

MINUTES OF COUNCIL MEETING

Held on March 30, 2022 | 9:30 am to 4:17 pm Zoom
Videoconference

Chair: Claire Ramlogan-Salanga

Present: Lilly Martin, RM; Edan Thomas, RM; Claudette Leduc, RM; Isabelle Milot; Marianna Kaminska; Judith Murray; Don Strickland; Pete Aarssen; Karen McKenzie, RM; Oliver Okafor; Hardeep Fervaha, RM; Alexia Singh, RM; Jacqueline Morrison

Regrets: None

Staff: Kelly Dobbin; Stefano Biscotti; Marina Solakhyan; Michele Pieragostini; Johanna Geraci; Chantel Credo; Nadja Gale

Observers: Sarah Kibaalya (MOH); Deborah Bonser (AOM); Laurie Cabanas (Public).

Recorder Zahra Grant

1. Call to Order, Welcome and Land Acknowledgement

Claire Ramlogan—Salanga, Chair, called the meeting to order at 9:31 and welcomed all present.

Vice-Chair, Don Strickland offered the land acknowledgement.

2. Declaration of Conflict of Interests

No conflicts were declared.

3. Proposed Agenda

The agenda was approved as presented.

Moved: Donald Strickland

Seconded: Claudette Leduc

CARRIED

4. Consent Agenda

MOTION: THAT THE CONSENT AGENDA CONSISTING OF:

- Draft Minutes of December 11, 2021, Council Meeting

Q3 Reports

- Inquiries, Complaints and Reports Committee
- Registration Committee
- Discipline Committee
- Fitness to Practise Committee
- Quality Assurance Committee
- Client Relations Committee

Terms of Reference for:

- Executive Committee
- Inquiries, Complaints and Reports Committee
- Registration Committee
- Discipline Committee
- Fitness to Practise Committee
- Client Relations Committee
- Quality Assurance Committee

5. Chair Report

Claire Ramlogan-Salanga, Chair introduced her report and provided highlights.

An update regarding the audit was provided. The external audit of College finances is underway, and the annual CEO-Registrar review process has also been launched.

As a follow-up to the annual Council evaluation debrief and planning day to determine continuous improvement priorities of Council, the group was reminded that one of the commitments was to start a mentor-buddy system for onboarding new Council members. A new Council member Jacqueline Morrison has joined Council as a public appointee as of February 2022 and was welcomed by Chair and Council. Edan Thomas, Vice-Chair Professional will act as mentor to help the new member feel welcome and prepared for their role on Council.

The Chair reminded Council that there would be three vacancies for the upcoming professional member elections and that the call for nominations is expected to go out to membership on April 1st and the elections would run from June 1 to June 30, 2022. The three vacancies belong to Lilly Martin, who is completing her third consecutive term and is not eligible for re-election, and Claudette Leduc and Isabelle Milot who are eligible for re-election.

The Chair continues to attend stakeholder meetings, trainings and conferences as well as committee meetings in the capacity of ex-officio to stay informed of the work being done at the committee level.

MOTION: That the Chair Report to Council be approved as presented.

Moved: Alexia Singh
Seconded: Pete Aarssen

CARRIED

6. Executive Committee Report

Claire Ramlogan-Salanga, Chair introduced the Executive Committee report providing a summary of the committees' activities for the last quarter.

The Q3 statement of operations was reviewed and approved by the committee as were the Chair Stipend policy and annual Council Evaluation report. These documents were included in the meeting package for reference.

More details regarding the annual review of the CEO-Registrar, the process, timelines, and what Council members should expect from the review was outlined for Council. A document detailing the process will be added to Board Effect and Council members will be notified when made available.

The Registrar, Kelly Dobbin walked Council members through the Q3 statement of operations. Revenues and expenses are tracking as expected with no concerns to report.

The Council approved the Executive report as presented.

MOTION: That the Executive Committee report be approved as presented.

Moved: Marianna Kaminska

Seconded: Jacqueline Morrison

CARRIED

7. Budget

Stefano Biscotti, Director of Operations introduced the proposed budget for the fiscal year 2022-2023. The Executive Committee, acting as the College's finance Committee, had already reviewed in detail the one-year budget during their meeting in February and had discussed potential implications for the College's long-term financial position. After careful consideration and analysis, the Executive approved this budget to be brought forward to Council.

The 2022-23 budget projects a deficit which will be offset by the College's existing unrestricted net assets. Projected expenses are aligned with the overall planning costs for the remainder of the strategic planning cycle and the College is in the position to continue to meet the projected breakeven year 2025-2026.

Council was provided with a detailed walk through of the budget with rationale and clarifications provided where relevant or requested.

MOTION: That Council approve the proposed Budget for the 2022-23 fiscal year.

Moved: Lilly Martin
Seconded: Claudette Leduc
CARRIED

8. Registration Regulation

Isabelle Milot, Chair of the Registration Committee introduced the proposed draft of the Registration Regulation. Council has seen various policy decisions now incorporated of the draft which has been under review by the committee since 2020.

Nadja Gale, Manager of Registration and Marina Solakhyan, Director of Regulatory Affairs joined the meeting to support a section-by-section review of the proposed draft including review of the regulatory impact assessment of all policy recommendations included in the draft. All revisions and updates in the proposed draft are intended to be reflective of current evidence and best practice with the ability to sustain longevity and flexibility over time as the profession evolves.

Section 2 – Classes of Registration

Earlier discussions had occurred at Council regarding a class for ‘retired’ midwives. This option was carefully considered by the committee and legal counsel was also consulted; the conclusion was to not include a specific class for midwives who are retired. Doing so would require the College to regulate that class of registration as well creating an administrative burden, instead alternative ways to address the issue for example through by-laws will be explored. Similarly, earlier discussions were had with Council about a potential educator’s class, which ultimately was decided as unnecessary as its own standalone class. A suggestion was made to include this information in the consultation materials when the draft goes out for consultation to help manage expectations. Section 4 regarding requirements for issuance of certificates for all classes. Some follow up actions were recommended by Council and are summarized under action items below. Many of the clarifications noted may not have to be directly revised in draft regulation and instead may be addressed in a supporting or guiding document.

Section 6 - Registration requirements for a General class

This section includes a proposed change which is to extend recognition of baccalaureate degree of health sciences (midwifery) from any Canadian University so long as it is approved by Council. The current regulation is restricted to programs in Ontario. Section 6 (2) set the expectations of clinical currency and there have been many discussions at the Council table regarding the arbitrary nature of the requirements, however in the absence of evidence to support a change, the decision was made to keep an agreed minimum clinical experience requirement in the regulation.

Council discussed what constitutes “reasonable fluency” in the two official languages as a condition for the issuance of any certificate. A policy will be developed that will standardize

how fluency is established especially in the context of the assessment and orientation program currently under development for internationally educated midwives. The College has also received indications that government proposals will include a standardized approach to language proficiency across all regulated health colleges.

Section 7 – New registrant conditions and clinical currency requirements

This section has more significant proposed changes. A consultation process informed the recommendations, and the Regulatory Impact Assessment was included in materials. The draft regulation refers to “minimum courses of care approved by Council” and “minimum number of hours specified by Council” rather than a determinant number of births. The vagueness included in the draft was intentional and allows for the evolution of the profession but also in terms of administrative and regulatory management at the College allows for a much better process. Because of how significant the changes are in the draft regulation Council recommended a more engaging approach to communicate the rationale for changes used in the consultation process.

Another change being proposed in the draft regulation is the recommendation of an Emergency class. The current regulation has a Transitional class, which allowed midwives to be registered while they awaited results of the national exam, however during the pandemic this class of registration proved not helpful and provided an opportunity to reassess need. The emergency class will allow the College the ability for qualified applicants based on the criteria outlined in section 14. Section 15 sets out the terms, conditions, and limitations for when the emergency class of registration would be used and has built in safeguards to ensure public protection. A comment regarding the requirement of 14(1)4 that an applicant has practised midwifery within two years of meeting all other requirements for issuance of the certificate and the rationale behind the benchmark was raised as it seemed like a narrow timeframe. The committee’s recommendation was based on the fact that regardless of the emergency context that ensuring only qualified candidates can be registered for public safety and while two years may be somewhat arbitrary, it is consistent with timing used throughout the regulation with respect ongoing currency. Council in their feedback, suggested a rethinking of this timeframe to perhaps four years. The proposed timeframe will be reviewed again for a rationale to support two or four years.

The draft of the proposed Registration Regulation was approved for 60-day consultation.

Actions:

- Section 4(1)i and ii – verify difference of language intentional, professional negligence and malpractice are not included in 4(1)ii.
- Section 4(1)ii – check language “current investigation, inquiry proceeding” and any “similar investigation or proceeding”. Should ‘inquiry’ also be included in second point.
- Section 4(1) vii – Investigate violation vs. offence
- Section 4(1) viii – clarify what is meant by proceeding
- Remove third person reference in 6(2)i and scan entire draft for gender neutrality
- Section 7(5)(b) – Change Inactive certificate of registration to ‘non-practising’

MOTION: That the proposed changes to O. Reg. 168/11 Registration Regulation, under the Midwifery Act, 1991 be approved for a 60-day consultation.

Moved: Marianna Kaminska

Seconded: Judith Murray

CARRIED

9. Registrar Report

The Registrar provided highlights of her report.

The Ministry's College Performance Measurement Framework sets standards against which all health regulatory colleges are measured requires self-assessment reports that are submitted to the Ministry by March 31st each year. The College has completed the final report which will be posted to the College website for public viewing.

There are some significant governance reform changes currently being proposed by the Ministry, who recently consulted health regulatory Colleges on the proposals as was reported to Council in December. A copy of the Ministry's briefing deck as well as the College's response was included in meeting materials. Should these legislative changes be approved, it is expected that there will be a period before the changes are enacted to allow Colleges to make the necessary adjustments to their systems. However, there isn't currently any information or suggestion as to how long that period will be. The plan of the College is to work collaboratively with Health Profession Regulators of Ontario to share ideas and resources to ensure smooth transitions take place.

Of note, it was reported by the Registrar that the day prior to meeting (March 29th), the government had announced a bill, the *Pandemic and Emergency Preparedness Act, 2022*. The act proposes registration-related changes, some of which were referred to in the conversation on the draft regulation earlier in the meeting. Essentially, the provision requiring Canadian experience for internationally educated professionals will no longer be a requirement of registration and there will be established benchmarks or timelines that Colleges will be required to adhere to when processing applications. There will also be some streamlining of requirements for demonstrating language proficiency which was also discussed during the review of the draft Registration Regulation.

How these changes will be implemented at the College is being considered by staff with the intention to start developing potential plans to be prepared and ready should the recommendations come into effect.

Council was provided with an update on operational planning. There have been staffing changes which has led staff to rethink what is reasonably achievable over the next year. Staff will be meeting at the end of April for Operational Planning Day and plans will be shared with Council in June.

An update on the competency-based assessment program the College is leading was provided. The College is collaborating with other regulators across Canada and a final draft of the request for proposals was brought to the Canadian Midwifery Regulators Council to get their support for the project. A discussion with staff on where the project will fit in the work plan will occur before the Request for Proposal is made public.

One of the significant projects within the College's strategic plan is the records retention and disposition policy review and a subsequent records management plan. Records and documents are now for the most part electronic and saved to the College's storage cloud, but there are also records in paper form that have not been digitized. In terms of the coordination of the project, the College will delay to next fiscal year due to human resource constraints.

Lastly Council was given an update on two regulations. The Drug Regulation which was not approved as the requests of the Ministry were substantially different from the proposal of Council and therefore Council could not proceed without an additional consultation. The College will take time to assess next steps and report back to Council on recommended plans. The Ministry of Health also approved a new regulation, Regulation (Reg.) 45/22 - General, made under the Laboratory and Specimen Collection Centre Licensing Act (LSCCLA). While the request the College made to rescind Appendix B of the Laboratories Regulation 682 (which limits and specifically lists the tests that a midwife may order from an Ontario laboratory) and to allow midwives to order tests in accordance with the midwifery scope of practice was again not considered, there were positive changes made to allow for Indigenous midwives practising under exemption from the Midwifery Act to order the same tests that registered midwives may order.

MOTION: That the Registrar's Report be accepted as presented.

Moved: Marianna Kaminska
Seconded: Donald Strickland
CARRIED

10. IN CAMERA

Council went In Camera under the provision of section 7(2)1(d) of Schedule 2 of the *RHPA* which states that the Council may exclude the public from any meeting or part of a meeting if it is satisfied that, personnel matters or property acquisitions will be discussed.

MOTION: Be it resolved that Council move in-camera at 3:19 pm.

Moved: Alexia Singh
Seconded: Jacqueline Morrison
CARRIED

MOTION: Be it resolved that Council move out of in-camera at 4:15 pm.

Moved: Claudette Leduc
Seconded: Alexia Singh
CARRIED

11. ADJOURNEMENT

MOTION: THAT THE MEETING BE ADJOURNED AT 4:17 p.m.

Moved: Pete Aarssen
Seconded: Alexia Singh
CARRIED