

MINUTES OF COUNCIL MEETING

Held on June 26, 2019 9:30 am to 12:45 pm
Boardroom (21 St. Clair Avenue East)

Chair:

Tiffany Haidon, RM

Present:

Lilly Martin, RM; Lisa Nussey, RM; Wendy Murko, RM; Claire Ramlogan-Salanga, RM; Susan "Sally" Lewis; John Stasiw; Jan Teevan, RM; Edan Thomas, RM (by teleconference); Maureen Silverman, RM; Deirdre Brett.; Marianna Kaminska; Judith Murray

Regrets:

Staff:

Kelly Dobbin; Nila Halycia; Marina Solakhyan; Carolyn Doornekamp

Observers

Cara Wilkie (AOM); Sarah Kibaalya (MOH)

Recorder

Zahra Grant

1. Call to Order, Safety, Welcome and Land Acknowledgement

Tiffany Haidon, Chair, called the meeting to order at 9:29 am and welcomed all present.

2. Declaration of Conflict of Interest

No conflicts of interest were declared.

3. Proposed Agenda

MOTION: The proposed agenda was approved as presented.

MOVED: Lilly Martin

SECONDED: Jan Teevan

CARRIED

4. Consent Agenda

MOTION: THAT THE CONSENT AGENDA CONSISTING OF:

- Draft Minutes of March 26, 2019 Council Meeting
- Executive Committee Annual Report
- Inquiries, Complaints and Reports Committee Annual Report
- Registration Committee Annual Report
- Discipline Committee Report
- Fitness to Practise Committee Report
- Client Relations Committee Annual Report

- Quality Assurance Committee Annual Report
- Draft College of Midwives Annual Report

Moved: Wendy Murko
 Seconded: Sally Lewis
 CARRIED

5. President's Report

Tiffany Haidon, Chair introduced her report and presented a summary of the highlights to the Council. An update regarding the elections was provided announcing that the three professional vacancies on Council had been filled through acclamation of the three eligible nominations received. Lilly Martin is welcomed back for a third and final three-year term and Council will be welcoming back Isabelle Milot and Claudette Leduc to Council in October. A welcome was also extended to Judith Murray, a new Public member appointed in April 2019. Jennifer Lemon, public member on Council for six years, had her second term end on April 10, 2019 and has declined the one-year appointment offered by the Public Appointments Secretariat.

Included as an attachment to Ms. Haidon's report was a letter received from the Minister of Health and Long-Term Care regarding the Minister's request to change the Designated Drug regulation under the *Midwifery Act, 1991*.

Kelly Dobbin, Registrar-CEO provided additional context explaining that the original submission by the College had recommended revisions to the regulation to authorize broad prescribing and administering authority to midwives, appropriate to client care and within the scope of midwifery. The Minister, however, has requested the College submit proposed changes to the regulation that list drug categories from which members would be able to prescribe. The College is not the only health regulatory College to have received this direction. The use of categories presents a similar set of challenges as those identified in the College's initial submission to the Ministry. The challenges highlighted in that report include barriers to access to safe and effective medicines for treating conditions of low-risk pregnancy, labour and post-partum. The College will work with the Ministry to try to overcome these anticipated regulatory barriers while responding to the Minister's request to submit the amended drug regulation before end of year. The timelines of currently scheduled Council meetings, however, do not allow for a 60-day public consultation, therefore an additional meeting of the Council may have to be called in September.

MOTION: That the President's Report to Council be approved as presented.

Moved: Lisa Nussey
 Seconded: Jan Teevan
 CARRIED

6. Executive Committee Report

Tiffany Haidon, Chair provided a summary of the highlights of the Executive Report. In May, the committee had opportunity to oversee part of the process of the audit of the Colleges financials which was very informative, Claire Ramlogan-Salanga will be leading report which will be presented to Council in October.

The committee made the recommendation that new Council member Judith Murray be appointed to the Registration, Discipline and Fitness to Practise Committees.

MOTION: That the Executive Committee Report be accepted as presented; that Judith Murray be appointed to the Registration, Discipline and Fitness to Practise Committee;

MOVED: Wendy Murko
SECONDED: Jan Teevan
CARRIED

7. Auditor's Report

Blair MacKenzie, of Hilborn, LLP, chartered professional accountants presented to Council the College's audited financial statements.

The goal of the independent audit is to provide an opinion on whether or not the financial statements are free of any material misstatements and can be relied upon when making financial decisions. Mr. MacKenzie did note a change to the presentation of the auditor's report in that the opinion, which previously used to be found in the final paragraph has been moved to the second paragraph to be clearly stated before going into details of the report.

Mr. MacKenzie went through the audited financial statements with Council members, providing clarity where needed, noting that the opinion of the audit was that all "financial statements present fairly, in all material respects, the financial position of the College as at March 31, 2019, and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations."

MOTION: That the audited financial statements be approved and that the financial auditor Hilborn Associates be appointed for the 2019/20 fiscal year

Moved: John Stasiw
Seconded: Jan Teevan
CARRIED

8. Registrar-CEO Report

Kelly Dobbin, Registrar-CEO presented a summary of her report.

Included in the attachments was a letter to the Health Minister, Christine Elliott in support of College of Nurses Vision 2020 submission to the government regarding

modernizing regulatory governance in Ontario. The letter did also include some expressed concern around the trend of one-year appointments. The current composition of public members on the Council all have terms expiring next year in 2020. The practice of one-year appointments, makes it difficult to build capacity, competence and the stability of the Council, as well as poses a risk to meaningful contributions from public members.

The Council discussed Harry Cayton's report on the inquiry into the College of Dental Surgeons of British Columbia. The report found that the BC College did not meet the standards for good regulation, as defined by the Professional Standards Authority, and made specific recommendations which would result in the College becoming more transparent, fair, proportionate (in terms of their response to risks of harm), effective and accountable. There was consensus and confidence that in regard to being accountable, open and transparent, that the College of Midwives has good procedures in place.

The report also recommended legislative reforms for all health regulators to reduce the size of Councils to 12 members with only half being members of the profession; as well as other recommendations that have been frequently discussed in Ontario, including: to merge smaller colleges into fewer, larger ones; to remove the adjudication of disciplinary disputes from regulators, to be performed by an independent body; to maintain a single public register of every health professional in the province; and, to have an independent oversight body review the performance of regulators. Council discussed these possible changes in Ontario and, as reported by Allison Henry at Council's December 2018 meeting, the focus is most likely to be on governance changes in the foreseeable future.

MOTION: That the Registrar-CEO report be approved as presented.

Moved: Lisa Nussey
Seconded: Jan Teevan
CARRIED

9. Regulatory Performance Measurement Framework

Marina Solakhyan, Director of Regulatory Affairs presented a revised version of the Regulatory Performance Framework. Currently, there are external accountabilities from RHPA, (ie. Annual Report, financial audit, fairness commissioner) for the oversight of regulatory performance but no single framework currently exists. This process is not legislatively mandated but is a voluntary commitment by the College to evaluate its performance and to demonstrate that it indeed regulates in the public interest. Council reviewed and provided feedback on the first draft of the framework in March 2019.

Public interest and public policy make clear what the role of regulators is, and the mandate of the College and its Council is a specifically focused to make decisions in the public interest. The framework will provide insight to ensure we are making decisions in the public interest and have qualitative as well as quantitative data measures to demonstrate such.

The framework will be piloted in the 2019/2020 fiscal year, and the College will use the framework to conduct regular annual performance reviews. The College will compare the results of each year's review with the results from previous years in order to determine how its performance has improved or worsened over time. Where differences are noted, an explanation will be provided. The results of the performance review will be presented to Council every year at its June meeting and will be posted to the website.

In December 2018, representatives of the Regulatory Oversight and Performance Unit of the Ministry presented to Council on the Ministry's plan to implement a regulatory oversight and measurement framework. The College currently does not have any information as to when and how the Ministry plans to implement the framework, but confident that it will align well with current initiatives when the time comes.

MOTION: That the revisions to the Regulatory Performance Management Framework be approved as presented.

Moved: Jan Teevan
Seconded: Sally Lewis
CARRIED

10. Fee & Remuneration by-law

Kelly Dobbin, Registrar-CEO provided Council with a summary of the responses of the 60-day consultation on the proposal to increase membership fees beginning October 1, 2019. As required, the proposed by-law changes were circulated to the membership and the public for a 60-day consultation. The consultation closed May 30, 2019. Thirty-nine (39) responses (4% of membership) were received and can be read in full on our website.

As expected, there was general disappointment in response to the fee increase and several comments suggested that the College move locations as a cost-saving measure. Moving completely out of the city when considering essential relationships with midwifery stakeholders, the current staff complement and the collaborative resource sharing opportunities with other regulatory colleges does not present a viable option. It was noted that while the current cost of rent and utilities is reasonable for a mid-town location, when the current lease expires in 2022 the College will be looking again at cost-saving measures at that time.

Other recommendations were lowering fees for specific demographics of membership, including new registrants, inactive members, and part-time midwives, and increased payment plan options. The College cannot meet its budgetary requirements and offer lesser fees for new registrants and those working less than full time or further reduce Inactive class fees at this time, however, the College commits to consider alternative and/or additional reduction of fees once the College's revenue exceeds expenses and there are sufficient net assets to mitigate unexpected risks. Members who have extenuating circumstances can continue to apply to the Registrar for consideration of alternate payment plans or reduced fees.

In consideration of the proposed membership fee increase, it was brought to the attention of Council that when the Executive committee reviewed the audited financial statements during their meeting on June 18, 2019, the College's financial status with recalculated savings was tracking better than initially anticipated. The careful reduction of expenses and the financial gain in interest in the College's Premium Investment Account meant more fees were retained.

Bearing these savings in mind, the committee reviewed budget projections over the next four years. With the calculated savings, projections based on \$2500 would put the College in the same financial positioning as the previous projections at \$2550. These considerations, as well as noting the reduction would not require re-circulation, as it would be considered a minor change and a change that would impact membership positively, the committee recommends to Council to reduce the approved fees in General by-law from \$2550 to \$2500.

MOTION: That the proposed changes to the fees & remuneration by-law be approved as amended with memberships fees set at \$2500.

Moved: Lilly Martin
Seconded: Maureen Silverman
UNANIMOUSLY CARRIED

11. Sexual Abuse Prevention Policy

The Council reviewed the Sexual Abuse Prevention policy which was revised to provide definition to terms in the policy that were not defined as they were not defined in the corresponding regulation on which it was based ("Patient Criteria Under Subsection 1(6) of the Health Professions Procedural Code"). Specifically, the terms "reasonable steps" and "reasonable opportunity" were not considered or defined across health regulatory colleges.

Definitions of these terms within the midwifery context have been approved by the Client Relations Committee and incorporated into the Guide on Mediating Risk in Caring for Related Persons and Others Close to Midwives, to assist the membership in interpreting the SAPP to inform their practice. The definitions have also been added to the policy being presented to Council for approval.

MOTION: That the revisions to the Sexual Abuse Prevention Policy be approved as presented.

MOVED: Wendy Murko
SECONDED: John Stasiw
CARRIED

12. ADJOURNMENT

MOTION: THAT THE MEETING BE ADJOURNED AT 12:08 pm.

MOVED: Wendy Murko

SECONDED: Sally Lewis

CARRIED