response to a question by the President and Council, the registrar indicated that the material provided was sufficient to develop an operational plan as well as a concise strategic plan to direct the College's efforts for the next three year period.</p> <p>Upon a motion duly made by Graydon Raymer and seconded by Michelle Meghie, it was resolved that Council approve the Summary Report and direct staff to prepare a summary Strategic Plan for posting on the website and communication to registrants. Carried.</p>
	<p style="text-align: center;">Funding for Therapy Policy</p> <p>As per the Health Professions Procedural Code, the College is required to establish a program to provide funding for therapy and counselling for persons</p>

	<p>alleging sexual abuse by a member, while they were a patient. The College established such a fund in 2013, administered by the Patient Relations Committee.</p> <p>Eric Bruce, Director of Professional Conduct, spoke to the proposed policy governing the administration of the fund, and the supporting documents which would assist a patient to apply for funding, including an Application Form, Counsellor/Therapist Information Form and Frequently Asked Questions sheet.</p> <p>The policy approved by the Patient Relations Committee, expands on the provisions in the Health Professions Procedural Code to provide more details regarding the requirements. In addition, the policy and administration documents will facilitate patients in making a request for funding and provide transparency regarding the process that the College will follow.</p> <p>Upon a motion duly made by Nicole DiFilippo and seconded by Stefanie Moser, be it resolved that the Council approves the Policy for Funding for Therapy and Counselling and supporting documentation (Application Form, Counsellor/Therapist Information Form, Frequently Asked Questions) as presented. Carried.</p>
	<p style="text-align: center;">Council Report re: Special Meeting on CNO Submission to Ministry</p> <p>On February 22, 2019 the Council held a special meeting to review and discuss the College of Nurses of Ontario (CNO) submission to the Ministry of Health and Long-Term Care regarding Vision 2020. Council reviewed the CNO’s submission and determined which areas of the report they could support. Following an in-depth discussion and review of the report, Council provided final remarks on their interest in supporting the CNO’s submission. Ken Alger presented a draft letter drafted to reflect the discussion and decisions of Council at the February 22nd meeting.</p> <p>Following review of the letter, Council requested the following additions/amendments to be made to the letter prior to sending to the Ministry.</p> <ul style="list-style-type: none"> - Where it is noted that we do not support that public appointees be remunerated by each College, the Council would be in support of public appointees and professional members being paid the same per diem, with Colleges continuing to pay the professional per diems and the Ministry paying the public appointees per diem. <p>The amendments to the letter will be made by Brenda Kritzer and circulated to Council, then sent to the Ministry of Health and Long-Term Care.</p>
	<p>Specialties Proposal Framework and Striking of Committee on Specialties</p> <p>The following guests attended for this discussion item on the agenda: Don Gracey (OATA), Sandy Jespersen, Executive Director of CATA, Tyler Quennell, Board of Directors for CATA</p> <p>i) Conflict of Interest (COI) Discussion</p>

Rebecca Durcan of Steinecke Maciura LeBlanc Law Firm joined Council to provide a presentation and open discussion regarding Conflict of Interest. She reminded Council that conflict of interest may be real or perceived as discussed in Bylaw 16. If a conflict of interest is not disclosed or declared, it can undermine the final decision that is made. She also noted that conflict of interest may not exist at the beginning of a project but may arise as more information is learned and as decisions are brought forward to Council or a Committee. Conflict of interest must be disclosed or declared at any point of the process.

It was noted with importance that declaring a conflict of interest is part of Council members' fiduciary duties. All business must be carried out with integrity placing the interests of the College (its mandate and legislated role) ahead of any other interests. Members of Council are held responsible for recognizing, acknowledging and declaring any potential unconscious bias or conflict of interest.

Rebecca reminded Council of the difference between a declaration of conflict and disclosure. In the latter instance, a Council member may be uncertain. S/he then discloses the circumstances and connections and Council then will determine whether there is a real or perceived conflict of interest.

Finally, Rebecca noted that all members of Council are responsible for bringing forward concerns regarding conflict of interest. The concern may relate to their own circumstances or to the circumstances of another member of Council.

ii) Process for Selection of Committee on Specialties

Discussion opened concerning the process for determining the Committee on Specialties.

A document had been provided by the College to assist Council in appointing a Committee, *Decision Note: Appointment of a Special Committee to Review Specialty Framework Submissions, under the Policy: Framework for Assessment of Specialties*. After considerable discussion Council agreed that the Decision Note should be altered to form a Policy Implementation piece which would be joined to the Framework for Assessment of Specialties Policy. The proposed edits were intended to make the document more generic (not specific to the OATA proposal) and to provide direction on composition of Committees formed to review proposals from the membership on specialties. Revised Document attached to Minutes)

Upon a motion duly made by Stefanie Moser and seconded by Michelle Meghie Council:

- adopted the edited Decision Note (edits included removal of all references to the specific proposal from OATA) as an adjunct to the Policy *Framework for Assessment of Specialties*; and
- approved that the composition of a Committee on Specialties be 5 members made up of 3 public members and 2 professional members; and
- that Committee members be appointed by Council.

Carried.

iii) Declaration of a Conflict of Interest

The President called for declarations of conflict of Interest concerning review of the proposal on Specialties submitted by the Ontario Athletic Therapist Association (OATA)

The following Council members disclosed that they might be in a perceived conflict of interest as they are members of the OATA and are Certified Athletic Therapists a conflict of interest leaving it up to Council to make the determination of whether their conflict of interest was real or perceived:

- Elwin Lau, Nicole DiFilippo, Derek DeBono, and Michelle Young
- Nelson Amaral disclosed that he may be in a perceived conflict of interest as he is a Certified Athletic Therapist, a member of OATA, and that he sat on the OATA Board of Directors six years ago during the period when the first proposal to the College was being made. He disclosed that his role on the Board of OATA was in advertising, and that he had no role in the development of the proposal to the College for authorization of a specialty.
- Jennifer Bushell disclosed that she may be in a perceived conflict of interest as she is a Certified Athletic Therapist designation, a member of OATA and had sat on the board of OATA nine years ago and occupied the role of secretary. She further disclosed that she had no role in the development and promotion of the proposal to the College by OATA for authorization of a specialty.
- Ken Alger, President and Chair of Council disclosed that Stephanie Moser could be in a perceived conflict of interest based on her role as Chair of the Board of OATA during the period when OATA submitted a proposal to the College for authorization of the specialty, her participation in meetings with the College as a representative of OATA at that time, discussing the proposal and advocating for the proposal, and based on verbal comments previously made.

Stefanie Moser stated a position that she was not in a conflict of interest, perceive or real as she had not been on the Board of OATA for some time and had specifically met the conditions for election to Council (By-law 10.09 [v])

It was moved to Council to make the determination of whether there was a real or perceived conflict of interest.

At this point Rebecca Durcan assisted Council in gathering more information from the members of Council who had disclosed the possibility of perceived conflict of interest:

- Elwin Lau - further disclosed that he had not been on the Board of Directors of OATA when it was dealing with the proposal to the College;

had not stated publicly a position regarding the proposal made by OATA to the College; had not participated in the development of the proposal or of documents used by OATA in making the proposal.

- Nicole DiFilippo - further disclosed that she had not been on the Board of Directors of OATA when it was dealing with the proposal to the College; had not stated publicly a position regarding the proposal made by OATA to the College; had not participated in the development of the proposal or of documents used by OATA in making the proposal.
- Derek DeBono - further disclosed that he had not been on the Board of Directors of OATA when it was dealing with the proposal to the College; had not stated publicly a position regarding the proposal made by OATA to the College; had not participated in the development of the proposal or of documents used by OATA in making the proposal.
- Nelson Amaral - further disclosed that he had not dealt directly with the proposal to the College; had not stated publicly a position regarding the proposal made by OATA to the College; had not participated in the development of the proposal or of documents used by OATA in making the proposal.
- Jennifer Bushell - further disclosed that she had not dealt directly with the proposal to the College; had not stated publicly a position regarding the proposal made by OATA to the College; had not participated in the development of the proposal or of documents used by OATA in making the proposal.
- Stephanie Moser- disclosed that she had been on the board and served as Chair when the board first made submissions to the College, had participated in meetings with the College and advocated at that time for the proposal from OATA. She further disclosed that her role with the board was at least five years before this date and she had no part in the development of the last submission from OATA.

Upon a motion duly made by Ryan Wight and seconded by Chad McCleave Council **decided** that Stefanie Moser is in a perceived conflict of interest in relation to the proposal submitted by the Ontario Athletic Therapist Association and is thus disqualified from sitting on the Committee on Specialties to review the proposal from OATA. **Carried.**

At this point and in response to Council's decision, Stephanie Moser excused herself from the remainder of the meeting which would be focused on Committee selection.

Upon a motion duly made by Graydon Raymer and seconded by Chad McCleave that Nelson Amaral has a perceived conflict of interest and should not sit on the Committee on Specialties to review the Framework submission brought forward by the Ontario Athletic Therapists Association. **Motion declined.**

The President called for any motions concerning the disclosures by other Council members. No motions were made.

Striking of Committee

	<p>The President called for public appointees to indicate their interest in and willingness to serve on the Committee on Specialties to review the proposal from OATA. Public members Mary Pat Moore, Kalen Johnson and Ken Alger agreed to serve on the Committee. Ken Alger offered to first canvass Lori-Ann Beckford to determine whether she would be able to serve on the Committee. (As Lori Ann declined based on time constraints, Ken’s appointment stands).</p> <p>The President called for professional members of Council to serve on the Committee. Professional members Ryan Wight and Graydon Raymer were identified.</p> <p>Upon a motion duly made by Graydon Raymer and seconded by Nelson Amaral, it was moved to strike a Committee on Specialties to review the OATA Speciality Submission, being composed of Ryan Wight, Graydon Raymer, Kalen Johnson, Mary Pat Moore and Ken Alger. Carried.</p>
	<p style="text-align: center;">Review of Action Items</p> <ul style="list-style-type: none"> - Development of the competencies to be used for recruiting of members to the Item Writing Committee - Development of a strategic dashboard which helps Council visualize the operational plan of the College - Summary of the Strategic Plan to be shared and circulated with the membership and public - Amendment to the letter regarding the CNO submission to the Ministry to be circulated to Council, forwarded to the Minister, and posted on website. - Add the fee breakdown to the College’s website, perhaps under the membership portal – in progress - Add information to the website regarding the benefits of being a regulated health professional – in progress - Schedule a facilitated discussion regarding Core Competencies - Addition of specific areas to the Renewal Form to better target collection of data for the College and members – in progress
	<p style="text-align: center;">Motion for Adjournment</p> <p>Moved by Mary Pat Moore and seconded by Michelle Meghie at 4:40 p.m. Carried.</p>



April 15, 2019

The Honourable Christine Elliott, M.P.P.
Minister of Health and Long-Term Care and Deputy Premier of Ontario
Hepburn Block, 10th Floor, 80 Grosvenor Street
Toronto, Ontario M7A 2C4

Dear Minister Elliott:

Re: Support for College of Nurses of Ontario's Vision 2020

The Council and staff of the College of Kinesiologists of Ontario have reviewed the submission to you from the College of Nurses of Ontario's dated January 8, 2019, regarding its vision for modernizing regulatory governance in Ontario. We are writing to you to express our support for that submission and most of the recommendations contained therein.

We applaud the extensive work and research undertaken by the College of Nurses in developing *Vision 2020*. Our College believes that the proposed reforms are based on solid evidence, and will improve governance by health regulatory colleges, enhance the protection of the public, and inspire greater public trust in the regulation of health professionals.

The College of Kinesiologists would welcome the legislative change necessary for our College to implement most of the reforms outlined in the submission. In particular, we support:

- Reducing the size of our Council to a number determined by the board;
- Increasing the proportion of public members on our Council to 50%;
- Appointing (not electing) all members of our Council on the basis of competencies;
- Allowing each College to determine its needs for an Executive Committee; and
- Removing the obligation for Council members to form part of the panels of statutory committees.

The College of Kinesiologists would also welcome name changes replacing the title "College" with a more descriptive name such as "Regulatory Authority", and replacing the term Council with the term "Board of Directors".

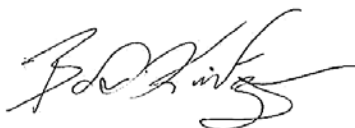
With regard to the recommendation from the College of Nurses concerning remuneration of all appointees to the board, the College of Kinesiologists feels that it is important for the Government of Ontario to continue to appoint and remunerate representatives of the public to the governing bodies for the professions. The College of Kinesiologists has always ensured that remuneration of members of the profession on Council remains on par with the remuneration paid to public appointees. This is enshrined in our bylaws and demonstrates that the College and its governor's value equally the diverse competencies required for effective governance in the public interest. In addition, we feel that remuneration of public members by the College would lack transparency and undermine public trust in the value of having independent public appointees participating in the governance of professions.

Please do not hesitate to contact me if you have any questions. Our College would welcome the opportunity to be consulted as you move forward with these reforms.

Yours sincerely,



Ken Alger
President, College of Kinesiologists of Ontario
kenalger29@gmail.com
(613) 986-2039



Brenda Kritzer
Registrar and CEO
Brenda.Kritzer@coko.ca
(416) 962-7000 (ext. 100)

Copy: Helen Angus, Deputy Minister of Health and Long-Term Care
Patrick Dicerri, Assistant Deputy Minister of Strategic Policy and Planning
Allison Henry, Director of Health Workforce Regulatory Oversight
President and Registrar, College of Nurses of Ontario